

P.C. RESOLUTION NO. 2008-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES CERTIFYING A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR CASE NO. ZON2007-00492 (CONDITIONAL USE PERMIT #96 – REVISION “D”, GRADING PERMIT, MINOR EXCEPTION PERMIT, SIGN PERMIT, AND ENVIRONMENTAL ASSESSMENT), FOR PROPERTY AT 5448 CREST ROAD LOCATED AT THE SOUTHEAST CORNER OF CREST ROAD AND HAWTHORNE BOULEVARD.

WHEREAS, on October 5, 2007, Hyndman and Hyndman, representing St. John Fisher Church and School, submitted Case No. ZON2007-00492, applications for a Conditional Use Permit #96 – Revision “D”, Grading Permit, Minor Exception Permit, Sign Permit and Environmental Assessment, for the subject property at 5448 Crest Road (referred to collectively as “the Project”); and,

WHEREAS, on October 29, 2007, the Project was deemed incomplete by Staff pending the submittal of additional information on the project plans and review and approval from the Fire Department, City Traffic Consultant, City Geologist and City's National Pollution Discharge Elimination System (NPDES) Consultant; and,

WHEREAS, on April 29, 2008, upon submittal of all required information, the project was deemed complete by Staff; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* (“CEQA”), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Initial Study and determined that, with appropriate mitigation, there is no substantial evidence that the Project would result in a significant adverse effect upon the environment and, therefore, a Mitigated Negative Declaration has been prepared and notice of same was given in the manner required by law; and,

WHEREAS, after notice was issued pursuant to the requirements of the Rancho Palos Verdes Development Code, the Planning Commission held a duly noticed public hearing on June 24, 2008, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on June 24, 2008, the Planning Commission continued the public hearing to the July 22, 2008 Planning Commission meeting to allow time for the applicant to address concerns about the height of the proposed sanctuary and steeple and provide clarification on the methodology used to determine the number of parking spaces that will be provided on site; and,

WHEREAS, on July 2, 2008, the applicant submitted modified plans and updated information to Staff; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on July 22, 2008, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on July 22, 2008, the Planning Commission continued the public hearing to the September 23, 2008 Planning Commission meeting to allow time for the applicant to consider providing a sound study to determine if any significant impacts would result from the proposed bells, a shadow study to determine if the height and/or scale of the sanctuary and steeple would create any significant impacts to surrounding properties, a copy of St. John Fisher's recent parking counts, further clarification of the applicant's parking analysis and whether the applicant is willing to provide additional parking on days when the demand for parking is the greatest due to activities at the site; and,

WHEREAS, on September 23, 2008, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on September 23, 2008, the Planning Commission conceptually approved the project and directed Staff to bring back the appropriate resolutions with Conditions of Approval;

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

Section 1: The Planning Commission has independently reviewed and considered the proposed Mitigated Negative Declaration, the public comments upon it, and other evidence before the Commission prior to taking action on the proposed Project and finds that the Mitigated Negative Declaration was prepared in the manner required by law and that there is no substantial evidence that, with the imposition of the proposed mitigation measures, the approval of the Project would result in a significant adverse effect upon the environment.

Section 2: There are no sensitive natural habitat areas on the subject site. Thus, no site disturbance or alteration will result from the approval of the Project and, therefore, the Project will have no individual or cumulative adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code.

Section 3: That with the imposition of appropriate mitigation measures that address impacts upon Aesthetics, Air Quality, Geology and Soils, Hydrology and Water and Noise, the Project will not have a significant adverse impact on the environment.

Section 4: Based upon the foregoing findings, the adoption of the proposed Mitigated Negative Declaration is in the public interest.

Section 5: For the foregoing reasons and based on the information and findings included in the Staff Report, the Environmental Assessment and the other components of the record, the proposed Mitigated Negative Declaration, and in the public comments presented to the Commission, all of which was incorporated herein by this reference, the Planning Commission of the City of Rancho Palos Verdes hereby certifies that the Mitigated Negative Declaration has been prepared in compliance with CEQA and approves the attached Mitigation Monitoring Program (Exhibit "A"), which is attached hereto and incorporated herein by this reference.

PASSED, APPROVED, AND ADOPTED this 14th day of October 2008, by the following vote:

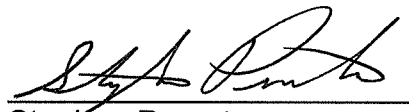
AYES: ~~Commissioner~~ Ruttenberg, Vice Chair Lewis and ~~Chair~~ Perestam

NOES: ~~Commissioners~~ Gerstner and Knight

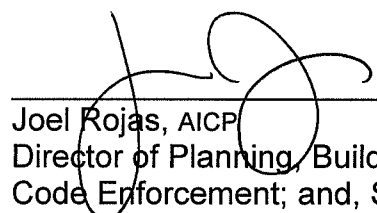
ABSTENTIONS: ~~Commissioner~~ Tetreault

ABSENT:

RECUSALS: ~~Commissioner~~ Tomblin



Stephen Perestam
Chairman



Joel Rojas, AICP
Director of Planning, Building and
Code Enforcement; and, Secretary
to the Planning Commission

Exhibit A

Mitigation Monitoring Program

Project: Case No. ZON2007-00492 (Environmental Assessment, Conditional Use Permit #96 – Revision “D”, Grading Permit, Minor Exception Permit and Sign Permit)

Location: 5448 Crest Road
Rancho Palos Verdes, CA 90275

Applicant: Hyndman & Hyndman (Shelly Hyndman), representing St. John Fisher

Landowner: The Roman Catholic Archbishop of Los Angeles

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I. INTRODUCTION

PURPOSE

This Mitigation Monitoring Program (MMP) is to allow the following project at 5448 Crenshaw Road, located at the southeast corner of Crenshaw Boulevard and Crest Road, in the City of Rancho Palos Verdes:

A request for Conditional Use Permit #96 – Revision "D", Grading Permit, Minor Exception Permit and Sign Permit to establish a Master Plan for the St. John Fisher Church and School property including: 32,426 square feet of new building area for a new sanctuary, preschool, administration building, library, art room, storage area, storage garage and offices; demolition of 10,329 square feet, including the existing rectory, youth building and offices; remodel 26,544 square feet of existing building area, including existing offices, classrooms, converting the existing convent into a new rectory and converting the existing sanctuary into a new gymnasium; a total of 30,688 cubic yards of grading, including 19,694 cubic yards of raw cut and 10,994 cubic yards of raw fill, resulting in 8,700 cubic yards of exportation; and a new monument sign, attached to the sanctuary, at the corner of Crest and Crenshaw.

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

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

ENVIRONMENTAL PROCEDURES

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

MITIGATION MONITORING PROGRAM REQUIREMENTS

Section 21081.6 of the Public Resources Code states: "When making the findings required by subdivision (a) of Section 21081 or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21081, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or

monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program."

II. MANAGEMENT OF THE MITIGATION MONITORING PROGRAM

ROLES AND RESPONSIBILITIES

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

MITIGATION MONITORING PROGRAM PROCEDURES

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

Mitigation Monitoring Program Checklist

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

Mitigation Monitoring Program Files

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

Compliance Verification

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

MITIGATION MONITORING OPERATIONS

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

1. The City of Rancho Palos Verdes, Director of Planning, Building, and Code Enforcement shall designate a party responsible for monitoring of the mitigation measures.
2. The City of Rancho Palos Verdes, Director of Planning, Building, and Code Enforcement shall provide to the party responsible for the monitoring of a given mitigation measure, a copy of the MMP Checklist indicating the mitigation measures for which the person is responsible and other pertinent information.
3. The party responsible for monitoring shall then verify compliance and sign the Compliance Verification column of the MMP Checklist for the appropriate mitigation measures.

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

III. MITIGATION MONITORING PROGRAM CHECKLIST

INTRODUCTION

This section provides the MMP Checklist for the project as approved by the Planning Commission of the City of Rancho Palos Verdes on August 26, 2008. Mitigation measures are listed in the order in which they appear in the Initial Study.

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

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
1. AESTHETICS				
<u>A-1:</u> If the new sanctuary results in significant view impairment from the viewing areas of surrounding properties, as defined by the City or Rancho Palos Verdes' Development Code, then elements of the proposed project which significantly impair views shall be reduced to a less than significant impairment.	Project Design	Prior to approval of entitlements	Property Owner / applicant.	Department of Planning, Building and Code Enforcement
<u>A-2:</u> If the new sanctuary is determined to create bulk and mass impacts, then elements of the proposed project shall be reduced in height or architecturally modified to minimize said impacts.	Project Design	Prior to approval of entitlements	Property Owner / applicant.	Department of Planning, Building and Code Enforcement
<u>A-3:</u> Subject to the satisfaction of the Director of Planning, Building and Code Enforcement, and prior to issuance of Certificate of Use and Occupancy for the sanctuary and parking lot, each fixture head shall incorporate appropriate shields on the fixtures to adequately shield the light source from adjacent property. The fixtures shall be hooded so that the light is directed downward.	Cumulative	Prior to issuance of Certificate of Use and Occupancy	Property Owner / applicant.	Department of Planning, Building and Code Enforcement
<u>A-4:</u> After installation of all lighting, but prior to Issuance of Certificate of Use and Occupancy of any and all of the proposed buildings, the applicant shall request that the City conduct an inspection of the site to ensure that there is no spill-over of on-site lighting onto adjacent properties.	Construction & Operational	Prior to issuance of Certificate of Use and Occupancy	Property Owner / applicant.	Department of Planning, Building and Code Enforcement
<u>A-5:</u> A trial period of six months from issuance of Certificate of Use and Occupancy for assessment of exterior lighting impacts shall be instituted. At the end of the six-month period, the City may require additional screening, reduction in intensity of any light or the incorporation of time-restricting for exterior lighting that has been determined to be excessively bright.	Construction / Operational	Prior to issuance of Certificate of Use and Occupancy	Property Owner / applicant.	Planning Commission

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
III. AIR QUALITY				
AQ-1: Prior to issuance of any Building Permit and/or Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that, in compliance with South Coast Air Quality Management District Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures, as specified in the South Coast Air Quality Management District's Rules and Regulations. In addition, South Coast Air Quality Management District Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors: • All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site; • All delivery truck tires shall be watered down and/or scraped down prior to departing the job site; • All active portions of the construction site shall be watered to prevent excessive amounts of dust; • All materials excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering with complete coverage, shall occur at least twice daily, preferably in the late morning and after school hours; • If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving, or	Project Design & Construction	Prior to issuance Grading Permit and/or Building Permit	Property Owner/ applicant	Department of Planning, Building and Code Enforcement & Department of Public Works

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
excavation activities that are generating dust shall cease during periods of high winds (i.e. greater than 25 mph average over one hour;				
AQ-2: Prior to issuance of any Building Permit and/or Grading Permit, the Directory of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that, in compliance with South Coast Air Quality Management District Rule 403, ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and properly tuned per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.	Project Design & Construction	Prior to issuance of Building Permits and/or Grading Permits	Property Owner/ applicant	Department of Planning, Building and Code Enforcement & Department of Public Works
AQ-3: Prior to issuance of any Grading Permit and/or Building Permit, the City shall verify that the construction contract standard specifications include a written list of instructions to be carried out by the construction manager specifying measures to minimize emissions by heavy equipment for approval by the Director of Public Works. Measures shall include provisions for property maintenance of equipment engines, measures to avoid equipment idling more than two minutes, and avoidance of unnecessary delay of traffic along off-site access roads by heavy equipment blocking traffic.	Project Design & Construction	Prior to issuance of Building Permits and/or Grading Permits	Property Owner/ applicant	Department of Planning, Building and Code Enforcement & Department of Public Works

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
AQ-4: During construction and in compliance with South Coast Air Quality Management District Rule 1113, ROG emissions from architectural coatings shall be reduced by using pre-coated/natural-colored building materials, water-based or low-ROG coatings and using coating transfer or spray equipment with high transfer efficiency.	Construction	Throughout construction	Property Owner/ applicant	Department of Planning, Building and Code Enforcement
AQ-5: Prior to issuance of any Grading Permit, the contractor shall include the following measures with the Grading Plan, to the satisfaction of the Director of Public Works and Building Official: • The Applicant shall submit, for review and approval by the City, a Construction Traffic Management Plan that specifies that construction activities shall be organized so as not to interfere significantly with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site, including construction related parking and deliveries; if necessary, a flag person shall be retained to maintain safety adjacent to the existing roadways; • The General Contractor shall utilize electric- or diesel-powered stationary equipment in lieu of gasoline powered engines where feasible; and • The General Contractor shall state in the Grading Plans that work crews turn off equipment when not in use.	Project Design & Construction	Prior to issuance of Grading Permits and/or Building Permits	Property Owner/applicant	Department of Planning, Building and Code Enforcement & Department of Public Works
VI. GEOLOGY AND SOILS				
GS-1: The applicant shall submit a geotechnical report for review and approval by the City Geologist	Project Design	Prior to issuance of Grading Permits and/or Building Permits	Property Owner / applicant.	Department of Planning, Building and Code Enforcement.

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
prior to the issuance of a building and/or grading permit for the property, unless the City Geologist deems that a geotechnical report is not warranted, based on a field assessment of the site.				
GS-2: The applicant shall ensure that all applicable conditions, as specified within the geotechnical report, and all measures required by the City Geologist are incorporated into the project.	Construction	Prior to issuance of Grading Permits and/or Building Permits	Property Owner / applicant.	Department of Planning, Building and Code Enforcement.
VIII. HYDROLOGY AND WATER QUALITY				
<u>HWQ-1</u>): The Applicant shall submit and obtain approval of a drainage report from the Building Official, prior to issuance of any Grading Permit and/or a Building Permit for new construction.	Project Design & Construction	Prior to issuance of Grading Permit and/or Building Permit & Throughout Construction	Property Owner / applicant.	Department of Planning, Building and Code Enforcement
<u>HWQ-2</u>): The Applicant shall submit and obtain approval of a Standard Urban Stormwater Mitigation Plan (SUSMP) to the Department of Planning, Building and Code Enforcement, prior to issuance of any Grading Permit and/or a Building Permit for all construction activity.	Project Design & Construction	Prior to issuance of Grading Permit and/or Building Permit & Throughout Construction	Property Owner / applicant.	Department of Planning, Building and Code Enforcement
<u>HWQ-3</u>): The Applicant shall submit and obtain approval of a Local Stormwater Pollution Prevention Plan (SWPPP) to the Department of Planning, Building and Code Enforcement, prior to issuance of any Grading Permit and/or a Building Permit for all construction activity.	Project Design & Construction	Prior to issuance of building and/or grading permit.	Property Owner / applicant.	Department of Planning, Building and Code Enforcement

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
XI. NOISE				
N-1: Prior to issuance of any Grading Permit and/or Building Permit, the Applicant shall provide, to the satisfaction of the Director of Planning, Building and Code Enforcement, a Construction Noise Mitigation and Monitoring Program. Such plan would ensure that the proposed project shall provide the following: • Construction contracts specifying that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuations devices. • Property owners and occupants located within 0.25-mile of the Project construction site shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and telephone number where residents can inquire about the construction process and register complaints. • The Applicant shall provide, to the satisfaction of the Director of Planning, Building and Code Enforcement, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24-hours of the complaint and	Project Design & Construction	Prior to issuance of Grading Permit and/or Building Permit & Throughout Construction	Property Owner / applicant.	Department of Planning, Building and Code Enforcement.

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
determine the cause of the noise complaint and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Director of Planning, Building and Code Enforcement. All notices that are sent to residential units within a 0.25-mile radius of the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Disturbance Coordinator. • Prior to issuance of a Building Permit and/or Grading Permit, the Applicant shall demonstrate to the satisfaction of the Building Official how construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas and electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.				
<u>N-2:</u> Construction activity associated with the proposed project and grading operations shall be limited to the hours of 7:00 am and 7:00 pm, Monday through Saturday, per Section 17.56 of the RPVMC. There shall be no construction on Sundays or federally observed holidays without the approval of a Special Construction Permit by the City's Department of Planning, Building and Code Enforcement.	Construction	On-going	Property Owner/applicant	Department of Planning, Building and code Enforcement

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<u>N-3:</u> During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining public rights-of-way before 7:00 am, Monday through Saturday, in accordance with the permitted hours of construction stated in mitigation N-2.	Construction	On-going	Property Owner/applicant	Department of Planning, Building and code Enforcement
<u>N-4:</u> Prior to issuance of any Demolition, Grading or Building Permit, the Director of Planning, Building and Code Enforcement shall review and approve a Construction Management Plan, which shall specify that demolition debris hauling shall be limited between 9:00 AM and 4:00 PM.	Project Design & Construction	Prior to issuance of Demolition Permit, Grading Permit and/or Building Permit	Property Owner/applicant	Department of Planning, Building and code Enforcement
<u>N-5:</u> There shall be no staging of equipment or accumulation of vehicles on Rancho Palos Verdes City streets. Staging of trucks for the hauling of all demolition debris would occur on the St. John Fisher site.	Construction	On-going.	Property Owner / applicant	Department of Planning, Building and code Enforcement