

**MEMORANDUM**

**TO:** HONORABLE MAYOR & CITY COUNCIL MEMBERS

**FROM:** JOEL ROJAS, AICP, DIRECTOR OF PLANNING,  
BUILDING AND CODE ENFORCEMENT

**DATE:** OCTOBER 21, 2008

**SUBJECT:** VESTING TENTATIVE TRACT MAP NO. 68796, GENERAL  
PLAN AMENDMENT, ZONE CHANGE, CONDITIONAL  
USE PERMIT, GRADING PERMIT, DENSITY BONUS AND  
ENVIRONMENTAL ASSESSMENT (PLANNING CASE  
NOS. SUB2007-00003 & ZON2007-00072): HIGHRIDGE  
CONDOMINIUMS, 28220 HIGHRIDGE ROAD

**REVIEWED:** CAROLYN LEHR, CITY MANAGER

Project Manager: Kit Fox, AICP, Associate Planner

**RECOMMENDATION**

1) Adopt Resolution No. 2008-\_\_\_, thereby certifying the Mitigated Negative Declaration for the Planning Commission-recommended project; and, 2) adopt Resolution No. 2008-\_\_\_, thereby conditionally approving the requested Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus for the 28-unit residential condominium project as recommended by the Planning Commission on August 12, 2008.

**EXECUTIVE SUMMARY**

On September 16, 2008, the City Council considered the proposed 28-unit condominium project and the Planning Commission's recommendation of conditional approval. The City Council discussed the remaining concerns of residents in the *La Cima* community regarding the impact of the proposed project upon their views, particularly upon the Resing residence at 7 Via La Cima. As a result of this discussion, the City Council directed the applicant to revise the project to relocate the 2<sup>nd</sup>-floor Unit 'K' at the front of the building to the roof at the rear of the building. The applicant prepared revised plans and modified the project silhouette accordingly.

Staff re-assessed the view impacts of the revised project, and concluded that the revised project did not significantly reduce the view impacts upon 7 Via La Cima when compared to

the Planning Commission-recommended proposal, and actually exacerbated view impacts upon other residences that were previously found to be less-than-significant by the Planning Commission. In support of this conclusion, Staff offers the following arguments:

- The Resings, the owners of 7 Via La Cima, concur with Staff that the project modifications have not improved their view, and although they would prefer to see the applicant continue to explore project designs to address their view concerns, they are willing to accept the plan approved by the Planning Commission.
- The applicant concurs with Staff that, if the modified project does not adequately address the view impacts upon the *La Cima* community, the City Council should approve the Planning Commission-recommended proposal.
- Staff believes that the applicant has already taken reasonable steps to explore design alternatives for the project to reduce its view impacts, but Fire Department access, minimum building separation and other technical Building Code requirements make it unlikely that any further re-design of the project will be feasible and/or effective in improving views from the *La Cima* community.

Therefore, Staff recommends that the City Council conditionally approve the project as recommended by the Planning Commission on August 12, 2008.

## **BACKGROUND**

On August 12, 2008, the Planning Commission adopted P.C. Resolution Nos. 2008-26 and 2008-27 by a 4-1-1 vote, thereby recommending that the City Council certify the Mitigated Negative Declaration and conditionally approve the proposed 28-unit project, respectively. These recommendations were presented for the City Council's consideration on September 16, 2008. Copies of all of the previous Planning Commission Minutes, Staff reports, public correspondence and other attachments were provided to the City Council at that time.

On September 16 2008, the City Council considered the proposed project, the Planning Commission's recommendations and additional public testimony. In response to continuing community concerns about the view impacts of the proposed project, the City Council directed the applicant to revise the project by removing the 2<sup>nd</sup>-floor Unit 'K' at the southeast corner at the front of the building and relocating it above the 2<sup>nd</sup>-floor Unit 'F' at the center rear of the building. The intent of this modification was to reduce view impacts upon 7 Via La Cima, which the Planning Commission had found to be significant. The applicant submitted revised project plans to Staff on September 29, 2008, and the project silhouette was modified on October 2, 2008.

## **DISCUSSION**

### **Revised Project Description and Requested Entitlements**

As described above, the revised project has removed the 2<sup>nd</sup>-floor 'Unit 'K' at the front of the building and replaced it with a new 3<sup>rd</sup>-floor Unit 'F' at the rear of the building. This change has lowered the building height at the southeasterly corner of the building from twenty-six feet (26'-0") to roughly sixteen feet (16'-0") but has raised the maximum overall height of the building from thirty-six feet (36'-0") to forty-five feet eight inches (45'-8") from

lowest finished grade to the ridgeline of the new third floor. In addition, the height of the elevator penthouse now measures forty-nine feet eight inches (49'-8") above lowest finished grade. Previously, the proposed project fully complied with the 36-foot height limit for the RM-22 zoning district. However, these changes have not affected the total unit count, parking requirement, proposed grading or other project characteristics.

As reviewed by the Planning Commission, the requested project entitlements included Vesting Tentative Tract Map No. 68796, a General Plan Amendment and Zone Change, a Conditional Use Permit, a Grading Permit and a Density Bonus. With the City Council-directed modifications, the project now also requires a Variance and Site Plan Review, as described briefly below:

- A variance is required because the project now exceeds the 36-foot height limit. It measures thirty-four feet eight inches (34'-8") from the highest finished grade to the ridgeline of the new fourth floor, and forty-five feet eight inches (45'-8") from lowest finished grade to the ridgeline of the new fourth floor. In order to approve a variance, the City Council would normally be required to make the four (4) required findings of Section 17.64.050 of the Rancho Palos Verdes Development Code (RPVDC). However, since the applicant has requested a density bonus, the City Council may grant the requested variance without making these findings as a development concession pursuant to RPVDC Section 17.11.060(B).
- Site plan review is required for the portion of the elevator penthouse that exceeds the 36-foot height limit. With the revised proposal, the elevator penthouse is four feet (4'-0") taller than the ridgeline of the 3<sup>rd</sup>-floor Unit 'F'. In order to approve site plan review for mechanical equipment exceeding the 36-foot building height, the City Council would normally be required to find that the equipment (i.e., the elevator penthouse) can be safely erected at the proposed height and will not cause significant view impairment from adjacent properties (RPVDC Section 17.48.050[B]). However, since the applicant has requested a density bonus, the City Council may grant the requested site plan review without making these findings as a development concession pursuant to RPVDC Section 17.11.060(B).

The original 27-unit proposal reviewed by the Planning Commission included requests for a variance and site plan review. The variance was necessary because the design of the building at that time was such that the height of the building measured from the ground surface at the entry to the subterranean garage to the highest ridgeline exceeded the 36-foot height limit. Site plan review was required because a roof-access stair tower also exceeded the height limit. At that time, Staff recommended approval of the requested variance, but denial of the requested site plan review on the basis of significant view impairment attributable to the roof access stair tower. The maximum overall building height of the original proposal was three feet four inches (3'-4") taller than the current proposal, and the previous roof-access stair tower was five feet four inches (5'-4") taller than the currently-proposed elevator penthouse. Eventually, the project design was revised to eliminate the need for the variance and site plan review applications, which was the plan recommended for approval by the Planning Commission on August 12, 2008.

#### Changes to View Impacts upon the *La Cima* Community

As discussed in previous Staff reports, the residences in the *La Cima* community were designed and oriented so that the upper-level living areas could take advantage of views of Santa Monica Bay, city lights, the San Gabriel Mountains and downtown Los Angeles and

Long Beach. In the view analyses conducted by Staff for the Planning Commission-recommended project, Staff found that only the view from the viewing area of 7 Via La Cima would be significantly impaired, while there was less-than-significant or no impairment from the other nine (9) residences in the *La Cima* community. In adopting P.C. Resolution No. 2008-27, a majority of the Planning Commission agreed with this assessment.

The project silhouette has been revised and re-certified to reflect the revised project proposal that was suggested by the City Council on September 16, 2008. Staff re-assessed the view impacts of the modified proposal from several *La Cima* residences. Starting with 7 Via La Cima (Resing), Staff found that the elimination of the 2<sup>nd</sup>-floor Unit 'K' at the front of the building did very little to open up near city-lights views from the viewing area, while the new 3<sup>rd</sup>-floor Unit 'F' blocked distant city-lights and mountain views that were not previously impaired. Similarly, at 6 Via La Cima (Hagenberger) and 10 Via La Cima (Conner), Staff found that the new 3<sup>rd</sup>-floor Unit 'F' diminished city-lights and mountain views. Staff also met with the owners at 5 Via La Cima (Smith) prior to the modification of the silhouette. Based upon previous site visits and photos from the viewing area, Staff believes that the City Council-directed modifications result in more significant view impairment than the Planning Commission-recommended project.

In considering a request for a conditional use permit, Section 17.60.050 of the Rancho Palos Verdes Development Code (RPVDC) requires the City Council to make several findings, including a finding that,

*[in] approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof.*

The majority of the Planning Commission found that, notwithstanding the significant view impacts upon 7 Via La Cima, the project as a whole would not have a "significant adverse effect on adjacent property or the permitted use thereof" when it adopted P.C. Resolution No. 2008-27. Based upon the revised project silhouette, however, Staff believes that the modified project does not significantly reduce the adverse view impacts upon 7 Via La Cima when compared to the Planning Commission-recommended proposal, and actually exacerbates view impacts upon other residences that were previously found to be less-than-significant by the Planning Commission. As such, Staff believes that the City Council may not be able to make the specific finding noted above to approve the modified project.

Density Bonus

As discussed in previous Staff reports, the applicant's density bonus request involves requesting one (1) additional market-rate unit, for a total of twenty-eight (28) units. Of these, the applicant proposes to dedicate two (2) units for sale to very-low-income households. At Staff's suggestion, the applicant has also agreed to pay the City's in-lieu fee for a third very-low-income unit that Staff believes he is obligated to provide for the density bonus, with the payment of the in-lieu fee to be deferred until after the twenty-fourth (24<sup>th</sup>) unit of the twenty-eight (28) units is sold or occupied.

The City Council-directed modifications to the project would trigger the need for deviations from the City's development standards for the overall height of the building and the height of the elevator penthouse. As a part of the density bonus request, the applicant is entitled to some other development concession, which could include exceeding the 36-foot building height. However, as discussed above, Staff believes that the modified project does not

successfully address the view impacts of the Planning Commission-recommended project for any of the *La Cima* residences.

## **ADDITIONAL INFORMATION**

### Future City Council Review

If the City Council approves the proposed project, additional City Council action will be required in the future. The City Council will need to take action to authorize the annexation process for the 440-square-foot portion of the project site that falls within the City of Rolling Hills Estates. It should be noted that, while the City of Rolling Hills Estates has already been consulted regarding the possible annexation and indicated that it would support it, if the annexation is not approved, the applicant will be forced to re-design the project. In addition, the City Council will need to take action on the final tract map prior to its recordation.

### Public Notification

On August 13, 2008, public notices were mailed to the applicant/property owner, one hundred eighty-six (186) other property owners within a 500-foot radius of the project site and seven (7) other interested parties. On August 16, 2008, public notice of the September 16, 2008, public hearing for this application was published in the Palos Verdes Peninsula News. On September 16, 2008, the public hearing was continued to tonight's meeting. Copies of additional correspondence received at or since the September 16, 2008, City Council meeting are attached to tonight's report. It should be noted that the consensus of *La Cima* residents—based upon the latest correspondence—is that the City Council-directed modifications result in worse view impacts upon the *La Cima* community as a whole than the Planning Commission-recommended proposal of August 12, 2008.

### CEQA Compliance

Based upon the information provided by the developer, Staff determined that the proposed project could have significant impacts upon the environment unless mitigation measures were imposed. Accordingly, a draft Mitigated Negative Declaration (MND) was prepared for the project, and has been circulated in accordance with CEQA. The 20-day public comment period for the MND ended on Wednesday, September 3, 2008. No additional public comments on the MND were received prior to the end of the public comment period. The draft MND identified several potential environmental effects that require mitigation to reduce their impacts to less-than-significant levels. Many of these effects are short-term and construction-related, such as noise, construction hours, air quality, haul routes and the like. Others are longer-term operational impacts such as traffic, aesthetics, recreation and utilities and service systems. In adopting P.C. Resolution No. 2008-26, the Planning Commission believed that the recommended mitigation measures will reduce all of the impacts identified to less-than-significant levels, and recommended that the City Council certify the MND prepared for the revised project. The applicant's proposal originally included a left-turn pocket and a break in the median of Highridge Road to provide access to the site for southbound traffic. Although the left-turn itself pocket was not required as a traffic mitigation measure, the MND included City Engineer-recommended design criteria for the left-turn pocket as mitigation measures (i.e., Mitigation Measures TRA-4 and TRA-5). However, in recommending the rejection of the proposed left-turn pocket, the Planning Commission effectively rejected the two (2) mitigation measures related to the

design of the median break and left-turn pocket. The draft resolution prepared for the City Council's consideration tonight includes a Mitigation Monitoring Program.

## **CONCLUSION**

In conclusion, Staff believes that the City Council-directed modifications to the project do not significantly reduce view impacts upon the residence at 7 Via La Cima, and exacerbate view impacts upon other residences in the *La Cima* community that the Planning Commission previously found to be less than significant. The Resings, the owners of 7 Via La Cima, concur with Staff that the project modifications have not improved their view, and although they would prefer to see the applicant continue to explore project designs to address their view concerns, they are willing to accept the plan approved by the Planning Commission. The applicant also concurs with Staff that, if the modified project does not adequately address the view impacts upon the *La Cima* community, the City Council should approve the Planning Commission-recommended proposal. Furthermore, Staff believes that the applicant has already taken reasonable steps to explore design alternatives for the project to reduce its view impacts, but Fire Department access, minimum building separation and other technical Building Code requirements make it unlikely that any further re-design of the project will be feasible and/or effective in improving views from the *La Cima* community. Therefore, Staff recommends that the City Council accept the Planning Commission's recommendation to certify the Mitigated Negative Declaration; and conditionally approve the requested Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus for the proposed 28-unit residential condominium project, as recommended by the Planning Commission on August 12, 2008.

## **FISCAL IMPACT**

The costs associated with the proposed project have been wholly borne by the applicant, including the costs associated with the proposed annexation. If the 440-square-foot portion of the site that is currently located within the City of Rolling Hills Estates is successfully annexed, there would probably be a corresponding but minor incremental increase in property tax revenue to the City. In addition, the MND identified traffic mitigation measures involving the existing signals and intersection striping at Highridge Road and Hawthorne Boulevard. Since these mitigation measures address only the cumulative traffic impact of the proposed project (its individual traffic impacts were less-than-significant), the applicant will only be required to contribute the project's fair share (i.e., 15.5%) of the cost of implementing these future intersection improvements.

### **Attachments:**

- Draft Resolution No. 2008-\_\_ (Mitigated Negative Declaration)
- Draft Resolution No. 2008-\_\_ (Vesting Tentative Tract Map No. 68796, *et al.*)
- RPVDC Sections 17.64.050(A) and 17.48.050(B)
- Additional public correspondence (since September 16, 2008)
- Revised project plans

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CERTIFYING A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR PLANNING CASE NOS. SUB2007-00003 AND ZON2007-00072 (VESTING TENTATIVE TRACT MAP NO. 68796, GENERAL PLAN AMENDMENT, ZONE CHANGE, CONDITIONAL USE PERMIT, GRADING PERMIT AND DENSITY BONUS) FOR A NEW 28-UNIT RESIDENTIAL CONDOMINIUM PROJECT, LOCATED AT 28220 HIGHRIDGE ROAD**

WHEREAS, on February 14, 2007, applications for Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit, Variance, Site Plan Review and Environmental Assessment (Planning Case Nos. SUB2007-00003 and ZON2007-00072) were submitted to the Planning Department by the applicant, REC Development, Inc., to allow the development of a 27-unit residential condominium project on a 1.25-acre site on Highridge Road; and,

WHEREAS, on December 7, 2007, the applications for Planning Case Nos. SUB2007-00003 and ZON2007-00072 were deemed complete by Staff; and,

WHEREAS, pursuant to the provision 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 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 Nos. SUB2007-00003 and ZON2007-00072 would result in a significant adverse effect on the environment. Accordingly, a Draft Mitigated Negative Declaration was prepared and circulated for public review for twenty (20) days between March 19, 2008 and April 8, 2008, 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 April 8, 2008, at which time all interested parties were given the opportunity to be heard and present evidence; and,

WHEREAS, at the April 8, 2008, Planning Commission meeting, the Planning Commission directed Staff and the applicant to further investigate design alternatives to address concerns pertaining to portions of the project exceeding the 36-foot height limit; the proposed left-turn pocket in the median of Highridge Road; site landscaping; view impacts to homes on Via La Cima; feasibility of additional grading; Planning Commission discretion with respect to the conditional use permit findings; and adequacy of the traffic impact analysis; and continued the public hearing to May 13, 2008; and,

WHEREAS, on May 7, 2008, the applicant submitted revised project plans that eliminated the proposed roof-access stair tower in excess of the 36-foot-height limit, thereby eliminating the Site Plan Review component of the proposed project; and,

WHEREAS, at the May 13, 2008, Planning Commission meeting, the Planning Commission directed the applicant to further explore design alternatives and additional grading to reduce view impacts to residences on Via La Cima; and asked for additional information regarding the applicant's cumulative traffic impact analysis; and continued the public hearing to June 24, 2008; and,

WHEREAS, on June 10, 2008, the applicant submitted revised project plans that reduced the maximum height of the project by twelve feet six inches (12'-6") and relocated the entry to the subterranean garage, thereby eliminating the Variance component of the proposed project; and,

WHEREAS, on June 18, 2008, the applicant requested a Density Bonus of one (1) additional market-rate unit, for a total of twenty-eight (28) units, pursuant to City and State density bonus law; and,

WHEREAS, at the June 24, 2008, Planning Commission meeting, the Planning Commission directed that Staff revise and recirculate the Mitigated Negative Declaration to reflect the new project description; directed the applicant to further explore the feasibility of modifying the site plan to reduce view impacts on 7 Via La Cima; directed Staff to more fully analyze and respond to the applicant's request for a density bonus; and asked for additional information regarding the revised traffic impact analysis for the 28-unit project; and continued the public hearing to July 22, 2008; and,

WHEREAS, pursuant to the provision 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,

WHEREAS, at the July 22, 2008, Planning Commission meeting, the Planning Commission directed Staff to prepare appropriate P.C. Resolutions to recommend certification of the Mitigated Negative Declaration and conditional approval of the proposed project to the City Council; and;

WHEREAS, on August 12, 2008, the Planning Commission adopted P.C. Resolution No. 2008-26, thereby recommending that the City Council certify the Mitigated Negative Declaration for the proposed project; and,

WHEREAS, after issuing notices pursuant to the requirements of the Rancho Palos Verdes Development Code and the State CEQA Guidelines, the City Council held a duly noticed public hearing on September 16, 2008, at which time all interested parties were given the opportunity to be heard and present evidence; and,

WHEREAS, on September 16, 2008, the City Council considered the Planning Commission's recommendation; directed the applicant to re-design the project further by moving the 2<sup>nd</sup>-floor Unit 'K' at the front of the building to the roof of the building at the rear in order to attempt to address significant view impacts upon the residence at 7 Via La Cima; and continued the public hearing to October 21, 2008; and,

WHEREAS, on October 21, 2008, the City Council considered the modified project and found that it did not significantly reduce view impacts upon the residence at 7 Via La Cima, and exacerbated view impacts upon other residences in the *La Cima* community.

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

**Section 1:** The City Council has independently reviewed and considered the proposed Mitigated Negative Declaration, the public comments upon it, and other evidence before the City Council 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 Nos. SUB2007-00003 and ZON2007-00072 (Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus), would result in a significant adverse effect upon the environment.

**Section 2:** Planning Case Nos. SUB2007-00003 and ZON2007-00072 for Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus are consistent with the Rancho Palos Verdes General Plan and with the underlying Residential, 12-22 DU/acre land use designation, which will not be changed as a result of the approval of the proposed project.

**Section 3:** There are no sensitive natural habitat areas on the subject site. Thus, no site disturbance or alteration will result from the approval of Planning Case Nos. SUB2007-00003 and ZON2007-00072 for a Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus; and 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 4:** With the appropriate mitigation measures, which require annexation and re-zoning of a small portion of the project site that is currently located in Rolling Hills Estates; completion of geotechnical analysis of the proposed grading and construction prior to building permit issuance; imposition of City and regional restrictions upon fugitive dust control and construction vehicle emissions; mitigation of traffic impacts through modifications to the intersection of Highridge Road and Hawthorne Boulevard; remediation of any soil contamination or hazardous materials on the project site; limitations on construction hours and haul routes; provision of adequate water supply and implementation of water-conserving fixtures; modifications to the building design and limitations upon exterior lighting, landscaping and signage; protection of cultural resources; and provision of adequate public recreational facilities, the proposed project will not have a significant impact on the environment.

**Section 5:** Based upon the foregoing findings, the adoption of the proposed Mitigated Negative Declaration is in the public interest.

**Section 6:** The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and other applicable short periods of limitation.

**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 City Council, the City Council 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 Nos. SUB2007-00003 and ZON2007-00072 for Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus, thereby recommending approval of a 28-unit residential condominium project, located at 28220 Highridge Road.

PASSED, APPROVED, AND ADOPTED this \_\_\_<sup>st</sup> day of October 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'

## Mitigation Monitoring Program

**Project:** Case Nos. SUB2007-00003 & ZON2007-00072 (Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit, Density Bonus & Environmental Assessment)

**Location:** 28220 Highridge Road (APN 7587-007-800, -801, -802 and -803)  
Rancho Palos Verdes, CA 90275

**Applicant:** Dan Withee, Withee Malcolm Architects

**Landowner:** Zaffar Hassanally, REC Development

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## I. INTRODUCTION

### PURPOSE

This Mitigation Monitoring Program (MMP), is to allow the following project at the former Verizon telephone equipment facility, located at 28220 Highridge Road in the City of Rancho Palos Verdes: The applicant proposes to develop a 28-unit residential condominium complex on a 54,460-square-foot (1.250-acre) site on Highridge Road. This equates to a density of 22.4 units per acre or one (1) unit for every 1,945 square feet of lot area, which is not consistent with the current Residential Multi-Family, 22 DU/acre (RM-22) zoning designation for the site. However, the applicant has requested a density bonus of one (1) unit pursuant to State law and Chapter 17.11 of the Rancho Palos Verdes Municipal Code. Existing site improvements—consisting of a former telephone equipment building, antenna tower, access driveway and perimeter fencing—would be removed. The condominium units would range from one (1) to three (3) bedrooms and from 776 square feet to 2,260 square feet in size, with both single-level and townhouse-style units. Each unit would have private balconies and dedicated private storage areas in the subterranean garage. According to the City's affordable housing requirements, at least two (2) units would be designated for sale to very-low-income households. Sixty-seven (67) off-street parking spaces for residents and their guests would be provided, which is the minimum number required by the City's Development Code. A common swimming pool, spa and sun deck would be located on the lowest level at the rear of the building. The 26- to 36-foot-tall project would comply with the 36-foot height limit established for the RM-22 zoning district. The project proposes 22,111 cubic yards of grading, consisting of 21,847 cubic yards of cut and 264 cubic yards of fill, for a net export of 21,583 cubic yards. If the project is approved as proposed, a 440-square-foot (0.010 acre) portion of the project site (APN 7587-007-802) that is currently located in the City of Rolling Hills Estates would be annexed to the City of Rancho Palos Verdes and rezoned RM-22 to match the zoning of the rest of the property.

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 Planning, Building, and Code Enforcement. 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 Planning, Building, and Code Enforcement shall designate a party responsible for monitoring of the mitigation measures.
2. The City of Rancho Palos Verdes, Director of Planning, Building, and Code Enforcement 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 Planning, Building, and Code Enforcement 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 Planning, Building, and Code Enforcement 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                               |
|--|----------------|--------------------------------------|--------------------|---|
| <b>1. LAND USE AND PLANNING</b>  |                |                                      |                    |   |
| <p><b>LUP-1:</b> 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 Commissioner (LAFCO). The applicant shall be responsible for all City costs associated with processing the annexation request.</p> | Project Design | Prior to final tract map recordation | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>2. GEOLOGY AND SOILS</b>  |                |                                      |                    |   |
| <p><b>GEO-1:</b> Prior to the issuance of a building permit by the City's Building Official, the applicant shall obtain final approval of the grading and construction plans from the City's geotechnical consultant. The applicant shall be responsible for the preparation and submittal of all soil engineering and/or geology reports required by the City's geotechnical consultant in order to grant such final approval.</p>  | Construction   | Prior to building permit issuance    | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>3. AIR QUALITY</b>  |                |                                      |                    |   |
| <p><b>AIR-1:</b> Prior to the issuance of grading permits, the applicant shall demonstrate to the Director of Planning, Building and Code Enforcement that dust generated by grading activities shall comply with the South Coast Air Quality Management District Rule 403 and the City Municipal Code requirements that require regular watering for the control of dust.</p>   | Construction   | Prior to grading permit issuance     | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><b>AIR-2:</b> During construction, all grading activities shall cease during periods of high winds (i.e., greater than 30 mph). To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.</p>   | Construction   | On-going                             | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><b>AIR-3:</b> Construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.</p>   | Construction   | On-going                             | Property owner     | Department of Planning, Building and Code Enforcement |

| MITIGATION MEASURES   | TYPE         | TIME OF IMPLEMENTATION            | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION   |
|---|--------------|-----------------------------------|--------------------|---|
| <p><u>AIR-4:</u> Trucks and other construction vehicles shall not park, queue and/or idle at the project site or in the adjoining public rights-of-way before 7:00 AM, Monday through Saturday, in accordance with the permitted hours of construction stated in Section 17.56.020(B) of the Rancho Palos Verdes Municipal Code.</p>  | Construction | On-going                          | Property owner     | Department of Planning, Building and Code Enforcement                   |
| <p><u>AIR-5:</u> Prior to the issuance of building permits, the applicant shall demonstrate the project's compliance with the South Coast Air Quality Management District Rule 445 and the City Municipal Code requirements regarding wood-burning devices.</p>   | Construction | Prior to building permit issuance | Property owner     | Department of Planning, Building and Code Enforcement                   |
| <b>4. TRANSPORTATION/CIRCULATION</b>  |              |                                   |                    |   |
| <p><u>TRA-1:</u> In order to reduce the traffic impacts of the proposed project to less-than-significant levels, the intersection Highridge Road and Hawthorne Boulevard shall be modified as follows:</p> <ul style="list-style-type: none"> <li>• Convert the existing northbound left turn lane to a shared left-plus-through lane; and the existing northbound through lane to a dedicated right-turn lane;</li> <li>• Keep the existing dedicated right-turn lane so there will be two (2) northbound right-turn lanes;</li> <li>• Modify the existing traffic signal phases for the northbound and southbound approaches to split-phasing (from protected left-turn phasing);</li> <li>• Set the cycle length to one hundred twenty (120) seconds or optimize the cycle length to allow for additional green time on all movements; and,</li> </ul> <p>Provide "cat-track" striping for the two (2) northbound right-turn lanes for their transition to the eastbound through lanes on Hawthorne Boulevard.</p> | Operational  | Prior to building permit final    | Property owner     | Departments of Planning, Building and Code Enforcement and Public Works |

| MITIGATION MEASURES  | TYPE  | TIME OF IMPLEMENTATION               | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION   |
|--|---|--------------------------------------|--------------------|---|
| <p><u>TRA-2:</u> Prior to building permit final, the applicant shall be responsible for contributing the project's fair share of the cost of the recommended improvements at Highridge Road and Hawthorne Boulevard (estimated at 15.5%) to the City of Rancho Palos Verdes; and shall contribute the project fair share of the cost of future improvements at Hawthorne Boulevard and Silver Spur Road (estimated at 2.5%) to the City of Rolling Hills Estates.</p>  | Operational   | Prior to building permit final       | Property owner     | Departments of Planning, Building and Code Enforcement and Public Works |
| <p><u>TRA-3:</u> Prior to grading permit issuance, the applicant shall obtain approval of a haul route from the Director of Public Works. The applicant shall ensure that loaded trucks are appropriately covered to prevent soil from spilling on the roadway along the haul route.</p>   | Construction  | Prior to grading permit issuance     | Property owner     | Department of Public Works  |
| <p><u>TRA-4:</u> The final design of the left-turn pocket shall incorporate the following modifications, to the satisfaction of the Director of Public Works:</p> <ul style="list-style-type: none"> <li>The proposed medium break and transition for the project entrance shall maintain a 60-foot-long pocket with a 60-foot-long transition.</li> </ul> <p>The existing left-turn pocket for northbound Highridge Road and Peacock Ridge Road shall be reconfigured to a 100-foot-long pocket with a 60-foot-long transition.</p> | <p>The proposed left-turn pocket and median break in Highridge Road are no longer a part of the recommended project</p> |                                      |                    |   |
| <p><u>TRA-5:</u> Prior to recordation of the final tract map, the applicant shall submit street improvement plans for the median break and left-turn pocket on Highridge Road to the Director of Public Works for final review and approval.</p>   | Construction  | Prior to final tract map recordation | Property owner     | Department of Public Works  |
| <p><u>TRA-6:</u> Prior to recordation of the final tract map, the applicant shall post a bond or other security acceptable to the Director of Public Works for any approved improvements within the public right-of-way of Highridge Road.</p>   |   |                                      |                    |   |

| MITIGATION MEASURES  | TYPE           | TIME OF IMPLEMENTATION           | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION                               |
|--|----------------|----------------------------------|--------------------|---|
| <p><u>TRA-7:</u> Vegetation, walls or other site improvements located on the south side of the driveway shall be limited to no more than thirty inches (30") in height so as to preserve sight distance in accordance with Section 17.48.070 of the Rancho Palos Verdes Municipal Code.</p>  | Project Design | Prior to building permit final   | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>5. HAZARDS AND HAZARDOUS MATERIALS</b>  |                |                                  |                    |   |
| <p><u>HAZ-1:</u> Prior to approval of grading permits, the applicant shall conduct a soil investigation to determine whether site conditions pose any significant health or environmental risks associated with the past use of the site, and the nature and extent of any associated contamination. The investigation shall also include sampling and analysis to determine the PCB status of the site and building. The results of these investigations shall be presented in a report prepared in accordance with applicable law and standard practice.</p> | Construction   | Prior to grading permit issuance | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><u>HAZ-2:</u> No grading associated with the project shall occur until the soils investigation report is reviewed and approved by the City. If the soils investigation report requires remedial actions to address contamination, no grading activities shall occur in identified areas until appropriate response actions have been completed in accordance with applicable law and standard practice to the satisfaction of the City.</p>   | Construction   | Prior to grading permit issuance | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><u>HAZ-3:</u> During grading or other soil disturbing activities, if malodorous or discolored soils or soils thought to contain significant levels of contaminants are encountered; the applicant or his contractors shall enlist the services of a qualified environmental consultant to recommend methods of handling and/or removal from the site. The need for and methods of any required response actions shall be coordinated with, and subject to, approval by the City.</p>  | Construction   | On-going                         | Property owner     | Department of Planning, Building and Code Enforcement |

| MITIGATION MEASURES   | TYPE         | TIME OF IMPLEMENTATION                            | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION                               |
|---|--------------|---|--------------------|---|
| <p><u>HAZ-4:</u> Prior to disturbing the suspected asbestos and/or lead containing materials identified in the Phase I report for the property, a consultant qualified in sampling and analysis of said materials shall be retained by the applicant. If samples test positive, specifications shall be prepared for the removal of identified asbestos and/or lead materials as necessary. A licensed asbestos contractor and Certified Asbestos Consultant, pursuant to EPA/AHERA Section 206 and CCR Title 8, Article 2.6 shall be retained by the applicant to properly document, inspect, monitor, remove, and encapsulate the asbestos materials prior to disposal. Prior to demolition, precautionary steps shall be taken to reduce worker exposure to lead, according to occupational health standards. Removal of lead-based paint, if necessary, shall be subject to applicable state and federal regulatory guidelines.</p> | Construction | Prior to demolition of existing site improvements | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>6. NOISE</b>   |              |   |                    |   |
| <p><u>NOI-1:</u> Permitted hours and days for construction activity are 7:00 AM to 7:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Municipal Code without a special construction permit.</p>  | Construction | On-going  | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><u>NOI-2:</u> The project shall utilize construction equipment equipped with standard noise insulating features during construction to reduce source noise levels.</p>   | Construction | On-going  | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><u>NOI-3:</u> All project construction equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts is generated.</p>   | Construction | On-going  | Property owner     | Department of Planning, Building and Code Enforcement |

| MITIGATION MEASURES   | TYPE         | TIME OF IMPLEMENTATION               | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION                               |
|---|--------------|--------------------------------------|--------------------|---|
| <u>NOI-4:</u> Haul routes used to transport soil exported from the project site shall be approved by the Director of Public Works to minimize exposure of sensitive receptors to potential adverse noise levels from hauling operations.  | Construction | Prior to commencement of grading     | Property owner     | Department of Public Works                            |
| <b>7. UTILITIES AND SERVICE SYSTEMS</b>   |              |                                      |                    |   |
| <u>UTL-1:</u> Prior to final map approval, the applicant shall provide evidence of confirmation from California Water Service Company that current water supplies are adequate to serve the proposed project.   | Construction | Prior to final tract map recordation | Property owner     | Department of Planning, Building and Code Enforcement |
| <u>UTL-2:</u> Prior to building permit issuance, the applicant shall ensure that construction plans and specifications for the project includes the following interior water-conservation measures for the following plumbing devices and appliances: <ul style="list-style-type: none"> <li>• Reduce water pressure to 50 pounds per square inch or less by means of a pressure-reducing valve;</li> <li>• Install water-conserving clothes washers;</li> <li>• Install water-conserving dishwashers and/or spray emitters that are retrofitted to reduce flow; and,</li> <li>• Install one-and-one-half gallon, ultra-low flush toilets.</li> </ul> | Construction | Prior to building permit issuance    | Property owner     | Department of Planning, Building and Code Enforcement |

| MITIGATION MEASURES  | TYPE         | TIME OF IMPLEMENTATION            | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION                               |
|--|--------------|-----------------------------------|--------------------|---|
| <p><u>UTL-3:</u> Prior to building permit issuance, the applicant shall submit landscape and irrigation plans for the common open space areas for the review and approval of the Director of Planning, Building and Code Enforcement. Said plans shall incorporate, at a minimum, the following water-conservation measures:</p> <ul style="list-style-type: none"> <li>• Extensive use of native plant materials.</li> <li>• Low water-demand plants.</li> <li>• Minimum use of lawn or, when used, installation of warm season grasses.</li> <li>• Grouped plants of similar water demand to reduce over-irrigation of low water demand plants.</li> <li>• Extensive use of mulch in all landscaped areas to improve the soil's water-holding capacity.</li> <li>• Drip irrigation, soil moisture sensors, and automatic irrigation systems.</li> <li>• Use of reclaimed wastewater, stored rainwater or grey water for irrigation.</li> </ul> | Construction | On-going                          | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>8. AESTHETICS</b>   |              |                                   |                    |   |
| <p><u>AES-1:</u> Prior to building permit issuance, the building elevations shall be revised to provide architectural trim and detailing on any blank 2-story facades of the facing wings of the building.</p>   | Construction | Prior to building permit issuance | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><u>AES-2:</u> Prior to building permit issuance, the applicant shall submit a site landscape plan for the review and approval of the Director of Planning, Building and Code Enforcement.</p>   | Construction | Prior to building permit issuance | Property owner     | Department of Planning, Building and Code Enforcement |
| <p><u>AES-3:</u> Common area landscaping shall be maintained so as not to result in significant view impairment from the viewing area of another property, as defined in Section 17.02.040 of the Rancho Palos Verdes Municipal Code.</p>  | Operational  | On-going                          | Property owner     | Department of Planning, Building and Code Enforcement |

| MITIGATION MEASURES   | TYPE           | TIME OF IMPLEMENTATION            | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION                               |
|---|----------------|-----------------------------------|--------------------|---|
| <u>AES-4:</u> Any temporary or permanent project signage shall require the approval of a sign permit by the Director of Planning, Building and Code Enforcement, and shall be consistent with the provisions of Section 17.76.050(E)(2).  | Project Design | On-going                          | Property owner     | Planning Commission                                   |
| <u>AES-5:</u> Prior to building permit issuance, the applicant shall submit a site lighting plan for the review and approval of the Director of Planning, Building and Code Enforcement. The plans shall demonstrate that lighting fixtures on the building and grounds shall be designed and installed so as to contain light on the subject property and not spill over onto adjacent private properties or public rights-of-way. | Operational    | Prior to building permit issuance | Property owner     | Department of Planning, Building and Code Enforcement |
| <u>AES-6:</u> Exterior lighting fixtures on the grounds shall be low, bollard-type fixtures, not to exceed forty-two inches (42") in height.  | Project Design | On-going                          | Property owner     | Department of Planning, Building and Code Enforcement |
| <u>AES-7:</u> Exterior lighting fixtures on private balconies and common exterior walkways shall be energy-efficient fixtures, such as compact fluorescents. Said fixtures shall be equipped with light sensors so that they will only be illuminated during hours of darkness.   | Construction   | Prior to building permit final    | Property owner     | Department of Planning, Building and Code Enforcement |
| <u>AES-8:</u> No internally-illuminated signage may be used on the project site.  | Project Design | On-going                          | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>9. CULTURAL RESOURCES</b>  |                |                                   |                    |   |
| <u>CUL-1:</u> Prior to the issuance of a grading permit, the applicant shall conduct a Phase 1 archaeological survey of the property. The survey results shall be provided to the Director of Planning, Building and Code Enforcement for review prior to grading permit issuance.  | Construction   | Prior to grading permit issuance  | Property owner     | Department of Planning, Building and Code Enforcement |

| MITIGATION MEASURES  | TYPE         | TIME OF IMPLEMENTATION               | RESPONSIBLE ENTITY | COMPLIANCE VERIFICATION                               |
|--|--------------|--------------------------------------|--------------------|---|
| <p><u>CUL-2</u>: Prior to the commencement of grading, the applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures.</p> | Construction | Prior to commencement of grading     | Property owner     | Department of Planning, Building and Code Enforcement |
| <b>10. RECREATION</b>  |              |                                      |                    |   |
| <p><u>REC-1</u>: Prior to final tract map recordation, the applicant shall pay to the City a fee equal to the value of 0.3136 acre of parkland in lieu of the dedication of such land to the City, pursuant to the provision of Section 16.20.100 of the Rancho Palos Verdes Municipal Code.</p>   | Construction | Prior to final tract map recordation | Property owner     | Department of Planning, Building and Code Enforcement |

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CONDITIONALLY APPROVING 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), IN CONJUNCTION WITH THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION, TO ALLOW THE SUBDIVISION OF A 1.25-ACRE SITE INTO TWENTY-EIGHT (28) RESIDENTIAL CONDOMINIUM UNITS, LOCATED AT 28220 HIGHRIDGE ROAD**

WHEREAS, on February 14, 2007, applications for Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit, Variance, Site Plan Review and Environmental Assessment (Planning Case Nos. SUB2007-00003 and ZON2007-00072) were submitted to the Planning Department by the applicant, REC Development, Inc., to allow the development of a 27-unit residential condominium project on a 1.25-acre site on Highridge Road; and,

WHEREAS, on December 7, 2007, the applications for Planning Case Nos. SUB2007-00003 and ZON2007-00072 were deemed complete by Staff; and,

WHEREAS, pursuant to the provision 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 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 Nos. SUB2007-00003 and ZON2007-00072 would result in a significant adverse effect on the environment. Accordingly, a Draft Mitigated Negative Declaration was prepared and circulated for public review for twenty (20) days between March 19, 2008 and April 8, 2008, 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 April 8, 2008, at which time all interested parties were given the opportunity to be heard and present evidence; and,

WHEREAS, at the April 8, 2008, Planning Commission meeting, the Planning Commission directed Staff and the applicant to further investigate design alternatives to address concerns pertaining to portions of the project exceeding the 36-foot height limit; the proposed left-turn pocket in the median of Highridge Road; site landscaping; view impacts to homes on Via La Cima; feasibility of additional grading; Planning Commission discretion with respect to the conditional use permit findings; and

adequacy of the traffic impact analysis; and continued the public hearing to May 13, 2008; and,

WHEREAS, on May 7, 2008, the applicant submitted revised project plans that eliminated the proposed roof-access stair tower in excess of the 36-foot-height limit, thereby eliminating the Site Plan Review component of the proposed project; and,

WHEREAS, at the May 13, 2008, Planning Commission meeting, the Planning Commission directed the applicant to further explore design alternatives and additional grading to reduce view impacts to residences on Via La Cima; and asked for additional information regarding the applicant's cumulative traffic impact analysis; and continued the public hearing to June 24, 2008; and,

WHEREAS, on June 10, 2008, the applicant submitted revised project plans that reduced the maximum height of the project by twelve feet six inches (12'-6") and relocated the entry to the subterranean garage, thereby eliminating the Variance component of the proposed project; and,

WHEREAS, on June 18, 2008, the applicant requested a Density Bonus of one (1) additional market-rate unit, for a total of twenty-eight (28) units, pursuant to City and State density bonus law; and,

WHEREAS, at the June 24, 2008, Planning Commission meeting, the Planning Commission directed that Staff revise and recirculate the Mitigated Negative Declaration to reflect the new project description; directed the applicant to further explore the feasibility of modifying the site plan to reduce view impacts on 7 Via La Cima; directed Staff to more fully analyze and respond to the applicant's request for a density bonus; and asked for additional information regarding the revised traffic impact analysis for the 28-unit project; and continued the public hearing to July 22, 2008; and,

WHEREAS, pursuant to the provision 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,

WHEREAS, at the July 22, 2008, Planning Commission meeting, the Planning Commission directed Staff to prepare appropriate P.C. Resolutions to recommend certification of the Mitigated Negative Declaration and conditional approval of the proposed project to the City Council; and,

WHEREAS, at its August 12, 2008, meeting, after hearing public testimony, the Planning Commission adopted P.C. Resolution No. 2008-26 making certain findings related to the requirements of the California Environmental Quality Act (CEQA) and recommended that the City Council adopt a Mitigation Monitoring Program and Mitigated Negative Declaration for the proposed project; and,

WHEREAS, at its August 12, 2008, meeting, after hearing public testimony, the Planning Commission adopted P.C. Resolution No. 2008-27, thereby recommending that the City Council conditionally approve the proposed project; and,

WHEREAS, after issuing notices pursuant to the requirements of the Rancho Palos Verdes Development Code and the State CEQA Guidelines, the City Council held a duly noticed public hearing on September 16, 2008, at which time all interested parties were given the opportunity to be heard and present evidence; and,

WHEREAS, on September 16, 2008, the City Council considered the Planning Commission's recommendation; directed the applicant to re-design the project further by moving the 2<sup>nd</sup>-floor Unit 'K' at the front of the building to the roof of the building at the rear in order to attempt to address significant view impacts upon the residence at 7 Via La Cima; and continued the public hearing to October 21, 2008; and,

WHEREAS, on October 21, 2008, the City Council considered the modified project and found that it did not significantly reduce view impacts upon the residence at 7 Via La Cima, and exacerbated view impacts upon other residences in the *La Cima* community; and,

WHEREAS, at its October 21, 2008, meeting, after hearing public testimony, the City Council adopted Resolution No. 2008-\_\_ making certain findings related to the requirements of the California Environmental Quality Act (CEQA) and adopting a Mitigation Monitoring Program and Mitigated Negative Declaration for the proposed project.

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

**Section 1:** The City Council makes the following findings of fact with respect to the application for Vesting Tentative Tract Map No. 68796 to subdivide the 1.25-acre site for a 28-unit condominium project:

- A. The proposed map and the design and improvement of the proposed subdivision are consistent with the Rancho Palos Verdes General Plan. The General Plan land use designation for the subject property is Residential, 12-22 DU/acre. With respect to this land use designation, the 1975 Land Use Plan of the General Plan states that “[no] vacant land is designated in this density range. It is a reflection of an area with existing high-density residential uses. No new development is proposed due to potential extreme environmental impacts.” Notwithstanding this statement, the subject property is designated at this density range on the City’s General Plan land use map and is not vacant (although its former use has been abandoned). The current Housing Element of the General Plan includes programs calling upon the City to identify adequate sites for a variety of housing types (Program Category No. 1); assist in the development of adequate housing to meet the needs of low- and moderate-income households (Program Category No. 2); and address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing (Program Category No. 3). The development of condominiums—which are generally less expensive than detached single-family residences of comparable size—would serve to implement these programs. In addition, this project is subject to the inclusionary housing requirements of Chapter 17.11 of the City’s Development Code. Based upon the proposed 28-unit project, the applicant shall be obligated to provide three (3) dwelling units (or their equivalents) that are affordable to households with very low incomes.
- B. The site is physically suitable for the type and density of development proposed. The subject property is more than double the minimum size required for lots in the RM-22 zoning district. The twenty-eight units (28) proposed are not consistent with the minimum 2,000 square feet of lot area per unit requirement of the RM-22 zoning district, but the approval of the additional density of one (1) unit is warranted under the density bonus provisions of Section 17.11.060(A)(1) of the Rancho Palos Verdes Development Code because the applicant is providing two (2) new units on site that will be affordable to very-low-income households and proposes to pay an in-lieu fee to the City for a third affordable unit. Furthermore, the project complies with all applicable setbacks, lot coverage and parking requirements of the RM-22 zoning district.
- C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, nor are they likely to cause serious public health problems. The subject property has been developed and used as a telephone equipment facility for more than fifty (50) years. There are no sensitive plant or animal species; no known historical, archaeological or paleontological resources; and no known hazardous materials or conditions on the subject property. In the event that any of these are encountered prior to or during construction of the

project, the recommended conditions of approval will reduce any potential impacts upon the environment, fish and wildlife, sensitive habitats or public health to less-than-significant levels.

- D. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. There are no known public access easements across the subject property that should be preserved as a part of this project.

**Section 2:** The City Council makes the following findings of fact with respect to the application for a general plan amendment and zone change for the annexation of a 0.01-acre portion of the subject property from the City of Rolling Hills Estates:

- A. A 440-square-foot portion of the subject property (Assessor's Parcel No. 7589-007-802) is located in the City of Rolling Hills Estates. This portion of the site is currently zoned by the City of Rolling Hills Estates for institutional use, consistent with the adjacent church at 28340 Highridge Road. With the approval of the proposed project, the applicant will request that the City of Rancho Palos Verdes pursue the annexation of this area, with the cost of such annexation to be borne by the applicant. If annexed, it is the City Council's recommendation that the parcel be assigned a General Plan land use designation of "Residential, 12-22 DU acre" and zoned "Residential Multi-Family, 22 DU/acre" (RM-22) to be consistent with the remainder of the site. If for some reason the parcel cannot be annexed within the City of Rancho Palos Verdes, the remaining property is still large enough to accommodate a condominium project, but it would need to be modified so as not to encroach upon the 440-square-foot area of the site that would remain in the City of Rolling Hills Estates.

**Section 3:** The City Council makes the following findings of fact with respect to the application for a conditional use permit to establish a residential condominium project on the subject property:

- A. The site is adequate in size and shape to accommodate the proposed use and for all of the yards, setbacks, walls, fences, landscaping and other features required by Title 17 (Zoning) or by conditions imposed under Section 17.60.050 to integrate said use with those on adjacent land and within the neighborhood.

The proposed project is consistent with all of the RM-22 district development standards and the lot is more than double the minimum size required in the RM-22 district.

- B. The site for the proposed use relates to streets and highways sufficient to carry the type and quantity of traffic generated by the subject use. The project takes direct access from Highridge Road, a collector roadway connecting Hawthorne Boulevard and Crest Road. The project plans and traffic study have been reviewed by the City's traffic engineer. The traffic study identified impacts at the intersection of Highridge Road and Hawthorne Boulevard that can be mitigated to less-than-significant levels with changes to roadway striping and signal timing. The applicant shall be responsible for the project's fair share of the cost of these modifications. Although the applicant has proposed a left-turn pocket and median break in Highridge Road to provide access to the subject property, the City Council finds that it would be imprudent to allow this left-turn pocket to be constructed due to its close proximity to the intersection of Highridge Road and Peacock Ridge Road.
- C. In approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof. Early in the review of this application, Staff identified potential view impacts as the most likely adverse impacts on adjacent properties, particularly for certain units in the *La Cima* community. For this reason, the applicant was asked to construct a certified silhouette of the proposed project. The RM-22 zoning district establishes a 36-foot height limit for apartment buildings, which is measured from the lower of either preconstruction or finished grade at any point within the building footprint. The revised project has lowered the front portion of the building from thirty-six feet (36'-0") to twenty-six feet (26'-0") by removing the former third story in this area. In combination with a further 2½-foot lowering of the site grade, a 12½-foot lowering of the overall maximum height of the structure has been achieved.

As supported by the City Attorney's opinion, the City Council has the authority to consider view impacts within the scope of this finding because this application is for a condominium project, which requires the approval of a conditional use permit. Therefore, the 36-foot height limit for the RM-22 zoning district does not have to be treated as a "by right" entitlement for this project. The City Council considered view analyses conducted by Staff from seven (7) of the ten (10) residences on Via La Cima, which is located across Highridge Road from the subject property.

Based upon the view analyses, the City Council found that the revised project still results in significant view impairment for the residence at 7 Via La Cima. *La*

*Cima* residents have enjoyed views over the subject property for many years and have come to consider these views as a crucial component of the value of their homes. For several homeowners, these views would be adversely affected by the loss of Los Angeles basin, mountain and nighttime city-light views. On the other hand, the subject property has been zoned and designated for multi-family residential use in the City's zoning and land use regulations since before the *La Cima* community was approved by the City in 1979. The applicant has modified the project to reduce the view impact upon 7 Via La Cima, and has demonstrated that further modifications will make the project physically and/or fiscally infeasible. Since the project has been reduced in overall height by twelve feet six inches (12'-6") by removing the third floor at the front the project, the result of this design modification has been to reduce the view impact upon all but one (1) of the *La Cima* residences to less-than-significant levels. Given the modifications that have been made to the proposed project, the City Council finds that significant view impairment for one (1) unit in the *La Cima* community does not constitute a "significant adverse effect on adjacent property" that warrants denial of or further modifications to the proposed project, because this is an impact upon only one (1) unit out of ten (10) units in the *La Cima* community.

- D. The proposed use is not contrary to the General Plan. The proposed project is consistent with the goals and policies of the Land Use and Housing elements of the City's General Plan. It is a goal of the Urban Environment Element of the General Plan "to preserve and enhance the community's quality living environment; to enhance the visual character and physical quality of existing neighborhoods; and to encourage the development of housing in a manner which adequately serves the needs of all present and future residents of the community." Furthermore, it is a Housing Activity Policy of the City's General Plan to "[require] all new housing developed to include suitable and adequate landscaping, open space, and other design amenities to meet the community standards of environmental quality." The revised project will improve the appearance of the abandoned Verizon site, is designed in a manner that is compatible with the quality and appearance of surrounding multi-family residential projects, and increases the diversity of the City's housing stock by providing opportunities for condominium ownership.
- E. The required finding that, if the site of the proposed use is within any of the overlay control districts established by Chapter 17.40 (Overlay Control Districts) of Title 17 (Zoning), the proposed use complies with all applicable requirements of that chapter, is not applicable to this project because the subject property is not located within an overlay control district.
- F. Conditions, which the City Council finds to be necessary to protect the health, safety and general welfare, have been imposed upon this project. These

conditions include all mitigation measures identified in the Mitigated Negative Declaration for the project. Examples include (but are not limited to) limitations on the heights of walls and fences; conditions regarding the placement and type of exterior light fixtures; requirements for marking fire lanes and prohibiting parking therein; requirements for compliance with the City's attached unit development standards regarding the transmission of sound and vibration through common walls and floors; requirements for water-conserving landscaping and irrigation in the common areas; limitations on the height of foliage and trees in the common areas; and restrictions on the number and types of signage for the project.

**Section 4:** The City Council makes the following findings of fact with respect to the application for a grading permit for 22,111 cubic yards of grading related to the development of the proposed condominium project:

- A. The grading does not exceed that which is necessary for the permitted primary use of the lot, as defined in Section 17.96.2210 of the Development Code. The proposed project encompasses 22,111 cubic yards of earth movement. Most of this material (i.e., 21,583 cubic yards) would be exported from the site. Most of the proposed cut would occur within the building footprint for the subterranean garage and lowest level of condominium units, while most of the proposed fill would occur within the footprint of the proposed patio deck at the rear of the property. The excavation of the site and export of material allows the building to be set lower on the site than could be allowed "by right" without the proposed grading (or with less grading).
- B. The grading and/or related construction does not significantly adversely affect the visual relationships with, nor the views from, neighboring properties. In cases where grading is proposed for a new residence or an addition to an existing residence, this finding shall be satisfied when the proposed grading results in a lower finished grade under the building footprint such that the height of the proposed structure, as measured pursuant to Section 17.02.040(B) of this Title, is lower than a structure that could have been built in the same location on the lot if measured from preconstruction (existing) grade. The proposed grading results in a lower structure than would be permitted "by right" without the proposed grading, with a maximum height of twenty-six feet (26'-0") at the front of the project site, and the project complies with the 36-foot height limit for the RM-22 zoning district.
- C. The nature of the grading minimizes disturbance to the natural contours, and finished contours are reasonably natural. The site is generally flat, with a gentle descending slope at the rear of the property. The proposed grading would

generally lower the grade of the property overall, but would maintain the gently-sloping character of the site.

- D. The required finding that the grading takes into account the preservation of natural topographic features and appearances by means of land sculpting so as to blend any man-made or manufactured slope into the natural topography, is not applicable because there are no natural topographic features on the subject property.
- E. The required finding that, for new single-family residences, the grading and/or related construction is compatible with the immediate neighborhood character, as defined in Section 17.02.040(A)(6) of the Development Code, is not applicable because the proposed project is not a new single-family residence.
- F. In new residential tracts, the grading includes provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage, and minimize visual effects of grading and construction on hillside areas. The proposed project is a new residential tract, although it is not a single-family subdivision. This intent of this finding is to minimize the visual impacts and disturbance of existing vegetation that commonly occurs with cut-and-fill grading of terraced single-family neighborhoods. The existing property is mostly flat, with a gentle slope descending at the rear, and these basic landforms will be maintained with the grading of the property.
- G. The required finding, that the grading utilizes street designs and improvements which serve to minimize grading alternatives and harmonize with the natural contours and character of the hillside, is not applicable because the proposed project does not involve the construction of new streets.
- H. The grading would not cause excessive and unnecessary disturbance of natural landscape or wildlife habitat through removal of vegetation. There is existing mature foliage on the site, but no wildlife habitat that supports any sensitive (i.e., endangered or threatened) species.
- I. The grading conforms with the minimum standards for finished slope, depth of fill, retaining wall location and height, and driveway slope established under Section 17.76.040(E)(8) of the Development Code.
- J. Pursuant to Section 17.76.040(E)(9)(c) of the Rancho Palos Verdes Development Code, the proposed 19-foot depth of cut is reasonable and necessary. Grading down the pad within the footprint of the proposed building allows for a structure that is lower than would otherwise be permitted without the proposed grading.

**Section 5:** The City Council makes the following findings of fact with respect to the application for a density bonus in conjunction with development of the proposed condominium project:

- A. The applicant's density bonus request involves requesting one (1) additional market-rate unit, for a total of twenty-eight (28) units. Of these, the applicant will dedicate two (2) units for sale to very-low-income households, which equates to five percent (5%) of the total number of units. This is consistent with the requirements of Section 17.11.040 of the Rancho Palos Verdes Development Code. However, it is the City's position that, in order to qualify for a density bonus under State law (i.e., Sections 65915-65918 of the Government Code), the applicant must set aside ten percent (10%) of the total number of units for very-low-income households. Although the applicant disagrees with the City's interpretation of State density bonus law, he is amenable to paying the City's in-lieu affordable housing fee for the third unit, providing that the City is willing to defer payment of the fee until after sale or occupancy of the twenty-fourth (24<sup>th</sup>) unit of the project.

The applicant is entitled to a density bonus of up to twenty percent (20%) under State law, but is asking for a density bonus of less than four percent (4%). A 20-percent bonus would amount to a project of up to thirty-three (33) units. Given the constraints of the project site, it is likely that the height of the project would have to be increased to accommodate thirty-three (33) units, possibly to or above the 36-foot height limit. Since the City's and State's density bonus regulations compel local jurisdictions to grant a development concession in conjunction with the density bonus request, the City would probably not be in a position to deny a taller project, even if it exceeded the property's height limit.

For the foregoing reasons, the City Council believes that accepting an in-lieu fee for the third affordable unit is a reasonable compromise in that it upholds the City's interpretation of State law that three (3) affordable units are needed to qualify for the density bonus without requiring the applicant to alter the building design to actually construct a third affordable unit. As such, the City Council agrees to accept deferred payment of the in-lieu fee for the third affordable unit.

**Section 6:** The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and other applicable short periods of limitation.

**Section 7:** For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the City Council of the City of Rancho Palos Verdes hereby conditionally approves 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), in conjunction with the adoption of a Mitigated Negative Declaration, to allow the subdivision of a 1.25-acre site into twenty-eight (28) residential condominium units, located at 28220 Highridge Road, subject to the recommended conditions of approval in the attached Exhibit 'A'.

PASSED, APPROVED, AND ADOPTED this \_\_\_<sup>st</sup> day of October 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

Resolution No. 2008-\_\_\_\_  
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**EXHIBIT 'A'**  
**CONDITIONS OF APPROVAL**  
**FOR TENTATIVE TRACT MAP NO. 68796, GENERAL PLAN AMENDMENT, ZONE**  
**CHANGE, CONDITIONAL USE PERMIT, GRADING PERMIT AND DENSITY BONUS**  
**(REC Development, 28220 Highridge Road)**

General

1. Within ninety (90) days of this approval, the applicant and/or 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 approval. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
2. The developer shall supply the City with one mylar and copies of the map after the final map has been filed with the Los Angeles County Recorders Office.
3. This approval expires twenty-four (24) months from the date of approval of the vesting tentative tract map by the City Council, unless extended per Section 66452.6 of the Subdivision Map Act and Section 16.16.040 of the Development Code. Any request for extension shall be submitted to the Planning Department in writing prior to the expiration of the map.
4. Permitted hours and days for construction activity are 7:00 AM to 7:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Municipal Code without a special construction permit. [Mitigation Measure NOI-1]
5. Unless specific development standards for the development of the property contained in these conditions of approval, the development of the lots shall comply with the requirements of Title 17 of the City's Municipal Code.
6. 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 Commissioner (LAFCO). The applicant shall be responsible for all City costs associated with processing the annexation request. [Mitigation Measure LUP-1]

### Subdivision Map Act

7. Prior to submitting the Final Map for recordation pursuant to Section 66442 of the Government Code, the subdivider shall obtain clearances from affected departments and divisions, including a clearance from the City's Engineer for the following items: mathematical accuracy, survey analysis, correctness of certificates and signatures, etc.

### County Recorder

8. If signatures of record title interests appear on the final map, the developer shall submit a preliminary guarantee. A final guarantee will be required at the time of filing of the final map with the County Recorder. If said signatures do not appear on the final map, a preliminary title report/guarantee is needed that covers the area showing all fee owners and interest holders. The account for this preliminary title report guarantee shall remain open until the final map is filed with the County Recorder.

### Cultural Resources

9. Prior to the issuance of a grading permit, the applicant shall conduct a Phase 1 archaeological survey of the property. The survey results shall be provided to the Director of Planning, Building and Code Enforcement for review prior to grading permit issuance. [Mitigation Measure CUL-1]
10. Prior to the commencement of grading, the applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures. [Mitigation Measure CUL-2]

### Sewers

11. A bond, cash deposit, or other City approved security, shall be posted prior to recordation of the Final Map or start of work, whichever occurs first, to cover costs for construction of and connection to a sanitary sewer system, in an amount to be determined by the Director of Public Works.
12. Prior to approval of the final map, the subdivider shall submit to the Director of Planning, Building and Code Enforcement a written statement from the County Sanitation District approving the design of the tract with regard to the existing

trunk line sewer. Said approval shall state all conditions of approval, if any, and state that the County is willing to maintain all connections to said trunk lines.

13. Approval of this subdivision of land is contingent upon the installation, dedication and use of local main line sewer and separate laterals to serve each unit of the land division.
14. Sewer easements may be required, subject to review by the City Engineer, to determine the final locations and requirements.
15. Prior to construction, the subdivider shall obtain approval of the sewer improvement plans from the County Engineer Sewer Design and Maintenance Division.

### Water

16. Prior to final map approval, the applicant shall provide evidence of confirmation from California Water Service Company that current water supplies are adequate to serve the proposed project. [Mitigation Measure UTL-1]
17. Prior to recordation of the Final Map or prior to commencement of work, whichever comes first, the subdivider must submit a labor and materials bond in addition to either:
  - a. An agreement and a faithful performance bond in the amount estimated by the City Engineer and guaranteeing the installation of the water system; or
  - b. An agreement and other evidence satisfactory to the City Engineer indicating that the subdivider has entered into a contract with the serving water utility to construct the water system, as required, and has deposited with such water utility security guaranteeing payment for the installation of the water system.
18. There shall be filed with the City Engineer a statement from the water purveyor indicating that the proposed water mains and any other required facilities will be operated by the water purveyor and that, under normal operating conditions, the system will meet the needs of the developed tract.
19. At the time the final land division map is submitted for checking, plans and specifications for the water systems facilities shall be submitted to the City Engineer for checking and approval, and shall comply with the City Engineer's standards. Approval for filing of the land division is contingent upon approval of plans and specifications mentioned above.

20. The project shall be served by adequately sized water system facilities that shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the land division. The City Engineer shall determine domestic flow requirements. Fire flow requirements shall be determined by the Fire Department and evidence of approval by the Fire Chief is required.
21. Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate firefighting water and access available to said structures.
22. Prior to building permit issuance, the applicant shall ensure that construction plans and specifications for the project includes the following interior water-conservation measures for the following plumbing devices and appliances:
  - Reduce water pressure to 50 pounds per square inch or less by means of a pressure-reducing valve;
  - Install water-conserving clothes washers;
  - Install water-conserving dishwashers and/or spray emitters that are retrofitted to reduce flow; and,
  - Install one-and-one-half gallon, ultra-low flush toilets. [Mitigation Measure UTL-2]
23. Prior to building permit issuance, the applicant shall submit landscape and irrigation plans for the common open space areas for the review and approval of the Director of Planning, Building and Code Enforcement. Said plans shall incorporate, at a minimum, the following water-conservation measures:
  - Extensive use of native plant materials.
  - Low water-demand plants.
  - Minimum use of lawn or, when used, installation of warm season grasses.
  - Grouped plants of similar water demand to reduce over-irrigation of low water demand plants.
  - Extensive use of mulch in all landscaped areas to improve the soil's water-holding capacity.
  - Drip irrigation, soil moisture sensors, and automatic irrigation systems.
  - Use of reclaimed wastewater, stored rainwater or grey water for irrigation. [Mitigation Measure UTL-3]

#### Drainage

24. A bond, cash deposit, or combination thereof shall be posted to cover costs of construction in an amount to be determined by the City Engineer.

25. Prior to filing of the Final Map, the developer shall submit a hydrology study to the City Engineer to determine any adverse impacts to existing flood control facilities generated by this project. Should the City Engineer determine that adverse impacts will result, the developer will be required to post a cash deposit or bond or combination thereof in an amount to be determined by the Director of Public Works, which will be based on the project's share of the necessary improvements.
26. Drainage plans and necessary support documents to comply with the following requirements must be approved prior to the recordation of the Final Map or commencement of work, whichever comes first:
  - a. Provide drainage facilities to remove the flood hazard to the satisfaction of the City Engineer and dedicate and show easements on the final map.
  - b. Eliminate the sheet overflow and ponding or elevate the floors of the buildings with no openings in the foundation walls to at least twelve inches above the finished pad grade.
  - c. Provide drainage facilities to protect the lots from high velocity scouring action.
  - d. Provide for contributory drainage from adjoining properties.
27. In accordance with Section 1601 and 1602 of the California Fish and Game Code, the State Department of Fish and Game, 350 Golden Shore, Long Beach, California 90802, (562) 435-7741, shall be notified prior to commencement of work within any natural drainage courses affected by this project.
28. All drainage swales and any other on-grade drainage facilities, including gunite, shall be of an earth tone color and shall be reviewed and approved by the Director of Planning, Building and Code Enforcement.
29. Site surface drainage measures included in the project's geology and soils report shall be implemented by the project developer during project construction.
30. Subject to review and approval of the City Public Works and Building and Safety Department and prior to issuance of grading permits, the project proponent shall submit a stormwater management plan which shows the on-site and off-site stormwater conveyance system that will be constructed by the project proponent for the purpose of safely conveying stormwater off of the project site. These drainage structures shall be designed in accordance with the most current standards and criteria of the Director of Public Works and Los Angeles County Department of Public Works to ensure that default drainage capacity is maintained. The plan shall also show whether existing stormwater facilities off the site are adequate to convey storm flows.

31. In accordance with the Clean Water Act, coordinate with the Regional Water Quality Control Board (RWQCB) regarding the required National Pollutant Discharge Elimination System (NPDES) permit for the project. The developer shall obtain this permit and provide the City with proof of the permit before construction activities begin on the project site.
32. Appropriate Best Management Practices (BMPs), including sandbags, shall be used to help control runoff from the project site during project construction activities.
33. In accordance with the Clean Water Act, the project proponent shall coordinate with the Regional Water Quality Control Board (RWQCB) on the preparation of a Stormwater Pollution Prevention Plan (SWPPP) for the proposed project.

### Streets

34. Prior to recordation of the final tract map, the applicant shall post a bond or other security acceptable to the Director of Public Works for any approved improvements within the public right-of-way of Highridge Road. [Mitigation Measure TRA-6]
35. The contractor shall be responsible for repairs to any neighboring streets (those streets to be determined by the Director of Public Works) which may be damaged during development of the tract. Prior to issuance of grading permits, the developer shall post a bond, cash deposit or City approved security, in an amount determined by the Director of Public Works to be sufficient to cover the costs to repair any damage to streets or appurtenant structures as a result of this development.
36. The applicant shall obtain any necessary approvals from the City of Rolling Hills Estates to allow the use of public streets for project-related construction vehicles.
37. In order to reduce the traffic impacts of the proposed project to less-than-significant levels, the intersection of Highridge Road and Hawthorne Boulevard shall be modified as follows:
  - Convert the existing northbound left turn lane to a shared left-plus-through lane; and the existing northbound through lane to a dedicated right-turn lane;
  - Keep the existing dedicated right-turn lane so there will be two (2) northbound right-turn lanes;
  - Modify the existing traffic signal phases for the northbound and southbound approaches to split-phasing (from protected left-turn phasing);

- Set the cycle length to one hundred twenty (120) seconds or optimize the cycle length to allow for additional green time on all movements; and,
  - Provide “cat-track” striping for the two (2) northbound right-turn lanes for their transition to the eastbound through lanes on Hawthorne Boulevard. [Mitigation Measure TRA-1]
38. Prior to building permit final, the applicant shall be responsible for contributing the project’s fair share of the cost of the recommended improvements at Highridge Road and Hawthorne Boulevard (estimated at 15.5%) to the City of Rancho Palos Verdes; and shall contribute the project fair share of the cost of future improvements at Hawthorne Boulevard and Silver Spur Road (estimated at 2.5%) to the City of Rolling Hills Estates. [Mitigation Measure TRA-2] Said improvements are described in Condition No. 37 above.
39. On-street parking shall be prohibited within fifty feet (50’-0”) of either side of the proposed driveway.

Utilities

40. All utilities to and on the property shall be provided underground, including cable television, telephone, electrical, gas and water. All necessary permits shall be obtained for their installation. Cable television shall connect to the nearest trunk line at the developer’s expense.

Geology

41. Prior to the issuance of a building permit by the City’s Building Official, the applicant shall obtain final approval of the grading and construction plans from the City’s geotechnical consultant. The applicant shall be responsible for the preparation and submittal of all soil engineering and/or geology reports required by the City’s geotechnical consultant in order to grant such final approval. [Mitigation Measure GEO-1]
42. Prior to recordation of the Final Map or commencement of work, whichever occurs first, a bond, cash deposit, or combination thereof shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the City Engineer.
43. All geologic hazards associated with this proposed development shall be eliminated or the City Geologist shall designate a restricted use area in which the erection of buildings or other structures shall be prohibited.

44. Prior to issuance of grading or building permits, the developer shall submit a Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites in the proposed subdivision. Such soils are defined by Building Code Section 2904 (b).
45. An as-built geological report shall be submitted for structures founded on bedrock. An as-built soils and compaction report shall be submitted for structures founded on fill as well as for all engineered fill areas.

#### Easements

46. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets or highway access rights, building restriction rights, or other easements until after the final tract map is filed with the County Recorder, unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination agreement must be executed by the easement holder prior to the filing of the Final Tract Map.

#### Survey Monumentation

47. Prior to recordation of the Final Map, a bond, cash deposit, or combination thereof shall be posted to cover costs to establish survey monumentation in an amount to be determined by the City Engineer.
48. Within twenty-four (24) months from the date of filing the Final Map, the developer shall set survey monuments and tie points and furnish the tie notes to the City Engineer.
49. All lot corners shall be referenced with permanent survey markers in accordance with the City's Municipal Code.
50. All tract corners shall be referenced with permanent survey markers in accordance with the Subdivision Map Act.

#### Street Names and Numbering

51. Any street names and/or house numbering by the developer must be approved by the City Engineer.

### Park, Open Space and Other Dedications

52. Prior to final tract map recordation, the applicant shall pay to the City a fee equal to the value of 0.3136 acre of parkland in lieu of the dedication of such land to the City, pursuant to the provision of Section 16.20.100 of the Rancho Palos Verdes Municipal Code. [Mitigation Measure REC-1]

### Affordable Housing

53. Prior to approval of the final map; the subdivider shall agree to participate in the City's affordable housing program, as codified in Chapter 17.11 of the City's Municipal Code. Said participation shall include construction within the project of two (2) units affordable to households with very low incomes and payment of an affordable housing in-lieu fee for a third very-low-income unit. The two (2) affordable units shall be similar in exterior appearance, interior appointments, configuration and basic amenities (such as storage space and outdoor living areas) to the market rate units in the proposed project, as demonstrated to the satisfaction of the Director of Planning, Building and Code Enforcement prior to building permit final.
54. Payment of the affordable housing in-lieu fee for the third very-low-income unit shall occur prior to the sale or occupancy, whichever occurs first, of the twenty-fifth (25<sup>th</sup>) unit in the project.

### Grading and Demolition

55. Prior to recordation of the final map or the commencement of work, whichever occurs first, a bond, cash deposit, or combination thereof, shall be posted to cover the costs of grading in an amount to be determined by the City Engineer.
56. Prior to issuance of a grading permit by Building and Safety, the applicant shall submit to the City a Certificate of Insurance demonstrating that the applicant has obtained a general liability insurance policy in an amount not less than 5 million dollars per occurrence and in the aggregate to cover awards for any death, injury, loss or damage, arising out of the grading or construction of this project by the applicant. Said insurance policy must be issued by an insurer admitted to do business in the State of California with a minimum rating of A-VII by Best's Insurance Guide. Said insurance shall not be canceled or reduced during the grading or construction work and shall be maintained in effect for a minimum period of one (1) year following the final inspection and approval of said work by the City, and without providing at least thirty (30) days prior written notice to the City.

57. Approval of the project shall allow a total of 22,111 cubic yards of earth movement, consisting of 21,847 cubic yards of cut and 264 cubic yards of fill, of which 21,583 cubic yards will be exported from the site. The maximum depth of cut is nineteen feet (19'-0") and the maximum height of fill is five feet (5'-0"). Any revisions that result in a substantial increase to the aforementioned grading quantities shall be reviewed and approved by the Planning Commission as a revision to the grading application.
58. The maximum height of the combined retaining wall and safety railing along the rear property line shall not exceed eight feet (8'-0") as measured from finished grade on adjacent properties to the north and east.
59. A construction plan shall be submitted to the Director of Planning, Building and Code Enforcement prior to issuance of grading permits. Said plan shall include but not be limited to: limits of grading, estimated length of time for rough grading and improvements, location of construction trailer, location and type of temporary utilities. The use of rock crushers shall be prohibited.
60. Prior to filing the Final Map, a grading plan shall be reviewed and approved by the City Engineer and City Geologist. This grading plan shall include a detailed engineering, geology and/or soils engineering report and shall specifically be approved by the geologist and/or soils engineer and show all recommendations submitted by them. It shall also be consistent with the tentative map and conditions, as approved by the City.
61. Grading shall conform to Chapter 29, "Excavations, Foundations, and Retaining Walls", and Chapter 70, "Excavation and Grading of the Uniform Building Code".
62. Prior to the issuance of grading permits, the applicant shall demonstrate to the Director of Planning, Building and Code Enforcement that dust generated by grading activities shall comply with the South Coast Air Quality Management District Rule 403 and the City Municipal Code requirements that require regular watering for the control of dust. [Mitigation Measure AIR-1]
63. During construction, all grading activities shall cease during periods of high winds (i.e., greater than 30 mph). To assure compliance with this measure, grading activities are subject to periodic inspections by City staff. [Mitigation Measure AIR-2]
64. Construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems. [Mitigation Measure AIR-3]

65. Graded slope tops shall be rounded, slope gradients shall be varied, and no significant abrupt changes between natural and graded slopes will be permitted. All created slopes shall not be greater than 3:1.
66. Trucks and other construction vehicles shall not park, queue and/or idle at the project site or in the adjoining public rights-of-way before 7:00 AM, Monday through Saturday, in accordance with the permitted hours of construction stated in Section 17.56.020(B) of the Rancho Palos Verdes Municipal Code. [Mitigation Measure AIR-4]
67. Prior to grading permit issuance, the applicant shall obtain approval of a haul route from the Director of Public Works. The applicant shall ensure that loaded trucks are appropriately covered to prevent soil from spilling on the roadway along the haul route. [Mitigation Measure TRA-3]
68. Prior to approval of grading permits, the applicant shall conduct a soil investigation to determine whether site conditions pose any significant health or environmental risks associated with the past use of the site, and the nature and extent of any associated contamination. The investigation shall also include sampling and analysis to determine the PCB status of the site and building. The results of these investigations shall be presented in a report prepared in accordance with applicable law and standard practice. [Mitigation Measure HAZ-1]
69. No grading associated with the project shall occur until the soils investigation report is reviewed and approved by the City. If the soils investigation report requires remedial actions to address contamination, no grading activities shall occur in identified areas until appropriate response actions have been completed in accordance with applicable law and standard practice to the satisfaction of the City. [Mitigation Measure HAZ-2]
70. During grading or other soil disturbing activities, if malodorous or discolored soils or soils thought to contain significant levels of contaminants are encountered; the applicant or his contractors shall enlist the services of a qualified environmental consultant to recommend methods of handling and/or removal from the site. The need for and methods of any required response actions shall be coordinated with, and subject to, approval by the City. [Mitigation Measure HAZ-3]
71. Prior to disturbing the suspected asbestos and/or lead containing materials identified in the Phase I report for the property, a consultant qualified in sampling and analysis of said materials shall be retained by the applicant. If samples test positive, specifications shall be prepared for the removal of identified asbestos and/or lead materials as necessary. A licensed asbestos contractor and Certified

Asbestos Consultant, pursuant to EPA/AHERA Section 206 and CCR Title 8, Article 2.6 shall be retained by the applicant to properly document, inspect, monitor, remove, and encapsulate the asbestos materials prior to disposal. Prior to demolition, precautionary steps shall be taken to reduce worker exposure to lead, according to occupational health standards. Removal of lead-based paint, if necessary, shall be subject to applicable state and federal regulatory guidelines. [Mitigation Measure HAZ-4] Notwithstanding the foregoing language of this condition, any other hazardous materials (i.e., besides lead or asbestos) that are discovered on the subject property shall be similarly abated in accordance with applicable local, state and federal regulations.

72. The project shall utilize construction equipment equipped with standard noise insulating features during construction to reduce source noise levels. [Mitigation Measure NOI-2]
73. All project construction equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts is generated. [Mitigation Measure NOI-3]
74. Haul routes used to transport soil exported from the project site shall be approved by the Director of Public Works to minimize exposure of sensitive receptors to potential adverse noise levels from hauling operations. [Mitigation Measure NOI-4]
75. The applicant shall not use the parking lot of the adjacent church for parking or staging of equipment or storage of materials without the express authorization of the property owner.

#### Public Services

76. The project proponent will coordinate with the County of Los Angeles Fire Department to determine any appropriate mitigation to compensate for the increase in the demand for fire protection services due to the proposed project and any special site design considerations that would minimize fire hazards. The driveway to be constructed as part of this project shall be constructed to Fire Department standards.
77. The project proponent will coordinate with the County of Los Angeles, Office of the Sheriff, to determine any appropriate mitigation to compensate for the increase in the demand for police protection services due to the proposed project. Appropriate police service fees shall be paid before a Use and Occupancy Permit is issued for the project.

## Common Area Improvements and CC&R's

78. Prior to building permit issuance, the applicant shall submit a site landscape plan for the review and approval of the Director of Planning, Building and Code Enforcement. [Mitigation Measure AES-2]
79. Common area landscaping shall be maintained so as not to result in significant view impairment from the viewing area of another property, as defined in Section 17.02.040 of the Rancho Palos Verdes Municipal Code. [Mitigation Measure AES-3] Said landscaping shall also be maintained so as not to result in significant view impairment from the viewing areas of dwelling units within the project.
80. Any temporary or permanent project signage shall require the approval of a sign permit by the Director of Planning, Building and Code Enforcement, and shall be consistent with the provisions of Section 17.76.050(E)(2). [Mitigation Measure AES-4]
81. Prior to building permit issuance, the applicant shall submit a site lighting plan for the review and approval of the Director of Planning, Building and Code Enforcement. The plans shall demonstrate that lighting fixtures on the building and grounds shall be designed and installed so as to contain light on the subject property and not spill over onto adjacent private properties or public rights-of-way. [Mitigation Measure AES-5]
82. Exterior lighting fixtures on the grounds shall be low, bollard-type fixtures, not to exceed forty-two inches (42") in height. [Mitigation Measure AES-6]
83. Exterior lighting fixtures on private balconies and common exterior walkways shall be energy-efficient fixtures, such as compact fluorescents. Said fixtures shall be equipped with light sensors so that they will only be illuminated during hours of darkness. [Mitigation Measure AES-7]
84. No internally-illuminated signage may be used on the project site. [Mitigation Measure AES-8]
85. Vegetation, walls or other site improvements located on the south side of the driveway shall be limited to no more than thirty inches (30") in height so as to preserve sight distance in accordance with Section 17.48.070 of the Rancho Palos Verdes Municipal Code. [Mitigation Measure TRA-7]
86. Prior to approval of the Final Map, copies of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for the review of the Director and the

City Attorney. Said CC&R's shall reflect the applicable development standards contained in this Resolution. All necessary legal agreements, including homeowners' association, deed restrictions, covenant, dedication of development rights, public easements and proposed methods of maintenance and perpetuation of drainage facilities and any other hydrological improvements shall be submitted for review and approval prior to the approval of the Final Map.

87. The approved landscape plan shall include a pesticide management plan to control the introduction of pesticides into site runoff.

Development Standards

88. The Final Map shall be in conformance with the lot size and configuration shown on the Vesting Tentative Map for the RM-22 zoning district.
89. Prior to building permit issuance, the building elevations shall be revised to provide architectural trim and detailing on any blank 2-story facades of the facing wings of the building. [Mitigation Measure AES-1]
90. Prior to the issuance of building permits, the applicant shall demonstrate the project's compliance with the South Coast Air Quality Management District Rule 445 and the City Municipal Code requirements regarding wood-burning devices. [Mitigation Measure AIR-5]
91. The approved structure shall maintain minimum setbacks of twenty-five feet (25'-0") front for above-ground portions of the structure; twelve feet six inches (12'-6") front for below ground portions of the structure; ten feet (10'-0") on each side; and twenty feet (20'-0") on the rear. BUILDING SETBACK CERTIFICATION REQUIRED, prior to foundation forms inspection.
92. The approved project shall maintain minimum open space area of thirty-five percent (35%), including private outdoor living areas of the individual units. Wherever they are practicable and not prohibited by some other agency or authority (such as the Fire Department), the project shall employ permeable paving surfaces in hardscape areas.
93. Driveway slopes shall conform to the maximum 20-percent standard set forth in the Development Code.
94. The private driveway shall meet Fire Department standards, including any painting or stenciling of curbs denoting its existence as a Fire Lane and turn-arounds.

- 95. Final building and site plans, including but not limited to grading, setbacks, elevations, lot coverage calculations, landscaping, and lighting shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval to determine conformance with the Development Code. Said plans shall be in substantial compliance with the plans stamped APPROVED with the effective date of this Resolution, as presented to the Planning Commission on July 22, 2008.
- 96. The maximum building shall be 484.0'. BUILDING HEIGHT CERTIFICATION REQUIRED, prior to roof sheathing inspection.
- 97. The approved project shall consist of three (3) 1-bedroom units and twenty-five (25) 2- to 3-bedroom units, for a total of twenty eight (28) dwelling units.
- 98. The approved project shall provide and maintain sixty-seven (67) off-street parking spaces, consisting of fifty-three (53) assigned resident spaces and fourteen (14) un-assigned guest spaces. All parking spaces shall be in the subterranean garage.
- 99. Each 1-bedroom unit shall have at least one hundred thirty square feet (130 SF) of private outdoor living area (i.e., patios, decks or balconies). Each unit with two (2) or more bedrooms shall have at least one hundred fifty square feet (150 SF) of private outdoor living area. No side of the private outdoor living area for any unit shall be less than seven feet (7'-0") in length. The private outdoor living area for each unit shall have at least one (1) electrical outlet.
- 100. Each unit shall have at least four hundred cubic feet (400 CF) of enclosed, weather-proofed and lockable storage space for the sole use of the unit resident, in addition to customary storage space within the unit.
- 101. Chimneys, vents and other similar features may only exceed the height of the building by the minimum height necessary to comply with Building Code requirements.
- 102. The following attached unit development standards from Chapter 17.06 of the Rancho Palos Verdes Development Code shall apply to all units in the building:
  - a. No plumbing fixture or other such permanent device which generates noise or vibration shall be attached to a common wall adjacent to a living room, family room, dining room, den or bedroom of an adjoining unit. All plumbing fixtures or similar devices shall be located on exterior walls, on interior walls within the unit or on common walls, if adjacent to a similar fixture or device.

- b. All water supply lines within common walls and/or floors/ceilings shall be isolated from wood or metal framing with pipe isolators specifically manufactured for that purpose and approved by the city's building official. In multistory residential structures, all vertical drainage pipes shall be surrounded by three-quarter-inch thick dense insulation board or full thick fiberglass or wool blanket insulation for their entire length, excluding the sections that pass through wood or metal framing. The building official may approve other methods of isolating sound transmission through plumbing lines where their effectiveness can be demonstrated.
  - c. All common wall assemblies which separate attached single-family units shall be of a cavity-type construction.
  - d. All common wall assemblies which separate all other attached dwelling units (multiple-family condominiums, stock cooperatives, community apartment houses) or a dwelling unit and a public or quasi-public space shall be of a staggered-stud construction.
  - e. All common wall assemblies which separate dwelling units from each other or from public or quasi-public spaces (interior corridors, laundry rooms, recreation rooms and garages) shall be constructed with a minimum rating of fifty-five STC (sound transmission class).
  - f. All common floor/ceiling assemblies which separate dwelling units from each other or from public or quasi-public spaces (interior corridors, laundry rooms, recreation rooms and garages) shall be constructed with a minimum rating of fifty STC (sound transmission class) and a minimum rating of fifty-five IIC (impact insulation class). Floor coverings may be included in the assembly to obtain the required ratings, but must be retained as a permanent part of the assembly and may only be replaced by another insulation.
  - g. STC and IIC ratings shall be based on the result of laboratory measurements and will not be subjected to field testing. The STC rating shall be based on the American Society for Testing and Materials system specified in ASTM number 90-66t or equivalent. The IIC rating shall be based on the system in use at the National Bureau of Standards or equivalent. Ratings obtained from other testing procedures will require adjustment to the above rating systems. In documenting wall and floor/ceiling compliance with the required sound ratings, the applicant shall either furnish the city's building official with data based upon tests performed by a recognized and approved testing laboratory, or furnish the building official with verified manufacturer's data on the ratings of the various wall and floor/ceiling assemblies utilized.
103. Fences and walls located within the 25-foot front-yard setback area shall not exceed forty-two inches (42") in height, with the exception of the intersection visibility triangle at the driveway, where they shall not exceed thirty inches (30")

in height as measured from the curb elevation at Highridge Road. Fences and walls located elsewhere on the property shall not exceed six feet (6'-0") in height as measured from the grade on the high side and eight feet (8'-0") in height as measured from grade on the low side.

104. With the exception of solar panels, roof-mounted mechanical equipment is not permitted. Mechanical equipment may encroach upon the rear- and side-yard setback areas, provided that such equipment does not generate noise levels in excess of 65 dBA at the property line.

### **RPVDC 17.64.050(A) – Variance Findings**

The Planning Commission, before granting a variance, shall find as follows:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district;
3. That granting the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located; and,
4. That granting the variance will not be contrary to the objectives of the General Plan or the policies and requirements of the Coastal Specific Plan.

### **RPVDC 17.48.050(B) – Building Height**

Any roof-mounted equipment and/or architectural features which exceed the maximum building height listed in the district development standards and which do not meet the review criteria listed in Section 17.48.050(A) of [Chapter 17.48] may be permitted upon determination by the Planning Commission, through a site plan review application, that the equipment and/or features:

1. May be erected above the height limits pursuant to the requirements of the Building Code; and,
2. Will not cause significant view impairment from adjacent property.

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SEP 10 2008

PLANNING, BUILDING AND  
CODE ENFORCEMENT

City Of Rancho Palos Verdes  
Mayor and Members of the City Council  
September 9th, 2008

Ref: Vesting Tentative Tract Map No. 68796, et al ( Case Nos. Sub.  
2007-00003 & Zon2007-000072 ) Proposed 27 Unit Condominium  
Project at 28220 Highridge Road

Gentlemen:

The City of Rancho Palos Verdes has always represented itself as concerned about view preservation for its residents. Since the 1970's this property has been owned by several utilities. Our views at La Cima have been maintained since our inception in 1982 by the City of R.P.V., the utility companies, Highridge Apts. and The Seventh Day Adventist Church ( in Rolling Hills ).

The La Cima residents have tried to compromise through the Planning Commission and discussions with Mr. Hassanally and his staff. Because of the view restrictions, Mr. Hassanally threatened to change his plans to build an apartment complex were the view codes do Not apply. Why are the view codes not consistent to to all types of commercial properties, whether building apartments, condos, and or stores like Trader Joe's?

After the second PC meeting, the height of the building was reduced but the footprint was increased. View preservation is still a major issue. We disagree with the Staff view analysis that the " significant view impairment " only pertains to 7 Via La Cima. **ALL SEVEN OUT OF TEN UNITS ARE IMPACTED!** Staff analysis was subjective, no criteria was established. We take objection that our views are considered less than significant.

Various suggestions and proposals by the Planning Commission's which would preserve views were never utilized. Mr. Knight asked if

units 'K, H, & G " could be transposed with the pool area. The architect at this PC meeting said, " It would interfere with some of their views resulting in loss of profit. " The architect stated there are 12 view units in the complex. The next meeting, another architect gave a different explanation. Mr. Tetreault ask the architect to substantiate his explanation as to why he could not make the suggested modifications. The architect has never complied.

At the July 22nd PC meeting at 2:30 A.M., additional proposals were discussed to help modify the loss of our views. The vagueness of the density bonus and low income housing issue reduced the Planning Commissioner's authority to pursue any additional modifications. Mr. Perestam asked if a unit could be removed. Mr. Lewis asked to eliminate the pool area and push back the side obstructing the view. Mr. Tomblin suggested that perhaps unit "K" could be removed " in lieu of " the payment to the city for the third low income unit.

If Mr. Hassanally cannot pay " in lieu of " for the third low income unit, and does not receive the density bonus for the 28th unit, he has threatened to refer to the State regulations and will build (33 units ) to over ride the City regulations. The Planning Commissioner's were very upset when the City Attorney informed them that Mr. Hassanally would NOT have to follow City height and view restrictions. Chairman Perestam decided that this issue was no longer in their purview and could only be decided by the City Council.

Mr. Hassanally has proclaimed from the first PC meeting that any modifications to the project would affect his profit margin and make the project infeasible. If the Council would considered eliminating the pool and the center island turnout, it could be possible to make the project physically and/or fiscally feasible.

Why should Mr. Hassanally's feasibility to develop this property be more important than the property values and views of your residents?

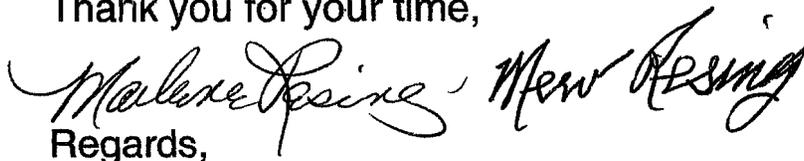
We are looking to the Council to protect the rights of your long time residents verses protecting the rights of the developer. This is the first project of the type built in R.P.V. in over twenty years.

Your decision will be setting a precedent for future projects!

We feel you have the authority to force a compromise but who has the power: the City or the developer?

Please review the plans, take into consideration the Planning Commissioner's suggestions and reverse the " significant adverse effect " on the La Cima views and property values.

Thank you for your time,

Handwritten signatures of Marlene and Merv Resing in cursive script.

Regards,

Marlene & Merv Resing

7 Via La Cima

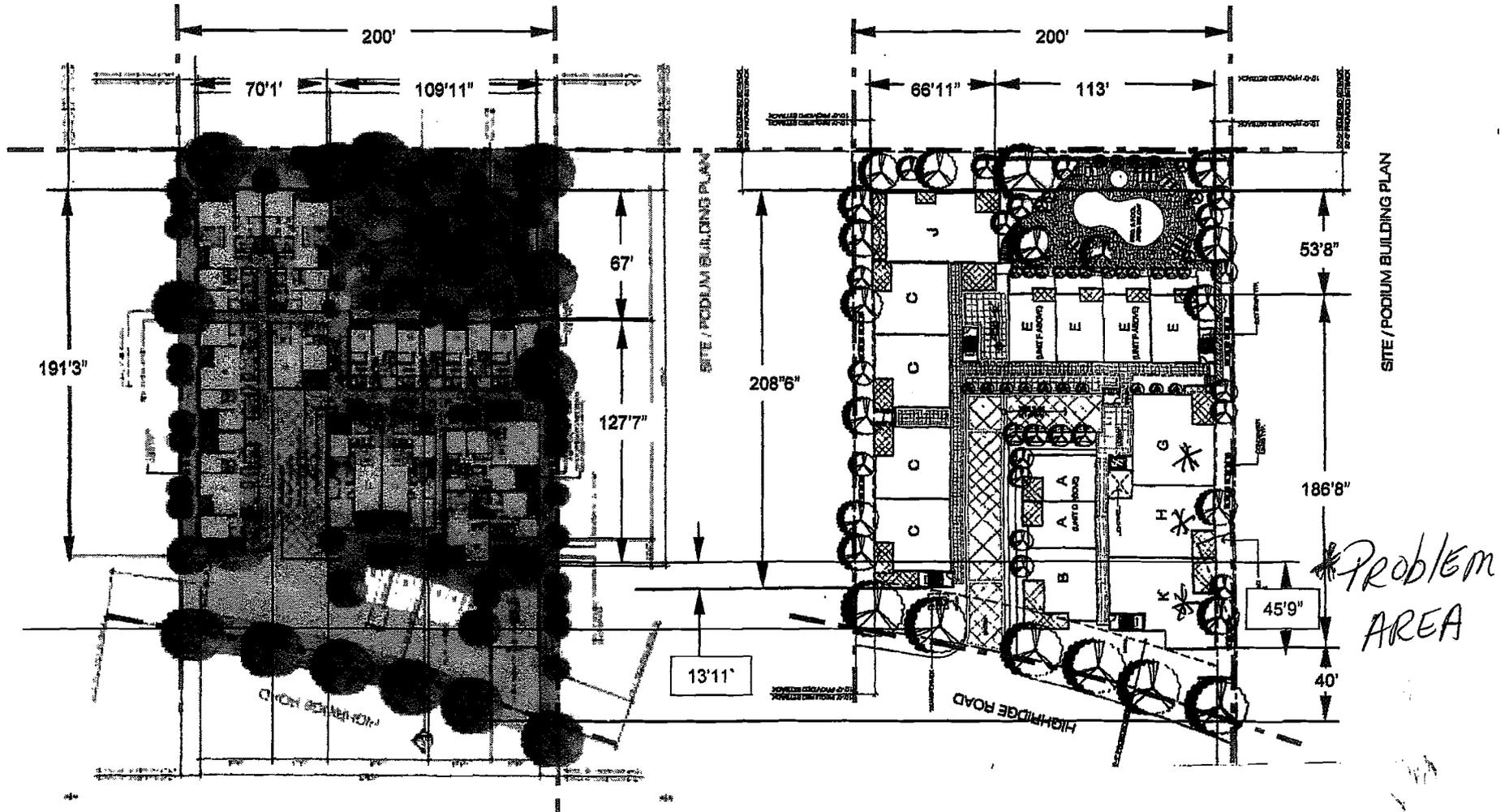
# La Cima Aerial Plot Plan

## Units Affected by View Blockage



units 4 through 10 are impacted.

# Plot plans for Highridge Condominiums

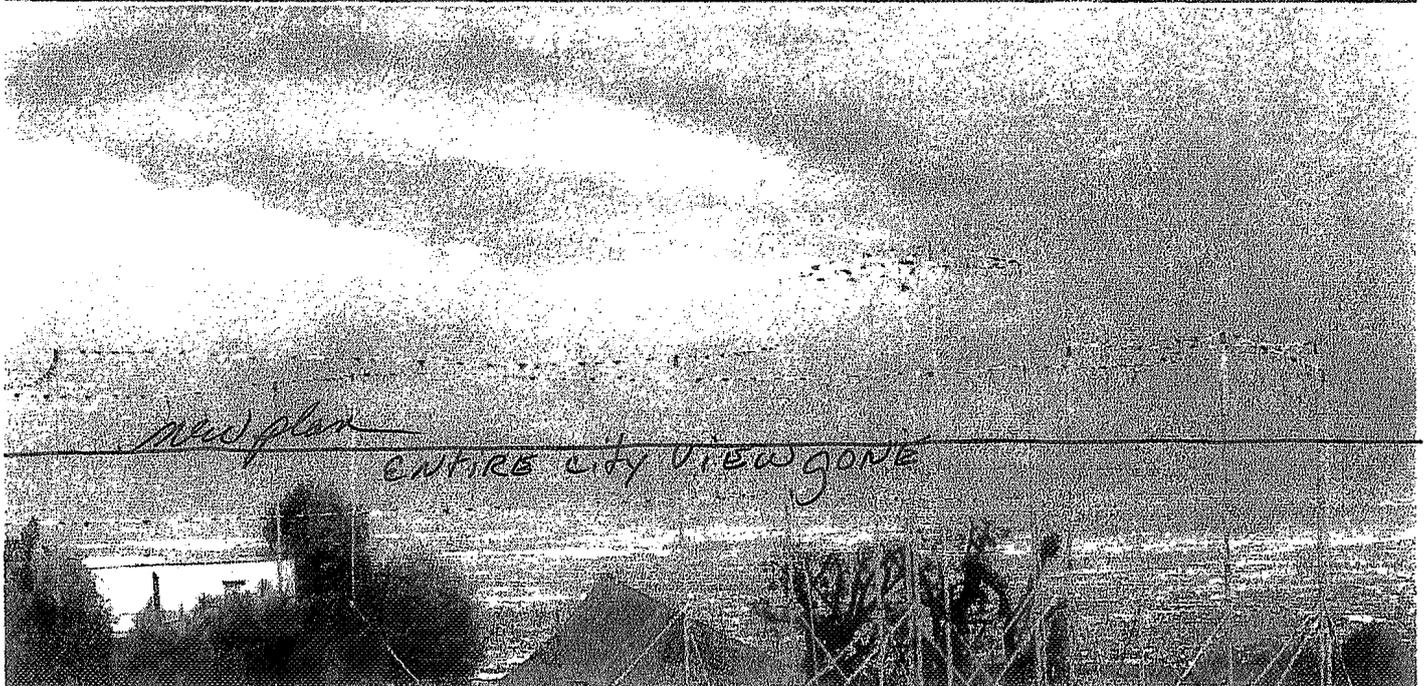


**Baseline Plan**  
8 April 2008

**Modified Plan**  
24 June 2008



Long Beach Harbor view gone





*Newplan*

SUNRISE  
GONE

CC: Joel

Nancy M. Bradley  
2 Via La Cima  
Rancho Palos Verdes, Ca. 90275

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SEP 12 2008

PLANNING, BUILDING AND  
CODE ENFORCEMENT

September 8, 2008

City of Rancho Palos Verdes  
Mayor and Members of the City Council

Ref. Proposed 27 Unit Condominium Project at 28220 Highridge Road

Gentlemen:

The La Cima residents (since 1982) have lost their sunrise, city and Long Beach Harbor views as a result of the developer reducing the height of the building but enlarging the footprint. This will affect SEVEN out of TEN units .

I am requesting the the City Council review the plans and suggest a compromise so as to preserve part of the lost views. Many suggestions have been made to the developer by La Cima as well as to the Planning Commissioners. These suggestions have always been resisted by the developer. It appears that the preservation of views and the property values for La Cima residents are less important than the profit for the developer.

It is my belief that the developer should compromise some profit in order to preserve the views of the La Cima residents.

Thank you for your time.



Nancy M. Bradley

*All Council*  
*cc. Joel*  
2 October 2008

Members of the City Council  
City of Rancho Palos Verdes  
30940 Hawthorne Blvd  
Rancho Palos Verdes, CA 90275

OCT 6 2008

With respect to the Public Hearing on September 16, 2008 dealing with the subject of  
Planning Case Nos. SUB2007-00003 & ZON2007-00072  
Highridge Condominiums, 28820 Highridge Road, Rancho Palos Verdes.

Dear Sirs,

We would like to thank the Council in their due diligence in reviewing the subject case and recognizing that the view impact is more than "less than significant". We submit the following additional concern for your review prior to a final decision.

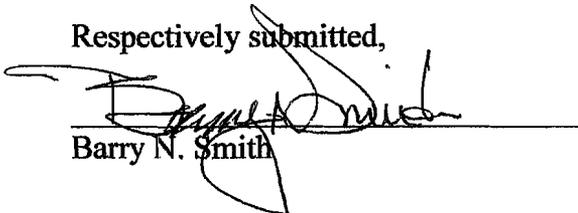
At the end of the Public discussion concerning the view impact issues of the neighboring residents, the Council requested the applicant to address his impact of relocating the top (upper) Unit K, located in the South – East corner of the site plans, to the rear of the project. This modification would increase the view corridor of the LA basin for residents of La Cima.

Responding to the request, Mr. Withee the applicant's architect, stated he would look at the relocation to above two adjacent existing Unit E's. The RPV Planning commission has stated the actual relocation is on top of a single larger F Unit. Irrespective, the relocation would add approximately ten (10) feet to the existing Unit F roof elevation, but it would be toward the rear of the property and thus minimize the view impact. Please see Page 2 for our understanding of that proposed study.

The current maximum elevation of Unit F is stated to be at 484' per the "Building Elevation" data submitted by the applicant to the RPV Planning Commission, dated 3 June 2008. This elevation is currently at the maximum 36 feet above the finished grade line as allowed by the City's RM-22 zoning rules. The added ten (10) feet will violate that standard and would require an additional height variance to be submitted by the applicant or an additional concession be approved by the Council. Please see Page 3 for the potential view impact issues.

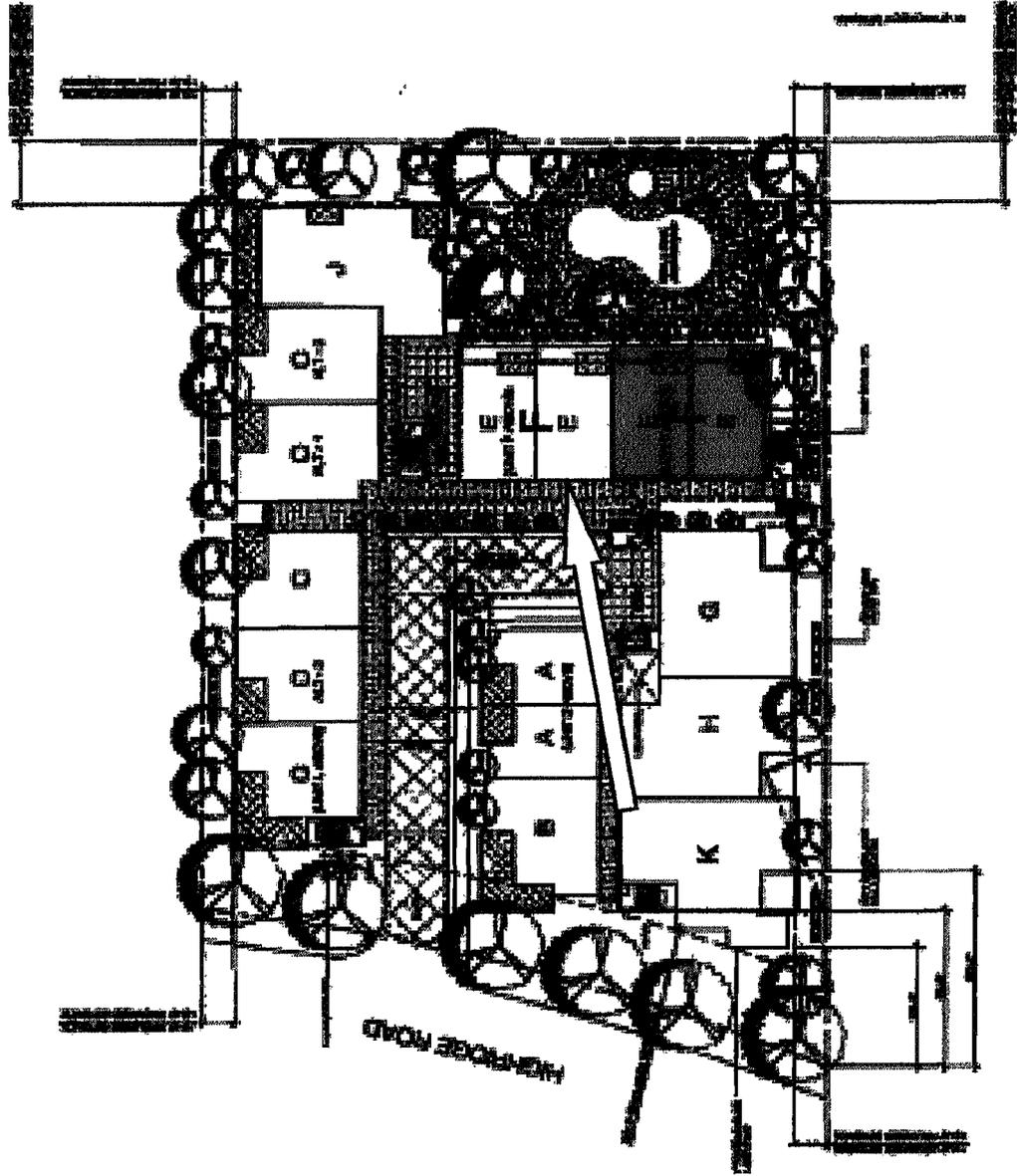
We respectfully request that the Council review the implications of the September 16<sup>th</sup> requested modification. Please revisit the elevation views and the photographs submitted by La Cima residents in their quest to keep the project height at or below the 484-foot elevation and subsequently agreed upon by the Applicant and the RPV Planning Commission. It appears that the "compromise" has just moved the view blockage concern from one spot on the site to another spot. If proven by the re-flagging of the site, the plan will further exacerbate the views of Units 4, 5, 6, 8, 9 and 10.

Respectively submitted,

  
Barry N. Smith

5 Via La Cima  
Rancho Palos Verdes, CA 90275  
Phone (310) 377-8717

# Proposed Relocation of Unit K - Upper

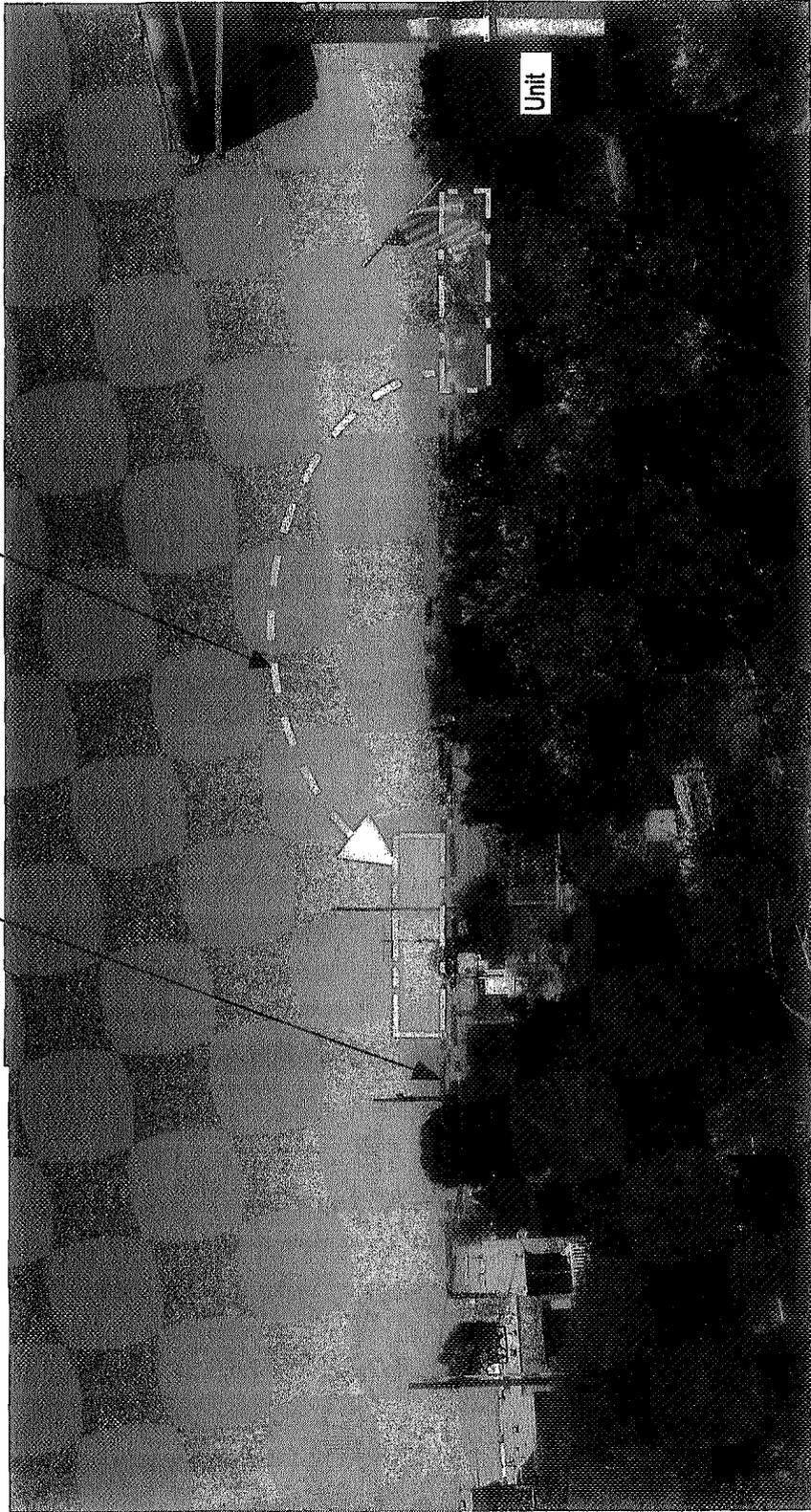


SITE / PODIUM BUILDING PLAN

# View from Unit 5

New Silhouette Flags-  
06/14/08

Relocation  
of Unit K



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OCT 14 2008

PLANNING, BUILDING AND  
CODE ENFORCEMENT

October 13, 2008

Members of the City Council  
City of Rancho Palos Verdes  
30940 Hawthorne Blvd  
Rancho Palos Verdes, CA 90275

**RE: Planning Case Nos. SUB2007-00003 and ZON2007-00072, Proposed  
Condominiums Located at 28220 Highridge Road, Rancho Palos Verdes, CA.**

Dear Council Members:

The undersigned, a resident of the La Cima community, wishes to thank the Council Members for their continuing considerations in assisting the neighboring property owners in reducing the significant cumulative view impairment, caused by the above referenced project. We fully appreciate the efforts of our elected officials in protecting the City's rules and standards, along with the reasonable interests of the people who elect them and not primarily the rights and interests of a developer that arrives to make a profit – and then leaves.

Subject to our historical discussions with the Applicant, leading to his removal of the third floor, thereby reducing building height to within the maximum of 36 feet above the finished grade line as allowed by the City's RM-22 zoning rules, we thought a final resolution had been reached. What we did not realize was that the building would then be extended into the South-East corner, thereby creating new view impairment.

Responding to the City Council's suggestion, the Applicant has attempted to resolve the South-East corner view impairment by relocating Unit K to the top of Unit F. This relocation has added approximately 10 feet to the existing roof elevation and has increased the view impairment. The relocation of Unit K to the top of Unit F should be eliminated. Our views would be better served by leaving Unit K where it was.

Thank you for your time, further discussion and considerations in this important matter.

Respectfully,



D W Hagenburger  
6 Via La Cima  
Rancho Palos Verdes, CA 90275  
310-541-7771  
[dwhhssi@msn.com](mailto:dwhhssi@msn.com)

CC: Kit Fox, Associate Planner, City of Rancho Palos Verdes

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OCT 14 2008

October 11, 2008

Rancho Palos Verdes City Council

PLANNING, BUILDING AND  
CODE ENFORCEMENT

Dear Mayor Stern and Council Members:

We are writing this letter to express our views concerning the proposed Highridge Condominium Development Project, which will be on the agenda for the October 21<sup>st</sup> Council Meeting. We live at 4 Via La Cima.

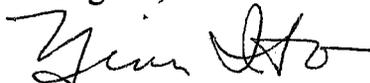
1. **Unit K:** It is the general consensus of the neighbors that the re-flagging, done after the September City Council Meeting, has not improved the views from our homes. Therefore, we believe that the relocation of Unit K should not be done.
2. **Stalling:** We agree with Councilman Long, who stated at that meeting that the development group has unnecessarily prolonged this process by putting forth an unrealistic set of plans at the beginning. The developers have only slowly chipped away at the design due to the protests of the La Cima residents and the RPV Planning Commission. The whole process could have been expedited if the developers had been more amenable to making changes rather than saying (at Planning Commission meetings and at a meeting held at La Cima) things like "We've done all we could," "Trust us—there's nothing more that could be done," and "I don't know why you people don't believe us." [Note: As an English teacher by training, I (Nina) noticed the phrasing used by the architects.]

We know that the City Council wants to make the best decision possible, but does not want to have this issue continue to take up many more months of their time. It is our sincere hope that you will support the residents of the La Cima Homeowners Association by preserving our views. We frankly think that ideas presented months ago (e.g. having the pool near the street and the units at the back of the property) would have worked out better.

3. **Turnout:** We agree with the Planning Commission that the proposed "turnout" (cutting across the median strip) to the entrance of the property will be dangerous. That section of Highridge is not flat and drivers seem to pick up speed after the stop sign at "The Terraces" since there are no other stop signs until the light at Highridge/Hawthorne.

Thank you for your attention to this matter.

Regards,

  
Nina Ito

  
Shimpei Ito

**RECEIVED**

OCT 14 2008

PLANNING, BUILDING AND  
CODE ENFORCEMENT

October 11, 2008

Mayor Stern and City Council Members

Re: Highridge Condo Project

Gentlemen,

We appreciate your efforts to preserve our views. The latest modification, the removal of the upper "K" unit does NOT restore any view for #7. Our compromise did not work as we had hoped. Upper unit "H" is still totally blocking the city view. The relocation of upper unit "K" to the top of units "E" blocks additional views. This reiterates the original issue of the height and mass of this project.

In order to avoid a " significant adverse affect " for 7 Via La Cima, it would require both upper units "K" & "H" be removed, not relocated. These units could be incorporated back into the project by splitting two of the larger units, not adding to the height of the building.

Our original proposal to transpose units "K" & "H" with the pool area is a solution that would give Mr. Hassanally his 28 units ( without any changes in size ) and will preserve the views for all of La Cima. This idea has been proposed but never challenged as to WHY it cannot be accomplished. We only have an architect stating it's not possible. This is the same architect that has made this statement on several occasions to the Planning Commission only to accomplish them by the next meeting. Mr. Knight made a comment about this. Mr. Tetrault ask for verification, but never received any.

Other workable solutions might be: Eliminate the pool and push back the church side of the building, or relocate the pool to the roof.

We DO NOT understand why Mr. Hassanally prefers to take up the time of the Planning Commission and the Council instead of proceeding with a solution that would resolve the view problem and expedite the start of his project.

If the Council cannot modify this project to maintain our views, we would agree with Mr. Long to deny the project. We request the project be denied with prejudice. This would allow time for the view codes to be updated as to the way they apply to apartment buildings.

We realize Mr. Hassanally has the right to build, but the overall size of the project is just TOO massive for the size of the lot. This becomes apparent when trying to make any modifications. Rancho Palos Verdes Incorporated to limit this type of building.

This has been an emotional process for all parties. However, we feel Mr. Hassanally could have resolved this view issue after the first PC meeting, if he desired. Considering that Mr. Hassanally is a longtime resident of Palos Verdes and an active developer, he realizes the imports of views.

Since there has been no improvement to #7's view, we feel our neighbors should not suffer more view loss for our benefit. If the Council cannot approve any of our recommendations, then we request you approved the previous plan.

Our home is available for viewing Oct. 20th & 21st.

Thank you for your time and consideration.

  
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Marlene Resing

  
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Merv Resing

Nancy M. Bradley  
2 Via La Cima  
Rancho Palos Verdes, Ca. 90275

RECEIVED

OCT 14 2008

PLANNING, BUILDING AND  
CODE ENFORCEMENT

October 10, 2998

Mayor Stern and Members of the RPV  
City Council

Gentlemen:

I would like, once again, to raise my concern about the turnout to the proposed condominium building on Highridge. To allow such a turnout would create an extremely dangerous situation. Children, other pedestrians and motorists would both be a hazard and a target. After some disastrous situation it would be to late to realize it was the wrong decision.

Regarding the compromise discussed at the last meeting, the design changes have done nothing to improve the view for La Cima owners. The addition of the wide tower in the middle of the building blocks views and the diminution of building K makes no difference.

The builder keeps expressing that there is no more that can be changed. How about transposing the pool to the front of the building? We have talked about this previously at meetings as a feasible solution. Unfortunately the builder will not even consider it.

I believe it is time for the builder and his staff to stop wasting the Council's time and come to a definite compromise and agreement, but it cannot be one sided.

Thank you for your time.

  
Nancy M. Bradley

RECEIVED

OCT 14 2008

PLANNING, BUILDING AND  
CODE ENFORCEMENT

JUDITH K. CONNER  
10 VIA LA CIMA  
RANCHO PALOS VERDES, CA 90275

October 11, 2008

Members of the City Council  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Re: **Public Hearing on October 21, 2008-Planning Case Nos. SUB2007-00003**  
**HIGHRIDGE CONDOMINIUMS, 28820 Highridge Road, Rancho Palos Verdes**

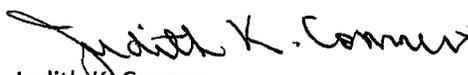
Dear Sirs:

As a member of the La Cima community, upon returning from vacation and viewing the new flags on this project, I can honestly say that it doesn't work for us.

I spoke to the Resings in Unit 7, who are most affected by this project by view issues, and was told that relocating Unit K did absolutely nothing to open up any of their views toward Long Beach, as Mr. Withee projected, but diminished their mountain views. Not only does the relocation not work for the residents of Unit 7, but this latest move has taken away our mountain and city views toward Downtown Los Angeles as well.

I know there must be a solution to make this project work for the Applicant and the neighboring residents, but the Applicant has not tried to build a smaller complex or tried the best of our suggestions like positioning the pool to the front lot, to the eastern end; in fact, he seems to be trying to expand the borders into setbacks when told to decrease the height of his project. Why can't the project be scaled back? Is he not making enough profit? What is the real reason behind the Applicant's apathy and inability to come up with a viable solution to our view problem. So far it seems to be that he cannot make enough profit if he moves his units closer to the apartments on the back lot. It has taken 6 months to get to this point instead of creating his best solution from the beginning; how much longer? Ask the right questions and maybe some answers will come to light!

Thank you for your attention to this long, on-going project planning.



Judith K. Conner  
10 Via La Cima  
Rancho Palos Verdes, CA 90275