

MEMORANDUM

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM: BRANDY FORBES, DIRECTOR OF COMMUNITY DEVELOPMENT *BF*
DATE: JULY 23, 2024
SUBJECT: NUTS AND BOLTS OF THE PLANNING AND VIEW RESTORATION
DIVISIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT

RECOMMENDATION

Receive and file a report on the nuts and bolts of the Planning and View Restoration Divisions of the Community Development Department.

BACKGROUND AND DISCUSSION

The Community Development Department is responsible for the orderly physical development of the community by upholding the goals and policies of the City's General Plan through the issuance of land use entitlements and permits for improvements and development of private property, while balancing the needs of residents, businesses, property owners and visitors. There are four Divisions in the Department that assist in creating and implementing the community vision:

- Planning;
- Building & Safety;
- Code Enforcement; and,
- View Restoration.

Generally speaking, the Community Development Department manages the following activities:

- Land Use Entitlements
- Building and Safety Permits
- Code Enforcement Cases
- View Restoration Permits
- Land Use Studies and Master Plans
- The City's General Plan
- The City's Housing Element
- Coastal Specific Plan

- Western Avenue Specific Plan
- The Palos Verdes Nature Preserve
- The City's Natural Communities Conservation Plan / Habitat Conservation Plan (NCCP/HCP)
- The City's Trails Network Plan
- California Environmental Quality Act (CEQA)
- Equestrian Uses and Animal Control
- Coyote Management Plan
- Peafowl Management Plan
- Aircraft Noise
- Prohibition of Short-Term Rentals

This report provides a summary of the common applications reviewed by Staff and the Planning Commission for the Planning and View Restoration Divisions.

Planning Division

Planning applications are generally divided into two processing categories:

- Ministerial
- Discretionary

Ministerial applications involve planning decisions that are rendered over-the-counter by a Planner to ensure that the proposed improvements meet the City's Development Code standards (i.e. setbacks, lot coverage, height, etc.). Decisions on planning applications that are rendered by the Director, Planning Commission or City Council are discretionary decisions that usually involve, among others, the finding of Neighborhood Compatibility and compliance with the City's View Ordinance. The review process for a discretionary application can be lengthy and summarized as follows:



Decisions rendered by the Planning Commission or City Council involve more time since they necessitate the scheduling of a public hearing and often more than one public hearing is needed to render a decision. Decisions by the City Council typically occur as a result of an appeal of a Planning Commission decision, which are processed as a “de novo” hearing. In a “de novo” review, the City Council is not limited to consideration of the materials presented to the Planning Commission. Any matter or evidence relating to the action on the application, regardless of a specific issue appealed, may be reviewed by the City Council at the appeal hearing.

Processing time between application submittal and application completeness (the time when an application is deemed complete to begin the review process) includes the time taken by applicants to respond to incomplete items, which can vary in duration and which City staff has no control over. The Planning Division generally conducts its completeness review of project plans within 10 calendar days. Planning applications typically processed by the Planning Division are as follows:

Height Variation Permit

The Municipal Code establishes permitted “by-right” height limits for pad lots, down-slope lots, and up-slope lots as illustrated provided below.

Figure 1: Pad Lots

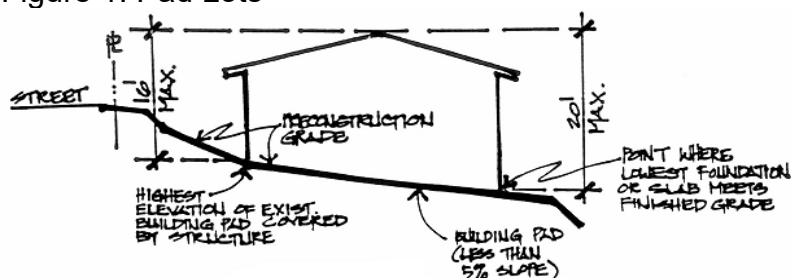


Figure 2: Down-Slope Lots

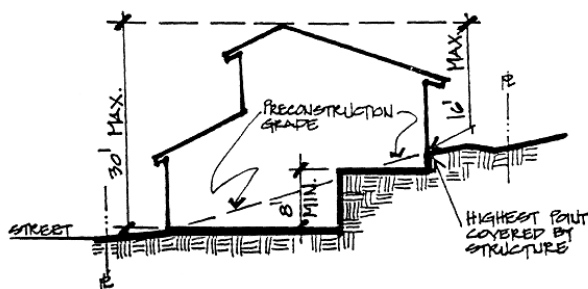
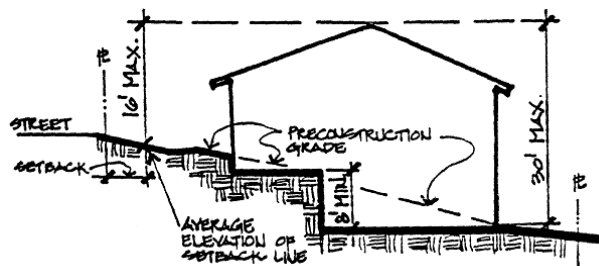


Figure 3: Up-Slope Lots



A Height Variation is a discretionary planning application that allows new residences or additions to existing residences to exceed the “by-right” height limits up to a maximum height of 26'. The primary purpose of a Height Variation is to ensure the project exceeding the 16' height limit does not result in significant view impacts to neighboring properties in accordance with the City’s View Ordinance enacted by the voters as Proposition M in 1984. In considering a Height Variation, the following key findings (among others) must be made:

- View impairment
- Privacy impacts
- Neighborhood Compatibility

A Height Variation is considered by the Planning Commission if the proposed structure above 16' is:

- less than 25' from the front property line;
- covers 75% of the total first story footprint and/or 60% of the garage footprint;
- part of a new residence; or,
- may significantly impair a view from another parcel.

Applicants requesting a Height Variation are required to construct a temporary silhouette to serve as a visual aid, and a 30-day public comment period is required prior to the City rendering a decision.

In 1993 (and revised in 1996 and 2003), the City Council adopted guidelines and procedures for protecting views which may be impaired by the development of new residential structures or additions to existing residential structures (Attachment A). These guidelines are intended to assist the public with the Height Variation process, and are available at City Hall or on the City's website.

Grading Permit

The purpose of a Grading Permit is to ensure that the earth movement associated with the development of a property preserves the natural scenic character of the area and occurs in a manner harmonious with adjacent land to minimize adverse impacts and maintain the visual continuity of the area without unsightly continuous benching of building sites. There are the following three types of grading permits that may be issued:

- A Minor Grading Permit may be approved over-the-counter generally for earthwork between 20 and 50 cubic yards. Examples include planters and terraced yard area.
- A Major Grading Permit is a discretionary application for earthwork involving more than 50 cubic yards. A Major Grading Permit is considered by the Planning Commission when the requested earthwork involves more than 1,000 cubic yards or the grading is associated with a project subject to the Planning Commission's review. Examples include grading associated with the construction of a residence on a sloping lot.
- A Remedial Grading Permit is a discretionary application for earthwork for the purpose of enhancing soil stability and/or reducing geotechnical hazards due to natural land movement or the presence of natural hazards. Remedial grading involving more than 5,000 cubic yards is subject to Planning Commission review. Examples of remedial grading include repairing a slope failure.

Grading Permits may be approved based on certain criteria, primarily focused on ensuring

that the proposed project will not significantly adversely affect the views/visual relationships; preserving existing contours by minimizing grading and creating reasonably natural contours; and minimizing excessive grading or construction. Grading Permits associated with the construction of a residence may trigger the City's View Ordinance and Neighborhood Compatibility findings.

Site Plan Review

A Site Plan Review application is intended to ensure development proposals conform to the basic development standards of the Municipal Code based on the underlying zoning district. A new residence or an addition to an existing residence that complies with the development standards and is within the "by-right" height limits can be processed with a Site Plan Review application. However, the discretionary review of the Neighborhood Compatibility finding may be triggered if a project exceeds certain thresholds, such as square footage. Examples of projects requiring a Site Plan Review include decks, pools and spas, outdoor kitchens, and mechanical equipment (i.e. generators or air conditioner units) to name a few.

The Planning Commission is required to review a Site Plan Review application for projects involving roof mounted equipment and/or architectural features (excluding renewable energy systems such as solar panels and/or solar water heating systems) that exceed the maximum building height limits. In considering a Site Plan Review for these projects, the Planning Commission must find, among other things, that the proposed project above the standard height limit will not cause significant view impairment from adjacent property.

Neighborhood Compatibility

On November 7, 1989, the voters of the City of Rancho Palos Verdes approved the "Cooperative View Preservation and Restoration Ordinance" (Proposition M). The adopted Ordinance, among other things, "ensures that the development of each parcel of land or additions to residences or structures occur in a manner which is harmonious and maintains neighborhood compatibility and the character of contiguous subcommunity development." Neighborhood Compatibility is a finding that is required for Height Variations, certain Major Grading Permits, and certain Major Site Plan Reviews applications. Neighborhood Compatibility is achieved when the proposed improvements are designed in a manner that blends in with the characteristics of the immediate neighborhood, which is comprised of the 20 closest properties located within the same zoning district. The Neighborhood Compatibility finding consists of:

- Scale of surrounding residences;
- Architectural style and building materials; and,
- Front, side, and rear yard setbacks.

As part of the Neighborhood Compatibility requirement, a temporary silhouette is required to be constructed to serve as a visual aid, and a 15-day (30-days for projects involving a Height Variation) public comment period is required prior to the City rendering a decision.

In 2003 (amended in 2004), the City Council adopted the Neighborhood Compatibility

Handbook (see attachment) intended to assist residents, architects, designers, and real estate professionals in understanding the City's procedures for proposing residential development applications requiring the analysis of the Neighborhood Compatibility. The Handbook (Attachment B) is available at City Hall or on the City's website.

Foliage Analysis

As a result of the voter approved Proposition M in 1989, Section 17.02.040(B)(4) of the City's Municipal Code prohibits the issuance of a permit or other entitlement to construct, or to add livable area to a residential structure unless the owner removes foliage on the lot which exceeds 16' feet in height or the ridgeline of the primary structure, whichever is lower, that significantly impairs a view from the viewing area of another parcel. For the purpose of this requirement, "livable area" means an area of 120 square feet or more in size which:

- Consists of habitable space (room expansions, additions); **or**
- Can be used as a gathering space **and** viewing area (decks, covered patios).

Additions or structures which are less than 120 square feet in area and projects which do not involve habitable space (antennas, skylights, storage shed/garage, garden windows, etc.) are exempt from the requirements. If it is determined that a proposed project is not exempt from the "foliage removal" requirements, a foliage analysis of the applicant's property must be conducted by Staff prior to approval of a planning application.

If after conducting a foliage analysis, foliage on the applicant's property is found to exceed the prescribed height limits and to significantly impair a view, specific conditions of approval will be placed on the planning approval to trim, lace or remove such vegetation prior to issuance of a building permit. Once trimmed to a specific height, it is the responsibility of the property owner to maintain the foliage at the prescribed height.

Variance

A Variance is a discretionary application considered by the Planning Commission to grant relief or deviation from the development standards of the Municipal Code when the strict interpretation of any of its provisions result in practical difficulties, unnecessary hardships or inconsistencies with the general intent and purpose of the Municipal Code. The Planning Commission may grant a Variance if it can make all of the following findings and support each finding with substantial evidence:

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

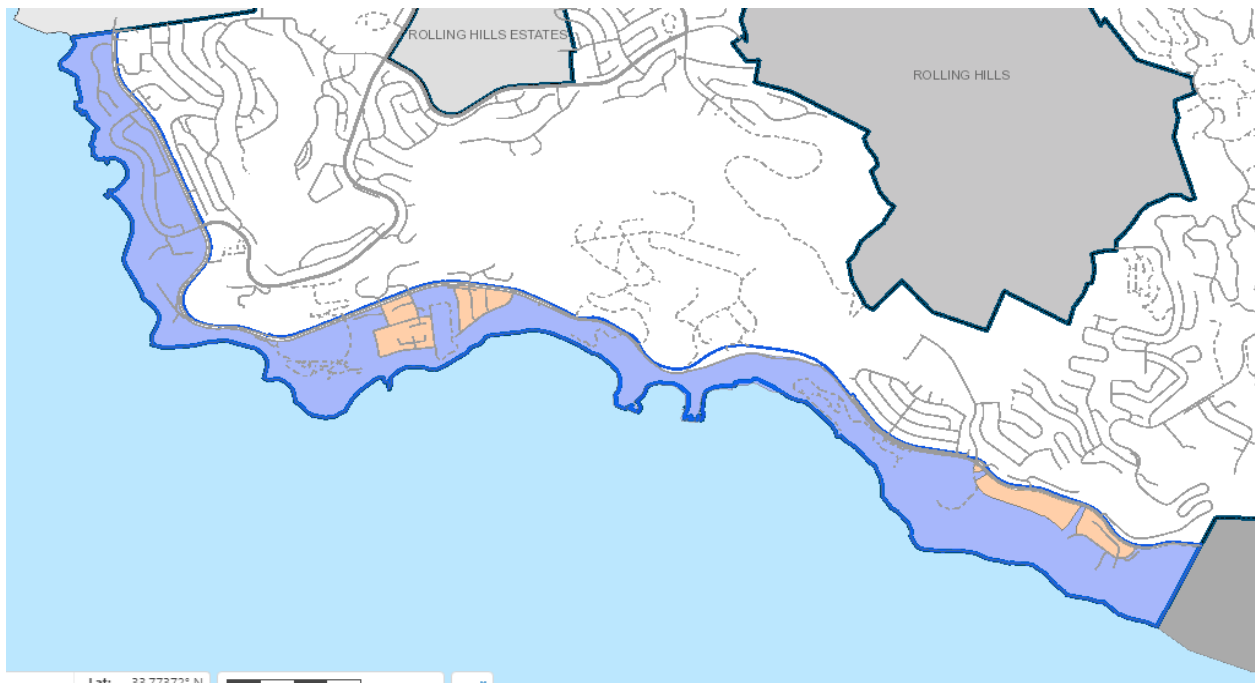
injurious to property and improvements in the area in which the property is located;
and

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.

Examples of a Variance include reduced setbacks or lot coverage exceeding the maximum allowed for the zoning district. A Variance may also be considered in case a significant error in any order, requirement, permit, decision or determination has been made. A Variance requires a 15-day public notice.

Coastal Permit

A Coastal Permit is required by the California Coastal Act of 1976 for all development in the Coastal District (also known as Coastal Zone). The City's Coastal District was established as part of the 1978 Council-adopted Local Coastal Plan (LCP), which was the first LCP adopted in the State. The City's Coastal District boundaries are comprised of all land seaward of Palos Verdes Drive South and Palos Verdes Drive West, including the roadway, which development therein is appealable or non-appealable to the Coastal Commission as illustrated below:



Coastal Permits are considered under the jurisdiction of the Coastal Hearing Officer (i.e. Director of Community Development) at a public hearing unless it is processed concurrently with another application requiring Planning Commission or City Council review. Proposed development within an Appealable Area may be appealed to the California Coastal Commission upon exhausting all appeal opportunities with the City (i.e. Planning Commission and City Council). Proposed development within a Non-Appealable Area may be appealed to both the Planning Commission and City Council, but not to the California

Coastal Commission. In granting a Coastal Permit, the primary criteria in reviewing the application is conformity with the Rancho Palos Verdes LCP and applicable public access and recreation policies of the Coastal Act. In addition to ensuring public access and protecting natural resources, the City's LCP also ensures the protection of view corridors established along Palos Verdes Drive West and South by restricting the height of structures based on certain zones.

Conditional Use Permit

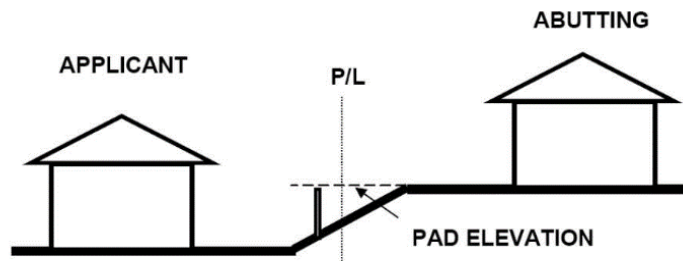
A Conditional Use Permit (CUP) is a discretionary application subject to review by the Planning Commission for uses necessary or desirable but not classified as permitted uses by reason of uniqueness of size, scope, or possible effect on surrounding uses in accordance with the base zoning district including properties zoned Commercial or Institutional. It also allows uses that are listed as permitted but requires specific consideration and allows the City to impose customized conditions of approval. Trump National Golf Course, for example, required an approval of a CUP to establish and operate a golf course in a residential zoning district. Any change which may substantially intensify the occupancy or land coverage may require a revision to an existing CUP. In considering a CUP, the Planning Commission must make certain findings ensuring that the proposed use and operation will not create adverse impacts to the surrounding neighborhood. A CUP requires a 15-day public notice. The Planning Commission may grant a CUP if it can make all of the following findings and support each finding with substantial evidence:

1. That 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 this title or by conditions imposed under this section to integrate said use with those on adjacent land and within the neighborhood;
2. That 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;
3. 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;
4. That the proposed use is not contrary to the general plan;
5. 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 this title, the proposed use complies with all applicable requirements of that chapter; and
6. That conditions regarding any of the requirements listed in this subsection, which the planning commission finds to be necessary to protect the health, safety and general welfare, have been imposed: a) Setbacks and buffers; b) Fences or walls; c) Lighting; d) Vehicular ingress and egress; e) Noise, vibration, odors and similar emissions; f) Landscaping; g) Maintenance of structures, grounds or signs; h) Service roads or alleys; and i) Such other conditions as will make possible development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.

In recent years, CUPs granted by the City require a compliance review to ensure the adopted conditions of approval, which are generally formed based on studies and assumed operations, are effective, and if not, it allows the City's decision makers to adjust the conditions of approval based on actual operations. A compliance review is conducted as duly noticed public hearing by the final deciding body on the CUP.

Fence/Wall Permit

A Fence/Wall Permit (FWP) provides the City a way to regulate the construction of fences and walls to ensure that there are no adverse impacts to privacy, no creation of hazardous conditions, no dangerous visual obstruction at street intersections, and that the proposed downslope fence or wall will not significantly impair the view of the upslope lot. A FWP is only required if there is at least a 2' building pad elevation difference between two adjacent properties, and the downslope property proposes to construct a barrier above the building pad of the upslope lot (see below).



A Fence/Wall Permit has a two-step process, beginning with a site visit by Staff to determine if the proposed fence will cause any potential view impairment. If there is no potential for view impairment, the process ends at that point, and an approval is granted by the Director (which is appealable to the Planning Commission). If a potential view impairment may exist, a FWP proceeds to the second step that requires the Director to find that the proposed fence or wall will not significantly impair the view from another private or public property; and that all existing foliage on the applicant's property that exceeds 16' in height or the ridgeline of the primary residence, whichever is lower, does not impair a view from another parcel. While FWP are subject only to Director review, these applications are often appealed to the Planning Commission for consideration at a de novo public hearing. A Fence/Wall Permit can be approved if all of the required permit findings (outlined below) can be made and supported with substantial evidence:

1. That the fence or wall would not significantly impair a view from the viewing area, as defined in chapter 17.02 (Single-Family Residential (RS) Districts), of another property or a view from public property which has been identified in the city's general plan or coastal specific plan, as a city-designated viewing area. Within the city's coastal zone, assessments from view corridors and viewing stations shall be taken in accordance with the city's coastal specific plan and/or city council Policy No. 49. Within residential viewing areas, views shall be taken from a standing position;
2. That all foliage on the applicant's lot which exceeds 16 feet or the ridgeline of the

primary structure, whichever is lower, and significantly impairs a view from the viewing area of another parcel, as defined in chapter 17.02 (Single-Family Residential (RS) Districts) or a view from public property which has been identified in the city's general plan or coastal specific plan, as a city-designated viewing station, shall be trimmed or removed prior to permit approval. This requirement shall not apply where trimming or removal of the foliage would constitute an unreasonable invasion of the privacy of the occupants of the property on which the foliage exists and there is no method by which the property owner can create such privacy through some other means permitted by this title that does not impair a view from viewing area of another property;

3. That placement or construction of the fence or wall shall comply with all applicable standards and requirements of this Code and the general plan;
4. Notwithstanding a finding as described in subsection (B)(3)(a) of this section, the applicant's request shall be approved if the director determines that findings of subsections (B)(3)(b) and (c) of this section can be made and either:
 - i. Denial would constitute an unreasonable invasion of the privacy of the occupants of the applicant's property and there is no method by which the property owner can create such privacy through some other means permitted by this title that would not significantly impair a view from a viewing area of another property or from a city-designated viewing station; or
 - ii. Denial would prevent compliance with the swimming pool fencing requirements contained in subsection (F)(3) of this section and there is no reasonable method to comply with subsection (F)(3) of this section that would not significantly impair a view from a viewing area of another property or from a city-designated viewing station.

Appeals

Any Director-level decision may be appealed to the Planning Commission by any interested party (including the applicant) within 15-days from the date of the decision, and any decision of the Planning Commission may be appealed to the City Council within 15-days from the date of the decision. The appeal must set forth the grounds for the appeal and any specific action being requested by the appellant. The Director's decision is final if no appeal is filed. The appeal hearing is a de novo hearing, which means that all information can be considered anew. The Planning Commission/City Council is required to consider the same findings considered for the original application and may:

- A. Approve an application making all appropriate findings;
- B. Approve an application but impose additional or different conditions or guarantees as it deems necessary;

- C. Deny the application without prejudice upon a finding that all applicable findings have not been correctly made or the application has merit and may possibly be modified to conform with the provisions of the code;
- D. Disapprove the application upon finding that all applicable findings cannot be made or all provisions of the code have not been complied with; or
- E. Refer the matter to the Director with instructions.

In order to file an appeal, an appellant must submit in writing the grounds of the appeal along with an appeal fee (typically \$2,275). If the appeal results in overturning a decision then a full refund is given; if the appeal results in modifications to the project, then a partial (1/2 the fee) refund is given; and, if the appeal upholds a previous decision, no refund is issued.

Division of Land (Subdivision)

Division of Land applications including proposals for parcel and tract maps. A parcel map is required for creating 4 or fewer lots, while a tract map is required for creating 5 or more lots. The review procedure for proposed map applications include conformance with applicable sections of Title 16 (Subdivisions) of the City's Municipal Code and the Subdivision Map Act to ensure the proposed lots comply with the City's development standards including minimum lot area, width, and depth requirements.

A parcel map or tract map are processed first as a tentative map, then as a final map. The tentative map shows the general description and layout of the proposed subdivision but does not create the legal lots. Rather, it sets the conditions under which the subdivision can occur. The final map is the instrument that actually divides the property and must conform to the City's standards including infrastructure such as roads, utilities, storm drains, sewer, etc. Since maps create additional lots in the City, certain requirements may be imposed and offset by fees, such as affordable housing and park land dedication in-lieu fees.

Parcel and tract maps are considered at a duly notice public hearing at least 15 days before the hearing. A parcel map is considered by the Planning Commission, and a tract map is considered by the City Council.

Urban Lot Splits & Second Unit Developments

On September 16, 2021, Governor Newsom signed into law Senate Bill No. 9 (SB 9) to facilitate housing development by increasing existing density limits in single-family residential zones. Specifically, SB 9 requires ministerial approval of lot splits and/or development of two dwelling units per lot in single-family residential zones when the proposed development is in compliance with established objective standards.

Chapter 16.40 (Urban Lot Splits) of the RPVMC establishes procedures and standards for urban lot split proposals, which include objective standards related to minimum lot sizes and number of permitted units per lot. Chapter 17.09 (Second Units and Two-Unit Developments in Single-Family Zones) of the RPVMC establishes procedures and

standards for the approval and creation of second units and two-unit developments in single-family zones. The development standards for Second Units and Two-Unit Developments include but are not limited to size, height, setbacks and parking.

Zone Changes and Code Amendments

A Zone Change involves a request to change the zoning designation of a property and a Code Amendment allows for changes in the text of the City's Zoning Code (Title 17). A Zone Change and Code Amendment may be initiated by an interested party, the City Council, and by the Director of Community Development and/or the Planning Commission upon petition to the City Council. The review procedure for a Zone Change or Code Amendment application includes a public hearing before the Planning Commission, whose recommendation on the application is then forwarded to the City Council for consideration at another public hearing. In considering a Zone Change or Code Amendment application, the City assesses whether a change is consistent with the City's General Plan or warranted by a development proposal. It is important to note that application, review, and adoption procedures included in this discussion section only apply to Title 17 (Zoning) of the City's Municipal Code. Code amendments outside of Title 17 are considered directly by the City Council and are not subject to Planning Commission review.

VIEW RESTORATION DIVISION

The View Restoration Division implements the foliage component of the View Preservation and Restoration Ordinance passed by the voters of the City as Proposition M on November 7, 1989, and is codified in Section 17.02.040 of the Municipal Code. The "View Ordinance" establishes the following two view recovery permit procedures to address privately-owned foliage:

- View Restoration Permit - to "restore" a view which existed at the time the affected view lot was legally created; and,
- View Preservation Permit – to "preserve" views which existed at the time or since the View Ordinance became effective on November 7, 1989.

Subsequent to the codification of the View Ordinance, successive City Councils have adopted the View Restoration & Preservation Guidelines, also known as the "View Guidelines" (Attachment C), which establish application procedures, provide guidance as to how permit approval findings can be made, and expand upon the View Ordinance's reference to prohibiting foliage owners from allowing foliage to significantly impair views on the effective date of the View Ordinance, thus forming the basis for the View Preservation procedure and process, as summarized below.

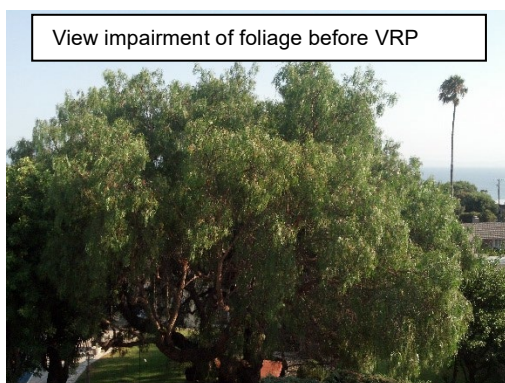
View Restoration Permit

The View Restoration Permit (VRP) process is utilized to restore a view from a property that existed when the affected lot was legally created, but is now significantly impaired by foliage on another residential property. A VRP is considered by the Planning Commission at a duly noticed public hearing.

In order to initiate the VRP application process, the City requires applicants (view seeker) to

make an attempt to work out the issue with the foliage owner. When the issue cannot be resolved between the applicant and the foliage owner, the view affected property owner may seek the City's involvement by making a request for mediation. City-held mediation sessions are provided, at no cost to either party involved in the dispute, in order to attempt to resolve the issues between the parties. If no agreement is reached between the applicant and the foliage owner, the applicant may elect to advance the matter by submitting a View Restoration Permit application to the City so that the Planning Commission could review and deliberate on the application request.

There are 6 criteria, such as whether the foliage creates a significant view impairment, which constitute the basis for a decision by the Planning Commission. If a VRP is approved, the applicant (not the foliage owner) pays for the cost of performing the required trimming, removal and/or planting replacement foliage. Once the initial trimming and/or removal work is completed, then the foliage owner is required to maintain the foliage at his or her own expense.

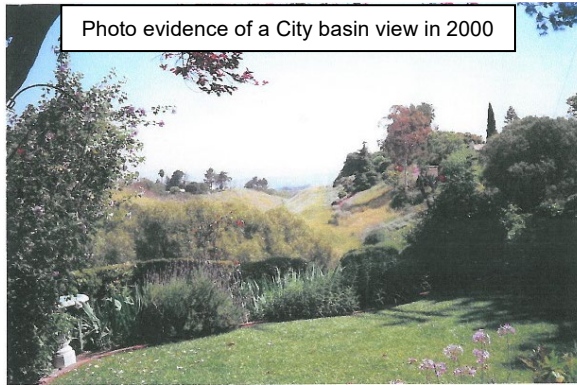


VRP decisions are made by the Planning Commission and are appealable to the City Council.

View Preservation Permit

The View Preservation Permit (VPP) application process is used by residents to preserve a view from a property that existed in November 1989 or sometime after, and there is photographic documentation of the view as it existed then. Central to this application is the applicant's (view seeker) photo documentation, which must clearly show an unobstructed view or an unimpaired view element taken from a bona fide viewing area and the time frame of the photo must be in November 1989 or after. Should Staff certify the photo documentation and deem the existing view to be significantly impaired by foliage, the foliage owner, at their expense, will be given 30 days to voluntarily trim the subject foliage to the level or condition shown in an applicant's photograph or so as not to further cause a significant view impairment.

Photo taken after view impairing trees were trimmed in 2011 using the VPP process



2000



In the event no trimming is performed by the foliage owner, then the applicant may submit a formal VPP application request where the Community Development Director must make findings to approve the requested trimming. For a VPP, the foliage owner bears the financial responsibility for preserving and maintaining the applicant's view.

VPP actions are administrative decisions made by the Community Development Director and can be appealed to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

View Restoration Permit and View Preservation Permit decisions typically will include a City-enforced tree trimming maintenance schedule where the tree owner is responsible for the trimming costs.

City Tree Review Permits

City Tree Review Permits are requests for the restoration of a view that has been impaired by City trees. The processing of these permits typically involves a site visit, the preparation of a staff memo, input from the City's arborist, and the trimming or removal of the City tree(s) by City work crews. The City Tree program moved to the Department of Public Works in 2016, but the program still involves the review and participation of the View Restoration Staff.

ADDITIONAL INFORMATION

California Environmental Quality Act

The California Environmental Quality Act (CEQA) is the State's primary environmental protection law. Enacted in 1970, CEQA requires that state and local government agencies evaluate and disclose environmental impacts of projects to decision makers and the public prior to approving or carrying out a project and identify ways to avoid or mitigate environmental impacts. CEQA is an informational document, and does not render a decision on a project application.

According to CEQA, a project is a discretionary approval by a lead agency (usually the City, but not always) that may result in direct or reasonably foreseeable indirect environmental

impacts. If the action doesn't qualify as a project, then the action is not subject to CEQA. After a determination has been made that a particular activity falls within CEQA's definition of project and that a project approval is required, then the City determines if the project is exempt from CEQA. If the City determines it is not exempt, the City is required to conduct an Initial Study to determine if a project may or may not have a significant effect on the environment. Drawing from the Initial Study, there are the following four types of CEQA documents:

- Exemptions can be statutory, such as those granted by the Legislature, or categorical (classes of projects that have been determined not to have effects on the environment). Projects can also fall within the commonsense exemption, when it can be seen with certainty that no possibility of a significant impact on the environment exists. When a project falls under an exemption, an Initial Study is not required, but the City must make a determination on the record that an exemption applies.
- Negative Declarations (ND) are used when there is no substantial evidence supporting a fair argument that the project may have significant environmental impacts.
- Mitigated Negative Declarations (MND) are used when the potential impacts can be mitigated to a level of less than significant based on direct, indirect, short-term, long-term, on-site, and off-site impacts.
- Environmental Impact Reports (EIR) are required when there is substantial evidence supporting a fair argument that a project may have significant impacts. An EIR will consider direct, indirect, short-term, long-term, on-site, off-site, and cumulative impacts, as well as mitigation measures and alternatives. If an EIR determines that there is a significant unavoidable impact that cannot be mitigated to a level of less than significant, then a Statement of Overriding Consideration is prepared for adoption by the deciding body. The preparation on an EIR involves public participation, including an optional "scoping" meeting to allow the public to provide input to the lead agency on potential environmental impacts to be studied. A Draft EIR is circulated for public comments, and a Final EIR is completed that includes any changes to the Draft EIR based on public comments or additional analysis, as well as Responses to Comments.

The approval or certification of a CEQA document, typically a ND, MND, or EIR, is required to occur at a duly noticed public hearing if the permit applied for requires a public hearing. A public notice, meeting agenda, and staff report for a project is required to describe the CEQA finding and any action being made in that regard.

"500-Foot Rule" for Conflicts of Interest Involving Real Property Interests

There is a new standard that governs whether public officials have a conflict of interest in government decisions affecting real property interests. Under the Political Reform Act (PRA), public officials may not make, participate in making, or attempt to use their official positions to influence a governmental decision in which they know or have reason to know that they have a disqualifying interest. A public official has a disqualifying interest if the

governmental decision at issue will have a reasonably foreseeable, material effect on the official's financial interests. The Fair Political Practices Commission (FPPC) has recently amended the standard for determining whether a decision will have a material effect on a public official's interest in real property.

The most significant change amends the materiality standard for decisions that affect ownership interests in real property. There is now a presumption that a decision involving property within 500 feet of an official's property will have a material impact on the official's interest. In addition, there is now a presumption that a decision involving property 1,000 feet or more from the official's property will not have a material impact on the official's interest. Both of these presumptions can be rebutted with clear and convincing evidence, however.

For decisions involving property located between 500 and 1,000 feet from the official's property, whether the decision creates a conflict now depends on a number of factors. Under the revised regulation, a decision will have a material impact on the official's property interest if it would change the parcel's:

- development potential,
- income-producing potential,
- highest and best use,
- market value, or
- character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality

Public officials should ensure that they avoid participating in any decisions that will have a reasonably foreseeable, material financial effect on their real property interests if a project falls within the 1,000-foot radius owned by a public official.

Brown Act

The Ralph M. Brown Act (referred to as the "Brown Act" or "Open Meeting Law") was enacted in 1953 and is intended to provide public access to, and participation in, meetings of California local government agencies as a response to growing concerns about local government officials' practice of holding secret meetings that were not in compliance with advance public notice requirements.

The requirements of the Brown Act apply to local agencies and legislative bodies of each local agency of a city, whenever a majority of the legislative body is involved. Legislative bodies in the City include the City Council, Commissions/Committees and standing City Council subcommittees. Ad hoc advisory committees consisting of less than a quorum of any legislative body are exempt from the requirements of the Brown Act.

Governmental bodies subject to the requirements of the Brown Act must provide public notice of their meetings and post agendas for those meetings. Public access is mandatory unless the meeting is held in closed session under a specific exception contained in the Act. A meeting, as defined by the Brown Act, is "any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate

upon any item that is within the subject matter jurisdiction of the legislative body” (Cal. Govt. Code § 54952.2 (a)). This can include any series of telephonic or email communications between a majority of the members of a legislative body or facilitated by a third party who communicates a member’s thoughts and ideas to a majority of the legislative body. In addition, a meeting subject to the Brown Act could include, lunches, social gatherings, or board retreats involving a majority of the members of the legislative body. Such gatherings, however, may be exempt from the Brown Act provided that legislative members follow strict rules and guidelines to ensure they do not discuss amongst themselves business of their legislative body.

Under the provisions of the Brown Act, agendas for regular meetings must be posted at least 72 hours in advance of the meeting (except in the case of emergency matters). Agendas for special meetings must be posted at least 24 hours in advance. In addition, agendas must be posted in a location that is publicly accessible 24 hours a day at City Hall (and/or at the location of the meeting will be held) and must be published on the City website. In general, agendas must contain simple yet meaningful descriptions of topics to be discussed. The legislative body may not discuss items not on the agenda, except in very rare circumstances and under strict guidelines.

Brown Act & Teleconferencing

Planning Commission meetings are conducted using a combination of both in-person and virtual via the Zoom video platform. This virtual meeting option provides Planning Commissioners with an opportunity to participate in meetings remotely under specific teleconferencing rules per established government code requirements. The attached [teleconferencing outline](#) (Attachment D) provides important information related to these provisions including requirements for teleconferencing in emergency circumstances.

CONCLUSION

Staff will present the Planning Commission, as a workshop format, the information contained in this staff report. Based on this presentation, Staff recommends that the Planning Commission receive and file this staff report on the nuts and bolts of the Planning and View Restoration Divisions of Community Development Department.

ATTACHMENTS

- Height Variation Guidelines (Attachment A)
- Neighborhood Compatibility Handbook (Attachment B)
- View Restoration Guidelines (Attachment C)
- Brown Act & Teleconferencing Outline (Attachment D)

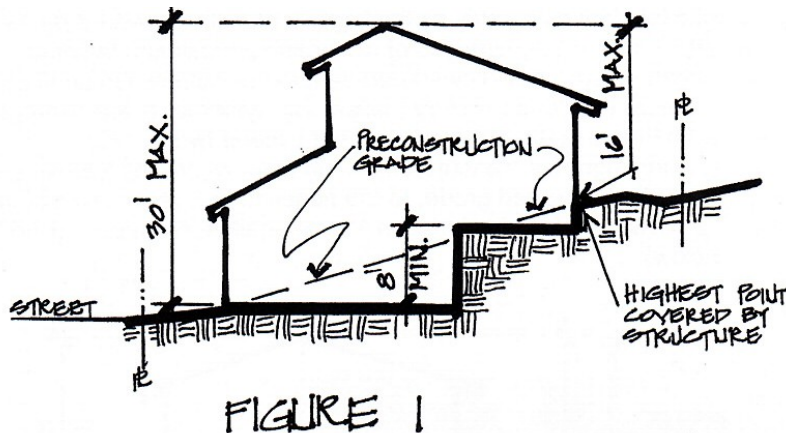
HEIGHT VARIATION PERMIT

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

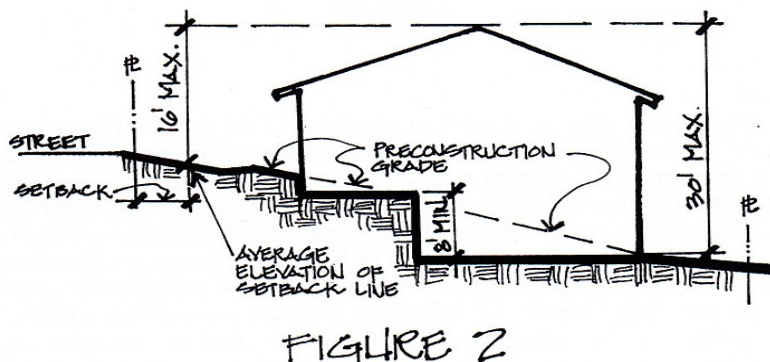
Height Measurement

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

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



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



STREET

10' MAX.

RECONSTRUCTION GRADE

HIGHEST ELEVATION OF EXIST. BUILDING PAD COVERED BY STRUCTURE

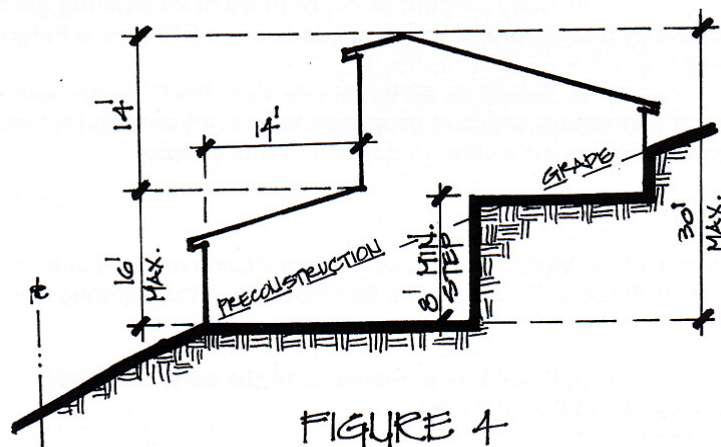
BUILDING PAD (LESS THAN 5% SLOPE)

20' MAX.

POINT WHERE LOWEST FOUNDATION OR SLAB MEETS FINISHED GRADE

FIGURE 3

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



Review Process

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

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

Decision Criteria

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

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

➤ **IMPORTANT** ◀

- For a complete discussion and explanation of the City's residential building height regulations, Height Variation Application evaluation criteria and application processing procedures, please refer to Development Code Section 17.02.040 and/or the City's "Guidelines and Procedures for Preservation of Views Where Structures are Involved" manual. Copies of both are available for sale at the public counter in the Community Development Department. In addition to reviewing this information, it is highly recommended that you review the height regulations, the decision criteria and your proposal with a City Planner prior to having your plans drawn.
- Projects involving new construction and additions or tear-down / rebuilds of 1,000 SF or more will require approvals from the Los Angeles Fire Department. Prior to Completing your project plans, it is suggested that you visit the Fire Department's Hawthorne Office (LA County Fire Dept. Fire Prevention Division, 4475 W. El Segundo Blvd., Hawthorne, CA 90250, phone (310) 263-2732) to obtain their requirements (which may include costly upgrades).
- Some projects may require approval by the City's Geologist. To determine if your project requires a soils report, a geology sit visit may be required at a cost of \$255.00. Prior to completing your project plans, it is suggested that you contact the City's Building and Safety Division for more information.
- Notice: CC&R's are private restrictions or agreements. Therefore the City is not responsible for a property owner's compliance with any CC&R's that may govern their property and the City does not enforce private CC&R's. The City recommends that property owners review their title report to see if any CC&R's govern their property, and if so, consult such CC&R's prior to submittal of their application. Additionally, property owners should review their title report for any other private property restrictions (Deed Restriction, Private Easement, etc.) that may govern their property.

In order for your Height Variation Permit Application to be deemed "complete" and ready for processing, please submit all of the following items and information:

- **A Height Variation Permit Application form, completely filled out and signed by the applicant and property owner.**
- **Three (3) copies (Note: For applications that are to be reviewed by the Planning Commission, once the application has been deemed complete, you will be required to submit an electronic version of the plans) of a site plan (min. scale: 1/4" = 1') indicating:**
 1. Accurate lot dimensions, all property lines, and all easements on the lot.
 2. The adjacent street right-of-way and the access driveway of the lot (length and width specified).
 3. Topography of the lot indicated by either elevation call-outs or topographic contours.
 4. The location and dimensions of all existing and proposed structures. Structures must be clearly delineated as "existing" and "proposed".
 5. Existing grade elevations (call-outs) at all corners of the existing residence and proposed addition.
 6. The distance from all existing and proposed structures to the property lines.
 7. If applicable, the location of the Coastal Setback Line.

8. A project summary table which indicates:
 - a. Total lot area
 - b. Total existing and proposed footprint area
 - c. Total existing and proposed living area
 - d. Total existing and proposed 1st and 2nd floor area
- **Three (3) copies of elevation drawings of all four sides of the subject residential structure (minimum scale: 1/8" = 1'), indicating:**
 1. Existing grade elevations (call-outs) at all corners of the existing residence and proposed addition.
 2. The ridgeline elevation of the proposed addition.
 3. The maximum height of the proposed structure, measured from the highest point of existing grade covered by the structure to the ridge.
 4. The maximum height of the proposed structure, measured from the finished grade adjacent to the lowest foundation to the ridge.
 5. The existing and proposed portions of the residential structure.
- **Three (3) copies of floor plans showing the existing and proposed first and second story interior layout.**
All plans must be assembled in complete sets and folded no larger than 9 1/2" X 14". If Planning Commission review of the Height Variation Permit Application will be necessary, then the appropriate number of plans (3) will be requested from the applicant, (no larger than 11" x 17").
- **Two (2) copies of a "vicinity map", prepared to scale, which shows all neighboring properties within a 500 foot radius of the subject property (applicant).** The map shall also include a 100 foot radius line, taken from the subject property. The "Vicinity Map" must be prepared exactly as described in the attached instruction sheet.
- **Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owner of every parcel which falls within a 500 foot radius of the subject property (applicant).** The name and address of every property owner (including applicant) and the local Homeowners' Association, if any, must be typed on 8 1/2" x 11" sheets of self-adhesive labels. The mailing labels must be keyed to the corresponding lots, as shown on the vicinity map described above. The property owners mailing list must be prepared exactly as described in the attached instruction sheet.
- **Proof of meeting the City's "Early Neighbor Consultation" requirements. "Early Neighbor Consultation" may be deemed adequate if the applicant submits the following:**
 - 1) The attached "Acknowledgement of Early Neighbor Consultation" form(s) with:
 - a) The signatures of at least 60% of the property owners (excluding applicant) within 500 feet of the applicant's lot; **or**
 - b) The signatures of at least 25% of the property owners (excluding applicant) located within 500 feet of the applicant's property and the signature of at least 70% of the property owners located within 100 feet of the applicant's property.

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

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

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

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

- **Construction of a certified temporary silhouette which clearly indicates the portions of the project which are proposed to exceed 16 feet in height.** The temporary silhouette shall be constructed using the method and materials shown and described in the attached instruction sheet. A waiver (see application form), absolving the City of any liability associated with construction of or damage by the temporary frame, must be signed by the property owner, and submitted with the application, prior to construction of the temporary frame. The application will not be determined complete until the height, placement, and construction of the framework is verified by Staff.
- **If applicable, complete applications for other proposed improvements on the property which do not require the approval of a Height Variation Application (i.e., pools/spas, first story additions, etc.).**
- **Filing fee:**

Director Review	\$4,651
Planning Commission Review	\$6,117
Neighborhood Compatibility Analysis	\$1,846
Foliage Analysis	\$571
Data Entry Processing Fee	\$4.00



**NOTICE OF PROPOSED HEIGHT VARIATION PERMIT APPLICATION
AND
ACKNOWLEDGEMENT OF EARLY NEIGHBOR CONSULTATION**

ADDRESS: _____

APPLICANT: _____

THE FOLLOWING PROPERTY OWNERS WERE NOTIFIED OF OUR INTENT TO APPLY FOR A HEIGHT VARIATION PERMIT TO CONSTRUCT A NEW RESIDENCE OR CONSTRUCT AN ADDITION TO AN EXISTING RESIDENCE WITH A MAXIMUM PROPOSED HEIGHT OF _____ FEET AT THE ABOVE ADDRESS AND WERE SHOWN A COPY OF THE PROJECT PLANS.

NOTE: BY SIGNING THIS NOTICE, THE UNDERSIGNED ONLY ACKNOWLEDGES THAT THEY HAVE BEEN CONSULTED WITH. THE SIGNATURES DO NOT SIGNIFY APPROVAL OF THE PROJECT OF ANY KIND AND DO NOT WAIVE YOUR RIGHTS TO OBJECT TO ANY ASPECT OF THE PROJECT WHATSOEVER.

LOT # (as shown on radius map)	ADDRESS	PRINTED NAME OF LAND OWNER	SIGNATURE	REVIEWED PLANS?* Y/N

* Landowners must acknowledge that they have seen a depiction of the project which reasonable describes the applicant's proposal, in order for their signature to qualify towards the required percentage totals.

CITY OF RANCHO PALOS VERDES INSTRUCTIONS FOR PREPARING A VICINITY MAP AND PROPERTY OWNERS LIST

In order to satisfy public noticing requirements, certain planning applications require the submittal of a vicinity map and accompanying property owners list. The size of the vicinity map varies by application and may involve either adjacent properties, a 100' radius, or a 500' radius. Please check on the application form you are submitting for the vicinity map size you must submit.

With the exception of "Adjacent Properties" maps, a vicinity map and property owners list must be prepared by a Title Company or other professional mailing list preparation service. The mailing labels must be certified as accurate by the agent preparing the mailing list. Attached is a list of firms that provide services in preparation of vicinity maps and certified mailing labels. This is not intended to be an exhaustive list and the cost of the services provided will vary.

If you have any questions regarding properties of the vicinity map or property owners list, as described below, please contact a planner at (310) 544-5228.

VICINITY MAP

The purpose of the vicinity map is to clearly show all properties within the required radius of the subject lot (applicant). The vicinity map must clearly show the required radius line, dimensioned and drawn from the exterior boundaries of the subject lot, as shown below. All neighboring properties (including lots outside R.P.V. city limits) which fall completely within, partially within or are just touched by the radius line, must be consecutively numbered and the names and the addresses of the owners provided to the City as described below. Please devise your own consecutive numbering system on the map and ignore the lot number, Assessors number, or any other number already found on the lots on the vicinity maps. An "adjacent properties" vicinity map does not involve a set radius but rather needs to identify all properties behind, beside, and in front of the proposed project site, as shown below. The city's planning staff can provide the base map for preparing the vicinity map for a nominal charge. Applicants may also prepare their own maps, at a clearly marked scale of not less than 1" = 200'.

PROPERTY OWNERS MAILING LIST

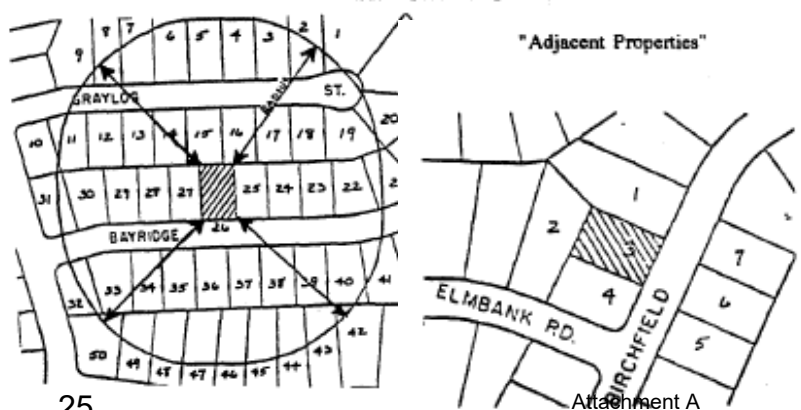
The property owner of every parcel (even if vacant, rented or government owned), which falls completely or partially within the required radius on the vicinity map must be identified, placed on a mailing list and submitted to the City. The name and address of every property owner along with the assigned lot identification number, which corresponds to the vicinity map, must be neatly typed on 8 ½" x 11 sheets of Xerox or Avery self-adhesive labels, as shown below. Two (2) sets of self-adhesive labels and a Xerox copy of the list must be provided to the City with your subject application. These labels will be used by the City to mail notice of your subject application to neighboring property owners. The property owners list must be obtained from the most current L.A. County Tax Assessor's roll. The City does not provide this service. The Assessor's office located at 500 W. Temple Street, Room 205, Los Angeles, CA 90012. Office hours are 8:00 am to 4:30 pm Monday-Friday. The telephone number is (213) 974-3441.

SAMPLE MAILING LABELS

Assigned Lot I.D. Number
Property Owner Name
Address
City, State, Zip Code

1	2
Harold Jackson	Malcolm Hill
773 Graylog	4117 Greenwood Meadow
RPV, CA 90275	Torrance, CA 90503

SAMPLE VICINITY MAPS



CERTIFICATION OF PROPERTY OWNERS' MAILING LIST

Application(s) _____

Applicant Name _____

Subject Property Address _____

Notice Radius Required _____

Number of property owners to be notified _____

I certify that the property owners' mailing list submitted with the application(s) listed above includes all of the persons listed on the latest adopted LA County Tax Roll as the legal owners (and if applicable occupants) of all parcels of land within _____ feet of the subject property noted above. I certify that the property owners' mailing list has been prepared in accordance with the City of Rancho Palos Verdes Development Code and "Vicinity Map Instructions Sheet." I also understand that if more than 20% of the notices are returned by the post office after mailing due to incorrect address information, or if the address information is not complete, that I will have to submit a new property owners' list that has been prepared and certified as accurate by a Title Company or other professional mailing list preparation service, and the project notice will have to be re-mailed.

Property Owner (Applicant) Signature

Date

Name (Please Print)

***Map Makers and Ownership Listing Services
that may prepare radius maps and mailing lists***

G.C. Mapping
711 Mission St., Suite D
So. Pasadena, CA 91030
(626) 441-1080
Attn: Gilbert Castro

JPL Zoning Services, Inc.
6263 Van Nuys Blvd.
Van Nuys, CA 91401-2711
(818) 781-0016
(818) 781-0929 (FAX)
Attn: Maria Falasca

Kimberly Wendell
P.O. Box 264
Los Alamitos, CA 90720
(562) 431-9634
(562) 431-9634 (FAX)

Nieves & Associates
115 So. Juanita Ave.
Redondo Beach, CA 90277
(310) 543-3090

NotificationMaps.com
668 N Coast Hwy #401
Laguna Beach, CA, 92651
(866) 752-6266
www.notificationmaps.com

Srour & Associates, LLC
1001 Sixth Street, Suite 110
Manhattan Beach, CA 90266
(310) 372-8433
Attn: Elizabeth Srour

Susan W. Case
917 Glenneyre St., Ste. 7
Laguna Beach, CA 92651
(949) 494-6105
(949) 494-7418

T-Square Mapping Service
969 So. Raymond Ave., Floor 2
Pasadena, CA 91105
(626) 403-1803
(626) 403-2972 (FAX)
Attn: Darla Hammond

Robert Vargo
5147 W. Rosecrans
Hawthorne, CA 90250
(310) 973-4619

City Radius Maps
300 E. Bonita #3641
San Dimas, CA 91773
(818) 850-3382
Attn: Robert Simpson

DENN Engineers
3914 Del Amo Blvd., Suite 921
Torrance, CA 90503
(310) 542-9433
maria@denn.com
Attn: Maria Islas

**GUIDELINES AND PROCEDURES
FOR
PRESERVATION OF VIEWS WHERE
STRUCTURES ARE INVOLVED
(HEIGHT VARIATION PERMITS)**



CITY OF RANCHO PALOS VERDES

**ADOPTED ON AUGUST 23, 1993
AMENDED ON DECEMBER 6, 1996 AND MAY 6, 2003**

TABLE OF CONTENTS

	<u>Page</u>
I. PURPOSE.....	1
II. DEFINITIONS.....	1
III. ESTABLISHING THE VIEW AREA	2
IV. EARLY NEIGHBOR CONSULTATION.....	4
V. TEMPORARY SILHOUETTE FRAME	5
VI. BUILDING HEIGHT.....	7
VII. SETBACKS FOR SLOPING LOTS.....	9
VIII. CRITERIA FOR REVIEW.....	10
IX. MANDATORY FINDINGS	10
X. HEIGHT VARIATION PROCEDURES.....	14
XI. REMOVAL OF FOLIAGE AS CONDITION OF PERMIT ISSUANCE.....	16

ATTACHMENTS

Acknowledgement of Early Neighbor Consultation Form

Silhouette Construction Criteria

Height Variation Guidelines May 6, 2003

I. PURPOSE

The intent of this document is to provide guidelines and procedures for protecting views which may be impaired by development of new residential structures or additions to existing residential structures. As specified in Proposition M, which was passed by the voters of Rancho Palos Verdes and became effective on November 17, 1989, the purposes for the regulations are to:

a. Protect, enhance and perpetuate views available to property owners and visitors because of the unique topographical features of the Palos Verdes Peninsula. These views provide unique and irreplaceable assets to the City and its neighboring communities and provide for this and future generations examples of the unique physical surroundings which are characteristic of the City.

b. Define and protect finite visual resources by establishing limits which construction and plant growth can attain before encroaching onto a view.

c. Insure that the development of each parcel of land or additions to residences or structures occur in a manner which is harmonious and maintains neighborhood compatibility and the character of contiguous subcommunity development in the General Plan.

d. Require the pruning of dense foliage or tree growth which alone, or in conjunction with construction, exceeds defined limits.

These guidelines and procedures apply to any person proposing to construct a residential structure above sixteen feet in height, except that paragraph H of Section 2 - Removal of Foliage as Condition of Permit Issuance, applies to any residential structure, regardless of height.

II. DEFINITIONS

A. Viewing Area

Section 17.02.040 (A)(15) of the Rancho Palos Verdes Municipal Code defines "viewing area" as follows:

"Viewing area' means that area of a structure (excluding bathrooms, hallways, garages or closets) or that area of a lot (excluding the setback areas) where the owner and City determine the best and most important view exists. In structures, the finished floor elevation of any viewing area must be at or above the existing grade adjacent to the exterior wall of the part of the building nearest to said viewing area."

**Height Variation Guidelines
May 6, 2003**

B. Section 17.02.040(A)(14) of the Municipal Code defines "View" as follows:

"On the Palos Verdes Peninsula, it is quite common to have a near view and a far view because of the nature of many of the hills on the peninsula. Therefore, a 'view' which is protected by this Section is as follows:

"a. A 'near view' which is defined as a scene located on the peninsula including, but not limited to, a valley, ravine, equestrian trail, pastoral environment or any natural setting; and/or

"b. A 'far view' which is defined as a scene located off the peninsula including, but not limited to, the ocean, Los Angeles basin, city lights at night, harbor, Vincent Thomas Bridge, shoreline or off-shore islands.

"A 'View' which is protected by this Section shall not include vacant land that is developable under the city code, distant mountain areas not normally visible nor the sky, either above distant mountain areas or above the height of off-shore islands. A 'View' may extend in any horizontal direction (three hundred and sixty degrees of horizontal arc) and shall be considered as a single view even if broken into segments by foliage, structures or other interference."

III. ESTABLISHING THE VIEWING AREA

A. Section 17.02.040 (B)(5) establishes the procedure for determining the "viewing area" as follows:

The determination of a viewing area shall be made by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken. Once finally determined for a particular application, the viewing area may not be changed for any subsequent application. In the event the city and owner cannot agree on the viewing area, the decision of the city shall control. A property owner may appeal the determination of viewing area. In such event, the decision on the viewing area will be made by the body making the final decision on the application. A property owner may preserve his or her right to dispute the decision on viewing area for a subsequent application without disputing the decision on a pending application by filing a statement to that effect and indicating the viewing area the property owner believes to be more appropriate. The statement shall be filed with the city prior to consideration of the pending application by the City.

B. The "viewing area" of the applicant's property is where the best and most important view is taken. The determination of the "viewing area", is made "by

Height Variation Guidelines

May 6, 2003

balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken".

1. On undeveloped lots, the viewing area may include all of the areas of the lot, excluding the required setback areas.

2. On developed lots, the "viewing area" may be located on any level surface within the house (excluding bathrooms, closets, hallways or garages) which is at or above the existing grade adjacent to the exterior wall of the part of the building nearest to the "viewing area" or within the buildable area of the lot. A viewing area may be located on a patio, deck, balcony or lawn area which is adjacent to the primary structure (generally within 10 feet) and which is located on the same general grade on the lot as the primary structure, excluding the required setback areas and used as a gathering area. In determining the viewing area on a developed lot, greater weight generally will be given to locations within the primary structure where a view is taken than to locations outside of the primary structure where a view is taken, unless no view is taken from within the primary structure.

3. On properties where the applicant claims that he or she has a view from one or more locations either within or outside of the primary structure, it must be determined where the best and most important view is taken to determine the "viewing area" which is to be protected. The "viewing area" may only include multiple rooms or locations on the applicant's property if those locations share the same view.

4. The "viewing area" may only be located on a second (or higher) story of a structure if:

a. The construction of that portion of the structure did not require approval of a Height Variation Permit or Variance, pursuant to Chapter 17.02.040 of the Rancho Palos Verdes Municipal Code, or would not have required such a permit if that Section had been in effect at the time that portion of the structure was constructed; or

b. The viewing area is located in a part of the structure that constitutes the primary living area of the house, which is the living room, dining room, family room, or kitchen. However, the viewing area may be located in the master bedroom, if a view is not taken from one of the rooms comprising the primary living area, and the master bedroom is located on the same story of the house as the primary living area.

5. In documenting the views, Staff will usually conduct their view analyses in a natural standing position. In those cases where the view is only enjoyed from a seated position, Staff will verify if that is the case, and if so, will conduct the view

Height Variation Guidelines May 6, 2003

analysis from the seated position in that area at a height of not less than three (3) feet, six (6) inches, up to a full standing position.

IV. EARLY NEIGHBOR CONSULTATION

Section 17.02.040(C)(1)(b) of the Municipal Code requires that, for all proposed Height Variations:

"The applicant shall take reasonable steps established by the City Council to consult with owners of property located within 500 feet of the applicant's property. The applicant shall obtain and submit with the application the signatures of the persons with whom the applicant consulted. Where a homeowners' association exists in the neighborhood affected and has provided written notice to the Director of its desire to be notified of Height Variation applications, the applicant shall mail a letter to the association requesting their position on the application. A copy of this letter and the response of the association, if any, shall be submitted with the application."

Early neighbor consultation may be deemed adequate by the Director of Planning, Building, and Code Enforcement only if the signatures of at least 60% of the landowners within 500 feet; or 70% of the landowners within 100 feet **and** 25% of the total number of landowners within 500 feet (*including* those within 100 feet) is obtained; or if mailed proof of notification of all landowners within 500 feet is provided, as well as proof of notification of the homeowners' association, if one exists. The required percentages stated above shall be based on property located in the City. An applicant is not required to obtain signatures from the owners of property that are located outside the City boundary limits (ie. Palos Verdes Estates, Rolling Hills Estates, etc.). Fewer signatures may be deemed adequate by the Director if other evidence of early neighbor consultation is provided.

Acceptable efforts for obtaining the necessary signatures for satisfying the "early neighbor consultation" requirements shall include at least one of the following, as outlined below:

A. Direct Contact

1. Door-to-door contact with the landowners within 500 feet, describing the proposed project and showing and explaining plans. Verification of this contact shall be provided by obtaining signatures from the landowners (signatures from renters or lessees are unacceptable) on the attached Acknowledgement of Proposed Construction form available from the City (no exceptions). The form indicates that the intent of the signature process is to acknowledge that the landowner has been made

Height Variation Guidelines May 6, 2003

aware of the applicant's intentions, and is not meant to signify support of the project. The form also delineates what project plans, if any, were exhibited to the landowners. Landowners must acknowledge that they have seen a depiction of the project which reasonably describes the applicant's proposal, in order for their signature to qualify towards the required percentage totals.

2. Holding an "Open House" to inform landowners of the proposed plans, with previous written or oral invitations to the potentially affected property owners. Verification of this contact shall be provided as described above.

B. Mailing

Only as a last resort, if the previous two methods have not been proven satisfactory, proof of notification may consist of a notice and reduced copies of the depiction of the project (no larger than 8 1/2" x 14") sent by the applicant by registered mail to all landowners within 500 feet of the subject property, **or** by providing addressed, stamped/pre-paid postage envelopes, a copy of the mailing list, reduced copies of the plans, and a letter with a description of the proposed project, along with a \$10.00 fee, to the City for mailing. Using this method must be approved by the Director of Planning, Building, and Code Enforcement.

In addition to contacting the neighbors, a letter to the area's homeowners association requesting their opinion on the proposal, if any, shall be mailed.

Please note that in addition to completing the Early Neighborhood Consultation requirements stated herein, the City strongly encourages applicants proposing a project that includes the Neighborhood Compatibility analysis, such as a Height Variation application, to complete a "Pre-application Process."

The Neighborhood Compatibility "Pre-application Process" is a voluntary step in the residential development process that has been found to be helpful in addressing neighborhood issues early in the process, which may cause delays in the formal process and added expense to the applicant.

For further information regarding the suggested "Pre-application Process" please refer to Planning Staff, the Neighborhood Compatibility Handbook available at Planning Department at City Hall, or the City's Website at www.palosverdes.com/rpv.

V. TEMPORARY SILHOUETTE FRAME

Section 17.02.040(C)(1)(d) of the Municipal Code states that:

"The applicant shall construct on the site at the applicant's expense, as a visual aid, a temporary frame of the proposed structure.

Height Variation Guidelines

May 6, 2003

1. The temporary silhouette shall, at a minimum, consist of wood posts (or other sturdy and rigid material - 2" x 4"s are typical) at all corners of the structure(s) and at either end of all proposed ridgelines, with a taut rope (of 1/2" diameter) marked with triangular flagging (ribbons are **not** acceptable) connecting the posts (see attached diagram).

2. The top one foot of the posts shall be **painted red or orange** to better demarcate the height of the proposed structure in photo analyses, and a similar mark shall be placed using a **different**, but equally visible color on the posts at the 16-foot height limit, as measured pursuant to Section 17.02.040(B). Please consult with your case planner regarding the applicable method for determining the 16-foot height limit.

3. The temporary silhouette frame can only be erected after the waiver form, which absolves the City of any liability associated with construction of or damage by the temporary silhouette frame, has been submitted to the Director by the applicant. The waiver form (see attached) must be submitted along with the application package. In order to minimize costs involved in constructing a certified silhouette, it is advised that a property owner not construct the required certified silhouette until directed to do so by the case planner assigned to the project. This is recommended because a project may undergo revisions before being deemed complete for processing. Once given direction to construct the certified silhouette, the applicant shall notify the City when the silhouette is in place.

Furthermore, once the silhouette is constructed, a licensed engineer or architect shall certify that the silhouette accurately depicts the location and height (including the color demarcation of the silhouette posts) of the proposed development. The required certification form (see attachment) must be accompanied by a site plan that identifies the location of the silhouette posts, the existing grade elevation call-outs at the base of the posts (if posts touch existing grade), and the elevation call-outs for the top of the posts. If the silhouette is constructed entirely above an existing structure so that the posts supporting the silhouette do not touch existing grade, then the site plan must include the existing grade elevation closest to the existing structure and the supporting silhouette posts. **A project will not be deemed "complete" for processing without the certification.**

4. Staff will conduct a site inspection to review the adequacy of the silhouette's depiction of the proposed project. Adequacy will be based on an accurate depiction of the proposed project's envelope, accurate delineation of ridgelines, and the proper triangular flagging. **Ribbons or other materials which tend to bend or sag are not acceptable.** An application will not be considered "complete" for processing without an adequately constructed silhouette in place.

Height Variation Guidelines
May 6, 2003

5. **The frame must remain in place and be maintained in good condition throughout the required notice period for the Height Variation application or the Neighborhood Compatibility analysis process, the decision process and, if necessary, any appeal periods.** The frame may not be removed until the City's appeal process has been exhausted and a final decision has been rendered. **The applicant must remove the frame within seven (7) days after a final decision has been rendered and the City's appeal process has been exhausted.**

VI. BUILDING HEIGHT

1. Proposed residential building height cannot exceed 26 feet. If a greater height is desired, a Variance application is required, rather than a Height Variation Permit.

Section 17.02.040(B)(1) of the Municipal Code states that:

"Any individual or persons desiring to build a structure or an addition to an existing structure exceeding sixteen (16) feet in height may apply for a Height Variation Permit which, if granted pursuant to the procedures contained herein, will permit said individual to build a structure not exceeding twenty-six (26) feet in height, except as provided in Section 17.02.040B.1(d), or such lower height as is approved by the City. . ."

2. Height is measured based on whether the subject lot is considered an uphill, downhill, or other (pad) lot relative to the street of access, and based on the extent to which the structure slopes with the lot. Section 17.012.040(B)(1) of the Code defines height measurements as follows:

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

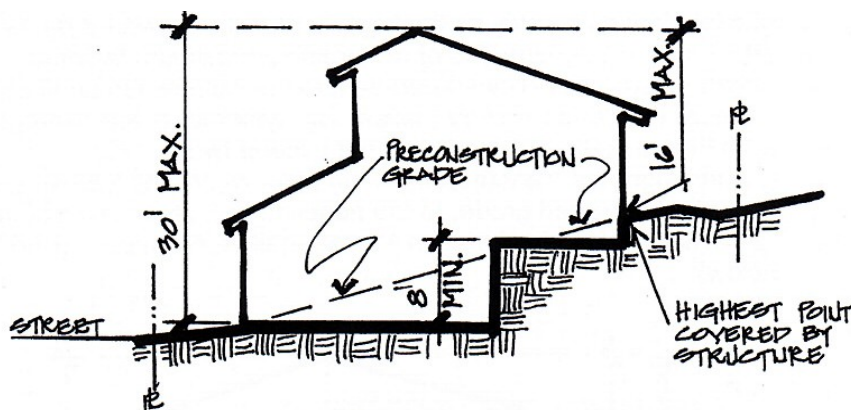


FIGURE 1

Height Variation Guidelines
May 6, 2003

- (b) "For sloping lots which slope downhill from the street of access and for which no building pad exists, the height shall be measured from the average elevation of the setback line abutting the street of access to the ridge line of the highest point of the structure." Lots sloping downhill are defined as those with a minimum slope of greater than 5% over the width or length of the buildable area (whichever is the downhill direction).

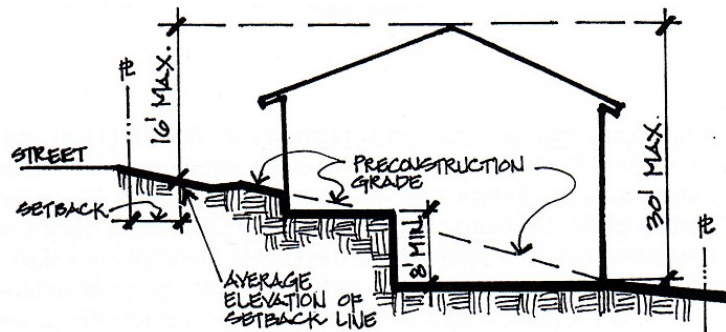


FIGURE 2

- (c) "For lots with a "building pad" at street level or at a different level than the street or lot configurations not previously discussed, the height shall be measured from the pre-construction (existing) grade at the highest elevation of the existing building pad area covered by the structure to the ridge line or highest point of the structure. Portions of a structure which extend beyond the "building pad" area of a lot shall not qualify as the highest elevation covered by the structure, for the purposes of determining maximum building height. Structures allowed pursuant to this subsection shall contain no more than one (1) story (cellars and basements are exempted from this requirement) and shall not exceed twenty (20) feet in height, as measured from the point where the lowest foundation or slab meets finished grade, to the ridgeline or highest point of the structure. Otherwise, a Height Variation Permit shall be required." (Pad Lot figure below):

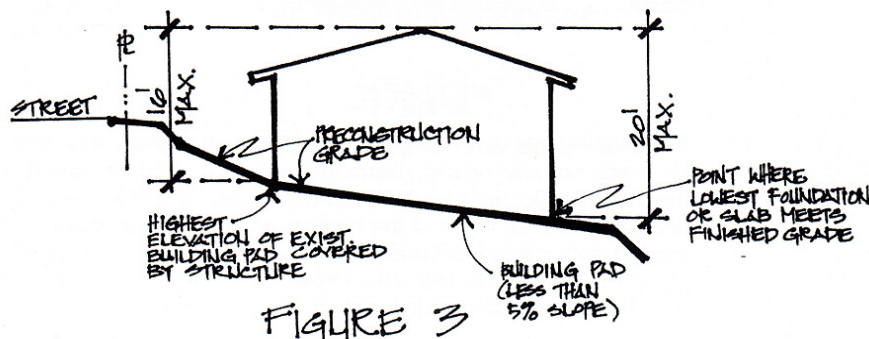


FIGURE 3

Height Variation Guidelines
May 6, 2003

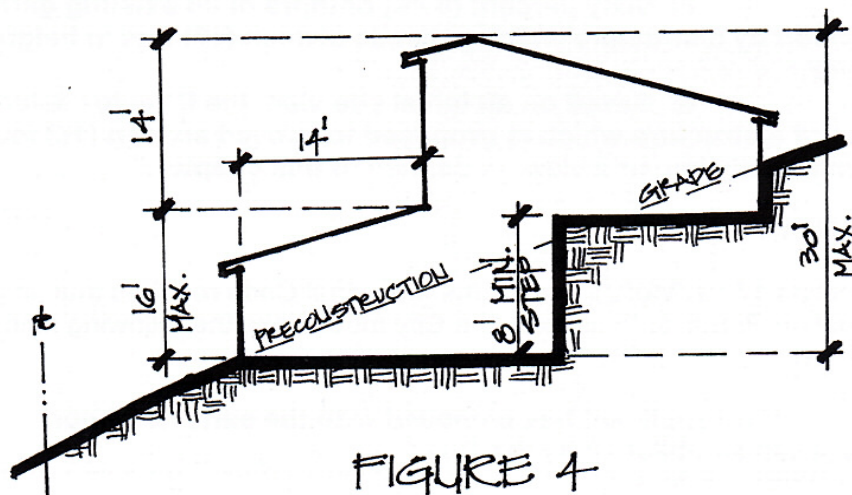
- (d) "On sloping lots described in sections 17.02.040(B) (1)(a) and 17.02.040(B)(1)(b), the foundation of the structure shall contain a minimum eight (8) foot step with the slope of the lot. However, no portion of the structure shall exceed thirty (30) feet in height, when measured from the point where the lowest foundation or slab meets finished grade to the ridge line or highest point of the structure. The thirty (30) foot height shall not exceed a horizontally projected sixteen (16) foot height line (from the high point of the uphill step of the structure)." (See figure below): If there is not a minimum eight (8) foot step in the structure's foundation, a Height Variation Permit and/or a Variance will be required.

VII. SETBACKS FOR SLOPING LOTS

Section 17.02.040(B)(2) of the Municipal Code requires that:

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

This provision applies to uphill lots only and covers height at any point on the structure in excess of 16 feet above the grade at the downslope side of the structure. The figure below (Height Setbacks) illustrates how a structure would need to fit within the stepped-back setback envelope.



**Height Variation Guidelines
May 6, 2003**

VIII. CRITERIA FOR REVIEW

A. Administrative or Planning Commission Review

Section 17.02.040(C)(1) provides criteria for the initial review of Height Variation applications by either the Director of Planning, Building, and Code Enforcement or the Planning Commission.

1. "Any person proposing to construct a structure above sixteen (16) feet shall submit a Height Variation Permit application to the City. A determination on the application shall be made by the Director in accordance with the findings described in Section 17.02.040(C)(1)(e). The Director shall refer an application for a Height Variation Permit directly to the Planning Commission for consideration under the same findings, as part of a public hearing, if any of the following is proposed:

a. Any portion of a structure which exceeds sixteen (16) feet in height extends closer than twenty-five (25) feet from the front or street-side property line; or

b. The area of the structure which exceeds sixteen (16) feet in height (the second story footprint) exceeds seventy-five percent (75%) of the first story footprint area (residence and attached garage);

c. Sixty percent (60%) or more of a garage footprint is covered by a structure which exceeds sixteen (16) feet in height (a second story); or

d. Based on an initial site visit, the Director determines that any portion of a structure which is proposed to exceed sixteen (16) feet in height may significantly impair a view as defined in this chapter."

IX. MANDATORY FINDINGS

Section 17.02.040(C)(1)(e) of the Municipal Code requires that, in order for a Height Variation Permit to be issued, the City must make the following nine mandatory findings:

1. "The applicant has complied with the early neighbor consultation process established by the City."

Height Variation Guidelines

May 6, 2003

Staff will review the submittal to be sure that the methods of early neighbor consultation, as outlined above on pages 4 and 5 of these Guidelines, are adequate.

2. "The structure does not significantly impair a view from public property (parks, major thoroughfares, bikeways, walkways, or equestrian trails) which has been identified in the City's General Plan or Coastal Specific Plan as City designated viewing areas."

Any public park or right-of way will be considered for view analysis under this provision. Other sites will be limited to those specifically delineated in the General Plan, Coastal Specific Plan, or areas specifically set aside as public viewing areas. "Significantly impair" is defined in section (6) below.

3. "The proposed structure is not located on a ridge or promontory."

A ridge is defined in Section 17.96.1550 as "an elongated crest or a linear series of crests of hills, bluffs, or highlands". A promontory is defined in Section 17.96.1420 as "a prominent mass of land, large enough to support development, which overlooks, or projects onto a lowland or body of water on at least two sides". The analysis of ridges and promontories relates to protection of public views and vistas overlooking or looking up at ridges or promontories. The Director or Planning Commission will make a determination as to the degree of visual impact associated with construction over 16 feet in height on a "ridge or promontory" when viewed from a park, public roadway, or a designated public viewing point.

The "ridge or promontory" must be prominent in relation to the 16 to 26 foot range of heights permitted under the Height Variation Permit process. Geologic structures which would not be noticeable in relation to the size of the proposed structure probably will not be affected by development of a proposed structure, and accordingly no public view benefit would be provided by prohibiting construction on such ridges or promontories.

4. "The structure is designed and situated in such a manner as to minimize impairment of a view."

(a) All structures shall be designed to minimize view impairment even when a view may not be significantly impaired.

(b) View impairment may be minimized by redesigning a structure to relocate or reduce the size of the portion of the addition over 16 feet in height to lessen the view impact.

Height Variation Guidelines May 6, 2003

(c) Redesign to minimize view impairment may include relocation or reorientation of the addition, deletion of a balcony, revised roof pitch, or other measures which generally maintain the scope of the addition.

(d) Minimizing view impairment does not apply to construction or additions 16 feet or less in height, even when attached to and a portion of the overall addition which includes construction which exceeds 16 feet in height.

5. **"There is no significant cumulative view impairment caused by granting the application. Cumulative view impairment shall be determined by: (a) considering the amount of view impairment caused by the proposed structure, and (b) considering the amount of view impairment that would be caused by the construction on other parcels of structures similar to the proposed structure."**

(a) Significant cumulative view impairment will be considered when the individual structure may not significantly impair views, but when the effect of the structure could, in combination with other similar structures, create significant view impairment.

(b) The Director or Planning Commission will determine which other nearby parcels within the viewshed from a particular property or public place may be developed, consistent with this Section; which would further impair a view. The evaluation will usually not extend beyond three or four parcels adjacent to the subject property.

(c) The criteria for determining the significance of the cumulative view impairment is the same as for significance for the individual structure, as outlined below in paragraph 6.

6. **"The proposed structure, when considered exclusive of existing foliage, does not significantly impair a view from the viewing area of another parcel. If the viewing area is located in a structure, the viewing area shall be located in a portion of a structure which was constructed without a Height Variation Permit or Variance, or which would not have required a Height Variation Permit or Variance when originally constructed had this Section as approved by the voters on November 7, 1989, been in effect at the time the structure was constructed, unless the viewing area located in the portion of the existing structure which required a Height Variation Permit or Variance constitutes the primary living area (living room, family room, dining room, or kitchen) of the residence."**

(a) "Significant view impairment" will be determined by the Director or Planning Commission based on (a) the severity (extent, magnitude, etc.) of

Height Variation Guidelines

May 6, 2003

impairment of an existing view, and/or (b) the impairment of features of significance, including but not limited to Catalina Island and other offshore islands, Point Fermin or other notable coastal promontories, or the Vincent Thomas bridge or other prominent manmade landmarks, etc.

(b) The "viewing area" may only be located on a second (or higher) story of a structure if:

- i. The construction of that portion of the structure did not require approval of a Height Variation Permit or Variance, pursuant to Chapter 17.02.040 of the Rancho Palos Verdes Municipal Code, or would not have required such a permit if that Section had been in effect at the time that portion of the structure was constructed; or
- ii. The viewing area is located in a part of the structure that constitutes the primary living area of the house, which is the living room, family room, dining room or kitchen.

(c) If a master bedroom exists on the same level as the primary living area of the house, and if no views are enjoyed from the other primary living areas, views from the master bedroom will be considered.

(d) Views will be analyzed without respect to foliage existing on properties within 1000 feet of the property from which the view is taken. The impact of a proposed structure if the foliage did not exist will be estimated as best as can be determined. However, if the foliage blocking the view is located on the property from which the view is taken, such foliage must be removed prior to the view analysis or that foliage will be considered as remaining in the view.

7. "The proposed structure complies with all other Code requirements."

Any proposed structure will be evaluated to assure compliance with zoning, General Plan, and Specific Plan requirements, including but not limited to setbacks and open space restrictions, as well as any specific conditions associated with the pertinent tract approval. If other discretionary permits are required for the second story addition, approval of the Height Variation Permit shall be contingent on the approval of those other discretionary permit.

8. "The proposed structure is compatible with the immediate neighborhood character."

"Neighborhood character" is defined to consider the existing characteristics of an area, including:

Height Variation Guidelines

May 6, 2003

(a) Scale of surrounding residences, including total square footage and lot coverage of the residence and all ancillary structures.

(b) Architectural styles, including facade treatments, structure height, open space between structures, roof design, the apparent bulk or mass of the structure, number of stories, and building materials.

(c) Front, side and rear yard setbacks.

The Director's or Planning Commission's determination of compatibility with neighborhood character will be based on a review of the above criteria relative to the immediate neighborhood which is normally considered to be at least the twenty (20) closest residences within the same zoning district, and on property owner response to the required notification. Increases in scale, height, bulk or mass or decreases in setbacks or open space may be considered incompatible.

9. **"The proposed structure does not result in an unreasonable infringement of the privacy of the occupants of abutting residences."**

"Privacy is defined as the reasonable protection from intrusive visual observation."

(a) The burden of proving an "unreasonable infringement of indoor and/or outdoor privacy" shall be on the property owner claiming infringement of privacy. The Director or Planning Commission will make a determination on a case by case basis.

(b) Given the variety and number of options which are available to preserve indoor privacy, greater weight generally will be given to protecting outdoor privacy than to protecting indoor privacy.

Redesign to minimize invasion of privacy may include using translucent material in (upper floor) windows, eliminating windows, reducing and/or relocating balconies, or eliminating balconies.

X. HEIGHT VARIATION PERMIT PROCEDURES

A. Height Variation Permit Application

The attached "Height Variation Permit Application" must be submitted to the City's Department of Planning, Building, and Code Enforcement to initiate a request for a Height Variation Permit.

Height Variation Guidelines

May 6, 2003

B. Height Variation Permit Process

The following sequence of steps shall occur in order to process a Height Variation Permit application:

1. The applicant consults with property owners within 500 feet of the proposed project.
2. The applicant completes and submits an application form to the City's Department of Planning, Building, and Code Enforcement along with the appropriate fees. The application must be accompanied by proof of early neighbor consultation (including letter from subject Homeowners Association, if any) and the waiver form for the temporary frame.
3. The applicant erects the temporary frame and notifies Staff that the frame is in place.
4. Staff reviews the application to assure that it is complete, and inspects the site to assure that the temporary frame is in place and adequately constructed. A letter will be sent to the applicant not later than 30 calendar days after submittal indicating that the application is complete for review or what additional information or corrections are required to make the application complete for review.
5. The Director shall refer an application for a Height Variation Permit directly to the Planning Commission for consideration under the same findings, as part of a public hearing, if any of the following is proposed:
 - a. Any portion of a structure which exceeds sixteen (16) feet in height extends closer than twenty-five (25) feet from the front or street-side property line; or
 - b. The area of the structure which exceeds sixteen (16) feet in height (the second story footprint) exceeds seventy-five percent (75%) of the existing first story footprint area (residence and attached garage);
 - c. Sixty percent (60%) or more of an existing garage footprint is covered by a structure which exceeds sixteen (16) feet in height (a second story); or
 - d. Based on an initial site visit, the Director determines that any portion of a structure which is proposed to exceed sixteen (16) feet in height may significantly impair a view as defined in this chapter."
6. Staff mails notice to all property owners within a five hundred foot radius and to the affected homeowners' association, if any, and informs them that any

Height Variation Guidelines

May 6, 2003

objections to the proposed construction must be submitted to the City within 30 days after the date of the notice.

7. Staff will conduct view analyses to determine whether the nine review criteria are being met from properties whose owners have expressed concern regarding the proposed construction and any additional properties that Staff feels may be impacted by the proposed project.

8. Based on the view analyses, review of the plans, review of the surrounding area, and the decision criteria outlined in the Municipal Code, a decision will be rendered approving the application, approving the application with conditions, or denying the application. Letters of interest that have been received will be taken into consideration when evaluating the project based on the criteria mentioned previously. Either the Director or the Planning Commission will render the initial decision pursuant to section VIII(A) of these Guidelines (Administrative or Planning Commission Review).

9. The Director's or Planning Commission's decision will be mailed to the applicant and any person who responded to the original notice. However, only written correspondence or testimony before the Planning Commission will be considered as a response entitling a person to appeal the Director's or Planning Commission's decision.

10. The Director's decision may be appealed to the Planning Commission by the applicant or by any person who provided written correspondence to the Director prior to the Director's decision. The decision of the Planning Commission may be appealed to the City Council by any person who commented orally or in writing to the Planning Commission. The appeals must be filed in writing (stating the reason(s) for the appeal) within 15 calendar days of the date of the decision notice, accompanied by the appropriate appeal fee.

11. The Planning Commission or City Council will conduct a public hearing to consider the Height Variation Permit appeal. Notice of the public hearing will be mailed at least 30 days in advance of the hearing. Notice will be provided to all persons within 500 feet of the structure in question as well as any additional property owners previously determined by the City to be affected by the proposal.

12. The Director's decision shall be final if no appeal is filed to the Planning Commission. The Planning Commission's decision shall be final if no appeal is filed to the City Council. The decision of the City Council is final.

XI. REMOVAL OF FOLIAGE AS CONDITION OF PERMIT ISSUANCE

Section 17.02.040(B)(4) of the Municipal Code requires that:

Height Variation Guidelines May 6, 2003

"The City shall issue no Conditional Use Permit, Variance, Height Variation Permit, Building Permit or other entitlement to construct a structure, or to add livable area to a structure on a parcel utilized for residential purposes, unless the owner removes that part of the foliage on said lot exceeding sixteen (16) feet in height, or the ridge line of the primary structure, whichever is lower, that significantly impairs a view from the viewing area of another parcel. The owner of the property is responsible for maintaining the foliage so that the views remain unimpaired. This requirement shall not apply where removal of the foliage would constitute an unreasonable invasion of privacy of the occupants of the property on which the foliage exists and there is no method by which the property owner can create such privacy through some other means allowed within the Development Code that does not significantly impair a view from a viewing area of another property. The initial decision on the amount of foliage removal required or the reasonable degree of privacy to be maintained shall be made by the Director, the Planning Commission or the City Council, as appropriate for the entitlement in question. If the permit issuance involves property located within the Miraleste Recreation & Park District, the findings of Section 17.02.040(C)(2)(c)(vi) shall apply. A decision by the Director may be appealed, with the appropriate fee, to the Planning Commission, and any decision of the Planning Commission may be appealed to the City Council."

Foliage analysis will be conducted for any project which either adds 120 square feet or more of habitable space **or** involves a structure which can be used as a gathering space and viewing area, such as decks or covered patios (also, 120 square feet or more). Excluded are projects which are clearly not habitable or which are just minor architectural features (antennas, skylights, solar panels, tool sheds, garden windows, etc.). Each such planning permit will include a condition, based upon a site inspection, requiring that specified foliage be pruned or removed prior to issuance of a Building Permit.

Indoor privacy can be achieved in many unobtrusive ways such that obstructive foliage should generally not be preserved to protect indoor privacy. The burden of proof of "unreasonable" intrusion of privacy shall be on the foliage owner.

NEIGHBORHOOD COMPATIBILITY HANDBOOK



CITY OF RANCHO PALOS VERDES

**ADOPTED BY THE CITY COUNCIL
ON MAY 6, 2003**

AMENDED ON APRIL 20, 2004 AND NOVEMBER 3, 2004



ACKNOWLEDGEMENTS*

NEIGHBORHOOD COMPATIBILITY HANDBOOK

The City Council of the City of Rancho Palos Verdes wishes to express its sincere appreciation to those City Officials and residents who generously gave their time in reviewing and preparing this Handbook. A special word of gratitude is due to the following individuals:

NEIGHBORHOOD COMPATIBILITY (NC)

STEERING COMMITTEE

Councilman Larry Clark
Councilman Peter Gardiner
Commissioner Jon Cartwright
Commissioner Frank Lyon
Member Ken Dyda
Member Lois Karp
Member Vic Quirarte
Member Don Shults
Member Diane Weinberger

PLANNING COMMISSION

(April 4, 2000-November 27, 2001)

Frank Lyon, Chairman
Jon Cartwright, Vice-Chairman
Commissioner Larry Clark (Subcommittee Member)
Commissioner Tom Long
Commissioner Craig Mueller
Commissioner Ted Paulson (Subcommittee Member)
Commissioner Don Vannorsdall

CITY STAFF

Joel Rojas, AICP, Director of Planning, Building & Code Enforcement
Ara Michael Mihranian, AICP, Senior Planner

Preparation Assisted by
Smothers & Associates

TABLE OF CONTENTS

INTRODUCTION	1
Purpose	2
What is Neighborhood Compatibility?	2
POLICY ADMINISTRATION	3
When Does it Apply?	3
Project Review Process	5
Process Chart	6
Pre-application Process	7
Time Limits	7
Silhouette Construction	8
Who Reviews Project Application?	9
Public Notification	9
Project Decision Process	10
CLASSIC ARCHITECTURAL STYLES	11
DESIGN TIPS	13
Scale of Surrounding Residences	14
Mass and Scale	15
Architectural Features	16
Lot Coverage	18
Accessory Buildings	19
Architectural Style and Materials	19
Facade Treatments	20
Height of Structures	21
Number of Stories	22
Roof Design	23
Open Space Between Structures	24
Apparent Bulk and Mass	24
Building Materials	25
Setbacks	26
Off-Street Parking	27
CONCLUSION	28
GLOSSARY	29
REFERENCES	32
APPENDICES	33

NEIGHBORHOOD COMPATIBILITY HANDBOOK

INTRODUCTION

The City of Rancho Palos Verdes exists in a very special natural setting comprised of 12.3 square miles of land and 7.5 miles of coastline. With its magnificent views of the Los Angeles Basin and Pacific Ocean, relatively low density, rural and semi-rural character, significant open space, low crime and excellent schools, the City has become an increasingly desirable place to live. The construction of homes began in the 1920's prior to the City's incorporation and continued at varying rates to the present. The threat of massive and dense, multi-unit development along the City's coastline in the 1960's and early 1970's prompted a grass roots community effort to incorporate the fourth City on the Peninsula as a means to control planning and the implementation of policies. On September 7, 1973, the City of Rancho Palos Verdes incorporated.

Before its incorporation, many of the City's neighborhoods were developed with single-family residences under the jurisdiction of Los Angeles County. These houses, because of their size, floor plan and aging condition, have become the subject of significant modification in recent years. With increasing property values and more money being spent on homes today, much of the existing housing stock is not well-suited to meet the needs and accommodate the changing lifestyle of existing residents and those who are relocating to the City. However, when a change is made in an existing neighborhood, it is essential to properly balance residential development with the preservation of the rural and semi-rural character of the City. Modernization of the aging housing stock must be done in a manner that recognizes and respects the unique features and characteristics of neighborhoods, thereby ensuring continued enjoyment of the City's quality of life. This is the concept of Neighborhood Compatibility.

The City of Rancho Palos Verdes' General Plan contains policies on many aspects of residential development, including Neighborhood Compatibility. These policies have led to recommended guidelines for property development in the City. The City also encourages public input on proposed development plans as a means to preserve and enhance the character of established neighborhoods.

On November 7, 1989, the voters of the City of Rancho Palos Verdes approved the "Cooperative View Preservation and Restoration Ordinance" (Proposition M). The adopted Ordinance, among other things, "insures that the development of each parcel of land or additions to residences or structures occur in a manner which is harmonious and maintains neighborhood compatibility and the character of contiguous sub-community development." Although the Ordinance has been amended slightly over the years and its intent clarified through the adoption of the "Height Variation Guidelines," the basic elements of the Neighborhood Compatibility criteria have remained intact, but

have been expanded to include other residential development projects in addition to second stories. Therefore, the Neighborhood Compatibility requirement is administered on a case-by-case basis, recognizing the uniqueness of neighborhoods, sites and architecture.

On May 23, 2000, the Planning Commission initiated a project to prepare a Handbook that would acquaint the general public with the City's Neighborhood Compatibility requirement, and formed a Subcommittee to manage this task. Subsequently, the City Council created a Steering Committee to review and improve the City's Neighborhood Compatibility requirement. The Steering Committee consisted of two Council members, two Planning Commissioners, and five representatives from various homeowner's associations.

On May 6, 2003, the City Council reviewed and approved the content of this Handbook noting that the suggestions and guidelines contained herein are not intended to take precedence over the City of Rancho Palos Verdes Municipal Code (RPVMC), but rather to assist in the preparation and design of residential development projects.

Purpose

This Neighborhood Compatibility Handbook has been prepared for the benefit of residents who are proposing to build a new home, construct a room addition, or remodel their existing home. The handbook is intended to assist residents, architects, designers, and real estate professionals in understanding the City's procedure for processing residential development applications requiring the analysis of Neighborhood Compatibility, as set forth in the City's Development Code.

What is Neighborhood Compatibility?

Simply put, Neighborhood Compatibility is achieved when a new home or addition to an existing home is designed in a manner that blends in with the following characteristics of the immediate neighborhood:

- Scale of the surrounding residences
- Architectural styles and building materials
- Front, side, and rear yard setbacks

The "character" of a neighborhood is defined in the City's Development Code as follows:

- Architectural style, mass and bulk, height, number of stories, and roof design.
- Scale, orientation, setbacks, open space, architectural style, texture, color, and building materials.

Throughout the City of Rancho Palos Verdes, architectural styles tend to be expansive with horizontal gestures typically resembling California Ranch, Spanish Colonial, and Mediterranean architectural styles. These typical homes are generally constructed with

the use of natural materials, muted earth tones and simple roof forms. Many existing neighborhoods in Rancho Palos Verdes have a relaxed rural quality, consisting of residences that have been designed to capture and enhance views of the Pacific Ocean, Catalina Island, the Los Angeles Harbor, and the Los Angeles basin.

Therefore, a new home or addition must be designed in a manner that complements the surrounding neighborhood, with an emphasis on architectural style in order to preserve the unique characteristics and qualities of the City. This Handbook provides guidelines and suggestions, based on the aforementioned criteria, that may be incorporated into the design of a residential project.

POLICY ADMINISTRATION

In an attempt to preserve and improve the “character” of established neighborhoods when new homes or additions to existing homes are proposed, the City Council has adopted a method for regulating the size and appearance of single-family residential development projects through the Neighborhood Compatibility requirement, as defined in the City’s Development Code.

When Does it Apply?

Pursuant to Section 17.02.030(B) of the RPVMC, an analysis of Neighborhood Compatibility shall be required for the following residential development projects:

1. A new residence that is proposed to be developed on a vacant lot;
2. A new residence that is proposed to replace an existing residence;
3. An existing residence that is proposed to be remodeled or renovated such that fifty percent or greater of any existing interior and exterior walls or existing square footage is demolished;
4. An addition to an existing single-family residence or the construction of any new detached structure that individually, or when combined with prior additions cumulatively, results in greater than: (i) 750 square feet of additional floor area, or (ii) a 25% expansion of the total square footage of all of the original structures constructed on the property, including the main residence, the garage, and all detached structures;
5. The construction of, or an addition to, a new second story or higher story; pursuant to Chapter 17.02 of the Development Code;
6. Projects that result in lot coverage that exceeds the maximum allowed in Chapter 17.02 of the Development Code;

7. The construction of, or an addition of a deck, balcony or roof deck to a second story or higher story if the total area of the deck, balcony, or roof deck is eighty (80) square feet or larger or projects more than six (6) feet from the existing building; and,
8. An addition of a mezzanine to an existing structure that modifies the exterior of the structure other than the placement of flush mounted doors and windows.

Exemptions

The projects listed in the following subparagraphs (a through d) shall be exempt from the Neighborhood Compatibility requirements of this Paragraph B. However, no property shall be issued a permit for a project that is subject to the same subparagraph more than once in a two-year period without complying with the Neighborhood Compatibility requirements:

- a. An addition to an existing single-family residence that meets the following criteria:
 - i. Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,
 - ii. Is not being constructed along the facade facing any street,
 - iii. Is 250 square feet or less in floor area; and,
 - iv. Complies with all of the City's residential development standards.
- b. An addition or conversion of non-habitable floor area to habitable floor area that does not result in exterior modifications other than the placement of flush mounted doors and windows.
- c. The construction of a minor non-habitable accessory structure, such as, but not limited to, a cabana, a pool changing room, a storage shed, or a playhouses, that meet the following criteria:
 - i. Is 12-feet or less in height, as measured from lowest adjacent grade as stated in Section 17.48.050(D); and,
 - ii. Is less than 250 square feet in floor area; and,
 - iii. Complies with all of the City's residential development standards.
- d. The enclosure of a roofed breezeway between legally permitted structures or the enclosure of a 250 square foot or less patio cover, provided the enclosure:
 - i. Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,
 - ii. Is attached to the primary structure; and,
 - iii. Complies with all of the City's residential development standards.

If the Neighborhood Compatibility requirement is triggered (see previous page), the analysis is based, at a minimum, on the review of the residences within the immediate neighborhood. For the purposes of Neighborhood Compatibility, the immediate neighborhood is normally considered to be at least the twenty (20) closest residences within the same zoning district. As previously noted, pursuant to Section 17.02.030(B)(2) of the RPVMC, the analysis of Neighborhood Compatibility is based on the following criteria:

- A. Scale of surrounding residences
- B. Architectural styles and building materials
- C. Front, side, and rear yard setbacks

In addition to these criteria, comments and concerns raised by the public during the public noticing period will also be considered in the determination of Neighborhood Compatibility. It should be noted that the side and rear yard setback analysis is not expected to be as precise as the front yard setback analysis, but is intended to provide the decision makers with an idea of the current condition of the neighborhood.

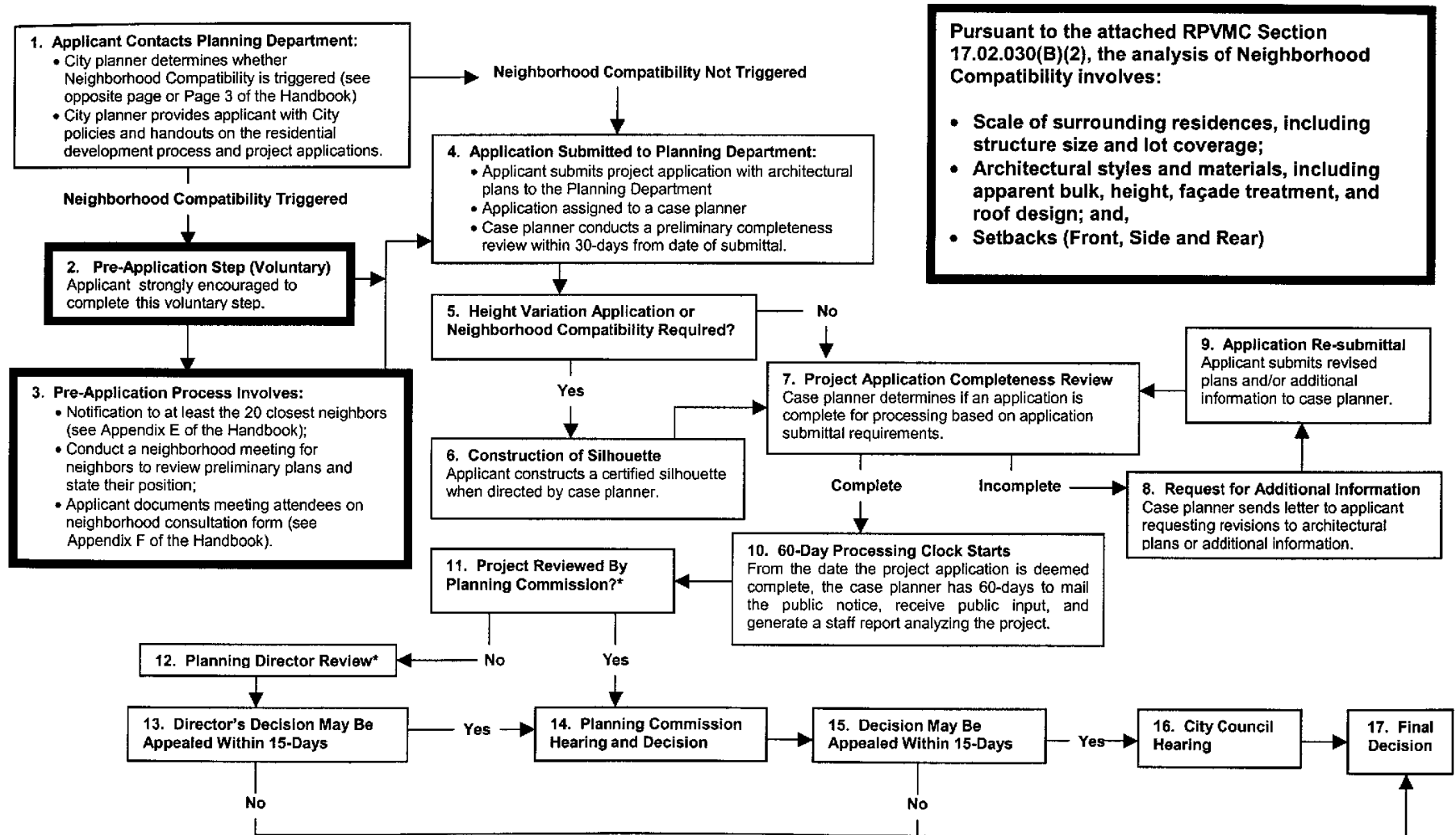
Project Review Process

The Neighborhood Compatibility requirement is evaluated by the City in conjunction with the processing of a residential development application. The type of residential development application that needs to be submitted is determined by the nature of the proposed project. The Neighborhood Compatibility analysis is included in the required findings of fact for certain residential development applications. It is suggested that applicants contact a Planner at City Hall to determine the appropriate development application before going to the expense of having plans prepared. Furthermore, preliminary discussions with the City's Planning Staff often reveal potential conflicts that the proposed project may have with the Development Code.

The typical steps involved in development of a new residence or expansion of an existing residence in the City of Rancho Palos Verdes is depicted in the process chart on the following page. The chart is intended to assist a property owner/applicant in understanding the City's residential development review process. The steps represented in the chart may vary depending on the nature of a project and public comments. The steps specifically related to the Neighborhood Compatibility requirement are outlined in bold boxes on the chart.



SINGLE-FAMILY RESIDENTIAL DEVELOPMENT PROJECT PROCESS CHART



*The review process depends on the application requested. For more information see the flip side of this flow chart or Page 8 of the Neighborhood Compatibility Handbook, City Staff or the appropriate Code sections pertaining to the requested application.

The above boxes outlined in bold represent steps involved in the analysis of Neighborhood Compatibility

Pre-application Process

If a proposed project requires the Neighborhood Compatibility analysis, the City strongly encourages the property owner to complete a “Pre-Application Step.” It should be noted that this is a **voluntary step** in the residential development process for the City of Rancho Palos Verdes that has been helpful in addressing neighborhood issues early in the process that may cause **delays in the formal process and added expense to the applicant**.

The Pre-Application Step involves three action items:

1. **Notification to at Least the 20 Closest Neighbors** – A project requiring Neighborhood Compatibility is normally analyzed based on at least the 20 closest homes within the same zoning district, which are also the homes most likely to be affected by the project (For information regarding the Neighborhood Compatibility findings please see Appendix A - RPVMC 17.02.030(B)(2).) Therefore, notification to the 20 closest properties is a Pre-Application step. However, since property owners within a 500-foot radius will receive a public notice by the City during the formal review process, it is strongly encouraged that notification also be given to potentially affected property owners within a 500 foot radius. The Pre-Application notice should indicate the date, time, and location of a neighborhood meeting (see Appendix E - Pre-Application Neighborhood Compatibility Meeting Notice).
2. **Conduct a Neighborhood Meeting to Review Preliminary Plans** – An applicant should conduct a meeting with the neighbors prior to formally submitting an application to the Planning Department. The neighborhood meeting is intended to provide the neighbors with an opportunity to review the preliminary plans and voice their concerns. It is suggested that the meeting occur in the early evening, over the weekend or at a time when most neighbors are available.
3. **Applicant Documents Meeting Attendance** – In order to complete the Pre-Application Step an applicant is encouraged to obtain verification that the 20 closest neighbors have reviewed the preliminary plans. Said verification may be achieved by completing the attached sample form (see Appendix F - Neighborhood Compatibility Pre-Application Consultation Form).

Time Limits

Upon the submittal of a project application to the Planning Department, a case planner will be assigned to the project based on workload and level of experience. Within three to four working days from the date of submittal, the property owner/applicant will receive a letter from the City informing them of the case planner assigned to the project. The case planner will be responsible for processing the project application.

Pursuant to the California Permit Streamlining Act, a residential development application submitted to the Planning Department must be reviewed for completeness within 30 calendar days from the date of submittal. The “completeness review” involves a comprehensive review of the project applications and architectural plans for completeness and accuracy. Within the 30-day “completeness review” period, if the project applications or architectural plans are missing information needed to process the property owner’s request, the case planner will deem the project “incomplete.”

If an application is deemed “incomplete,” a letter will be sent to the property owner/applicant within the 30-day review period identifying the information that is needed in order to deem the project application complete for processing. At this time, the case planner will also notify the property owner of any “concerns” observed during the initial review of the proposed project. It should be noted that additional Staff concerns may arise after a project has been publicly noticed and public input is obtained. If an application is deemed “incomplete,” it is the responsibility of the property owner/applicant to resubmit the appropriate information needed to continue processing the application. The submittal of additional or new information triggers a new 30-day “completeness review” period.

Once an application is deemed “complete” by the case planner, a 60-day processing clock begins. During the 60-day processing period, a public notice is sent to property owners within a 500-foot radius, interested parties, and published in a local newspaper for general circulation at least 15 days before a decision is rendered, or at least 30 days before a decision is rendered for a Height Variation application. It is during the public noticing period that the City receives public comments or concerns. Once the public comment period has ended, the case planner will generate a Staff Report that analyzes the project and public input for review by the Director of Planning, Building and Code Enforcement or the Planning Commission. A decision on the project must be made within the 60-day processing period.

For a detailed explanation of the typical steps involved in the City’s residential development process, please refer to the Process Chart on Page 6, as well as a written description that corresponds to the steps identified in the Process Chart that is available in Appendix C.

Notwithstanding the steps depicted in the Process Chart, there are other factors that affect the length of time it takes to process a development application that involves the Neighborhood Compatibility analysis. These factors include, but are not limited to, neighbor concerns, Staff concerns, Planning Commission direction to redesign, and appeals. Thus, it typically takes three to six months to process a residential development application involving Neighborhood Compatibility.

Silhouette Construction

If the Neighborhood Compatibility analysis is required, the property owner/applicant will be required to construct a certified silhouette that depicts the proposed project before an

application is deemed complete for processing. In order to minimize costs involved in constructing a silhouette, it is advised that the silhouette not be constructed until directed to do so by the case planner, because it is likely that a project will undergo revisions before being deemed complete for processing. For more information regarding the City's criteria for constructing a silhouette see Appendix G.

Who Reviews Project Application?

Analysis of the City's Neighborhood Compatibility requirement shall be made by either the Director of Planning, Building, and Code Enforcement or the Planning Commission, depending upon the review process of the requested development application. Notwithstanding, the Director of Planning, Building and Code Enforcement shall refer a development application directly to the Planning Commission for consideration, as part of a public hearing, if any of the following are proposed:

1. Any portion of a structure that exceeds sixteen (16) feet in height and extends closer than twenty-five (25) feet from the front or street-side property line; or,
2. The area of the structure that exceeds sixteen (16) feet in height (the second story footprint) and exceeds seventy-five percent (75%) of the existing first story footprint area (residence and attached garage); or,
3. Sixty percent (60%) or more of an existing garage footprint that is covered by a structure that exceeds sixteen (16) feet in height (a second story); or,
4. Based on an initial site visit, the Director determines that any portion of a structure that is proposed to exceed sixteen (16) feet in height may significantly impair a view as defined in Section of the RPVMC 17.02.040; or,
5. The portion of the structure which exceeds sixteen (16) feet in height is being developed as part of a new single-family residence; or,
6. Grading involving more than 1,000 cubic yards of combined cut and fill.

Public Notification

Regardless of whether a development application requiring the Neighborhood Compatibility analysis is considered by the Director of Planning, Building, and Code Enforcement or by the Planning Commission, a public notice is required to be published in a newspaper of general circulation and given to: a) all owners of property within a 500-foot radius from the subject property, b) all persons requesting notice, c) any affected homeowner associations, d) interested parties, and e) the applicant pursuant to Section 17.80.090 of the RPVMC. Furthermore, pursuant to Section 17.02.030(B)(4) of the RPVMC, a public notice shall be given at least 15 days prior to

rendering a decision, unless a Height Variation application is requested, which requires a public noticing period of at least 30 days.

Project Decision Process

When a project involves the Neighborhood Compatibility requirement as part of a discretionary development application that does not require a public hearing before the Planning Commission, the project application(s) will be reviewed and decided upon by the Director of Planning, Building and Code Enforcement. The Director's decision is based on a report generated by the Planning Staff analyzing the proposed project. The Staff Report includes a recommendation for consideration by the Director.

When a project involves the review of a discretionary development application by the Planning Commission through a public hearing, the Planning Staff will schedule a duly noticed public hearing before the Planning Commission. Prior to the public hearing, Staff will analyze the proposed project and generate a Staff Report for consideration by the Planning Commission. A copy of the Staff Report, as well as an agenda informing the property owner of the meeting date and time, will be made available on the Friday before the scheduled Tuesday Planning Commission meeting, unless otherwise noted. **The Planning Commission routinely meets on the 2nd and 4th Tuesday of each month at the Hesse Park Community Building, 29301 Hawthorne Boulevard, Rancho Palos Verdes, unless otherwise noted.**

It is highly recommended that the property owner and project architect attend the public hearing for the proposed project. At the public hearing, the applicant will have an opportunity to introduce the project along with any related exhibits, for consideration by the Planning Commission. Furthermore, this is the applicant's opportunity to address the Planning Department's project recommendation, as well as address any other concerns expressed during the public noticing period. It should be noted that as part of the public notice, members of the community are invited to submit written comments or provide public testimony at the public hearing regarding the merits of the project. After considering all public testimony, as well as the relevant facts related to the proposed project, the Planning Commission will discuss the merits of the project and render a decision.

A project, whether reviewed by the Planning Director or the Planning Commission, will either be approved, denied, or conditionally approved. Projects reviewed by the Planning Commission may be "continued" (rescheduled) to a specific future meeting to allow additional time to address outstanding issues. After a decision is rendered, any interested party, including the project applicant, may appeal the decision, provided that a written request stating the grounds of the appeal and the appropriate filing fee are submitted to the City within the required 15-day appeal period. A decision made by the Director of Planning, Building and Code Enforcement may be appealed to the Planning Commission. A decision by the Planning Commission, including a Director level appeal, may then be appealed to the City Council.

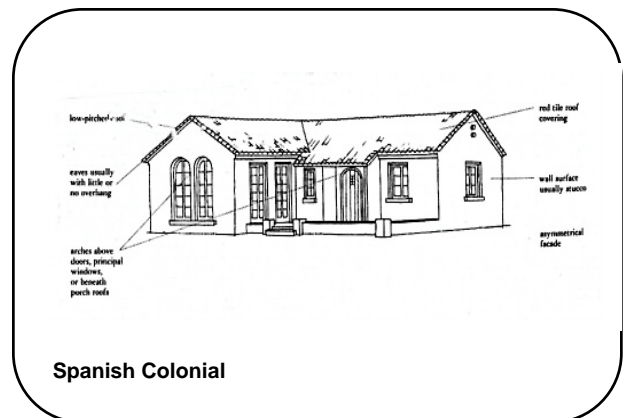
CLASSIC ARCHITECTURAL STYLES¹

This section describes architectural styles of residences commonly found in California, including the City of Rancho Palos Verdes. A summary of the basic physical components of these different architectural styles are provided herein and are intended to assist a property owner/applicant in designing a new residence or an addition to an existing residence in a manner that is true to the architectural style and its relationship to the characteristics of the immediate neighborhood.

It should be noted that the architectural styles depicted herein do not necessarily exclude or limit the development of other architectural styles. However, proposed architectural styles that are not referenced herein will be reviewed more stringently with respect to the City's Neighborhood Compatibility requirement and its relationship to the characteristics of the immediate neighborhood.

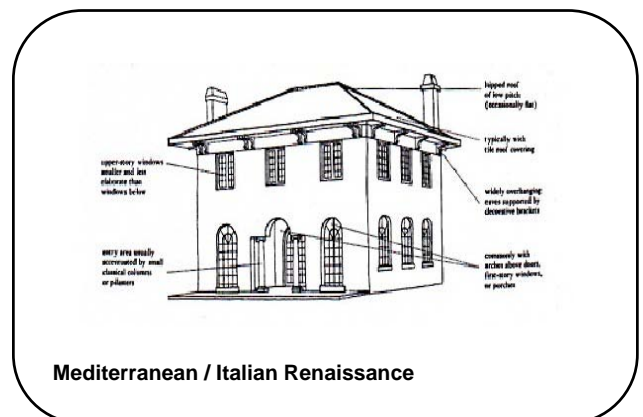
Spanish Colonial

- One- and two-story structures
- Low-pitched gable roof with little or no overhang
- Red tile roof
- Flat roof with red tile parapet cap or Stucco siding
- Arched window and porch openings (semicircular, elliptical, or segmental)
- Heavy wooden doors
- Large focal window on front facade.
- Wing walls at one corner
- Indoor/outdoor courtyards, patios, and terraces
- Wrought iron balconies, railings and window treatments
- White or earth-tone stucco or smooth plastered walls



Mediterranean/Italian Renaissance

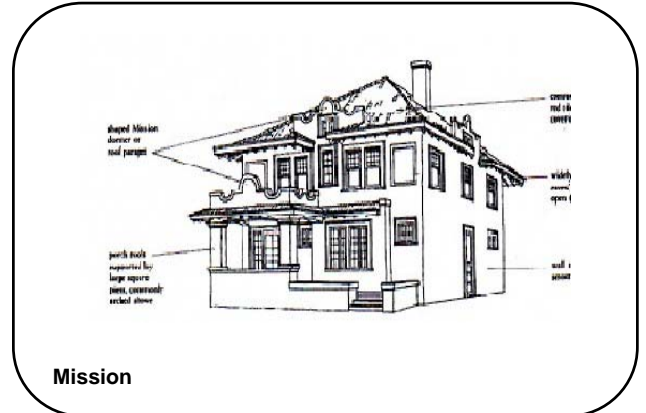
- Low-pitched hipped roof (flat in some instances)
- Roof typically covered with ceramic tiles
- Wide eaves supported by decorative brackets
- Upper-story windows smaller and less elaborate than first floor windows
- First-story windows, doors or porches commonly with arches above them
- Windows placed symmetrically on either side of the centered entrance.
- Entrance area usually accented by small classical columns or pilasters
- Facade commonly symmetrical
- Smooth stone or earth-tone / white stucco facade



¹ Taken from A Field Guide to American Houses, 1995, by Virginia & Lee McAlester

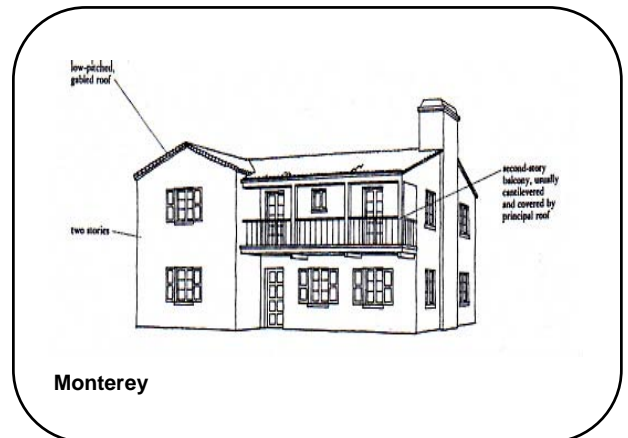
Mission

- Low-pitched hipped or gabled roof
- Red tile roof
- Wide overhang eaves with exposed rafters
- Curved (Mission) shaped dormer or roof parapet
- Smooth whitewashed stucco surfaces and walls
- Symmetrical or asymmetrical facades
- Arcade entry porch with arched entrance are part of one smooth plane
- Open porches supported by square or rectangular piers
- Quatrefoil windows
- Symmetrically placed windows
- Second-story balconies with wood railing



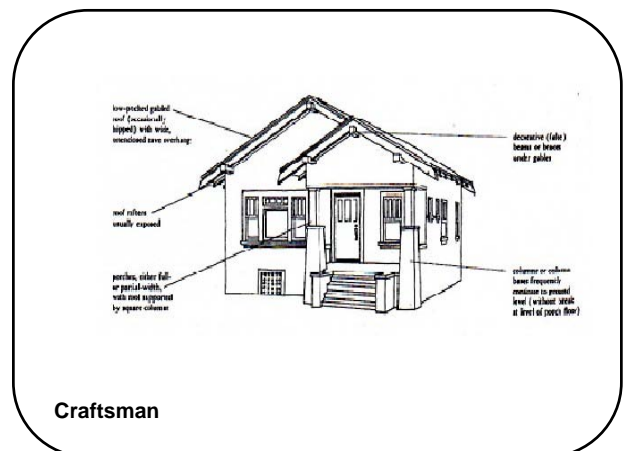
Monterey

- Two-story structure
- Low-pitched gabled roof or hipped roof with expansive overhang
- Tile or shingle roof material
- Second-story balcony along front facade
- Balcony cantilevered from facade with wood railing and covered by principal roof
- White/earth-tone stucco finish occasionally with wood siding accents
- Single wood door entrance
- Multi-paned windows
- Wood shutter accents
- Pronounced chimneys



Craftsman

- Low-pitched gable roof with wide unenclosed eave overhangs
- Multiple roof planes
- Decorative beams or braces under gable
- Exposed roof rafters with elaborate and curved ends
- Full- or partial-width roofed porches supported by square or battered columns
- Rubble stone faux foundation
- Rubble stone chimneys
- Use of natural materials such as redwood, tile, and stone.
- Window dormers with gable or shed roof
- Wood casement windows
- Exposed wooden balconies
- Trellis porch or porte-cochere



California Ranch (Contemporary)

- One-story structure
- Asymmetrical rambling floor plan with easy outdoor access
- Low-pitched gable or shake roof with large overhang and exposed rafters
- Clay tile roof material
- Stucco walls with wood siding and masonry (brick or stone) accents
- Decorative iron or wooden porch supports and shutter accents
- Attached garage integrated into the design
- Direct or indirect driveways
- Use of picture windows or bay windows
- Private outdoor patios or courtyards
- Low and wide brick or stucco chimneys



California Ranch

Split-Level

- One- and one-half story (bi-level) with 8-foot step between lower and upper levels
- Structure steps with natural topography (upslope or downslope from street, or parallel to street)
- Low-pitched gable or hip roof
- Varying roof planes
- Clay tile roof material
- Stucco walls with wood siding and masonry (brick or stone) accents
- Attached garage integrated into the design
- Entrance at ground level between upper and lower levels.
- Decorative iron or wooden porch supports
- Use of picture windows, bay windows, and clerestory



Split-Level

DESIGN TIPS

This section presents design tips for residential development projects that require the Neighborhood Compatibility analysis. The criteria for making the Neighborhood Compatibility finding, as outlined below, is used in the organization of this section.

- Scale of Surrounding Residences
- Architectural Styles and Materials
- Front, Side and Rear Yard Setbacks

In addition to the design tips, this section also offers suggestions in terms of architectural styles discussed in the previous section, that may be integrated into the

planning of a structure to better achieve its compatibility with the character of a neighborhood. These tips and suggestions are not mandated, but rather are intended to assist in the design of a project that is compatible with the characteristics of the immediate neighborhood.

Some of the suggested design tips stated in this section are intended for new residences, while others are intended for room additions and remodels to existing residences. **These design tips put a great deal of emphasis on understanding the characteristics of a neighborhood.** Although an applicant may already have a good feel of their neighborhood's character, it may be helpful after reviewing this Handbook, to walk around your neighborhood to document (notebook entries and photographs) prevalent design features and architectural styles that you may want to consider incorporating into the design of your project. It is also useful to take photographs of your house with the neighbor(s) house in the shot to better understand the relationship between the structures. **This is the time to start considering how the design of your project may impact your neighbors.** It is suggested that you contact the City's Planning Department Staff with any inquiries you may have.

I. SCALE OF SURROUNDING RESIDENCES

The criteria presented in this section is intended to address the scale of a project in the context of the immediate neighborhood. The following tips are intended to ensure that new construction is designed in a manner that is relatively proportional to the existing residence, as well as neighboring residences, resulting in a harmonious relationship between the scale of the proposed project and the scale of the existing neighborhood.

Neighborhoods that were recently constructed generally have common features, such as similar lot sizes and setbacks. If a home is part of a residential tract, there may be common floor plans, architectural styles and details. Furthermore, the streetscape will often be very similar throughout a neighborhood. In neighborhoods where homes have been constructed over a longer period of time and are not part of a residential tract, the common architectural style and design features may be less obvious at first because most of the homes in the neighborhood may have been custom built. Nonetheless, further study of the neighborhood may reveal a common architectural style and design elements that are characteristic of the neighborhood, such as structure scale, building proportions, height, building materials, and structure setbacks. A rhythm in the streetscape may also become more evident, while building materials may be more diverse and rather generously applied to a structure, adding a refined appearance to the neighborhood. Integrating specific architectural features into the design of a project may result in a structure that enhances an architectural style commonly found in the neighborhood.

In Rancho Palos Verdes, the prevalence of low profile home designs creates a casual and informal quality to a neighborhood. A project that consists of a two-story residence or a second-story addition with a strong vertical emphasis and a more formal style, will

cause a neighborhood to start losing its original character and setting. Therefore, it is the City's intent to ensure that new homes and major additions be designed compatibly with the existing structures of a neighborhood.

A. MASS AND SCALE

A new or modified structure should be designed so that it is similar to the neighboring structures: it should not appear overwhelming or disproportionate in size or scale. The following illustrations represent a structure's relationship to neighboring properties in terms of mass and scale:



A neighborhood with proportionate characteristics



Drastically out of scale with the neighborhood



A good attempt to reduce mass and scale with the use of design details



A good attempt to reduce mass and scale with the use of design details.



Too massive of a design that is incompatible with the character of the neighborhood.



A good design to reduce mass and scale by preserving the appearance and character of the neighborhood.

1. Architectural Features

A new residence or addition that is proposed to be larger than the surrounding residences may be designed in a manner that incorporates architectural features that reduce its apparent mass and scale.

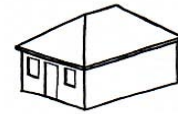
a. Plate Height

A suggested architectural feature that can be used in reducing the apparent mass and scale of a structure is to lower the plate height of a single-story or two-story structure so that the eave height is lowered, as illustrated below:

Design Tip: A hip roof can reduce the apparent mass of a structure.



Gable Roof



Hip Roof



The mass of this house is reduced by lowering the plate height, using dormers and including an entry element.

b. Entrance

The front door entrance should be designed to be proportional to the size of the residence, and not dominate the visual appearance of a structure. This suggestion does not mean that a two-story entrance is prohibited. However, it is important to minimize the use of strong vertical features that create a formal style that dominates the appearance of the structure, as well as the neighborhood.



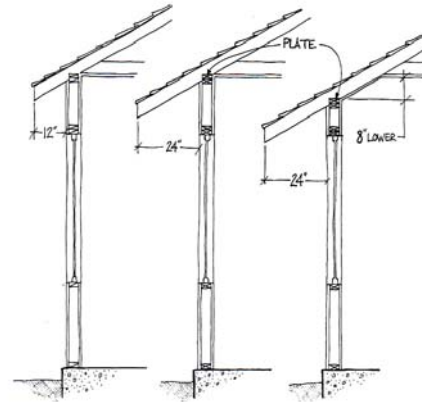
The house on the left has an entry with human scale, the one on the right does not.

c. Eaves

Adjusting the height of an eave may be used to lower the mass and scale of a structure by lowering the building plate. This design suggestions can be enhanced by increasing the eave overhang of the roof.

2. Two Story

A proposed project consisting of a second story in a neighborhood that is mostly comprised of single-story structures will be reviewed closely to determine its compatibility with the neighborhood's character. Therefore, when designing a residence or addition that has a second story, it is suggested that the design include a single story element and a horizontal orientation on the visually prominent portions of the structure, particularly the street facing elevation.



Examples of varying eave heights



A two-story residence that maintains a single story roofline common to the immediate neighborhood

a. Balconies and Decks

For projects with a second or higher story, it is highly recommended that balconies and small decks be incorporated into the project's design to reduce the apparent mass and scale of a structure. For further information regarding the City's requirements regarding "roof decks" see Section 17.20.030(D) of the RPVMC.

Design Tip: A second story addition should occur towards the rear and side of the original structure's front facade.

Design Tip: A second story addition should not be located entirely over a garage to avoid the "pop-up" appearance.

Design Tip: A second story should be designed with varying roof planes that are integrated with the lower roof planes.

3. Garage

The location and size of a garage should not dominate the street view of a residence. Furthermore, a garage and its driveway (direct or indirect) should be sited based on the pattern of the neighborhood.

Design Tip: When a residence has more than three bedrooms, there may be a practical need for added garage space.

4. Streetscape Patterns

In an established neighborhood, the streetscape should be preserved, especially if it is commonly seen throughout the area.

5. Neighbors' Views

In accordance with Section 17.02.040 of the RPVMC, views from the viewing area of neighboring residences are protected by the City when structures exceed the 16-foot "by right" height limit. As such, in cases where a Height Variation application is required for a proposed project that exceeds the 16-foot "by-right" height limit, views from a neighboring residence should be preserved by carefully positioning a new structure or addition, and by limiting the project's width, depth, and height. Although views that may be blocked by a structure below 16-feet are not protected, residents are encouraged, but not required, to take their neighbor's views into account when designing a project below 16-feet in height.

Design Tip: Energy Conservation

- Use large roof overhangs.
- Plant deciduous trees on south and west elevations.
- Use windows for maximum natural light.
- Use windows to create through airflow for natural ventilation.
- Ventilate attic spaces.
- Use porches, covered patios and the like to buffer the residence from heat gain.

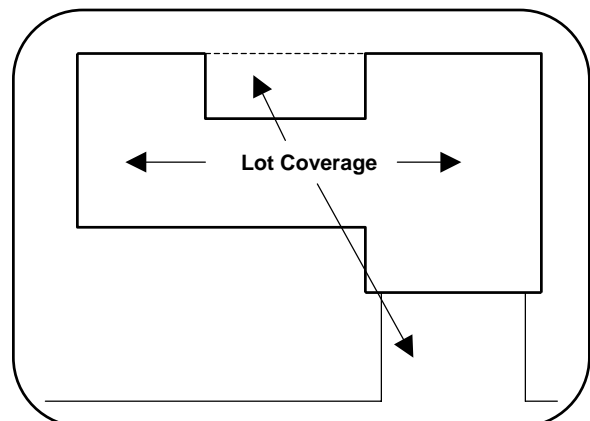
6. Grading

Excessive grading used to create a building pad should be avoided. Rather, grading should be designed to respect the natural terrain with minimal site disturbance. Proposed grading that will raise the existing lot elevation is discouraged.

Natural features such as the natural slope of the land, significant trees and their root systems, existing vegetation, and any other natural site attributes should be preserved and taken advantage of in the design of a project.

B. LOT COVERAGE

Lot coverage is primarily intended to regulate the relationship between lot size and building footprint. A structure should be designed in a manner that does not appear too big for the lot. A project that maximizes the lot coverage requirement, but is within the Code limit, is discouraged.



The City's lot coverage requirement is based on zoning districts, as defined in Section 17.020.040(A) of the RPVMC. The Development Code defines lot coverage as that portion of a lot that is occupied by any building or structure, interior courtyards, trellises, decks over thirty inches in height, and parking and driveway areas (including private streets). For information regarding your zoning district's lot coverage maximum see Appendix B.

C. ACCESSORY BUILDINGS

Detached accessory structures can be found throughout the City and are typically in the form of a garage, guest house, pool cabana, or storage shed. When designing a detached accessory structure, in addition to considering the limitations established by the Development Code, such as height, setbacks, and size, the structure should maintain the visual appearance and architectural style of the main residence.

Design Tip: When the plans for a project get close to its lot coverage limit, alternatives should be considered, such as decomposed granite or grass strips.

A detached accessory structure used as a garage should also maintain the architectural detail of the main residence. It is suggested that windows be included on the garage door to reduce the apparent mass of the structure. It should be noted that a detached garage situated towards the rear of the property will require extending the length of the driveway, which will be counted towards the maximum lot coverage calculation established by the zoning district.

A detached accessory structure should not be located in the front of the main residence since it will increase the perceived mass of the principal structure.

Rules of composition:

The ideal rectilinear shape has sides in a ratio of 1:1.6 or 3x5.

Order is the greatest and most general of aesthetic laws

The Law of the Same – Architectural harmony may be perceived or created in a structure or composition of structures that attains order through the repetition of the same elements, forms, or spaces. Unity or harmony in uniformity.

The Law of the Similar – Architectural harmony may be perceived or created in a composition that attains order through the repetition of similar elements, forms or spaces. Unity in variety.

(These two laws apply as well to materials, colors, textures and symbols.)

II. ARCHITECTURAL STYLES AND MATERIALS

In accordance with the criteria used in the analysis of the Neighborhood Compatibility requirement, this section is intended to provide design tips that pertain to architectural style and materials. Pursuant to Section 17.02.040(A)(13) of the RPVMC, "style" refers to design elements, which consist of, but are not limited to, facade treatment, height of structure, open space between structures, roof design, apparent bulk or mass of the structure, and number of stories.

The City of Rancho Palos Verdes consists of single-family residences that vary in architectural styles. The majority of the homes in the City were built between the 1960's and 1970's and tend to be contemporary renditions of

California Ranch, Spanish Colonial and Mediterranean/Italian styles. However, the new homes and remodels being constructed today are typically designed to be Mediterranean. These structures tend to be of a low-profile asymmetrical design with horizontal elements that emphasize the human scale. Other common architectural elements being constructed today include broad roof overhangs, shallow roof pitches, well-defined entries, and wide eaves. These elements are designed to give many homes a rural quality.

The following tips are intended to ensure that the structures being constructed today are designed in a manner that preserves the character of an existing neighborhood by utilizing architectural styles and building materials that are modern, yet true to the original spirit of the neighborhood.

A. FACADE TREATMENTS

The design of a facade is critical to a structure's visual appearance, specifically as viewed from the street. A facade oriented towards the street should provide visual interest and a sense of human scale. While the details of various architectural styles may differ, these elements create an interesting streetscape and enhance the character of the neighborhood, as well as the City. The following suggestions are intended to assist in the design of a facade as it relates to the character of neighboring homes:

1. A facade should be designed in a manner that appears similar in scale and character to those in the immediate neighborhood.
2. The doors and windows of a structure should be proportional, as well as relate to the scale and architectural style of the building.
3. The use of architectural details are encouraged, but should be true to the structure's and the neighborhood's original architectural style.
4. The use of decorative molding, windows, bay windows, dormers, shutters, chimneys, masonry, balconies, wrought iron railings, and/or latticework are encouraged.
5. The scale of architectural details (porches, roof overhangs, bay windows, chimneys, etc.) should be appropriate to the size and proportion of the building.
6. A structure's facade should be designed in a manner that provides visual interest to the street, but is not visually cluttered.
7. The placement of windows on a second story should not compromise the privacy of a neighbor.

Design Tip: Overuse of architectural details can result in a cluttered, disorganized or gaudy appearance.

Design Tip: Provided that neighboring views are not impacted, established or newly planted landscaping can be used to enhance and soften a massive or stark facade.

8. Window materials should be consistent with the original materials.

9. An addition to an existing residence should appear as if it were part of the original structure by incorporating design details that are true to the architectural style represented in the existing structure.

Design Tip: The privacy of your neighbor should be preserved by carefully locating and sizing windows and decks/balconies.

10. The use of a blank facade that faces a street should be avoided.

B. HEIGHT OF STRUCTURES

The height of a structure should be compatible with the size of a lot, as well as the context of the surrounding neighborhood. The City of Rancho Palos Verdes, by the vote of the citizens on November 7, 1989, adopted procedures and decision criteria for evaluating the height of new residences and additions to existing residences that exceed the established height limits. Pursuant to Section 17.02.030(B) of the RPVMC, the established height limit is based on the type of lot (upslope, downslope, pad, or other). As part of the adopted procedures, a Height Variation Permit process was created to consider the construction of a structure that exceeds the City's maximum "by-right" height limit of 16-feet. For information regarding lot types and maximum heights, see the City's Planning Department. The following tips should be considered when designing the height of a structure:

1. The height of a structure should be compatible with the established building heights in the neighborhood.
2. The height of a structure should be proportionate to the front yard setback.
3. The second story of a structure should be setback from the first story.
4. The height of a structure on a sloping lot should respect the natural topography.
5. The height of a structure should be carefully designed to respect views, as defined in Section 17.02.040 of the RPVMC, from the viewing area of neighboring properties. Although views that may be blocked by a structure below 16-feet are not protected, residents are still encouraged, but not required, to take their neighbor's views into account when designing a project below 16-feet in height.

Design Tip: The privacy of a neighbor can be preserved by placing windows high on a wall to provide light and ventilation, but avoid views onto an adjacent property.

6. On visually prominent sites (promontories, ridgelines, hilltops, etc.) the height of a structure should be kept to a minimum, avoiding the use of multistory, boxy home styles.
7. The height of a structure should not result in a significant loss or infringement of privacy on a neighboring property.

C. NUMBER OF STORIES

The number of stories proposed for a structure is directly related to its height. Therefore, when designing a structure, consideration must be given to the natural topography of a project site, as well as the height and number of stories of the surrounding homes. The following suggestions are intended to assist in the design of a multiple story structure:

1. On natural sloping lots, the number of stories proposed should be based on the natural terrain as much as possible, so as to minimize grading.
2. The design of a hillside structure, proposed to have multiple stories, should give special attention to the visual impacts from canyons and open space areas.
3. If a second floor is being contemplated, consider utilizing the roof volume for the placement of dormers.



An example of using roof volume for a second level



A second floor setback from the first floor.



Completely out of character with the surrounding homes



Good effort to bring front elevation into scale with the neighboring homes.



Not a good attempt to make this home fit in with the neighbors. This type of design is discouraged.



Some effort made to soften the scale and mass by use of architectural design elements.

4. A second story addition should be designed so that it steps back from the first floor, articulating the lower and upper levels.
5. When a two-story house is being contemplated in a neighborhood comprised of one-story structures, careful attention should be given to the scale and mass of the proposed structure so that it appears similar to the surrounding structures.

D. ROOF DESIGN

The design and character of a structure is greatly influenced by the form and dimensions of its roof. A new roof should appear similar to the roofs typically seen throughout the neighborhood, both in terms of style and pitch. The following tips are suggestions that can be used in designing a roof, as well as selecting its material:

1. The design of a roof for new structures should be compatible with the pitch, character, and materials of roofs found in the neighborhood.
2. The roof of an addition should be integrated into the existing roof at a similar pitch.
3. Avoid designs that consist of large unbroken roof surfaces, especially those that run parallel to the street.
4. The use of flat or large and steep roofs should be avoided.
5. A design that consists of multiple roof planes can reduce the apparent mass of a structure, but should not dominate the style of a structure.



This house is a good example of multiple roof planes with cascading rooflines.

6. Roof materials should be true to the architectural style of the original structure.
7. Skylights are encouraged but should be consistent with the architectural style of the structure, and should never exceed the height of the highest roof ridgeline. A skylight may be integrated into a roof by using flat glass that is similar in color to the roof material.

8. Skylights, vents, and other roof top fixtures should be located on the back side of a roof, away from public view.
9. Dormers should be placed in balance with the first floor windows and consistent with the architectural style of the structure.

Design Tip: A roofline should be highest over the most important portion of a structure and then cascade to lower rooflines over peripheral portions of the structure.

E. OPEN SPACE BETWEEN STRUCTURES

The open space around a structure, achieved by the required setbacks, allows for sunlight and air, provides privacy, as well as enhances the character of a neighborhood. The following design tips can be used in the placement of a new structure or addition on a lot, specifically as it relates to open space:

1. A structure should be designed to resemble the scale of the project site by providing adequate open space around the structure.
2. The location of detached accessory structures should not limit the usability of the outdoor area surrounding the primary residence.
3. The distance between the primary residence and a detached accessory structure should meet the requirements set forth in the Uniform Building Code (see Building and Safety for more information regarding setback distances).
4. The design of a residence should consider using portions of the structure to define and incorporate usable outdoor spaces, such as courtyards, patios, breezeways, porches, decks, and terraces.
5. A residence should have sufficient space for its exterior functions, like driveway and entry approaches, parking, service areas, courtyards, patios, or garden areas.
6. The outdoor space surrounding a structure should relate to the character, mass and function of the structure.

Design Tip: Dormers lower the plate and eave lines. The use of dormers as second story windows can break up large roof surface areas.

F. APPARENT BULK AND MASS

The bulk and mass of a structure is assessed in terms of floor area, height, relationship to lot size, and architectural style. The apparent bulk and mass of a structure should be designed in a manner that is proportional to adjoining properties and enhances the rhythm of the streetscape. This can be achieved by incorporating the following design suggestions:

1. The bulk and mass of a new residence or an addition to an existing residence should be similar to neighboring structures, not overwhelming or disproportionate in size. A design that is out of character with the neighborhood is strongly discouraged.
2. A room addition should be integrated into the existing structure so that the new living space physically flows and visually connects to the existing structure.

G. BUILDING MATERIALS

The exterior presentation of a structure, in terms of color, texture, and use of materials in the form of architectural details, greatly influences curb appeal, as well as compatibility with neighboring structures. The design of a new structure or an addition to an existing structure should maintain the prevailing texture of building materials within a neighborhood so that there is a unifying link between existing and new structures. The building materials selected in a design should be used to reinforce the character of the neighborhood, while blending with the natural setting. Although the selection of building materials is a personal decision, the following suggestions are intended to facilitate the selection process:

1. In developing a design concept, consider the materials and colors used in other buildings in the surrounding neighborhood.
2. Exterior materials should be compatible with those that are common to the neighborhood.
3. The use of natural materials on exterior facades is preferred, such as wood, stone, brick, slate, and fire retardant shake shingles.
4. Limit the number of different exterior materials so as to avoid a too “busy” look.
5. An addition to an existing structure should use the same materials as the original structure to unify the new with the old.
6. Although the selection of exterior color is a personal decision, the colors should consist of earth tones that complement the structure and the streetscape.
7. Material combinations should be applied to all elevations. Facades that are blank and lack detail are discouraged.

Color Design Tip:

- Avoid white on white colors as it creates no contrast.
- Create contrast in the choice of colors.
- Limit exterior colors to three with a contrasting accent.
- Use subdued and light colors on large surfaces or volumes.
- Use earth-tone colors on hillside structures to blend in with the natural terrain.

Roof Color Design Tip:

- Natural colors of wood, barrel tile or slate are preferred.
- Earth tone and muted colors are preferred.
- Avoid glossy surfaces

8. When using a combination of materials such as stone and siding, never end it at an outside corner. Wrap it around the corner onto the next segment of the building facade. Inside corners are acceptable locations to terminate an exterior material.
9. Chimneys should be consistent with the architectural style of the structure by incorporating the same or complementing materials as the structure.

III. SETBACKS

The purpose of a setback is to provide a harmonious strip of open space for light and air between a structure and the abutting property lines, which in most cases also includes the street property line. According to the City's Development Code, the minimum requirements for the front, side, and rear yard setbacks is based on the designated zoning district, as well as the year the lot was created. For more information see Appendix B and the City's Planning Department. Nonetheless, in most cases, lots on a given block will have the same minimum setback requirement. However, variations of the required setbacks are not uncommon, especially the front yard setback, which in some neighborhoods may be greater than the minimum requirement. The variation in setbacks may exist because older homes may have been built under different standards than what the City now requires. However, when applying the Neighborhood Compatibility requirement, the proposed front, side, and rear yards setbacks will be compared to the respective setbacks of the immediate neighborhood.

A setback that is less than the required minimum setback will require a Variance approval from the City's Planning Commission. A Variance is usually warranted whenever there is a physical characteristic about a property that creates a hardship for development that other similar properties do not have to bear. It is suggested that you contact the City's Planning Department for further information regarding these matters.

This criteria for Neighborhood Compatibility is intended to allow the City a mechanism to ensure that the distances between the front, side, and rear property lines and a proposed project are consistent with the general characteristics of the surrounding neighborhood. The following tips are intended to assist in the placement of a structure as it relates to front, side, and rear yard setbacks:

- A new structure should be located at or near the established front, side, and rear yard setbacks for the surrounding neighborhood, even if it is greater than the minimum requirement. At no time should the setbacks be less than the minimum distance required by the designated zoning district, unless a Variance is warranted.
- A new structure or an addition to an existing structure should be designed in a manner that does not dominate the side and rear yards of a lot, as well as respects the side and rear yards setbacks of the neighboring properties.

- Establish a building setback from the property line that respects the natural terrain, particularly mature trees, rock outcroppings, and topographic features.
- The defined front yard should visually blend with adjacent properties with the use of landscaping. No more than 50% of the front yard area should contain hardscape as stated in Section 17.48.030(D) of the RPVMC.
- The use of front yard fences or walls is discouraged as it detracts from the visual appearance of a structure, specifically from the street. However, if proposed, Section 17.76.030(C)(1) of the RPVMC limits the height of fencing and/or walls located between the street property line and the closest building facade to the street to 42-inches in height. Fences and/or walls proposed to be higher than the 42-inch limit will require review of a discretionary application, such as a Variance or Minor Exception Permit. See the City's Planning Department for more information.
- Pursuant to Section 17.76.030 of the RPVMC, fences and/or walls located along the side and rear property lines may require a Fence, Wall and Hedge permit. The placement of a fence along the side or rear property line should respect views from neighboring properties.
- As a structure's setback is increased, its apparent mass will decrease.
- Variations of the front yard setback for portions of a building facade can serve to reduce the apparent mass of a structure.
- A second-story facade should be setback farther than the first-floor facade in an effort to reduce the apparent mass of the structure.



This house has both a varied front setback and the second story has been setback farther than the first floor wall.

A. OFF-STREET PARKING

According to Section 17.02.030(E) of the City's Development Code, a minimum of a two car garage is required for all new residences and major additions (50% or more

expansion, renovation or demolition of an existing residence). The following tips are intended to guide the design of a residence as it pertains to parking and driveways.

1. The driveway or parking area should be proportional to the overall front yard area, and should be placed directly in front of the garage area.
2. A driveway must maintain a minimum width of ten feet.
3. The use of an indirect or direct driveway should be based on the driveways commonly found in the immediate neighborhood.
4. Avoid large expanses of paved surfaces, especially driveways on an up-slope lot from the street, that are more visually prominent.
5. An extended driveway on a sloping lot should camouflage exterior driveway lighting so as to avoid a “runway” appearance at night.
6. Pursuant to Section 17.76.040(E) of the RPVMC, a driveway should never exceed a gradient of 20%.
7. A driveway which averages a slope of 10% or more and is 50-feet or more in length shall maintain a 25-foot turning radius between the street of access and the garage or parking area.
8. Interlocking pavers (turf blocks), grasscrete, grass strips, or decomposed granite may be used for added outdoor parking yet have the visual quality of turf. However, such paving may be considered lot coverage if used for a parking or driveway area.

Design Tip: The visual appearance of a driveway can be improved by using textured surface treatments, mixed paving materials, earth-tone colored materials and/or surface scoring patterns.

CONCLUSION

The information you have just reviewed is provided by the City of Rancho Palos Verdes to better inform the general public of the City’s Neighborhood Compatibility requirements and procedures. The design tips and guidelines provided in this Handbook are suggestions: the final decision on a project will be based on an analysis prepared for the specific project and on public input.

To obtain the appropriate project applications and Development Code requirements, it is highly recommended that you contact the City’s Planning Department before going to the expense of preparing architectural plans.

The City’s Planning Department may be contacted by calling (310)544-5228. The City’s website, which contains the Municipal Code as well as other information regarding the residential development process, is www.palosverdes.com/rpv.

GLOSSARY

The following is a collection of terms commonly associated with this topic, as well as architectural and planning terms that are generally associated with residential design.

Accessory Structure – A structure or part of a structure not exceeding twelve feet in height, which is physically detached from the main building on the lot and the use of which is incidental to that of the main building or use on the same lot. Where an accessory structure is a part of, or joined to, the main building by means other than a trellis, breezeway or overhang, the accessory structure shall be considered as part of the main building.

Apparent Mass – This is the mass of a structure as we see it from different vantage points, with variations in the structure's shape and surface treatments, and with other objects placed around it. With different emphasis on changes in these characteristics, a structure can be made to appear more or less massive.

Architectural Style – A fashion in which elements of a structure's forms, materials, etc., create a design which can be identified as a particular style. This can include the style of the building which existed when that building was originally constructed.

Articulation – Clear and distinct separation between design elements such as materials, walls and architectural details.

Balance – An important aspect of rhythm. It is described in terms of symmetrical and asymmetrical elements. It is very often achieved by matching differing elements which, when perceived in whole, display balance. Harmonious proportions of elements in a design.

Buildable Area – That portion of a lot that is suitable for the development of structures excluding all required setback areas, easements, areas of extreme slope (thirty-five percent or more) and all other areas where structures are otherwise prohibited.

Building Frontage – Those building elevations which face upon a public street. (See Facade)

Building Height – The maximum vertical dimension of a structure determined under Section 17.02.040 of the Development Code.

Cantilever – A beam or architectural element projecting beyond a wall line without support from below.

Character – A distinctive trait.

Compatibility – Having an architectural style, visual style, visual bulk, massiveness, height, width, and length, which is comparable with the neighborhood and harmonizes with existing structures in the neighborhood and within itself.

Complement – To add to the character of the area by attempting to incorporate similar setback, height, scale, massing and materials.

Cornice – In classical architecture, the top, projecting section of an entablature, any projecting ornamental molding along the top of a building, wall, arch, etc., finishing or crowning.

Detail – An element of a building such as trim, moldings, other ornament, or decorative features.

Dormer – A vertically framed window which projects from a sloping roof and has a roof of its own.

Eaves – The overhang at the lower edge of a roof which usually projects out over the walls.

Earth Tones – Color combinations found in the natural landscape. Muted or subdued colors.

Eclectic – A composition of elements from different architectural styles.

Elevation – The view of a side of a structure shown on an architectural drawing, usually drawn to scale.

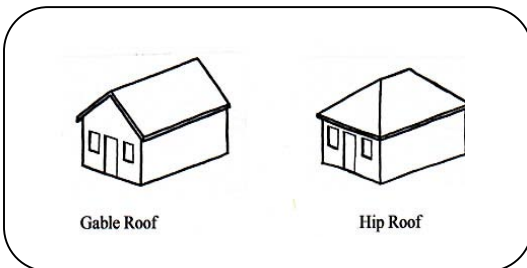
Façade – The exterior portion of a building which faces a public street. The facade is usually emphasized architecturally.

Fascia – A flat strip or band with a small projection, often found near the roofline.

Fenestration – The arrangement and design of windows in a building.

Gable – A roof with two sloping planes supported at their ends by triangular upward extensions of two walls known as gables. The triangular part of the exterior wall, created by the angle of a pitched roof.

Hip Roof – A roof with uniformly sloped surfaces.



Human Scale – The proportion of a structure or elements within a structure that are small and/or lower to the ground, relative to the size of a person, creating similarity in scale. These are commonly referred to as intimate spaces or elements because of the close relationship of a human being to the space or element.

Interlocking Pavers – Preformed paving blocks that have a groove along one edge and a flange along the other edge; the grooved edge of one block is designed to fit into the flanged edge of the adjoining block, thereby holding them together.

Lintel – The horizontal member above a door or window which supports the wall above the opening.

Lot – A parcel of real property with a separate and distinct number shown on a plat recorded in the office of the County Recorder. See Section 17.96.1040 of the City Development Code for other variations to this definition.

Lot Coverage – That portion of a lot or building site which is occupied by any building or structure, including courtyards which are fully enclosed or which have a maximum of one exterior entrance; trellises; decks over thirty inches in height (as measured from

existing adjacent grade); parking areas; or driveways.

(See Section 17.02.040.A.6 for complete definition)

Masonry – Wall construction of such material as stone, brick, block and adobe.

Mass – describes three -dimensional forms, the simplest of which are cubes, boxes, cylinders, pyramids, and cones. While buildings are rarely one of these simple forms, they are generally composites of varying types of masses. Also bulk, size or volume.

Moldings – Projecting materials usually patterned strips, used to provide ornamental variation of outline or contour, such as cornices, bases, window and door jambs and headers.

Mullions – The divisional pieces in a multi-pane window.

Natural Materials – Building materials made of resources found in nature; i.e., wood, clay, slate, stone.

Neighborhood Character – Identity of an area created by such physical features as building scale, orientation, setback, relation to site contours, architectural style and elements such as texture, color and building materials; landscape feature, natural and man-made and the street scene, its dimensions, fixtures style and materials.

Pitch – The slope of a roof expressed in terms of a ratio of rise (height) to span; i.e., 4:12, or 6:12.

Plane – A flat, level or even surface that wholly contains every straight line joining any two points lying on it.

Plate Height – The plate is a horizontal member at the top of a wall where the roof members rest. Lowering the plate height lowers the wall height and effectively lowers the roof eaves, giving the structure a lower profile. Commonly seen in California Ranch style residences. (See Pg. 12.)

Privacy – The reasonable protection from intrusive visual observation.

Proportion – Deals with the ratio of dimensions between elements. Proportion can describe height to height ratios, width to width ratios, width to height ratios, as well as ratios of massing. To arrange the parts of a whole so as to be harmonious.

Ranch Style – The style of architecture made popular in the United States during the 1940s to 1960s, typified by one story, asymmetrical shapes, low-pitched roofs, and wood clapboard siding.

Ridge – The highest line of a roof where sloping planes intersect.

Rhythm – The relationship of buildings to buildings or components of a building to each other. Rhythm relates to the spacing of elements and can be described in terms of proportion, balance, patterns in the timing, spacing, repetition, accenting and emphasis.

Scale – The measurement of the relationship of the size of one object to another object. The scale of a building can be described in terms of its relationship to a human being (see: Human Scale). All of the components of a building also have a relationship to each other and to the building as a whole. Generally, the scale of the building components also relates to the scale of the entire building.

(Scale used as in “drawn to scale” means an architectural drawing, plan or map is drawn very precisely to a ratio such as 1”= 20’ or ¼”=1 foot and thus can be used to measure the exact size of things represented upon them.)

Setback – The minimum horizontal distance as prescribed by the Development Code, between any property line or private easement boundary used for vehicular and/or pedestrian access and the closest point on any building or structure, below or above ground level, on the property.

Shed Roof – A sloping single planed roof as seen on a lean-to.

Site – The geographic location of a construction project, usually defined by legal boundaries as in a “lot.”

Site Plan – A plan, prepared to scale, showing accurately and with complete dimensioning, all of the structures, improvements, topography and uses proposed for a specific site.

Street View – The visual perspective of a building or collection of structures from the vantage of the adjacent roadway.

Streetscape – The elevation of a residential block which includes primary and accessory structures, landscaping, fencing, street fixtures and other improvements visible from and along the street.

Structure – Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or on top of the ground.

Style – Design elements which consist of, but are not limited to:

- Façade treatment
- Height of structure
- Open space between structures
- Roof Design
- The apparent bulk or mass of the structure
- The number of stories

Tasteful – Having or showing good judgment or appreciation of what is beautiful, appropriate, harmonious, compatible or excellent in art, architecture, decoration, design, and the like.

Trim – The finished woodwork, plasterwork or the like used to decorate, border, or protect the edges of openings of surfaces.

Variable Setback – An outline of the ground area of a structure within a site that deviates from being built square at the minimum setback lines.

Volume – Cubic square footage of an area measured as the length times the width times the height of the area.

REFERENCES

This document has benefited by reference to the contents of several documents.

1. City of San Marino, Residential Design Guidelines, June 9, 1999.
2. City of Pacific Grove, Architectural Review Guidelines for Single Family Residences, November 18, 1998.
3. A Field Guide to American Houses, Virginia & Lee McAlester, published by: Alfred A. Knopf, 1995.
4. A Pattern Language, Christopher Alexander, Sara Ishikawa, Murray Silverstein, Oxford University Press, 1977.
5. Landscape Architecture, John Ormsbee Simmonds, McGraw-Hill

APPENDICES

- A. Neighborhood Compatibility Findings – Section 17.02.030(B)(2) of the RPVMC.**
- B. Residential Development Standards Chart (Setback, Height and Lot Coverage requirements per zoning district)**
- C. Written Explanation of Residential Development Process Chart (see page 5 of Handbook)**
- D. Neighborhood Compatibility Triggers / Review Process**
- E. Pre-Application Meeting Notice**
- F. Pre-Application Consultation Form**
- G. Project Silhouette Construction Criteria**
- H. Planning Department Fee Schedule**

17.02.030(B) - Neighborhood Compatibility (amended November 3, 2004)

1. The following new single-family residences and additions to existing single-family residences shall be compatible with the character of the immediate neighborhood:
 - a. A new residence that is proposed to be developed on a vacant lot;
 - b. A new residence that is proposed to replace an existing residence;
 - c. An existing residence that is proposed to be remodeled or renovated such that fifty percent or greater of any existing interior and exterior walls or existing square footage is demolished;
 - d. An addition to an existing single-family residence or the construction of any new detached structure that individually, or when combined with prior additions cumulatively, results in greater than: (i) 750 square feet of additional floor area, or (ii) a 25% expansion of the total square footage of all of the original structures constructed on the property, including the main residence, the garage, and all detached structures;
 - e. The construction of, or an addition to, a new second story or higher story; pursuant to Chapter 17.02 of the Development Code;
 - f. Projects that result in lot coverage that exceeds the maximum allowed in Chapter 17.02 of the Development Code;
 - g. The construction of, or an addition of a deck, balcony or roof deck to a second story or higher story if the total area of the deck, balcony, or roof deck is eighty (80) square feet or larger or projects more than six (6) feet from the existing building; and,
 - h. An addition of a mezzanine to an existing structure that modifies the exterior of the structure other than the placement of flush mounted doors and windows.
2. The projects listed in the following subparagraphs (a through d) shall be exempt from the Neighborhood Compatibility requirements of this Paragraph B. However, no property shall be issued a permit for a project that is subject to the same subparagraph more than once in a two-year period without complying with the Neighborhood Compatibility requirements:
 - a. An addition to an existing single-family residence that meets the following criteria:
 - i. Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,
 - ii. Is not being constructed along the facade facing any street;
 - iii. Is 250 square feet or less in floor area; and,
 - iv. Complies with all of the City's residential development standards.

- b. An addition or conversion of non-habitable floor area to habitable floor area that does not result in exterior modifications other than the placement of flush mounted doors and windows.
 - c. The construction of a minor non-habitable accessory structure, such as, but not limited to, a cabana, a pool changing room, a storage shed, or a playhouses, that meet the following criteria:
 - i. Is 12-feet or less in height, as measured from lowest adjacent grade as stated in Section 17.48.050(D); and,
 - ii. Is less than 250 square feet in floor area; and,
 - iii. Complies with all of the City's residential development standards.
 - d. The enclosure of a roofed breezeway between legally permitted structures or the enclosure of a 250 square foot or less patio cover, provided the enclosure:
 - i. Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,
 - ii. Is attached to the primary structure; and,
 - iii. Complies with all of the City's residential development standards.
3. As defined in Section 17.02.040(A)(6) of this chapter, neighborhood character means the existing characteristics in terms of the following:
- a. Scale of surrounding residences;
 - b. Architectural styles and materials; and
 - c. Front, side, and rear yard setbacks.
4. The determination of whether a new single-family residence or an addition to an existing single-family residence is compatible with the neighborhood character shall be made by the director or planning commission in the course of considering the applicable permit application(s) for the proposed residence.
5. Public Notice. Notice for an application that requires a neighborhood compatibility finding shall be published in a newspaper of general circulation and given to owner's of property within five hundred feet of the project, to all persons requesting notice, to any affected homeowners' associations, and the applicant pursuant to Section 17.80.090 (Notice of Hearing) of this title. Said notice shall be given at least fifteen days prior to a decision on the application.

TABLE 02-A: SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

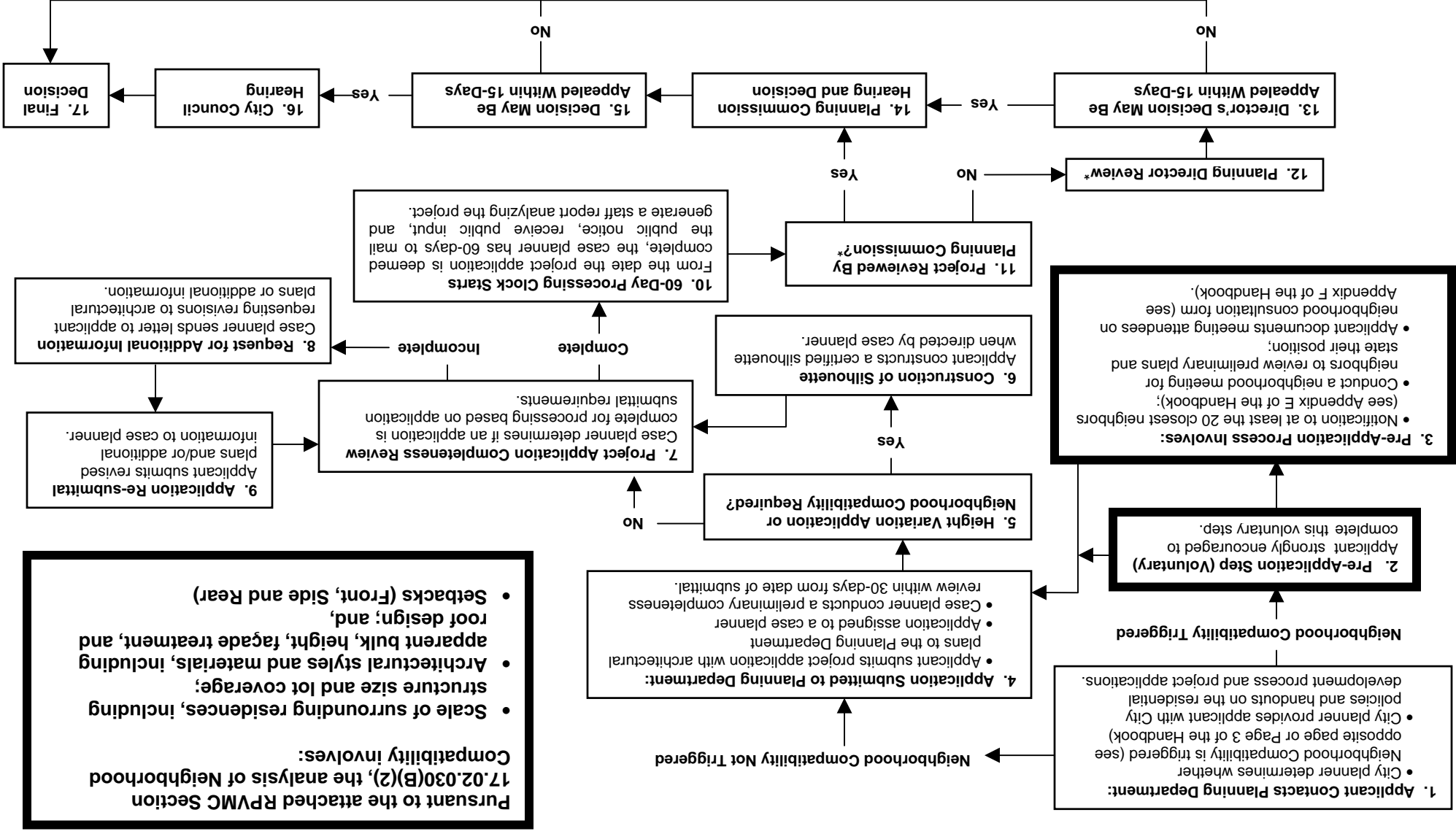
For exceptions and explanatory descriptions of these standards and for other development standards that apply to single-family residential areas, see Articles VI and VII of this title. The number which follows an “RS-” designation indicates the maximum number of lots per acre permitted in the zone; the “RS-A” number indicates the minimum number of acres per lot permitted.

DISTRICT	LOT DIMENSIONS ¹			MINIMUM SETBACKS ^{3,6} FOR CITY CREATED LOTS					MINIMUM SETBACKS ^{2,3,6} FOR LOTS CREATED PRIOR TO INCORPORATION / ANNEXATION				MAXIMUM LOT COVERAGE	MAXIMUM HEIGHT ^{3,4,7}	PARKING REQUIREMENT ⁵
	AREA	WIDTH	DEPTH	FRONT	INTERIOR SIDE		STREET SIDE	REAR	FRONT	INTERIOR SIDE	STREET SIDE	REAR			less than 5,000 s.f. of habitable space = 2 enclosed garage spaces 5,000 s.f. or more of habitable space = 3 enclosed garage spaces
					TTL BOTH SIDES	ONE SIDE									
RS-A5	5 acres	200	300	20	30	10	20	20	20	5	10	15	6%	16	
RS-1	1 acre	100	150	20	25	10	20	20	20	5	10	15	25%	16	
RS-2	20,000 sf	90	120	20	20	10	20	20	20	5	10	15	40%	16	
RS-3	13,000 sf	80	110	20	20	10	20	15	20	5	10	15	45%	16	
RS-4	10,000 sf	75	100	20	20	10	20	15	20	5	10	15	50%	16	
RS-5	8,000 sf	65	100	20	20	10	20	15	20	5	10	15	52%	16	

- For an existing lot which does not meet these standards, see Chapter 17.84 (Nonconformities).
- Lots of record, existing as of November 25, 1975 (adoption of this code), or within Eastview and existing as of January 5, 1983 (annexation), shall use these development standards for minimum setbacks.
- For description, clarification and exceptions, see Chapter 17.48 (Lots, Setbacks, Open Space Area and Building Height).
- For a description of height measurement methods and the height variation process, see Section 17.02.040 of this chapter. A height variation application shall be referred directly to the planning commission for consideration, if any of the following is proposed:
 - Any portion of a structure which exceeds sixteen (16) feet in height extends closer than twenty-five (25) feet from the front or street-side property line.
 - The area of the structure which exceeds sixteen (16) feet in height (second story footprint) exceeds seventy-five percent (75%) of the existing first story footprint area (residence and garage); and
 - Sixty percent (60%) or more of an existing garage footprint is covered by a structure which exceeds sixteen (16) feet in height (a second story).
 - The portion of a structure that exceeds sixteen feet in height is being developed as part of a new single-family residence; or
 - Based on an initial site visit, the director determines that any portion of a structure which is proposed to exceed sixteen (16) feet in height may significantly impair a view as defined in this chapter.
- For parking development standards, see Section 17.02.030(B) of this chapter.
- A garage with direct access driveway from the street of access shall not be less than twenty feet from the front or street-side property line, which ever is the street of access.
- Exterior stairs to an upper story are prohibited, unless leading to and/or connected to a common hallway, deck or entry rather than a specific room.



SINGLE-FAMILY RESIDENTIAL DEVELOPMENT PROJECT PROCESS CHART



*The review process depends on the application requested. For more information see the flip side of this flow chart or Page 8 of the Neighborhood Compatibility Handbook, City Staff or the appropriate Code sections pertaining to the requested application.

The above boxes outlined in bold represent steps involved in the analysis of Neighborhood Compatibility



RESIDENTIAL DEVELOPMENT PROCESS

The following is a summary of the typical steps involved in processing a single-family residential development project in the City of Rancho Palos Verdes. Each of the following steps corresponds to the Process Flow Chart on Page 6 of the Handbook or on the previous page. It should be noted that the steps identified below represent the typical process and may vary depending on the complexity of a project.

1. A property owner who is contemplating the construction of a new single-family residence or an addition to an existing residence contacts the Planning Department for information regarding the City's process and development standards. Based on the information conveyed to City Staff, the property owner will be given the criteria for their specific zoning district, as well as the appropriate development applications. It is also at this time that City Staff determines whether the Neighborhood Compatibility analysis is triggered (see Appendix D - Neighborhood Compatibility Triggers). Please note that the development applications given to a property owner are based on information provided to Staff and may change upon formal submittal and review of the project.
2. If the Neighborhood Compatibility analysis is triggered, the City strongly encourages the property owner to complete the suggested Pre-Application Step. It should be noted that this is a voluntary step in the residential development process for the City of Rancho Palos Verdes that has been found to be helpful in addressing neighborhood issues early in the process that typically cause delays in the formal process.
3. The Pre-Application Step involves three action items:
 - a. Notification to at least the 20 closest neighbors – A project requiring Neighborhood Compatibility is normally analyzed based on at least the 20 closest homes within the same zoning district, which are also the homes most likely to be affected by the project (for information regarding the Neighborhood Compatibility findings please see Appendix A - RPVMC 17.02.030(B)(2)). Therefore, notification to the 20 closest residences is a Pre-Application step. However, since property owners within a 500-foot radius will receive a public notice by the City during the formal review process, it is strongly encouraged that notification also be given to potentially affected property owners within a 500-foot radius. The Pre-Application notice should indicate the date, time, and location of a neighborhood meeting (see Appendix E - Pre-Application Neighborhood Compatibility Meeting Notice).
 - b. Conduct a Neighborhood Meeting – An applicant should conduct a meeting with the neighbors. The neighborhood meeting is to provide the neighbors with an opportunity to review the preliminary plans and voice their concerns. It is suggested that the meeting occur in the early evening, over the weekend or at a time when most neighbors are available.
 - c. Meeting Documentation – In order to complete the Pre-Application Step an applicant is encouraged to obtain verification that the 20 closest neighbors have reviewed the preliminary plans. Said verification may be achieved by

completing the attached sample form (see Appendix F - Neighborhood Compatibility Pre-Application Consultation Form).

4. If a project does not trigger the Neighborhood Compatibility analysis or the Pre-Application Step is not desired, the next step involves the preparation of the architectural plans and the completion of the appropriate application for formal submittal to the City's Planning Department. At the time a property owner submits a development application to the Planning Department, City Staff will routinely conduct a cursory review of the application and the architectural plans at the public counter for oversights prior to receiving the project. It is at this time that the appropriate filing fees are paid. Once an application has been filed with the Planning Department, the project is assigned to a case planner based on workload and level of experience. Within three to four working days from the date of submittal, the property owner will receive a letter from the City informing them of their assigned case planner. It should be noted that the case planner has 30 days from the date of submittal to review the application and architectural plans for completeness.
5. If a Height Variation application or any other application requiring the Neighborhood Compatibility analysis is requested, the property owner will be required to construct a silhouette that depicts the proposed project before an application is deemed complete for processing.
6. In order to minimize costs involved in constructing a silhouette, it is advised that a property owner not construct the required certified silhouette until directed to do so by the case planner. This is recommended because a project may undergo revisions before being deemed complete for processing. Once directed to construct the silhouette, the applicant should follow the City's criteria for construction a silhouette (see Appendix G).
7. Pursuant to State Law, a project submitted to the Planning Department must be reviewed for completeness within 30 calendar days from the date of submittal. The "completeness review" involves a comprehensive review of the project applications and architectural plans for completeness and accuracy. Within the 30-day "completeness review" period, if the project applications or architectural plans are missing information needed to process the property owner's request, Staff will deem the project "incomplete."
8. If an application is deemed "incomplete," a letter will be sent to the property owner/applicant within the 30-day review period identifying the information that is needed in order to deem the project application complete for processing. At this time, the case planner will also notify the property owner of any "concerns" observed during the initial review of the proposed project. It should be noted that additional Staff concerns may arise after a project has been publicly noticed and public input is obtained.
9. Once an application has been deemed "incomplete" by the City, the property owner is responsible for providing Staff with the appropriate information needed to continue processing the project. A property owner should use the "Incomplete Letter" sent by the case planner as a checklist. Upon the submittal of revised plans or additional information to the Planning Department, Step No. 7 is repeated.

Step No. 7 is repeated upon the submittal of the outstanding information requested by the case planner. After reviewing the revised or additional information, if the case planner determines said information is acceptable, then the project applications will be deemed "complete." A "complete" letter will be sent to the property owner indicating that a decision on the project application will be made within 60 calendar days from the date of completeness. Furthermore, if required, the letter will also indicate a tentative date for a public hearing.

10. Pursuant to State Law, a decision on a typical project application must be made within 60 calendar days from the date of completeness. During the 60-day processing period, the following steps occurs:
 - a. If public notification is required, a public notice will be sent to property owners within a 500-foot radius, interested parties and published in a local newspaper (*Peninsula News*) at least 15 days before a decision is made. Please note that a Height Variation application requires at least a 30-day public notification period. It is during the public noticing period that the City receives public comments or concerns on a project.
 - b. Prior to rendering a decision on a project, a Staff Report is prepared by the case planner that analyzes the project based on the required application findings. Furthermore, the Staff Report identifies any concerns raised during the public noticing period. Based on Staff's analysis, the Staff Report will contain a recommendation, consisting of either approval, approval with conditions, or denial.
 - c. The Staff Report prepared by the case planner is then provided to the Planning Director or to the Planning Commission for consideration and is also made available to the applicant. If the Planning Commission is the deciding body on a project, a decision on a project will be made at a duly noticed public hearing.
11. The review process of a project depends on the application requested. Please see Appendix D - Review Process, for further information.
12. If a project is reviewed by the Planning Director, the Staff Report will be given to the Director for review. The Director will consider the analysis of the required findings and the concerns raised during the public noticing period prior to rendering a decision. Please note that at any given time, a property owner or a concerned resident may schedule a meeting with the Planning Director to discuss project related concerns.
13. The Planning Director's decision may be appealed to the Planning Commission within 15 days of the action date. An appeal must be filed with the Planning Department along with the appropriate filing fee (see Appendix H - Fee Schedule). The appeal must list the parties involved and the reason for the appeal. The appeal will be agendized at the next available Planning Commission meeting. A public notice on the appeal will be mailed to the appellants, property owners within a 500-foot radius, to interested parties and published in the local newspaper (*Peninsula News*). If no appeal is filed within the 15-day appeal period, then the Planning Director's decision is final.
14. A project requiring the Planning Commission's review, including an appeal of the Planning Director's decision, will be considered by the Commission at a duly noticed public hearing. The Planning Commission will consider the analysis of the required

findings and the concerns raised during the public noticing period prior to rendering a decision. Please note that concerned residents are encouraged to attend the public hearing and provide the Planning Commission with public testimony on the project related issues.

15. The Planning Commission's decision may also be appealed to the City Council within 15 days of the action date. An appeal must be filed with the Planning Department along with the appropriate filing fee (see Appendix G - Fee Schedule). The appeal must list the parties involved and the reason for the appeal. The appeal will be agendized at the next available City Council meeting. A public notice on the appeal will be mailed to the appellants, property owners within a 500-foot radius, interested parties and published in the local newspaper (*Peninsula News*). If no appeal is filed within the 15-day appeal period, then the Planning Commission's decision is final.
16. A project requiring the City Council's review, including an appeal of the Planning Commission's decision, will be considered by the Council at a duly noticed public hearing. The City Council will consider the analysis of the required findings, the reasons for the Planning Commission's decision, the concerns raised during the public noticing period, and the merits of the appeal prior to rendering a decision. Please note that concerned residents, especially the appellant(s), are encouraged to attend the public hearing and provide the City Council with public testimony on the project related issues.
17. The Planning Director's and Planning Commission's decision that is not appealed, as well as the City Council's decision is final. Please note that projects involving a Coastal Permit may not become final until the appeal process with the California Coastal Commission has been exhausted.

M:\NEIGHBORHOOD COMPATIBILITY\STEERING COMMITTEE\APRIL 8, 2003\WRITTEN DEVELOPMENT PROCESS.doc



NEIGHBORHOOD COMPATIBILITY TRIGGERS

Residential development projects that involve one or more of the following triggers will require the City's review of Neighborhood Compatibility (see process chart on opposite page for more information regarding the process):

B. Neighborhood Compatibility.

1. The following residential development projects shall be compatible with the character of the immediate neighborhood:
 - a. A new residence that is proposed to be developed on a vacant lot;
 - b. A new residence that is proposed to replace an existing residence;
 - c. An existing residence that is proposed to be remodeled or renovated such that fifty percent or greater of any existing interior and exterior walls or existing square footage is demolished;
 - d. An addition to an existing single-family residence or the construction of any new detached structure that individually, or when combined with prior additions cumulatively, results in greater than: (i) 750 square feet of additional floor area, or (ii) a 25% expansion of the total square footage of all of the original structures constructed on the property, including the main residence, the garage, and all detached structures;
 - e. The construction of, or an addition to, a new second story or higher story; pursuant to Chapter 17.02 of the Development Code;
 - f. Projects that result in lot coverage that exceeds the maximum allowed in Chapter 17.02 of the Development Code;
 - g. The construction of, or an addition to, a deck, balcony or roof deck to a second story or higher story if the total area of the deck, balcony or roof deck is eighty (80) square feet or larger or projects more than six (6) feet from the existing building; and,
 - h. An addition of a mezzanine to an existing structure that modifies the exterior of the structure other than the placement of flush mounted doors and windows.
2. The projects listed in the following subparagraphs (a through d) shall be exempt from the Neighborhood Compatibility requirements of this Paragraph B. However, no property shall be issued a permit for a project that is subject to the same subparagraph more than once in a two-year period without complying with the Neighborhood Compatibility requirements:
 - a. An addition to an existing single-family residence that meets the following criteria:
 - i. Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,
 - ii. Is not being constructed along the facade facing any street; and,
 - iii. Is 250 square feet or less in floor area; and,
 - iv. Complies with all of the City's residential development standards.

- b. An addition or conversion of non-habitable floor area to habitable floor area that does not result in exterior modifications other than the placement of flush mounted doors and windows.
- c. The construction of a minor non-habitable accessory structure, such as, but not limited to, a cabana, a pool changing room, a storage shed, or a playhouse, that meets the following criteria:
 - i. Is 12-feet or less in height, as measured from lowest adjacent grade as stated in Section 17.48.050(D); and,
 - ii. Is less than 250 square feet in floor area; and,
 - iii. Complies with all of the City's residential development standards.
- d. The enclosure of a roofed breezeway between legally permitted structures or the enclosure of a 250 square foot or less patio cover, provided the enclosure:
 - i. Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,
 - ii. Is attached to the primary structure; and,
 - iii. Complies with all of the City's residential development standards.

The Director shall refer a development application directly to the Planning Commission for consideration as part of a public hearing if any of the following is proposed:

- 1. Any portion of a structure that exceeds sixteen (16) feet in height and extends closer than twenty-five (25) feet from the front or street-side property line; or
- 2. The area of the structure that exceeds sixteen (16) feet in height (the second story footprint) and exceeds seventy-five percent (75%) of the existing first story footprint area (residence and attached garage); or
- 3. Sixty percent (60%) or more of an existing garage footprint that is covered by a structure that exceeds sixteen (16) feet in height (a second story); or
- 4. The portion of the structure which exceeds sixteen (16) feet in height is being developed as part of a new single-family residence; or
- 5. Based on an initial site visit, the Director determines that any portion of a structure that is proposed to exceed sixteen (16) feet in height may significantly impair a view as defined in Section 17.02.040 of the RPVMC; or
- 6. Grading involving more than 1,000 cubic yards of combined cut and fill.



NEIGHBORHOOD COMPATIBILITY PRE-APPLICATION MEETING NOTICE

Date: _____

Dear Neighbor:

This notice is to inform you that I am contemplating the construction of the following project at the following address: _____

Pursuant to Section 17.02.030 of the Rancho Palos Verdes Municipal Code (RPVMC) the contemplated project is required to comply with the City's Neighborhood Compatibility requirement.

According to Rancho Palos Verdes' Neighborhood Compatibility Guidelines, the City strongly encourages input from the immediate neighbors (20 closest property owners) early in the development process. Therefore, as recommended by the City, I plan to have a pre-application meeting to provide you with an opportunity to review the project plans and to identify any concerns you may have. The pre-application neighborhood meeting will occur on:

(insert meeting date) _____

(insert meeting time) _____

(insert meeting location) _____

Your attendance is strongly encouraged so that we may discuss potential concerns and impacts the contemplated project may create. Your attendance and input at the pre-application neighborhood meeting would be useful and appreciated. I can be reached at the following number _____ for confirmation or any other related matters or questions.

Sincerely,

(insert name)



NEIGHBORHOOD COMPATIBILITY CONSULTATION FORM

PROJECT ADDRESS: _____

APPLICANT: _____

APPLICANT'S PHONE NUMBER: _____

THE FOLLOWING PROPERTY OWNERS WERE NOTIFIED, AS PART OF THE CITY'S RECOMMENDED PRE-APPLICATION PROCESS, OF OUR INTENT TO SUBMIT A PROJECT APPLICATION REQUIRING THE NEIGHBORHOOD COMPATIBILITY ANALYSIS. THIS PROJECT INVOLVES THE CONSTRUCTION OF (PROJECT DESCRIPTION) _____

AT A MAXIMUM PROPOSED HEIGHT OF _____ FEET. THE PROPOSED PROJECT IS LOCATED AT THE ABOVE ADDRESS AND THE NEIGHBORS WITHIN THE TWENTY (20) CLOSEST PROPERTIES OF THE PROJECT SITE WERE SHOWN A COPY OF THE MOST RECENT PROJECT PLANS THAT WILL BE CONSIDERED BY THE PLANNING DEPARTMENT. PLEASE NOTE THAT BY SIGNING THIS NOTICE, THE UNDERSIGNED ONLY ACKNOWLEDGE THAT THEY HAVE BEEN CONSULTED AND THE SIGNATURES DO NOT SIGNIFY APPROVAL OF ANY KIND.

LOT # (as shown on radius map)	ADDRESS	PRINTED NAME OF LAND OWNER	SIGNATURE	REVIEWED PLANS? Y/N
Comments:				
Comments:				
Comments:				
Comments:				
Comments:				

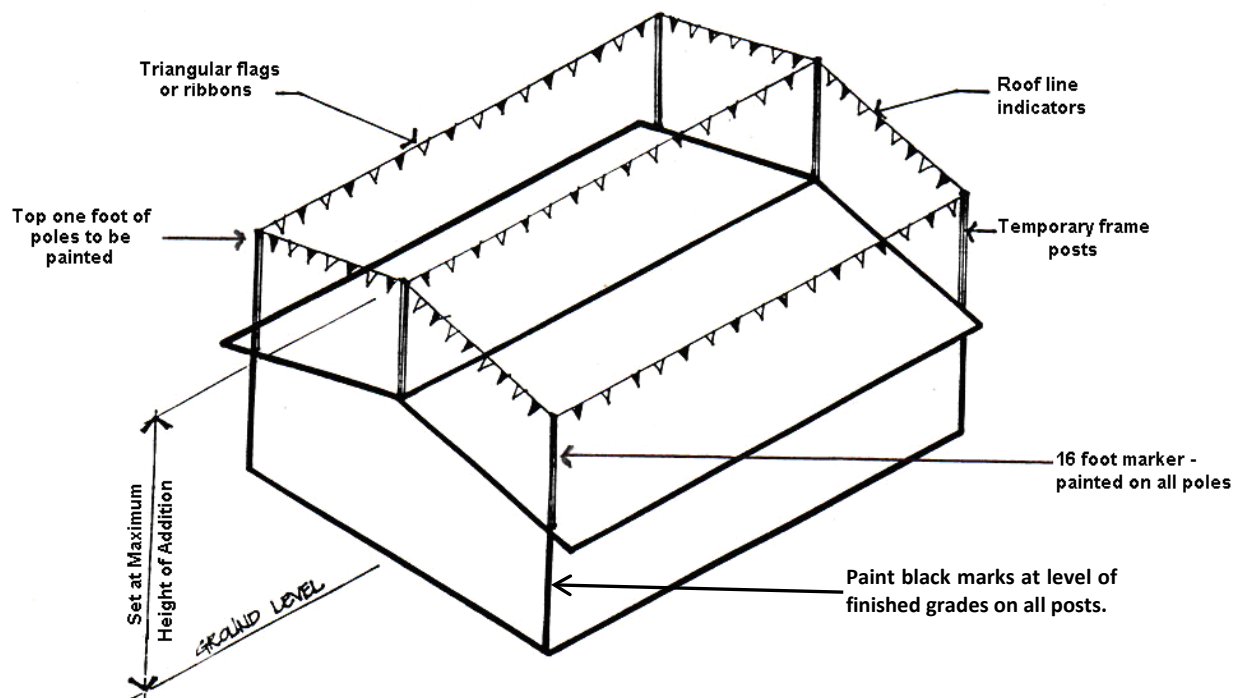
ATTENTION APPLICANT: IF ADDITIONAL SPACE IS NEEDED, PLEASE COPY THIS FORM AND OBTAIN ALL SIGNATURES IN THIS FORMAT.

M:\NEIGHBORHOOD COMPATIBILITY\STEERING COMMITTEE\FEBRUARY 8, 2003\NEIGHBORHOOD COMPATIBILITY PRE-APPLICATION CONSULTATION FORM.doc

SINGLE FAMILY RESIDENTIAL SILHOUETTE CONSTRUCTION CRITERIA

If a residential development project requires a Height Variation application or a Neighborhood Compatibility analysis, the property owner/applicant will be required to construct a certified silhouette that depicts the proposed project. **In order to minimize costs involved in constructing a silhouette, please do not construct the silhouette until directed to do so by the case planner.** It is important to note that a residential development project which requires a silhouette will not be deemed “complete” for processing without a silhouette plan (described below) and certification of the silhouette by a licensed land surveyor or a licensed engineer.

PLEASE FOLLOW THESE DIRECTIONS EXACTLY



1. The temporary silhouette shall, at a minimum, consist of wood posts (or other sturdy and rigid material - 2" x 4"s are typical) at all corners of the structure(s) and/or main building masses and at either end of all proposed ridgelines, with a taut rope (of ½" diameter), marked by **triangular flagging or ribbons** connecting the posts (see above diagram). If ribbons are used, the ribbons should be bright colored at a minimum width of 3-inches and should be affixed to string at 12-inch increments.
2. The top one foot of the posts shall be **painted red or orange** to better demarcate the height of the proposed structure in photo analyses.
3. If the project proposes to exceed the “by-right” height limit of the underlying zoning designation for the property, a **similar mark shall be painted a yellow color on the posts at the “by-right” height limit**, as measured pursuant to the City’s code.

Please consult with your case planner regarding the applicable method for determining the “by-right” height limit for your project.

4. If any grading is proposed such that the finished grade adjacent to the structure is **higher** than the existing (preconstruction) grade, the applicant shall **paint a black mark** on all posts at the elevation(s) of the proposed grade(s).
5. The applicant shall, at the time of submittal of an application to the City, sign a waiver (see Uniform Planning Application) which absolves the City of any liability associated with construction of, or damage by, the temporary silhouette. **The applicant shall not construct the temporary silhouette until the waiver form is submitted to the City.** The applicant shall notify the case planner when the silhouette is in place.
6. Once the project silhouette is constructed, a licensed engineer or surveyor shall certify that the silhouette accurately depicts the location and height (including the color demarcation on the silhouette posts) of the proposed development. (See attached certification form.) **A project will not be deemed “complete” for processing without the required certification.**
7. The Silhouette Certification Form **shall be accompanied by a silhouette plan** that identifies the location of the silhouette posts, the existing grade elevation call-outs for the base of the posts (if posts touch existing grade), and the elevation call-outs for the top of the posts. If the silhouette is constructed entirely above an existing structure so that the posts supporting the silhouette do not touch existing grade, then the silhouette plan must include the existing grade elevation closest to the existing structure and the supporting silhouette posts. **A project will not be deemed “complete” for processing without the required silhouette plan.**
8. City Staff will conduct a site inspection to review the adequacy of the silhouette’s depiction of the proposed project. Adequacy will be based on an accurate depiction of the proposed project’s envelope, accurate delineation of ridgelines, and the proper flagging.
9. **The silhouette must remain in place and be maintained in good condition throughout the required notice period for the Height Variation application or the Neighborhood Compatibility analysis process, the decision process and, if necessary, any appeal periods.** The frame may not be removed until the City’s appeal process has been exhausted and a final decision has been rendered. **The applicant must remove the frame within seven (7) days after a final decision has been rendered and the City’s appeal process has been exhausted.**

SEE NEXT PAGE FOR SILHOUETTE CERTIFICATION FORM



SILHOUETTE CERTIFICATION FORM

THIS CERTIFICATION FORM MUST BE COMPLETED BY A LICENSED LAND SURVEYOR OR A LICENSED ENGINEER. THIS FORM MUST BEAR AN ORIGINAL WET STAMP AND SIGNATURE IN ORDER TO BE VALID. THIS FORM MUST ALSO BE ACCOMPANIED BY A SILHOUTTE PLAN THAT IDENTIFIES THE LOCATION OF THE SILHOUETTE POSTS, THE EXISTING GRADE OR SUPPORTING STRUCTURE ELEVATION CALL-OUTS AT THE BASE OF THE POSTS, AND THE ELEVATION CALL-OUTS FOR THE TOP OF THE POSTS. ANY MISSING INFORMATION WILL RENDER THE SUBJECT APPLICATION “INCOMPLETE” FOR PROCESSING.

I have measured the location and height (including the color demarcation) of the silhouette posts located at the project site (address) _____
_____ on (date) _____ and I have found that
the project silhouette accurately depicts the location and height (including the color demarcation) of the proposed structure presented on the architectural plans prepared by
(name of architectural firm) _____ on
(date) _____ for the proposed project currently being considered by
the City of Rancho Palos Verdes (Planning Case No. _____).

Signature _____

LS/RCE _____

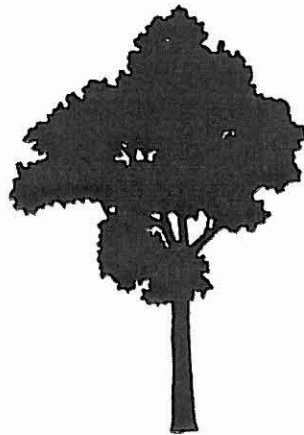
Date _____

CITY OF RANCHO PALOS VERDES

GUIDELINES AND PROCEDURES

FOR

RESTORATION OF VIEWS WHERE
FOLIAGE IS INVOLVED (VIEW RESTORATION PERMITS)
AND PRESERVATION OF VIEWS WHERE FOLIAGE IS INVOLVED
(CODE ENFORCEMENT)



ADOPTED ON:
July 20, 2010

Community Development Department

TABLE OF CONTENTS

I. PURPOSE	2
II. DEFINITIONS	3
III. ESTABLISHING THE VIEWING AREA	4
IV. APPLICATION PROCEDURES.....	6
V. MANDATORY FINDINGS.....	9
VI. COMMISSION ACTION	15
VII. APPEAL OF COMMISSION DECISION.....	21
VIII. VIEW PRESERVATION	22

ATTACHMENTS

Notice of Intent to File a View Restoration/View Preservation Permit Application Form

View Restoration/View Preservation Permit Application Form

View Restoration Permit Early Neighbor Consultation Process

View Restoration/View Preservation Permit Process Flowchart

View Restoration/View Preservation Appeal Process Flowchart

Map of Miraleste Recreation and Park District Boundaries

List of Streets within the Miraleste Homeowners' Association

RPV Development Code Section 17.02.040

Sample View Restoration Private Agreement

Documentation of Existing View or Foliage Form

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

I. PURPOSE

A. The View Restoration Commission was created in accordance with Article 17 of Paragraph A of Section 2 of the Rancho Palos Verdes Council of Homeowners Association and the City of Rancho Palos Verdes City Council Cooperative View Preservation and Restoration Ordinance, which was passed by the voters of the City on November 7, 1989. The Ordinance has been codified into the City's Municipal Code as Section 17.02.040, View Preservation and Restoration.

B. The ballot measure, which was approved by the voters, states the purposes of the Ordinance as follows:

"The hillsides of the City constitute a limited natural resource in their scenic value to all residents of and visitors to the City. The hillsides provide potential vista points and view lots. The City's General Plan recognizes these natural resources and calls for their protection. The public health, safety and welfare of the City require prevention of needless destruction and impairment of these limited vista points and view lots. The purpose of this Ordinance is to promote the health, safety and general welfare of the public by accomplishing the purposes set forth below, and this Ordinance shall be administered in accordance with such purposes. Where this Ordinance is in conflict with other City ordinances, the stricter shall apply.

Specifically, this Ordinance:

- 1. Protects, enhances and perpetuates views available to property owners and visitors because of the unique topographical features of the Palos Verdes Peninsula. These views provide unique and irreplaceable assets to the City and its neighboring communities and provide for this and future generations examples of the unique physical surroundings which are characteristic of the City.**
- 2. Defines and protects finite visual resources by establishing limits which construction and plant growth can attain before encroaching onto a view.**
- 3. Insures that the development of each parcel of land or additions to residences or structures occur in a manner which is harmonious and maintains neighborhood compatibility and the character of contiguous sub-community development as defined in the General Plan.**
- 4. Requires the pruning of dense foliage or tree growth which alone, or in conjunction with construction, exceeds defined limits."**

View Restoration and Preservation Permit Guidelines and Procedures

July 20, 2010

Thus, the general purpose of the Ordinance is to promote the health, safety and general welfare of the residents of the City, by balancing the rights of the residential property owner with foliage against the rights of the residential property owner to have a view from a viewing area restored so that it can be enjoyed, when that view has been significantly impaired by foliage.

C. The Planning Commission accomplishes its purpose through a process of View Restoration Permit application, site inspection, public hearings and a decision on the application. The Commission's jurisdiction is limited to issues regarding view impairment caused by foliage, through the issuance of View Restoration Permits, and appeals of City Tree Review Permits and view preservation determinations.

D. View restoration requests involving trees located on City-owned property, such as public parks, parkways and medians along public streets, are administered by City Staff through the issuance of a City Tree Review Permit issued pursuant to Section 17.76.100 of the Municipal Code. Staff decisions on City Tree Review Permits, and view preservation determinations are appealable to the Planning Commission. When reviewing Staff decisions regarding City Street Tree Review Permits, the Commission shall utilize the same process as is followed when the Commission reviews a View Restoration Permit application, excluding the early neighbor consultation process. Decisions of the Planning Commission on all view related permits are appealable to the City Council.

II. DEFINITIONS

A. Viewing Area

Section 17.02.040 (A)(15) of the Rancho Palos Verdes Municipal Code defines "viewing area" as follows:

"Viewing area" means that area of a structure (excluding bathrooms, hallways, garages or closets) or that area of a lot (excluding the setback areas) where the owner and City determine the best and most important view exists. In structures, the finished floor elevation of any viewing area must be at or above the existing grade adjacent to the exterior wall of the part of the building nearest to said viewing area."

B. View

Section 17.02.040 (A)(14) of the Rancho Palos Verdes Municipal Code defines "view" as follows:

"On the Palos Verdes Peninsula, it is quite common to have a near view and a far view because of the nature of many of the hills on the peninsula. Therefore, a 'view', which is protected by this section, is as follows:

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

- a. A 'near view' which is defined as a scene located on the peninsula including, but not limited to, a valley, ravine, equestrian trail, pastoral environment or any natural setting; and/or
- b. A 'far view' which is defined as a scene located off the peninsula including, but not limited to, the ocean, Los Angeles basin, city lights at night, harbor, Vincent Thomas Bridge, shoreline or off shore islands.

A 'View' which is protected by this Section shall not include vacant land that is developable under the city code, distant mountain areas not normally visible nor the sky, either above distant mountain areas or above the height of off shore islands. A 'View' may extend in any horizontal direction (360 degrees of horizontal arc) and shall be considered as a single view even if broken into segments by foliage, structures or other interference."

III. ESTABLISHING THE VIEWING AREA

A. Section 17.02.040 (B)(5) establishes the procedure for determining the "viewing area" as follows:

"The determination of a viewing area shall be made by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken. Once finally determined for a particular application, the viewing area may not be changed for any subsequent application. In the event the city and owner cannot agree on the viewing area, the decision of the city shall control. A property owner may appeal the determination of viewing area. In such event, the decision on the viewing area will be made by the body making the final decision on the application. A property owner may preserve his or her right to dispute the decision on viewing area for a subsequent application without disputing the decision on a pending application by filing a statement to that effect and indicating the viewing area the property owner believes to be more appropriate. The statement shall be filed with the city prior to consideration of the pending application by the City."

B. The "viewing area" of the applicant's property is where the best and most important view is taken. The determination of the "viewing area" is made "by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken". After adoption of a Resolution or after a decision is rendered on a View Restoration Permit, View Preservation Application, or City Tree Review Permit, the applicant(s), foliage owner(s) or any interested person may file a timely appeal (accompanied with the appeal fee established by the City Council) of the City's determination of the viewing area.

1. On developed lots, the "viewing area" may be located on any level surface within the house (excluding bathrooms, closets, hallways or garages), which is

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

at or above the existing grade adjacent to the exterior wall of the part of the building nearest to the "viewing area" or within the buildable area of the lot. A viewing area may be located on a patio, deck, balcony or lawn area which is adjacent to the primary structure (generally within ten feet) and which is located on the same general grade on the lot as the primary structure, excluding the required setback areas and used as a gathering area. In determining the viewing area on a developed lot, greater weight generally will be given to locations within the primary structure where a view is taken than to locations outside of the primary structure where a view is taken, unless no view is taken from within the primary structure.

2. On properties where the applicant claims that he or she has a view from one or more locations either within or outside of the primary structure, it must be determined where the best and most important view is taken to determine the "viewing area" which is to be protected. The "viewing area" may only include multiple rooms or locations on the applicant's property if those locations share the same view.

3. The "viewing area" may only be located on a second (or higher) story of a structure if:

a. The construction of that portion of the structure did not require approval of a height variation permit or variance, pursuant to Chapter 17.02.040 of the Rancho Palos Verdes Municipal Code, or would not have required such a permit if that Section had been in effect at the time that portion of the structure was constructed; or

b. The viewing area is located in a part of the structure that constitutes the primary living area of the house, which is the living room, dining room, family room or kitchen. However, the viewing area may be located in the master bedroom, if a view is not taken from one of the rooms comprising the primary living area, and the master bedroom is located on the same story of the house as the primary living area.

4. In documenting the views, Staff usually will conduct the view analysis in a natural standing position. In those cases where the view is enjoyed from a seated position, Staff will verify if that is the case, and if so, will conduct the view analysis from the seated position in that area at a height of not less than three (3) feet, six (6) inches.

5. Situations involving residential remodels that affect previously existing viewing areas:

a. If a residence is legally remodeled whereby the viewing area, which had been established previously through the issuance of an approved View Restoration, View Preservation or City Tree Review Permit, is eliminated, the approved View Restoration, View Preservation or City Tree Review Permit shall remain in full force and effect, unless a new application is filed by the subject property owner, and the prior determination is amended or repealed by a subsequent decision of the Planning Commission or City Council or Community Development Director.

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

b. If a residence is legally remodeled whereby the viewing area, which had been established previously through the issuance of an approved View Restoration, View Preservation or City Tree Review Permit, is modified so that the viewing area is in a different location in the residence or is significantly altered by the remodel, a new viewing area in the remodeled structure may be established by the Planning Commission or City Council or Community Development Director pursuant to a decision on a new View Restoration, View Preservation or City Tree Review Permit application filed by the subject property owner. In such situations, any previously issued View Restoration, View Preservation or City Tree Review Permit decision may be entirely or partially amended or repealed by the subsequent decision of the Planning Commission or City Council or Community Development Director.

IV. APPLICATION PROCEDURES

A. Once an applicant completes the early neighbor consultation process described in Section V-A (Mandatory Findings) of these Guidelines and the view problem is not resolved and the applicant wishes to proceed, the applicant(s) may complete and submit a View Restoration Permit application form (see attached form) to the City's Department of Community Development, accompanied by the appropriate filing fees, in order to initiate a formal request for a View Restoration Permit.

B. It should be noted that the fees required for a View Restoration Permit are established by the City Council by resolution.

C. The following fee structure pertains to View Restoration Permits only and is designed so that the applicant pays two separate flat fees as follows:

1. The first fee is a fixed amount that is paid by an applicant to cover the City's costs associated with processing steps, such as reviewing the application for completeness, conducting the initial site visit and processing a formal application from submittal through a Planning Commission decision. Specifically, said fees would cover the costs of reviewing an application for completeness, conducting site visits, attending the public hearing(s) and preparing the Staff Report(s) and Resolution(s).

2. The second fee or follow-up fee is a fixed amount established by City Council resolution that would be paid by an applicant if an application is approved by the Planning Commission. Specifically, this fee would cover the review of the trimming/removal bids, the monitoring of the work, and the documentation of the restored view.

3. The establishment of a trust deposit account by an applicant to cover the cost of the actual foliage trimming/removal, as described in Section VI-K (Commission Action) is separate from the two processing fees described herein.

D. Once a formal View Restoration Permit application has been submitted, the City will review the application to determine if the information is complete, before

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

beginning processing the application. If any information is missing or components of the application are incomplete, the applicant will be notified of any deficiencies in writing, and the application will be held in abeyance until the necessary materials are received by the City. If an applicant does not submit the necessary information and the application remains incomplete for six (6) months, the City shall administratively withdraw the application.

E. Once the application is deemed complete, the following sequence of steps shall occur in order to process an application for a View Restoration Permit (also see attached flow chart):

1. Staff notifies the foliage owner(s), in writing, that a formal request for view restoration has been filed with the City, attaching a copy of the application.

2. Staff schedules and conducts site visit(s) to the applicant's and foliage owner's properties. During the first site visit to the foliage owner's property, Staff will inquire as to whether the foliage owner wishes to have the Commission members visit their property. A foliage owner may request Commissioners visit his/her property in order to fully assess the case or demonstrate unique site conditions, such as special landscaping, slope stability or privacy concerns. Requests for the Commission to visit a foliage owner's property must be made in writing by the foliage owner and will be honored by the Commission.

3. Staff prepares a Staff Report to the Planning Commission, which will include the following:

- a. Application form;
- b. Early Neighbor Consultation documentation;
- c. An analysis of the six mandatory findings as set forth in Section 17.02.040(C)(2)(c) of the City's Municipal Code;
- d. Recommendation(s) on the disposition of the application;
- e. Determination if any of the Commission members are ineligible to participate on the application, based on a conflict of interest due to the proximity of a Commissioner's properties to the property that is the subject of the application. If a Commissioner owns property that is located within 500 feet of the subject property, a conflict is presumed;
- f. A tentative site visitation schedule for Commission members.

4. Staff establishes a date for the public hearing on the application and provides written notice of the hearing to the applicant(s) and the foliage owner(s) a minimum of 30 days prior to the hearing date. Notice of the hearing date shall also be

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

published in a newspaper of general circulation in the City or clearly posted on each applicant's property.

5. Staff distributes the staff report to members of the Planning Commission a minimum of two weeks prior to the actual hearing date, and the Commissioners visit the site(s).

a. Commissioners are required to visit the applicant's property. Eligibility to participate in the decision on a View Restoration Permit application is dependant on the Commissioner visiting the applicant's site(s) prior to the public hearing. If an applicant refuses access to his or her site, the request for a View Restoration Permit will be denied.

b. Commissioners will visit the foliage owner's property if requested to do so by the foliage owner(s), in writing. Even if no request is made, Commissioners frequently will attempt to visit a foliage owner's property unless the foliage owner denies a Commissioner access. Although a foliage owner has discretion as to whether to allow Commissioners into his/ her property, by not allowing site visits of their property, it may be more difficult for Commissioners to evaluate issues raised by the foliage owner when considering an application.

c. Commissioners are responsible for arranging visits to the site(s). However, no more than three (3) Commissioners may visit the site at the same time.

6. The Planning Commission conducts a public hearing pursuant to the Commission's adopted Administrative Procedures. The Chairperson's instructions to the audience will generally follow these guidelines:

a. Any person desiring to speak must first be recognized by the Chairperson.

b. All participants must speak from the podium.

c. All speakers must first state their full names and addresses, and the names of any persons in whose behalf they are appearing (if any).

d. All comments must be made clearly and audibly.

e. Repetition of comments should be avoided, and speakers will be discouraged from reading a submission which has been copied and distributed to the Commission or is contained in the agenda packet.

f. Normally, the applicant(s) and foliage owner(s) will be limited to a five (5) minute presentation and a three (3) minute rebuttal (if requested). All other persons will be generally limited to a three (3) minute presentation each.

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

g. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to speak have had an opportunity to do so, and then only at the direction of the Chairperson.

h. Due to unusual complexity of the case, submission of expert testimony or a large number of speakers on a particular case, the Chairperson, at his or her discretion, may allocate more than five (5) minutes per side and allow those wishing to speak on each side to designate a spokesperson or to divide the allotted time among themselves.

7. After the public hearing is closed and the Commission has reached a decision on the application, a resolution reflecting the Commission's decision shall be adopted by the Commission. The resolution shall be drafted by Staff and, where appropriate, reviewed by the City Attorney. If necessary, at a subsequent meeting, the resolution may be placed on the Commission's Consent Calendar for final action. Adoption of the resolution shall result in the issuance of a View Restoration Permit or denial of the request.

F. Foliage not Specifically Designated

Conditions of approval of View Restoration and Preservation Permit Applications specify individual trees or plants to be trimmed or removed. However, view-impairing foliage often grows in clusters or is screened by foliage in the foreground so that individual plants are not readily discernible. Therefore, foliage which is located on the same property and is in the view that was analyzed by Staff but was not specifically designated in the view analysis because it was behind other foliage which was specifically designated in the view analysis and was trimmed pursuant to the decision and the conditions of approval, shall be trimmed to the same height that was established by the Commission, for the designated foliage and the applicant shall pay the additional expense of having the foliage trimmed.

G. Once the work is performed, Staff will document the applicant's view with photographs taken from the applicant's viewing area with a standard camera lens that will not alter the actual image that is being documented from the viewing area. The photographs will be kept on file with the City and copies shall be given to all involved parties to maintain the foliage in accordance with the City's final decision.

V. MANDATORY FINDINGS

Section 17.02.040(C)(2)(c) of the Municipal Code requires that, in order for a View Restoration notice to be issued, the Planning Commission must make the following six mandatory findings:

A. "The applicant has complied with the early neighbor consultation process and has shown proof of cooperation on his/her part to resolve conflicts."

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

1. Each applicant must provide evidence of early neighbor consultation with each foliage owner, utilizing the process described below.

2. Evidence of adequate early neighbor consultation shall consist of each applicant filing a "Notice of Intent to File a View Restoration Permit Application" with the City prior to the submittal of a formal View Restoration Permit Application. Said notice shall be on a form provided by the City and shall be signed by the owner of the applicant's property. Each applicant shall indicate, by marking the appropriate box on the "Notice of Intent to File a View Restoration Permit Application" that the applicant has made an attempt to contact the foliage owner prior to submittal and shall submit written proof of that attempt in the form of a copy of a registered letter and the return receipt. The notice shall include a signed statement from the applicant agreeing to meet with City representatives and each foliage owner that will be named in the pending application, to attempt to resolve any issues between the parties. The notice also shall indicate at least three days and times when the applicant is available to attend the pre-application meeting (see attached flowchart).

3. Upon receipt of a signed and complete Notice from an applicant, the Community Development Director shall provide written notification to each foliage owner listed in the Notice, via certified mail, of the pending application. The City's notification letter shall also request that the foliage owner attend one pre-application meeting at City Hall to discuss the City's view restoration process with City representatives and the applicant(s). The notification letter to each foliage owner shall contain three possible meeting times (date and time) identified by the City from which the foliage owner may select. The determination of the three meetings shall be based on the applicants' and City representatives' availability. The notification letter shall require that the foliage owner respond back to the City in writing, within 10 working days of the City's certified mailing of the notification, with one selected date.

4. If any foliage owner responds in writing with a date selection within the specified time frame, the Community Development Director shall arrange a pre-application meeting at City Hall between the applicants, the foliage owners and City representatives. Notice of the meeting shall be provided by the City to all parties, at least 5 working days prior to the meeting date.

The purpose of the pre-application meeting is to discuss the City's view restoration process with the affected parties and attempt to resolve the issues in order to avoid the filing of a formal application.

5. The initial pre-application meeting arranged by the City shall occur no later than 60 calendar days from the date that a "Notice of Intent to File a View Restoration Permit Application" is filed by an applicant with the City. Additional pre-application meetings with the City shall occur only if there is written consent from every applicant and foliage owner. This does not preclude foliage owners and applicants from meeting on their own with no City participation. If the applicant requests more than one

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

meeting within a 12-month period, then the City shall charge the applicant a mediation fee (as established by City Council resolution) for each additional meeting, and the applicant shall pay the fee to the City prior to the scheduling of any additional mediation meetings.

6. The Community Development Director or his/her designee shall attend the pre-application meeting. In addition, a view restoration mediator shall attend the pre-application meeting. Mediators who reside within 500 feet of the applicant or foliage owner properties are ineligible to participate in the pre-application meeting.

7. Once an applicant submits a "Notice of Intent to File a View Restoration Permit Application" and the City provides notification to a foliage owner of the pending application and requests their attendance at a pre-application meeting, the early neighbor consultation process shall be deemed to be terminated and the applicant(s) may immediately file a formal View Restoration Permit Application with the City if any of the following occurs:

a. A foliage owner fails to respond in writing with a date selection within the time frame specified in the City's notification letter;

b. A foliage owner notifies the City in writing that he/she does not wish to attend the pre-application meeting;

c. A foliage owner fails to attend the arranged pre-application meeting;
or

d. Unless waived in writing by every applicant for a particular application, sixty (60) calendar days have elapsed from the date that a complete "Notice of Intent to File a View Restoration Permit Application" was submitted to the City by the applicant(s).

8. If an agreement is reached between the parties as a result of the pre-application meeting, Staff and/or the Mediator will encourage the participants to prepare and will assist in the preparation of the private agreement for the parties to sign (see attached sample).

9. At the public hearing, the applicant may be asked to explain his/her specific efforts to comply with the ordinance requirement for attempting to resolve conflict.

B. "Foliage exceeding sixteen (16) feet or the ridge line of the primary structure, whichever is lower, significantly impairs a view from the applicant's viewing area, whether such foliage is located totally on one property, or when combined with foliage located on more than one property."

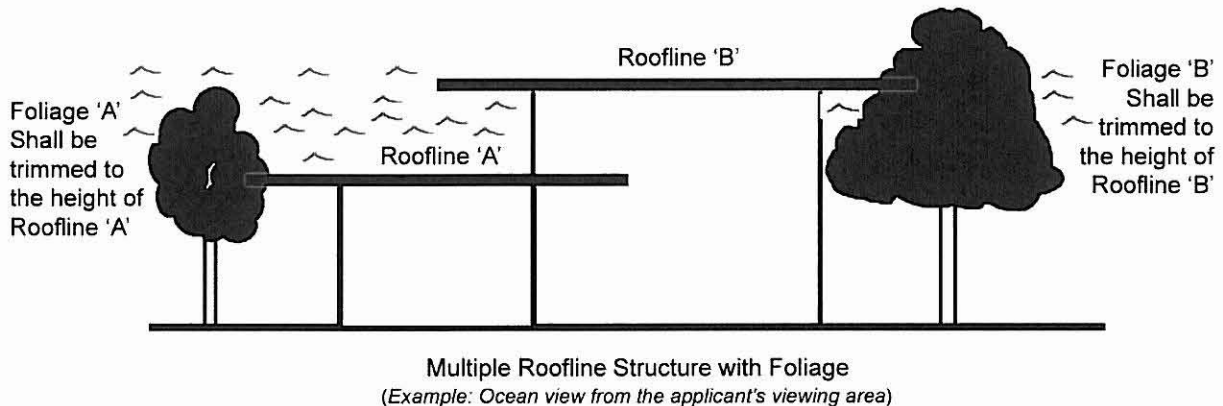
View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

1. After the location of the "viewing area" on the applicant's property is determined, the Commission must find whether foliage, which exceeds the lower of sixteen feet or the ridge line of the primary structure, significantly impairs a view from the "viewing area".

2. To determine which of the two measurements referenced in the paragraph above is the lowest, the sixteen (16) foot height measurement shall be measured from the base of the plant or tree (where it emerges from the ground).

3. For structures with multiple roofline heights that would block the view if the foliage were not present, foliage on the property, shall be lowered to the roofline of that portion of the structure that otherwise would block the view, as illustrated below in Figure 1. Where a structure with multiple roofline heights does not otherwise block a view, foliage on the property shall be trimmed to the applicable height limit set forth in this paragraph "B".

Figure 1



4. Section 17.76.030 of the City's Development Code limits the height of hedges. A "hedge" is defined by the Code as "shrubby or trees planted and maintained in such a manner as to create a physical barrier." A hedge can be included in a View Restoration Permit application, if the top of the hedge exceeds sixteen feet, the Planning Commission may require a hedge to be trimmed to the lesser of sixteen (16) feet or the ridgeline of the primary structure, if necessary to restore the view. However, if the top of the hedge is below sixteen feet or the ridgeline of the primary structure, whichever measurement is lower, these cases shall be referred to the City's Code Enforcement Division for resolution. Foliage which is determined by the Los Angeles County Fire Department to be a fire hazard also shall be referred to the City's Code Enforcement Division for immediate resolution.

5. The Planning Commission may, at its discretion, require the review of any case by a qualified biologist or ornithologist, soils engineer, landscape architect, arborist, or other appropriate professionals. The Staff shall be responsible for obtaining qualified consultants to review and comment on the specific cases requested by the Commission. In cases where expert advice is sought by the City, the applicant(s) shall

View Restoration and Preservation Permit Guidelines and Procedures July 20, 2010

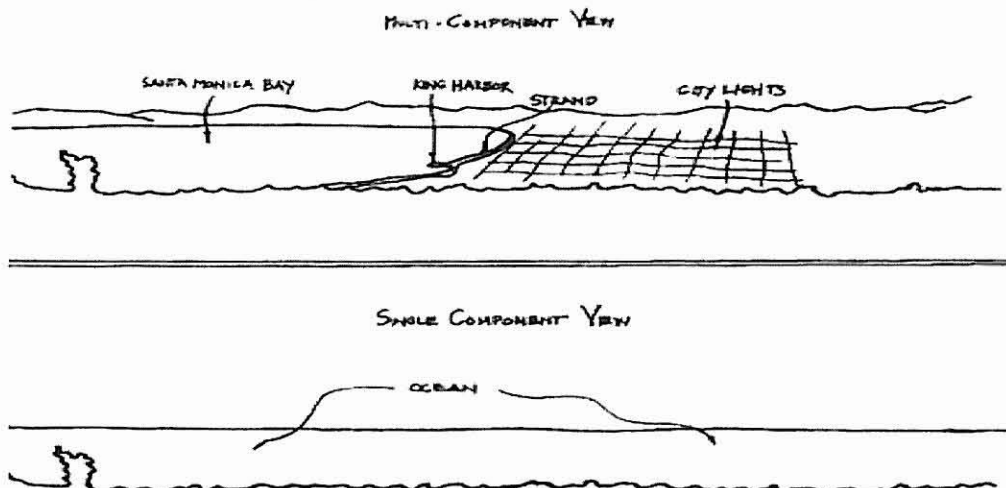
be responsible for bearing those costs. Staff will advise the applicant of the estimated additional expense for the expert advice. If the applicant refuses to pay for that expense and does not augment the trust deposit to cover that expense, then the application will be administratively withdrawn by City Staff. If the applicant agrees to pay for the expert advice, and the advice is provided to the Commission, the Commission, again at its discretion, may abide by, or reject, the advice of the consultant(s). Commission decisions must be supported by substantial evidence in the record before the Commission.

6. The Commission shall only take action on foliage which significantly impairs a view from the applicant's viewing area. Foliage which does not significantly impair a view may remain in the applicant's view frame. The following criteria may be used to help determine whether a view is being "significantly" impaired by foliage:

a. Foliage Position Within the View Frame. Foliage that is located in the center of a view frame is more likely to be found to create a significant view impairment than foliage located on the outer edge of a view frame.

b. Single-component View vs. Multi-component View. Some view frames contain a combination of different view components, such as a view of the ocean, harbor and City lights (multi-component view); while some view frames consist entirely of one component, such as only a view of the ocean (single-component view). Foliage that entirely obscures one of the components of a "multi-component" view is more likely to be found to create a significant view impairment than foliage that impairs the same degree of view of a "single-component" view (see diagram below).

c. Prominent Landmarks. Greater weight should be given to prominent landmarks or other significant features in the view frame such as the Vincent Thomas Bridge, harbor, shoreline, distant mountain areas, city skylines, and Channel Islands. As a result, foliage which impairs a view of any of these landmarks is more likely to be found to create a significant view impairment.



C. "The foliage to be removed is located on property, any part of which is less than one thousand (1,000) feet from the applicant's property line."

Staff from the Department of Community Development will determine the distance from the applicant's property line to the nearest property line of the site containing the foliage under consideration.

D. "The foliage significantly impairing the view did not exist as view impairing vegetation when the lot from which the view is taken was created."

1. Where the applicant's property and the property containing the foliage in question, are both located in the same subdivision or in adjacent subdivisions, Staff will determine the date at which the lots were created. Generally, the lots' recordation date shall be the lots' creation date.

2. In other cases, the following sources of information may be used to determine the time when the foliage under consideration began to impair the view:

a. Aerial photographs maintained by the City.

b. Other photographs taken on known dates indicating the presence of vegetation or lack of vegetation.

c. Property descriptions prepared in connection with the sale of property (e.g. multiple listing information, newspaper advertisements, real estate flyers, etc.).

d. Testimony of witnesses.

e. Any reports documenting land conditions or site surveys that include information about vegetation.

3. Recorded lot line adjustments shall not be considered to create a new lot for the purpose of determining the date when the lot was created.

E. "Removal or trimming of the foliage will not cause an unreasonable infringement of the privacy of the occupants of the property upon which the foliage is located."

1. The burden of proving an "unreasonable infringement of indoor and/or outdoor privacy" shall be on the foliage owner. The Commission will make a determination on a case-by-case basis.

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

2. Given the variety and number of options which are available to preserve indoor privacy, greater weight generally will be given to protecting outdoor privacy than to protecting indoor privacy.

F. "For property located within the boundaries of the Miraleste Recreation and Parks District, the Commission shall also find that removal or trimming of foliage strikes a reasonable balance between meeting the purposes of Section 17.02.040 set forth in Section 1 of the Ordinance approved by the voters on November 7, 1989, and preserving the historical development of the Miraleste Recreation and Parks District with large numbers of trees."

1. The Miraleste Recreation and Parks District has adopted a procedure for responding to view restoration and maintenance requests for foliage located on its property. Such properties owned by the District are not subject to the City's View Restoration Permit process.

2. Properties located within the boundaries of the District, but owned by a person or entity other than the District, are subject to the View Restoration Permit process and the additional finding above.

3. A map of the boundaries of the Miraleste Recreation and Parks District and a list of the streets within the Miraleste Homeowners' Association are attached.

VI. COMMISSION ACTION

A. If the Commission is able to make all of the mandatory findings set forth in Section V (Mandatory Findings) above, then the Commission must determine the action(s) which must be taken to restore the view. Such action(s) may include culling, lacing, trimming, or removal of the foliage, which is significantly impairing the view from the viewing area. These terms are defined as follows:

1. Culling shall mean the removal of dead, decayed, or weak limbs or foliage from a tree or shrub.

2. Lacing shall mean a comprehensive method of pruning that systematically removes excess foliage from a tree or shrub, but maintains its shape.

3. Trimming shall mean the removal of limbs or foliage from a tree or shrub. Trimming includes, but is not limited to:

a. "Crown reducing", which is a comprehensive method of pruning that reduces a tree's or shrub's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs by means of removal of the leaders or the longest portion of limbs to a lateral branch large enough to assume the terminal; and,

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

b. "Crown raising", which is a comprehensive method of pruning that removes limbs and foliage from the lower part of a tree or shrub in order to raise the canopy of the tree or shrub over the view.

c. "Topping", which is the cutting of branches and/or trunk of a tree or shrub in a manner which substantially reduces the overall height of the tree or shrub.

4. Removal shall mean the removal and disposal of a tree or shrub, by grinding the shrub's or tree's stump to the existing grade or a depth below existing grade to be determined by the Planning Commission on a case-by-case basis. If existing topography or other physical limitations identified by the tree service contractor preclude mechanical stump grinding, the stump shall be flush cut to existing grade or as close to existing grade as possible, as determined by the tree service contractor. If a foliage owner wishes to keep the stump, he or she may so elect; then, in no case, may the remaining stump height exceed 18 inches above grade. Unless otherwise directed by the Commission in connection with the decision on a particular application, removal of the foliage shall not include the removal and disposal of a plant's root system.

B. If any tree or shrub that is ordered to be culled, laced, or trimmed dies within two years of the initial work being performed due to the performance of the work, the applicant or any subsequent owner of the applicant's property shall be responsible for providing a replacement tree or shrub to the foliage owner. This time period may be extended by the Commission if evidence is provided by a certified arborist that a longer monitoring period is necessary for a specific type of tree or shrub. However, if the city arborist determines that culling, lacing, or trimming said tree or shrub will in all probability cause the tree or shrub to die, and the foliage owner chooses not to accept removal and replacement as an option, either in writing or in public testimony during the public hearing, then the applicant will not be responsible for providing a replacement tree or shrub to the foliage owner. The replacement foliage shall be provided in accordance with the specifications described in section VI-E (Commission Action) of these Guidelines. If the work is performed by the foliage owner, said foliage owner shall forfeit the right to replacement foliage if the trimmed tree dies. If a tree or shrub dies it is subject to removal pursuant to Section 8.24.060 (property maintenance) of the RPV Municipal Code.

C. Complete removal of any remaining portion of the tree or shrub that does not significantly impair the view will only be ordered if the owner of the property where the foliage is located consents to the complete removal of the remaining tree or shrub and the Commission finds:

1. That upon the advice of the City's arborist, culling, lacing, or trimming the foliage to sixteen (16) feet or the ridge line is likely to kill the tree or shrub or threaten the public health, safety and welfare; or

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

2. That upon the advice of the City's arborist, culling, lacing, or trimming the foliage to sixteen (16) feet or the ridgeline will destroy the aesthetic value of the foliage that is to be trimmed, laced or reduced in height.

D. In order to balance trimming, the commission may require trimming portions of a tree or shrub that are below 16 feet or the ridgeline provided the foliage owner agrees. If a foliage owner agrees to such trimming, then he must do so either in writing, within 30 days of final approval of a View Restoration or View Preservation Permit or in public testimony taken during the hearing. If the foliage owner does not agree, then the foliage owner will not be required to trim, lace or prune below that level and the applicant will not be required to pay for the additional work.

E. The Commission also may order the applicant to replace trees or shrubs which have been removed if the owner of the property where the foliage is located consents to the replacement of the tree or shrub and the Commission finds:

1. That removal without replacement foliage will cause a significant adverse impact on:

a. The public health, safety and welfare;

An example of this would be a situation where there is evidence before the Commission that replacement foliage is needed to help stabilize a slope or minimize slope erosion.

b. The privacy of the owner of the property where the foliage is located;

An example of this would be a situation where there is evidence before the Commission that replacement foliage to mitigate the loss of privacy provided by pre-existing foliage is needed to help screen or block views from the applicant's property into the foliage owner's usable yard area (deck, patio, pool/spa area, barbecue area) and/or residence (unless interior privacy can be achieved by other means).

c. Shade provided to the dwelling or the property where the foliage is located;

An example of this would be a situation where there is evidence before the Commission that replacement foliage is needed to help provide shade to an area of the foliage owner's property, such as a usable yard area (deck, patio, pool/spa area, barbecue area) or residence, that is receiving shade from the foliage that is to be removed.

d. The energy-efficiency of the dwelling where the foliage is located;

An example of this would be a situation where there is evidence before the Commission that replacement foliage is needed to help cool an area of the foliage owner's residence in the summer months that is being kept cool by foliage that is to be removed.

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

e. The health or viability of the remaining landscaping where the foliage is located; or

An example of this would be a situation where there is evidence before the Commission that replacement foliage is needed to help provide shade to existing sun-sensitive landscaping on the foliage owner's property, that is receiving shade from the foliage that is to be removed.

f. The integrity of the landscaping of the property on which the foliage is located.

An example of this would be a situation where there is evidence before the Commission that replacement foliage is needed to replace foliage that is a focal point or integral element of an existing landscaping plan.

g. The function of the landscaping as screening of an unfinished wall or structural elements of a deck or other similar structure on an adjacent property.

An example of this would be a situation where there is evidence before the Commission that replacement foliage is needed to replace foliage that provides effective screening of unsightly feature(s) located on an adjacent upslope property. Such features may include but are not limited to unfinished walls, or the support elements underneath decks and structures.

F. The Commission shall ensure that replacement foliage is reasonably comparable to the foliage removed in terms of function and/or aesthetics while understanding that the replacement foliage will not be of the same height, size and breadth as the pre-existing mature foliage. For example, if replacement foliage is determined to be necessary to replace foliage located on a slope, the replacement foliage should be of a woody-root species variety that provides soil stability. The selection of the type of replacement foliage shall be made by the foliage owner subject to approval by the Community Development Director.

G. The Commission is not obligated to order replacement of every tree or shrub ordered removed with a new tree or shrub. For example, two new replacement trees may be able to provide the same level of privacy as five pre-existing trees that are ordered removed. Replacement trees or shrubs generally should be of a 15-gallon size, and should not be larger than a 24-inch box size, unless warranted by the need to reasonably protect privacy or exceptional circumstances and the tree or shrub that is being replaced is substantially larger than a 24-inch box size.

H. The Commission may require that a long-term foliage maintenance schedule be incorporated into the conditions of approval of an approved View Restoration Permit. The purpose of the maintenance schedule is to dictate the minimum frequency of future trimming (i.e. semi-annual, annual or biennial) based on the growth rates of the subject foliage so as to not significantly impair a view. Alternatively, the Commission may

View Restoration and Preservation Permit Guidelines and Procedures

July 20, 2010

specify the amount of allowable growth as measured with respect to a fixed point of reference that will not significantly encroach into the view, and require that when this point is reached, the foliage owner may be required to trim the foliage back to the height established by the Commission. In establishing the maintenance schedule, the Commission may take into account seasonal dormant periods of the subject foliage, when trimming is least harmful to the foliage.

I. The Commission shall require that a property owner trim or remove foliage within ninety (90) days. If no date is specified by the Commission, the ninety day time frame shall commence upon the receipt of a letter from the City notifying the foliage owner to trim/remove the foliage. Such a letter is sent by the City once a trust account has been established by the applicant for the cost of the trimming/removal and tree or shrub replacement. Within the ninety (90) day time frame, but not less than two weeks before the trimming/removal date, the foliage owner shall inform City Staff of the date and approximate time the work is scheduled to occur, so that staff may be available on-site to ensure the work is performed in accordance with the Commission's decision. Staff strongly encourages that the foliage owner to schedule a date during the Monday thru Friday workweek. Staff's on-site monitoring of the tree trimming/removal work shall include, if necessary, directing the foliage owner to trim additional foliage that was not specifically designated by the Planning Commission but found by staff to be significantly impairing the same view after the specified foliage is trimmed, provided the Planning Commission had imposed such a condition in its decision. Said additional foliage shall be trimmed to the same height that was established by the Commission for the designated foliage and the applicant shall pay the additional expense of having the foliage trimmed.

If evidence is provided to the Commission that a tree or shrub, subject to tree trimming or removal, contains nests (or eggs) of birds that are designated under the Migratory Bird Treaty Act and California Department of Fish and Game Code, the Commission may require that the subject foliage be trimmed within a ninety (90) day time period after the nest(s) is determined by a qualified biologist or ornithologist to be inactive.

If evidence is provided to the Commission that it is less harmful to trim certain foliage during the foliage's dormant period, the Commission may require that the subject foliage be trimmed ninety (90) days from an established date. In situations where foliage is dormant during the winter months, the Commission shall require that the trimming be performed during the months of November through March. In situations where the Commission determines that not all of the foliage on a property needs to be trimmed during a specific time of the year, the Commission may take either of the following actions:

1. Establish a specified time period for trimming the time-sensitive foliage and establish a different time period for trimming the remaining foliage. This will require the foliage owner to perform two separate trimming actions.

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

2. Establish a specified time period for trimming the time-sensitive foliage and require that the remaining foliage also be trimmed at that time.

J. Unless the Commission specifies the amount of allowable growth pursuant to subsection VI-H the Commission may require that all maintenance schedules incorporated into the conditions of approval of a View Restoration Permit be reviewed at a future date to allow the Commission an opportunity to assess the adequacy of the maintenance schedule, as well as the foliage owner's ability to maintain the foliage in compliance with the conditions of approval. The review date shall occur a minimum of one year after the initial trimming is performed. The specific date shall be set by the Commission at the time it makes its decision on a View Restoration Permit, and shall be based on the growth rates of the subject foliage, as well as any other factors that the Commission finds are pertinent to the decision. On or about the specified review date, City Staff will inspect the foliage sites and transmit a brief report to the Commission which describes whether the foliage is being maintained in accordance with the conditions of approval. The report shall also contain a recommendation from City Staff as to whether the maintenance schedule should be amended. The Commission shall consider the report and determine if a public hearing to amend the conditions of approval is necessary. If a public hearing is determined to be necessary, Staff shall transmit to the Commission a report with recommendations for additional or modified conditions of approval. Notice of the public hearing shall be provided in the same manner as required by Municipal Code Section 17.02.040 for the original public hearing. The Commission decision on the review hearing is appealable to the City Council pursuant to Municipal Code Section 17.02.040.

The Commission shall require that an applicant submit one (1) to three (3) itemized estimates to the City for carrying out the work required by an approved View Restoration Permit. The work estimate shall also include tree or shrub removal and replacement costs for any tree or shrub that dies as a result of the ordered trimming, provided that the tree or shrub was not a tree or shrub identified by the City Arborist as likely to die as a result of said trimming. Said estimates shall be submitted within thirty (30) days after the adoption of the Resolution and shall include the cost to have an ISA certified tree trimmer or accredited arborist on site to perform or supervise the work being done. Said estimates are to be supplied by licensed landscape or licensed tree service contractors, acceptable to the City, which provide insurance by insurers in a form acceptable to the City, and shall include all costs of cleanup and removal of debris. Said insurance shall identify the property owner and the City (and its officers, agents and employees) as additionally named insureds, and shall have a coverage amount of no less than \$1,000,000 for each occurrence and no less than \$2,000,000 in the aggregate. In addition, the applicant shall pay to the City an amount equal to the lowest of the estimates and such funds shall be maintained by the City, in a City trust account until completion of the work as verified by City Staff.

Upon completion of the work, the foliage owner shall submit a copy of a paid invoice to the City. Within 10 calendar days of the submittal of the invoice and verification by City Staff of compliance, the City shall authorize the transmittal of funds

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

from the City trust account to the foliage owner. If there are remaining funds in the trust account to cover the costs of removing and replacing trees or shrubs, then the funds shall remain in the trust account for a period of two years or longer if determined by the Planning Commission until City Staff determines that removal of dead trees or shrubs is not warranted. A reimbursement check to the foliage owner shall be released by the City no later than 30 days following Staff's authorization. If the paid invoice submitted by the foliage owner is for an amount less than the funds in the City's trust account, the foliage owner shall only be transmitted an amount equal to the actual cost of the trimming. In such situations, the balance of the trust account (less the monies needed to remove and replace dead trees or shrubs) shall be refunded to the applicant within 30 days of receipt of the appropriate billing. If the paid invoice submitted by the foliage owner is for an amount that exceeds the funds in the City's trust account established for the initial trimming or removal and replacement of trees or shrubs, the foliage owner shall only receive the funds from the City trust account and the foliage owner shall be responsible for paying the difference. If a foliage owner chooses to do the required work himself/herself, the foliage owner shall not be compensated from the City trust account and the amount in the trust account shall be refunded to the applicant(s).

If the required work as specified herein is not completed, as verified by Staff, within the stipulated time periods, then the City of Rancho Palos Verdes will utilize the City's code enforcement process to authorize a bonded tree service to perform the work at the subject property at the foliage owner's expense, and the applicant's deposit will be refunded. In the event that the City is required to perform the work, the foliage owner will be billed for all City expenses incurred in enforcing the View Restoration order. If the foliage owner does not pay the invoice, a lien or assessment may be recorded against the foliage owner's property, pursuant to Title 8, Chapter 24 of the Rancho Palos Verdes Municipal Code.

VII. APPEAL OF COMMISSION DECISION

A. A decision of the Commission on a view related permit is appealable to the City Council. After considering the written and oral testimony at the appeal hearing, the City Council may take one of the following actions:

1. Affirm the decision of the Planning Commission and approve the application upon finding that all applicable findings have been correctly made and all provisions of Section 17.02.040(C)(2) of the Municipal Code have been complied with; or

2. Approve the application but impose additional or different conditions as the City Council deems necessary to fulfill the purposes of Section 17.02.040(C)(2); or

3. Disapprove the application upon finding that all applicable findings cannot be made or all provisions of Section 17.02.040(C)(2) have not been complied with; or

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

4. Refer the matter back to the Planning Commission to conduct further proceedings. The remanded proceedings may include the presentation of significant new evidence which was raised in conjunction with the appeal. The City Council shall state the ground(s) for the remand and shall give instructions to Planning Commission concerning any error found by the City Council in the Commission's prior determination.

B. The appeal hearing may be conducted in a room other than the regular City Council chambers (e.g. the Fireside Room at the Hesse Park Community Center). The establishment of specific time allotments for speakers is optional and may be set or waived by the Mayor at the Mayor's discretion. The room may be arranged in a manner that promotes a "round table" discussion among the involved parties.

VIII. VIEW PRESERVATION

With regard to foliage obstructing a view after the issuance of a View Restoration Permit or upon the effective date of the Ordinance (November 17, 1989), Section 17.02.040(B)(3) of the Municipal Code states:

"Foliage Obstruction. No person shall significantly impair a view from a viewing area of a lot:

a. By permitting foliage to grow to a height exceeding the height determined by the View Restoration or Planning Commission through the issuance of a View Restoration Permit under subsection C.2 of this section; or

b. If no View Restoration Permit has been issued by the View Restoration Commission or Planning Commission, by permitting foliage to grow to a height exceeding the lesser of:

(i) The ridge line of the primary structure on the property, or

(ii) Sixteen (16) feet.

If foliage on the property already exceeds the provisions of subdivisions (i) and (ii) referenced above on the effective date of this Section, as approved by the voters on November 7, 1989, and significantly impairs a view from a viewing area of a lot, then notwithstanding whether any person has sought or obtained issuance of a view restoration permit, the foliage owner shall not let the foliage exceed the height existing on the effective date of this section (November 17, 1989). The purpose of this paragraph is to ensure that the owners of foliage which violates the provisions of this paragraph on the effective date of this section shall not allow the foliage to increase in height. This paragraph does not 'grandfather' or otherwise permit such foliage to continue to block a view."

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

A. View Preservation After the Issuance of a View Restoration Permit (Maintenance Trimming)

1. After the issuance of a View Restoration Permit (VRP) and the initial foliage trimming and/or removal has been completed in accordance with the approved permit, Staff shall document the restored view through the use of color or black and white photography or other method approved by the Commission. The photographic documentation shall be made part of the City's permanent records and shall be kept on file at the Community Development Department. Once the initial work associated with an approved View Restoration Permit is performed and the restored view is documented with a photograph, the photographic documentation of the restored view shall be used as a benchmark by City Staff for making a determination of significant view impairment in any future view preservation enforcement actions that become necessary.

Upon receipt of a complaint from a View Restoration Permit (VRP) applicant or the subsequent owner of an applicant's property, that foliage subject to a VRP decision has exceeded the height limit imposed by a View Restoration Permit, City Staff shall visit the site and examine the photographic documentation on file or other evidence to determine whether the foliage has been maintained in a manner that is consistent with the approved View Restoration Permit (VRP). If foliage which is the subject of an approved VRP exceeds the height limits prescribed in the approved VRP, the City shall order that the foliage owner bring the foliage into compliance within 30 days. If the foliage owner does not comply within the specified time, the City will impose a fine (established by Council Resolution) and the matter will be forwarded to the City Attorney's office. Alternatively, if the foliage does not exceed the height limits prescribed in the approved VRP, the City will impose a fine (established by Council resolution) against the applicant. If City Staff determines that the foliage is in compliance with the VRP, no further action will be taken in response to the complaint. Unless specified in a Commission approved long-term maintenance schedule, a property owner shall be limited to filing a complaint about foliage subject to an approved VRP, without payment of a fee a maximum of once every twelve (12) months. If a property owner wishes to file a complaint more frequently than once every twelve (12) months, the property owner may do so upon payment of a fee established by City Council Resolution.

2. If foliage not subject to the View Restoration Permit subsequently grows into the VRP applicant's documented view, said new foliage shall be considered significant view impairing foliage only if the new foliage exceeds the lesser of the ridge line of the primary structure on the property or sixteen (16) feet. Upon notification from a property owner that the new foliage has grown into the documented view, Staff will visit the VRP applicant's property to verify that the new view-impairing foliage is not in compliance with the foliage conditions shown in the documented photo. If such a situation is found, then Staff shall issue a written notice to the foliage owner informing him/her that Staff has verified that the documented view is significantly impaired by foliage on the property. Such notice shall require that the foliage owner trim or remove

View Restoration and Preservation Permit Guidelines and Procedures

July 20, 2010

the offending foliage to the condition shown in the documented view photograph on file with the City, within 30 days of receiving such notice and maintain such foliage on a schedule equivalent to the minimum trimming maintenance cycle imposed by the Commission or Council for the foliage that is subject to the associated View Restoration Permit.

3. If the maintenance trimming described in Sections VIII-A2 and A3 is not completed by the foliage owner as specified by City Staff, within the stipulated time periods, then the City of Rancho Palos Verdes will utilize the City's code enforcement process to authorize a bonded tree service to perform the work at the subject property at the foliage owner's expense. In the event that the City is required to perform the work, the foliage owner will be billed for all City expenses incurred in enforcing the View Restoration permit. If the foliage owner does not pay the invoice, a lien or assessment may be recorded against the foliage owner's property, pursuant to Title 8, Chapter 24 of the Rancho Palos Verdes Municipal Code.

B. View Preservation in Absence of a View Restoration Permit

1. An owner of foliage is responsible for protecting any right he or she has to exceed the foliage height limitations that went into effect on November 17, 1989, by submitting the appropriate documentation, which can include photographs.

2. The property owner wishing to protect his/her existing view is responsible for submitting: 1.) documentation of the view, as it existed on or after the effective date of the Ordinance; and/or 2.) documentation of the view impairing foliage as it existed on November 17, 1989. Documentation shall consist of the submittal of a "Documentation of Existing View or Foliage" Form (attached) accompanied by color or black and white photographs, which clearly provide evidence that accurately depicts the view and/or foliage as it existed from the property owner's viewing area on the date the photograph was taken. The submitted documentation shall be verified by City Staff with a visit to the view impaired site. If Staff is able to verify that the photographs accurately depict the view from the property owner's viewing area, as defined in these Guidelines, then the property owner's photographs will be incorporated into the City's files. If said photographs do not accurately depict the view from the "viewing area", then Staff will advise the property owner that the documentation has been rejected. Any verified photographs will be kept on file in the Department of Community Development and shall be used as a bench mark in future view preservation enforcement actions.

3. Once documentation of a view and/or foliage has been submitted to the City and verified by City Staff, a property owner may file a Notice of Intent to File a View Preservation Application requesting one of the following view preservation actions:

a. That foliage which exceeded the lesser of: a) the ridgeline of the primary structure on the property; or b) sixteen (16) feet, and significantly impaired the view from a viewing area of a lot on November 17, 1989 be trimmed to the height that existed on November 17, 1989, as shown in the submitted and verified documentation;

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

b. That foliage which exceeds the lesser of: a) the ridgeline of the primary structure on the property; or b) sixteen (16) feet and has grown into a property owner's view, as documented and verified by City Staff on or after the effective date of the ordinance (November 17, 1989), and significantly impairs the view from a viewing area of the lot, be trimmed so as to eliminate the significant view impairment.

4. Upon receipt of a Notice of Intent to File a View Preservation Application, Staff will visit the applicant's property to verify if there is a significant impairment and to eliminate the need to proceed further in the process if there is no significant view impairment. If Staff determines that no significant view impairment exists from the viewing area, then Staff shall advise the applicant that there is no need to proceed with the Notice of Intent to File request. Notwithstanding Staff's initial field determination, the applicant still may formally apply for a View Preservation Permit seeking the Director's Final Determination on the permit request. If the Director's Final Determination in response to said application is that View Preservation action is not warranted, no further action by the foliage owner is necessary in response to the filed application. The Director's Final Determination is appealable to the Planning Commission.

If a significant view impairment is found, then Staff shall issue a written notice to the foliage owner informing him/her that Staff has verified that the documented view is significantly impaired by foliage on the property, and such notice shall request that the foliage owner trim or remove the offending foliage to the condition shown in the provided documented view photograph within 30 days of receiving such notice.

a. If the foliage owner voluntarily performs the necessary work within 30 days of receiving notice, then no further permit processing shall be required.

b. If no work is performed within 30 days of receiving the notice, then the applicant may file a formal application. Once a formal View Preservation Permit application has been submitted, a Notice of the Director's Determination shall be issued to the applicant and foliage owner(s) giving the foliage owner ninety (90) days to perform the necessary work.

c. The Director may require that a long-term foliage maintenance schedule be incorporated into the conditions of approval of an approved View Preservation Permit. The purpose of the maintenance schedule is to dictate the minimum frequency of future trimming (i.e. semi-annual, annual or biennial) based on the growth rates of the subject foliage so as to not significantly impair a view. Alternatively, the Director may specify the amount of allowable growth as measured with respect to a fixed point of reference that will not significantly encroach into the view, and require that when this point is reached, the foliage owner may be required to trim the foliage back to the height established by the Director. In establishing the maintenance schedule, the Director may take into account seasonal dormant periods of the subject foliage, when trimming is least harmful to the foliage.

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

d. The Director's Determination may be appealed to the Planning Commission by the applicant, the foliage owner or any interested party by filing a written appeal and submitting the appropriate fee, as established by City Council resolution, to the City within fifteen (15) days of the receipt of the Director's Determination Notice. Prior to the public hearing, Commissioners shall conduct a site visit to the applicant's property pursuant to Section IV (E)(5). Commissioners will also visit the foliage owner's property if requested in writing to do so by the foliage owner(s). The decision of the Commission may be appealed to the City Council by the applicant, the foliage owner or any interested party by filing a written appeal and submitting the appropriate fee, as established by City Council resolution, to the City within fifteen (15) days of the Commission's decision.

5. Once the appeal process has been exhausted, the City's View Preservation Determination Decision shall be final. If the City's final determination is that view preservation action is warranted on a particular property, the foliage owner shall be responsible for trimming the foliage, at his/her expense, as so ordered by the City. If the required work as specified herein is not completed, as verified by Staff, within the stipulated time periods, then the City of Rancho Palos Verdes will utilize the City's code enforcement process to authorize a bonded tree service to perform the work at the subject property at the foliage owner's expense. In the event that the City is required to perform the work, the foliage owner will be billed for all City expenses incurred in enforcing the View Preservation permit. If the foliage owner does not pay the invoice, a lien or assessment may be recorded against the foliage owner's property, pursuant to Title 8, Chapter 24 of the Rancho Palos Verdes Municipal Code.

6. Once the initial work associated with a formal View Preservation decision is performed, Staff will document the applicant's view with photographs taken from the applicant's viewing area with a standard camera lens that will not alter the actual image that is being documented from the viewing area. The photographs will be kept on file with the City and copies shall be given to all involved parties to use for future trimming purposes.

7. The filing of an application by a property owner requesting a view preservation action without payment of a fee shall be limited to a maximum of once every twelve (12) months. If a property owner wishes to file an application more frequently than once every twelve (12) months, the property owner may do so upon payment of a fee established by City Council Resolution.

8. Upon receipt of a written complaint from a View Preservation Permit (VPP) applicant or the subsequent owner of an applicant's property, that foliage has exceeded the height limit imposed by a View Preservation Permit, City Staff shall visit the site and examine the photographic documentation on file or other evidence to determine whether the foliage has been maintained in a manner that is consistent with the approved View Preservation Permit (VPP). If foliage, which is the subject of an approved VPP, exceeds the height limits prescribed in the approved VPP, the City shall

View Restoration and Preservation Permit Guidelines and Procedures

July 20, 2010

order that the foliage owner bring the foliage into compliance within 30 days. If the foliage owner does not comply within the specified time, the City will impose a fine (established by Council Resolution) and the matter will be forwarded to the City Attorney's office. Alternatively, if the foliage does not exceed the height limits prescribed in the approved VPP, the City will impose a fine (established by Council resolution) against the applicant. If City Staff determines that the foliage is in compliance with the VPP, no further action will be taken in response to the complaint.

C. Review Criteria for View Preservation Applications in the Absence of a View Restoration Permit

In order for a View Preservation Application to be approved, the Community Development Director must make the following five findings:

1. The applicant has complied with the early neighbor consultation process and has shown proof of cooperation on his/her part to resolve conflicts.

a. Each applicant must provide evidence of early neighbor consultation with each foliage owner, utilizing the process described below.

b. Evidence of adequate early neighbor consultation shall consist of each applicant filing a "Notice of Intent to File a View Preservation Application" with the City prior to the submittal of a formal View Preservation Application. Said notice shall be on a form provided by the City and shall be signed by the owner of the applicant's property. Each applicant shall indicate, by marking the appropriate box on the "Notice of Intent to File a View Preservation Permit Application" that the applicant has made an attempt to contact the foliage owner prior to submittal and shall submit written proof of that attempt in the form of a copy of a registered letter and the return receipt.

(1). Upon receipt of a signed and complete Notice from an applicant, the Community Development Director shall provide written notification to each foliage owner listed in the Notice, via certified mail, of the pending application. The City's notification letter shall also request that each foliage owner trim or remove the offending foliage to the height and condition shown in the provided documented view photograph within 30 days of receiving such notice.

(2). Once an applicant submits a "Notice of Intent to File a View Preservation Permit Application", and the City provides notification to a foliage owner of the pending application, the early neighbor consultation process shall be deemed to be terminated and the applicant(s) may immediately file a formal View Preservation Application with the City if the foliage owner fails to voluntarily perform the work within 30 days of receiving written notice from the City.

(3). If an appeal hearing is necessary, the applicant may be asked to explain his/her specific efforts to comply with the ordinance requirement for attempting to resolve conflict.

2. Foliage exceeding sixteen (16) feet or the ridge line of the primary structure, whichever is lower, significantly impairs a view from the applicant's viewing area, whether such foliage is located totally on one property, or when combined with foliage located on more than one property.

a. After the location of the "viewing area" on the applicant's property is determined, the Director must find whether foliage, which exceeds the lower of sixteen feet or the ridge line of the primary structure, significantly impairs a view from the "viewing area".

b. To determine which of the two measurements referenced in the paragraph above is the lowest, the sixteen (16) foot height measurement shall be measured from the base of the plant or tree (where it emerges from the ground).

c. For structures with multiple roofline heights that would block the view if the foliage were not present, foliage on the property shall be lowered to the roofline of that portion of the structure that otherwise would block the view. Where a structure with multiple roofline heights does not otherwise block a view, foliage on the property shall be trimmed to the applicable height limit set forth in this paragraph 2.

d. Section 17.76.030 of the City's Development Code limits the height of hedges. A "hedge" is defined by the Code as "shrubby or trees planted and maintained in such a manner as to create a physical barrier." A hedge can be included in a View Preservation Permit application, if the top of the hedge exceeds sixteen feet in height or the ridge line of the primary structure, whichever measurement is lower. In such cases, the Director may require a hedge to be trimmed to the lesser of sixteen (16) feet or the ridge line of the primary structure, if necessary to restore the view. However, if the top of the hedge is below sixteen feet or the ridge line of the primary structure, whichever measurement is lower, these cases shall be referred to the City's Code Enforcement Division for resolution. Foliage which is determined by the Los Angeles County Fire Department to be a fire hazard also shall be referred to the City's Code Enforcement Division for immediate resolution.

e. The Director shall only take action on foliage which significantly impairs a view from the applicant's viewing area. Foliage which does not significantly impair a view may remain in the applicant's view frame. The following criteria may be used to help determine whether a view is being "significantly" impaired by foliage:

(1). Foliage Position Within the View Frame. Foliage that is located in the center of a view frame is more likely to be found to create a significant view impairment than foliage located on the outer edge of a view frame.

(2). Single-component View vs. Multi-component View. Some view frames contain a combination of different view components, such as a view of the ocean, harbor and City lights (multi-component view); while some view frames consist

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

entirely of one component, such as only a view of the ocean (single-component view). Foliage that entirely obscures one of the components of a "multi-component" view is more likely to be found to create a significant view impairment than foliage that impairs the same degree of view of a "single-component" view (see attached diagram).

(3). **Prominent Landmarks.** Greater weight should be given to prominent landmarks or other significant features in the view frame such as the Vincent Thomas Bridge, harbor, shoreline, distant mountain areas, city skylines, and Channel Islands. As a result, foliage which impairs a view of any of these landmarks is more likely to be found to create a significant view impairment.

3. "The foliage to be removed is located on property, any part of which is less than one thousand (1,000) feet from the applicant's property line."

Staff from the Department of Community Development will determine the distance from the applicant's property line to the nearest property line of the site containing the foliage under consideration.

4. The foliage significantly impairing the view did not exist as view impairing vegetation in November 1989 or thereafter.

5. Removal or trimming of the foliage will not cause an unreasonable infringement of the privacy of the occupants of the property upon which the foliage is located."

a. The burden of proving an "unreasonable infringement of indoor and/or outdoor privacy" shall be on the foliage owner. The Director will make a determination on a case-by-case basis.

b. Given the variety and number of options which are available to preserve indoor privacy, greater weight generally will be given to protecting outdoor privacy than to protecting indoor privacy.

AB 2449 amended Section 54953's teleconferencing provisions.

I. Traditional teleconferencing rules (Gov't Code 54953(b)):

- Quorum must be within City (not necessarily at the same location).
- All teleconferencing locations must be posted on the agenda.
- Agendas must be posted at each teleconferencing location.
- Each teleconferencing location must be open to the public.
- All votes must be taken by rollcall.
- The public must be provided an opportunity to address the body directly.

II. New teleconferencing rules (Gov't Code 54953(f), (j)):

- Members can TC without following requirements of 54953(b)(3), for "just cause" or "emergency circumstances."
 - "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.
 - "Just cause" means any of the following: (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2. (B) A contagious illness that prevents a member from attending in person. (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g). (D) Travel while on official business of the legislative body or another state or local agency.
- Must disclose if there are any individuals over 18 present in the room with them, and the nature of the relationship.

- Camera must be on.
- Can only use just cause twice in a year.
- Cannot use more than 3 months total or 20% of the meetings; if body meets fewer than 10x in a year, can only use these provisions for 2 meetings.
- Quorum must meet in person at the same physical location within City.
- A number of requirements to allow remote participation:
 - City must provide either a 2-way AV system or 2-way call in system with broadcast of the meeting.
 - Public must be able to provide comments in real time, and address the legislative body in person or through the call-in or internet-based service.
 - If there's a disruption in the internet-based service or the call-in system, the body cannot take action until connectivity is restored.
 - Agenda should include how people can participate remotely or in person.
- Can be added to agenda after agenda posting deadline by majority vote of body.

III. Teleconferencing rules under state of emergency (Gov't Code 54953(e))

During a declared state of emergency, Councilmembers can teleconference without following the requirements of 54953(b)(3):

- When the Council is meeting to decide if, as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The Council has decided that as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

- “State of emergency” “means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, electromagnetic pulse attack, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the Public Utilities Commission.” Gov’t Code §§ 8558(b), 8625, 54954(j)(5). Therefore, for purposes of these provisions, the state of emergency under the California Emergency Services Act must be declared by the Governor.
- Other requirements:
 - Notice of the meeting must include means by which the public can participate remotely and offer public comment in real time.
 - If there is a disruption to the remote means of participation by the public, the Council can take no action until access is restored.
 - Public comment cannot be required to be submitted ahead of time.
 - Cannot close a timed public comment period (or the opportunity to register to comment through third party platform, such as Zoom), for a specific agenda item or that does not correspond to a particular item, until the public comment period is closed.

- If the Council does not provide a timed period for public comment, it must provide a reasonable amount of time for the public to comment (or to register to do so) – this is the section that applies to how we handle public comment in RPV.
- Findings must be made by the City Council every 45 days during the state of emergency that the Council has reconsidered the circumstances of the state of emergency and determines that the state of emergency directly impacts the ability to meet safely in person.
- A physical location for the meeting is not required.

Reasonable accommodations (Gov't Code 54953(g)):

- City is now required to have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility.
- City Council adopted Policy No. 58 (Reso No. 2023-04).
- Policy applies to councilmembers, commissioners/committee members, staff, public.
- Tips:
 - Request to attend the meetings remotely by a member of the legislative body is likely to be found reasonable, but each request should be considered individually. Accommodations can be conditioned (e.g., video must be on when the member is virtually on the dais, no other adults in the room), and alternative accommodations could be provided if necessary based on the City's resources.
 - Accommodations not limited to remote participation.