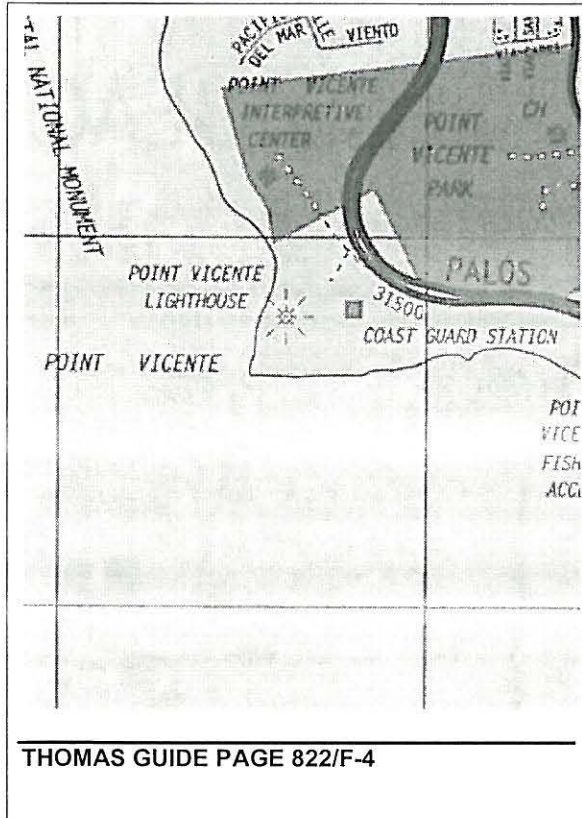


STAFF REPORT



TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT *Callahan*

DATE: JANUARY 26, 2010

SUBJECT: CONDITIONAL USE PERMIT #200 – REVISION “A”, GRADING PERMIT & COASTAL DEVELOPMENT PERMIT (CASE NO. ZON2009-00441)

PROJECT ADDRESS: 31501 PALOS VERDES DRIVE WEST (LOWER POINT VICENTE)

APPLICANT: CITY OF RANCHO PALOS VERDES

PHONE: 310-544-5228

LANDOWNER: SAME

PHONE: SAME

STAFF COORDINATOR: ARA MICHAEL MIHRANIAN *AM*
PRINCIPAL PLANNER

REQUESTED ACTION: A REQUEST TO APPROVE CONDITIONAL USE PERMIT NO. 200 REVISION “A”, GRADING PERMIT, AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF SITE IMPROVEMENTS AT LOWER POINT VICENTE CONSISTING OF RECONFIGURED AND EXPANDED PARKING SPACES (TOTAL OF 101 PARKING SPACES), TRAILS, LIGHTING, AND DRAINAGE FACILITIES (BIOSWALES AND CATCH BASINS).

- RECOMMENDATION:**
- 1) REVIEW THE PROPOSED PROJECT INCLUDING THE FINDINGS OF FACTS FOR CONDITIONAL USE PERMIT NO. 200 REVISION ‘A’, GRADING PERMIT AND COASTAL DEVELOPMENT PERMIT;
 - 2) PROVIDE STAFF WITH FEEDBACK ON THE PROPOSED PROJECT AND FINDINGS OF FACTS, AND IF DEEMED ACCEPTABLE, DIRECT STAFF TO BRING BACK RESOLUTIONS AND CONDITIONS OF APPROVAL FOR ADOPTION AT THE FEBRUARY 9, 2010 MEETING; AND,
 - 3) CONTINUE THE PUBLIC HEARING TO FEBRUARY 9, 2010

REFERENCES:

ZONING: OPEN SPACE RECREATIONAL - OR
LAND USE: RECREATIONAL – PASSIVE
CODE SECTIONS: 17.34, 17.40, 17.56.040, 17.60, 17.72, AND 17.76.040
GENERAL PLAN: RECREATIONAL - PASSIVE
TRAILS PLAN: CONCEPTUAL TRAILS PLAN SECTION 1 (A4, C3, AND D2)
SPECIFIC PLAN: COASTAL SPECIFIC PLAN
CEQA: MITIGATED NEGATIVE DECLARATION
ACTION DEADLINE: MAY 14, 2010 (180 DAYS FROM THE DATE THE PROJECT APPLICATION IS DEEMED COMPLETE)

PLANNING COMMISSION MEMBERS RESIDING WITHIN 500' OF SUBJECT PROPERTY: NONE

BACKGROUND

On September 8, 1998, the Planning Commission adopted P.C. Resolution No. 98-30, conditionally approving Conditional Use Permit No. 200, Grading Permit No. 1993, and Coastal Permit No. 143 to allow site improvements at Lower Point Vicente consisting of, among other things, a 7,400 square foot addition to the PVIC building, 139 new parking spaces (for a total of 207 parking spaces), reconfigured driveways, approximately 11,000 cubic yards of grading (cut and fill), new and expanded decomposed granite trails, new landscaping and other outdoor park amenities. However, as a result of funding limitations, portions of the parking lot expansion and some site improvements were not constructed.

In July 1999, construction on the expansion of the PVIC facility began. Soon after, in August 1999, lead associated with the former rifle range was detected in excavated soil and was remediated between August 1999 and December 2002, in compliance with a Federal approved Lead Removal Action Plan. The lead remediation work generally consisted of removing any hot spots, removing one-foot of soil from the area around the PVIC building and replacing it with clean fill. Soon after, construction on the expansion of the PVIC building resumed and on July 15, 2006, the newly expanded PVIC building and park grounds were formally reopened to the public. At the time of the reopening, only 66 parking spaces and trails along the bluff top were constructed.

On September 2, 2008, the City Council adopted the Rancho Palos Verdes Coast Vision Plan (Vision Plan). The Vision Plan represents over two years of planning, including an extensive public outreach effort, to create an informational planning document for the City's coastal areas (including five key sites not included in the City's Palos Verdes Nature Preserve), with public access, interpretive materials, recreational

amenities, and other amenities to improve the coastal open space experience for Palos Verdes residents and visitors. One of the five key sites identified in the Vision Plan is Lower Point Vicente. According to the goals identified in the Council adopted Vision Plan, improvements to the Lower Point Vicente site should integrate, in terms of design and amenities, existing and proposed facilities. These facilities include the PVIC building and its proposed outdoor education components (Phase III, relating to cultural, social, physical and natural history and environments), expanded parking, public parkland and trails, and other potential, complementary educational public uses.

Pursuant to the Council adopted Vision Plan, the City, in partnership with the Annenberg Foundation, is now proposing to complete the construction of the improvements at Lower Point Vicente originally approved by the Planning Commission in 1998.

PROJECT LOCATION

The project site is located at 31501 Palos Verdes Drive West, a City-owned park property known as Lower Point Vicente which offers recreational and educational opportunities to the public. The project site is approximately 26.4-acres and consists of improvements such as the 10,000 square foot (sf) PVIC building, approximately 13,000 square feet of hardscape plazas and walkways (including decomposed granite and asphalt trails), picnic areas, outdoor amphitheater, and 66 parking spaces. Additionally, a portion of the project site is currently farmed based on a lease agreement between the City and a private party. The farming operation is presently the only active use on the project site, and according to the lease agreement the farming operation is set to expire in March 2010.

PROJECT DESCRIPTION

General

The proposed project would occur on approximately 13 acres of the total 26.4 acre site. The project involves site improvements that are considered to be within the same general scope as the site improvements originally approved by the Planning Commission in 1998. The project does not propose to introduce new uses, buildings, exhibit or activity areas that would generate new or additional visitors to the PVIC building. Instead, the proposed project is expected to better serve current users of the PVIC and park facilities by completing the construction of the improvements originally approved for the site. The proposed improvements involve the removal of the existing parking lot to accommodate a reconfigured and expanded parking lot; new landscaping; new hardscape (walkways and plazas); new decomposed granite trails; and drainage improvements (see attached project plans). The new parking lot would provide 101 parking spaces (including accessible spaces and loading spaces), an increase of 35 spaces from the existing 66 spaces. The specific proposed landscape, hardscape and drainage improvements include:

- Construction of trails and recreation areas by providing new and improved decomposed granite trails and new picnic tables and benches.
- Installation of lighting and way-finding signs within the redesigned parking areas.
- Installation of new landscaping and removal of invasive and non-native vegetation species. New landscaping would be designed to require minimal irrigation and to reflect the native vegetation of the surrounding area.
- Improvements to the existing on-site drainage consisting of bioswales and catch basins that would be located throughout the project site to contain and control drainage and runoff and to enhance the water quality.

Grading

In order to prepare the project site for the improvements described above, approximately 10,260 cubic yards of grading (balanced cut and fill) is required. The maximum depth of cut is 7-feet and the maximum depth of fill is 6-feet. No export or import of soil or rock material is proposed.

Construction Operations

In order to maintain the operation of the PVIC during construction, a Construction Management Plan has been developed (see attached plans). Project construction is anticipated to commence in April of 2010 and be completed in February of 2011 (approximately 10 months). The project site will be enclosed with a temporary construction fence. Two construction trailers, measuring approximately 24'Wx60'Lx12'H, will be installed at the slope between the existing driveway and Palos Verdes Drive West. This area will be graded to accommodate the construction trailers, as well as construction employee parking. Due to the removal of the existing parking lot, a temporary parking lot for approximately 100 vehicles and 2 bus spaces will be provided on the dirt lot owned by the Coast Guard (A Memorandum of Understanding will be executed between the City and the Coast Guard). A walking path, designed to accommodate persons with disabilities, will connect the temporary parking lot to the PVIC. Additionally, to allow the continued operation of special events at the PVIC, a temporary service road will be provided with temporary gates that will be operable for service related vehicles.

Lead Remediation Work Plan

Due to the potential exposure to lead contamination resulting from the former use of the site as a rifle range and according to a covenant to restrict the use of the property required by the Department of Toxic Substance and Control (DTSC) for the PVIC expansion project, the City prepared an updated Lead Contamination Work Plan. The

Work Plan provides a protocol for the potential exposure to lead in the Area of Concern. The Work Plan was submitted to the DTSC on November 9, 2009 and is currently being reviewed.

DISCUSSION

The proposed project requires the processing of the following planning entitlements:

- Conditional Use Permit No. 200 Revision 'A'
- Grading Permit
- Coastal Development Permit.

Pursuant to the City's Development Code, the Planning Commission has the final approval authority for the above entitlements. However, any decision of the Commission can be appealed to the City Council, and then to the Coastal Commission because the subject property is located in the appealable area of the City's Coastal Zone. The Commission is being given the Code consideration and analysis on the required findings for the required planning entitlements, as described below.

Conditional Use Permit

A revision to the existing Conditional Use Permit is requested to allow the construction of the proposed site improvements at Lower Point Vicente. In considering a Conditional Use Permit application, Development Code Section 17.60.050 requires the Planning Commission to make six (6) findings in reference to the property and uses under consideration. (Development Code language is **boldface**, followed by Staff's analysis in normal type).

- 1. The site is adequate in size and shape to accommodate said use and for all of the yards, setbacks, walls or fences, landscaping and other features required by this title [Title 17 "Zoning] or by conditions imposed under this section [Section 17.60.050] to integrate said use with those on adjacent land and within the neighborhood.**

As depicted in the attached project plans, the work limit area is defined to occur primarily within the existing improved area of the site and portions of the lower farm area. Although the Development Code for the Open Space Recreation zoning district does not establish any required setbacks, based on the project plans, the work limit line is setback approximately 330-feet from the neighboring homes along the northern property line (Calle Viento and Pacifica del Mar) and approximately 120-feet from Palos Verdes Drive West. The proposed improvements are located at an elevation that is approximately 15- to 20-feet lower than the pad elevation of the neighboring homes to the north.

In addition to the project improvements previously described, the project includes the removal of non-native plants and trees to be replaced with native vegetation. The native plant palette is comprised of species approved by the Coastal Commission for the Terranea Resort and Spa and the Palos Verdes Peninsula Land Conservancy. No new fences or walls are proposed to be constructed, and the construction will occur primarily on existing improved surfaces or impervious surfaces (existing parking lot and walkways).

Staff believes that the project site is adequate in size and shape to accommodate the proposed site improvements described above because of the size of the lot and the location of the proposed improvements. Lower Point Vicente is approximately 26.4 acres and the project construction area is contained to approximately 13 acres of the total site, which is slightly less than half of the overall site. Moreover, the improvements will be constructed in the center portion of the site, maintaining the open space surrounding the property and adjacent properties. Lastly, the improvements general comply with the development standards for the Open Space Recreational zoning district and do not require a variance or minor exception permit to deviate from the development standards listed in the Development Code.

Based on the above discussion, the project site is adequate in size and shape to accommodate the proposed improvements and this finding can be made.

2. The site for the proposed use relates to streets and highways sufficient to carry the type and quality of traffic generated by the subject use.

The proposed project involves removal of the existing parking areas and replacement with a reconfigured and expanded parking lot and driveway aisles that were originally approved by the City in 1998. The general design of the reconfigured parking lot is based on a 1998 Traffic Study that was prepared for the addition to the PVIC building. The proposed parking lot improvements are intended to enhance the existing amenities available to the public and improve both vehicular and pedestrian access to the project site. It should be noted that the current project does not propose improvements or uses that would generate additional traffic not previously studied as part of the environmental review and approval for the 1998 PVIC expansion project. As such, this finding can be made because the proposed improvements will not generate new traffic, but rather enhances and expands the amenities, such as parking, driveway aisles, and vehicular drop-off, for the traffic generated by the existing PVIC building and outdoor amenities.

3. In approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof.

The proposed project improvements are in the general location of the existing development, which is positioned within the center of the overall site and is located approximately 330-feet from the property line for the residences at the northern portion of the site. Moreover, as previously indicated, the proposed improvements will be located at a elevation that is approximately 15- to 20-feet lower in grade than the elevation of the neighboring residences and approximately 25–feet lower in elevation from the grade of Palos Verdes Drive West.

As previously noted, the proposed improvements do not include new structures. Given that the proposed improvements intend to complement the existing PVC building and uses, as well as existing on-site recreational amenities with the construction of expanded and reconfigured parking spaces, reconfigured parking lot aisle ways, new and expanded trails, and drainage amenities to name a few, Staff believes that the only issues that may adversely effect adjacent properties is lighting, landscaping and noise (construction and operational).

According to the attached lighting plan, and as described in the project's Mitigated Negative Declaration (MND), the existing lighting fixtures will be replaced along the walkways and the parking areas with new updated light fixtures that are designed to improve the illumination of the reconfigured parking areas and walkways by using less energy and by reducing glare and spill-over onto neighboring properties. Additionally, the new light fixtures will be installed to illuminate way-finding signs located throughout the improvement area. Most of the unpaved trails along the bluffs would continue to have no lighting in order to preserve the dark sky and nighttime views. The additional light fixtures installed as part of the proposed site improvements, including the light poles in the parking area, would comply with Section 17.56.040 of the RPVMC for non-residential exterior lighting. In addition, as required by the Section 17.56.040 of the RPVMC, all light sources may not be directed toward or result in direct illumination of properties other than that upon which such light source is physically located. If a light is located on a standard or pole, the light source or fixture may not be more than ten feet above existing grade adjacent to the building or pole, as stated in Section 17.56.040 of the RPVMC. It should also be noted that the project site lies generally below most of the public and private viewpoints to and through the site from the north and east, so that the downward-directed lighting would not be highly visible nor a substantial source of glare. With adherence to the existing standards in the Development Code, the proposed lighting would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, or adjacent properties.

The landscape plan proposes to remove non-native vegetation and trees that would be replaced with plants selected from a native plant palette, while protecting some existing vegetation and trees. Many of the trees being removed

exceed 16-feet in height. The new tree species have been selected based on, among other things, their height at maturity and are being planted in the general vicinity of the existing PVIC building. This is to avoid trees from growing into the view corridor of neighboring properties and the view corridors, as identified in the Coastal Specific Plan (Catalina, Malibu Coast and the Light House), from Palos Verdes Drive West. In order to assure that trees do not grow into a view corridor, Staff recommends conditioning the Landscape Plan so that trees, existing and new, do not exceed the height of the roofline for the PVIC building or 16-feet, whichever results in a lower tree height.

In regards to noise, the proposed project site is currently used for recreation and education opportunities. The construction and use of the proposed site improvements may result in an increase in ambient noise levels within the project vicinity. According to the project's MND, construction activity would increase temporary noise levels. Average noise levels associated with the use of heavy equipment at construction sites can range from about 78 to 88 dBA at 50 feet from the source, depending upon the types of equipment in operation at any given time and phase of construction (USEPA, 1971). The nearest sensitive uses are the residences to the north of the site located approximately 330-feet from the construction limit of work, and recreational uses associated with the PVIC, which is directly adjacent to the project area. These land uses may experience a temporary increase in noise during construction. Construction-related noise impacts on the residences to the north would be less than significant because of their temporary nature and because the distance between the two sites would reduce noise impacts to between 63 dBA to 73 dBA (the construction equipment would operate approximately 330 feet from the nearest residence). Mitigation Measure N-1 requires adherence to the following specific hours of construction to minimize construction noise impacts to both nearby residences and weekend visitors and special events attendees at the PVIC (the hours of construction listed below are more stringent than the requirements stated in the Municipal Code):

N-1 Construction Hours. *During project construction, operation of heavy equipment shall be prohibited except between the hours of 7:00 a.m. and 7:00 p.m. Monday through Thursday, and between 7:00 a.m. and 4:00 p.m. on Friday and Saturday. No such activity shall be permitted on Sunday or legal holidays. This measure shall be printed on all project grading and building plans submitted for City approval.*

The proposed project's potential impact related to construction noise would be less than significant with adherence to the construction hours stated in the above mitigation measure. Moreover, Staff recommends adopting as a condition of approval a similar requirement regulating the hours of construction. As for operation noise impacts, Staff believes noise impacts will be negligible because of the passive and relatively quiet use of the PVIC building and park grounds by

visitors. Furthermore, existing conditions regulate the hours for special events at the PVIC to minimize operational noise impacts to neighboring properties.

Based on the above discussion, with the adoption of the recommended conditions of approval, Staff believes the proposed project will not have a adverse effect on neighboring properties and can make this finding.

4. The proposed use is not contrary to the General Plan.

As proposed, the project would improve the existing uses and amenities of the site for passive recreational opportunities for the general public. Furthermore, the proposed improvements are consistent with the Open Space Recreational zoning designation and the General Plan's Passive Recreational Land Use designation. As such, Staff believes that this finding can be made.

5. 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 [Title 17 "Zoning"], the proposed use complies with all applicable requirements of that chapter.

In addition to the development standards for the Open Space Recreational zoning district, the project site is also governed by the Natural, Socio/Cultural and Urban Overlay Control Districts. As shown in the attached copy of Section 17.40, *Overlay Control Districts*, the proposed project is consistent with all of the Performance Criteria as established within the Natural, Socio/Cultural, and Urban Overlay Control Districts.

In summary, the project complies with the Performance Criteria stated in Section 17.40 in that the proposed site improvements are contained within the center of the subject property encompassing approximately 13 acres of the total 26.4 acre site. The improvements are designed to enhance the existing on-site improvements, while minimizing impacts to the natural environments, including the natural topography and natural waterways or drainage courses. Measures have been incorporated into the project design to control and divert run-off from sheet-flowing over the bluff and to ensure that urban pollutants commonly found in run-off has been treated, via filters in the newly constructed catch basins and the use of bioswales, prior to draining into the Pacific Ocean. Conditions or Approval are recommended to minimize the use of pesticides and herbicides for the limited lawn areas. Moreover, the proposed plant palette consists of native plants rather than invasive ornamentals minimizing the use of water and pesticides and herbicides. The project grading has been designed to seamlessly blend the man-made grades with the natural topography of the site. Utilizing the finished grades, the proposed site improvements will be constructed at a lower elevation than the neighboring properties and Palos Verdes Drive West to minimize impacts to specific view corridors. The project MND includes mitigation

measures intended to minimize impacts to cultural resources, such as archaeological, paleontological, and historical resources (see page 22).

Based on the above discussion, Staff believes that this finding can be made.

6. **Conditions regarding any of the requirements listed in this paragraph, which the Planning Commission finds to be necessary to protect the health, safety and general welfare, have been imposed [including but not limited to]: setbacks and buffers; fences or walls; lighting; vehicular ingress and egress; noise, vibration, odors and similar emissions; landscaping; maintenance of structures, grounds or signs; service roads or alleys; and 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 for in this title [Title 17 “Zoning”].**

The conditions of approval recommended by Staff are to be incorporated to the conditions of approval adopted by the Planning Commission in 1998 under P.C. Resolution No. 98-30. Furthermore, the project’s Mitigated Negative Declaration recommends mitigation measures intended to minimize impacts to the surrounding environment including the neighboring properties. The MND includes mitigation measures that were included in the Lead Work Plan that is currently being reviewed by the DTSC. These mitigation measures are intended to address impacts resulting from the potential exposure to lead, a known on-site hazardous material. These mitigation measures, which can be found on page 30 of the MND, are recommended to be included as conditions of approval to ensure compliance during the construction process.

As such, Staff believes that the adoption of the recommended conditions of approval and mitigation measures, combined with the previously adopted conditions of approval and mitigation measures, will not cause an impact to the health, safety and general welfare of the site and the adjacent properties. Therefore, this finding can be made with the adoption of the recommended conditions of approval and mitigation measures.

Grading Permit

In order to prepare the subject property for the proposed improvements, a major grading permit is required to allow 10,260 cubic yards of earth movement (combined cut and fill). In considering a major grading permit, the Planning Commission must make the following criteria as set forth in Municipal Code Section No. 17.76.040 (for this section only, the Development Code language is shown in **boldface** and Staff’s analysis is shown in normal type at the end of the list of findings):

1. **The grading does not exceed that which is necessary for the permitted primary use of the lot, as defined in Chapter 17.96 (Definitions) of this title;**

2. The proposed grading and/or related construction does not significantly adversely affect the visual relationships with, nor the views from the viewing area of neighboring properties. In cases where grading is proposed for a new residence or an addition to an existing residence, this finding shall be satisfied when the proposed grading results in a lower finished grade under the building footprint such that the height of the proposed structure, as measured pursuant to Section 17.02.040(B) of this title, is lower than a structure that could have been built in the same location on the lot if measured from preconstruction (existing) grade;
3. The nature of the grading minimizes disturbance to the natural contours and finished contours are reasonably natural;
4. The grading takes into account the preservation of natural topographic features and appearances by means of land sculpturing so as to blend any man-made or manufactured slope into the natural topography;
5. For new single-family residences, the grading and/or related construction is compatible with the immediate neighborhood character, as defined in Chapter 17.02 (Single-family Residential Districts);
6. In new residential tracts, the grading includes provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction on hillside areas;
7. The grading utilizes street designs and improvements which serve to minimize grading alternatives and harmonize with the natural contours and character of the hillside;
8. The grading would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation;
9. The grading conforms to the following standards:
 - a. Grading on slopes equal to or exceeding thirty-five percent shall be allowed on recorded and legally subdivided lots existing as of November 25, 1975 or if within Eastview, existing as of January 5, 1983, which are not currently zoned open space/hazard, if the director or planning commission finds that such grading, as conditioned, will not threaten the public health, safety and welfare.
 - b. No finished slopes greater than thirty-five percent shall be created, except at the point of vehicular access adjacent to driveways, as per subsection (E)(9)(f) of this section.

- c. Except for the excavation of a basement or cellar, a fill or cut shall not exceed a depth of five feet at any point except where the director or the planning commission determines that unusual topography, soil conditions, previous grading or other circumstances make such grading reasonable and necessary.
- d. No fill or cut shall be permitted on a slope exceeding fifty percent gradient, unless the grading is on a sixty-seven percent slope, allowed pursuant to subsection (E)(9)(f) of this section.
- e. Retaining Walls.
 - i. Unless located within the required front or street side setback, one upslope retaining wall not to exceed eight feet in height may be used. Retaining walls located in the required front or street side setback shall not exceed three and one-half feet in height;
 - ii. One downslope retaining wall not to exceed three and one-half feet in height may be used;
 - iii. On lots sloping with the street and other configurations not discussed above, one retaining wall not to exceed three and one-half feet may be used on each side of the lot;
 - iv. Retaining walls may be allowed up to five feet in height, adjacent to driveways, only if required for access or slope stabilization. There shall be no more than one upslope or one downslope retaining wall adjacent to driveways;
 - v. Retaining walls which are an integral part of a structure may exceed eight feet, within the building footprint;
- f. Driveways.
 - i. Driveways which exceed twenty percent slope shall not be permitted except that one length, not at the point of access, of not more than ten linear feet may have a slope of up to twenty-two percent;
 - ii. Slopes not greater than sixty-seven percent may be permitted adjacent to driveways;

In order to prepare the project site for the proposed site improvements, approximately 10,260 cubic yards of grading is required. The proposed grading will be balanced on-site therefore avoiding the need to export or import soil or rock material. The maximum depth of cut is 7-feet and the maximum depth of fill is 6-feet. The majority of the grading occurs within the eastern portion of the subject property bound between the front property line along Palos Verdes Drive West and the PVIC building. The project grading proposes to cut into portions of the existing site to accommodate the expanded parking lot and driveway aisles, while the cut material will be utilized on-site to create transition slopes, at a maximum gradient of 2:1, between the terraced parking lot and the area between the front property line (along Palos Verdes Drive West).

Given the varying topography of the site, in order to expand the parking lot pursuant to the project previously approved by the Planning Commission in 1998, the existing contours need to be graded to create a terraced and leveled parking lot and driveway aisles. Furthermore, the graded contours are designed to enhance adequate drainage of the site. Based on the size of the subject site and the amount of grading needed for the additional parking spaces that is intended to benefit the public visiting the PVIC building and surrounding park land, Staff does not believe the grading exceeds that which is necessary for the primary use of the lot.

As shown in the attached Grading Plan, the finished grades have been designed to minimize visual impacts to neighboring properties, as well as minimize disturbance to natural contours. This is achieved by concentrating the grading in areas of the proposed improvements and by notching the improvements into the existing slopes rather than raising the grades to accommodate the improvements. Additionally, the fill material is utilized to create transition slopes to mirror the existing topography of the site. Furthermore, the finished grades take into account the preservation of the natural topographic features and appearances by blending the man-made slopes with the natural topography of the site. This can be seen with the use of transition slopes that seamlessly blend with the existing topography and maintain the general configuration and sloping character of the site.

The findings relating to residential development do not apply for this project. However, as previously discussed, grading is being used to accommodate a terraced parking lot to mirror the sloping character of the project site. In regards to biological resources, as indicated in the attached MND, the proposed grading will not occur in areas of the site that support special status plant and wildlife species. In fact, according to the biological study prepared for the MND, the vegetation on-site provides very low habitat function due to the ornamental nature of the existing plant species. Nonetheless, existing trees may provide roosting and nesting habitat for birds. To address this potential environmental impact, the project MND includes Mitigation Measure BIO-1 that requires a nesting bird survey be conducted during the bird breeding season (February 15 through August 31) for all tree pruning and removal.

The project grading is designed to comply with the standards cited in Section 17.76.040 of the RPVMC in that earth movement will not occur on slopes equal to or greater than 35% (extreme slopes) and that no cut or fill will occur on slopes greater than 50%. However, the proposed grading consists of transition slopes with a 2:1 gradient (50%) and a maximum depth of cut of 7-feet and a maximum depth of fill of 6-feet. Staff can support the use of a 2:1 transition slope because these slopes occur adjacent to the proposed driveway aisles and parking lot terraces and are intended to resemble the sloping character of the site. Furthermore, the proposed depth of cut is designed to notch the proposed site improvements into the existing grade to minimize visual impacts to neighboring properties and from Palos Verdes Drive West, while blending into the existing contours surrounding the existing PVIC building and surrounding park land.

Furthermore, in order to avoid the export of excess soil and rock material, the fill material is situated in areas of the site that can accommodate a depth that exceeds 5-feet without resulting in an adverse impact to the surrounding environment. Lastly, retaining walls are not proposed because the grading utilizes 2:1 transition slopes that are designed to seamlessly blend into the natural contours or the outer edges of the proposed improvements.

Based on the above, Staff believes that the proposed project grading meets the criteria necessary for the approval of a Major Grading Permit and can therefore make the required findings.

Coastal Development Permit

A Coastal Development Permit (CDP) is required from the City as the proposed project is located within the Appealable area of the Coastal Zone. In granting a CDP, Section 17.72.090 of the RPVMC requires the Planning Commission to make the following two (2) findings in reference to the property and uses under consideration (Development Code language is **boldface**, followed by Staff's analysis in normal type).

A. That the proposed development is consistent with the coastal specific plan.

The project site is located within Subregion 2 of the Coastal Specific Plan. In reference to Subregion 2, the Specific Plan indicates, "*this subregion's character is that of an attractor/generator to the vast majority of the populace which resides outside the Peninsula (Page S2-5).*" The proposed project is in conformance with this statement as the proposed project will improve the existing "attractor/generator" use of the existing PVIC building and park grounds, while providing a resource for those persons residing on and off the Palos Verdes Peninsula.

It is also the policy of the Coastal Specific Plan to "*Facilitate justifiable coastal-dependent development in a manner that is compatible with the City and surroundings, while allowing a positive utilization of coastal resources (Page U-18).*" The proposed project is consistent with this policy as the project has been designed to be compatible with the surrounding environment. Moreover, the project is generally consistent with the project originally approved by the Planning Commission in 1998.

Another policy of the Coastal Specific Plan indicates, "*Provide mitigating measures where possible to control surface runoff that might be degrading to the natural environment (Page N-46).*" The proposed project is consistent with this policy as the project includes the installation of a new drainage system that is designed to capture run-off through the use of catch basins that would divert water to a proposed bioswale rather than sheet flowing over the bluff top. The catch basins would include filters that would remove oil and debris pollutants.

The bioswale is designed to contain run-off and to remove urban pollutants such as oil, herbicides, and pesticides from draining into the Pacific Ocean. Run-off would then be directed to the existing storm drain channel located along the western edge of the property and would eventually flow to the Pacific Ocean via an existing outfall.

In addition to the above, pursuant to the Regional Water Quality Control Board (RWQCB) mitigation measures require the preparation and implementation of Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs).

Based on the above, Staff believes that the project is consistent with the Coastal Specific Plan and can make this finding.

B. That the proposed development, when located between the sea and the first public road, is consistent with applicable public access and recreation policies of the Coastal Act.

The proposed project is also consistent with the applicable public access and recreational policies of the Coastal Act, as the proposed project consists of site improvements intended to enhance and expand the amenities in connection to the PVIC building and park grounds. In addition to the expanded and reconfigured parking lot, the project also includes construction of new and expanded public trails throughout the site including a decomposed granite trails along the frontage of the property parallel to Palos Verdes Drive West. Moreover, the proposed improvements will allow for greater public use and access of the site. As such, Staff believes that this finding can be made.

For the reasons noted above, Staff believes that the findings can be adopted and the Coastal Development Permit can be approved.

ENVIRONMENTAL ASSESSMENT

In accordance with the requirements of the California Environmental Quality Act (CEQA), the attached Mitigated Negative Declaration (MND) has been prepared for the proposed project. Staff is provided the Commission with a separate bound copy and cd copy of the MND. The MND is also posted on the City's website. The MND identifies several areas where there may be "Potentially Significant Impacts" as a result of the proposed project. These areas include: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise. However, as shown in the attached MND, Mitigation Measures are recommended that would reduce the "Potentially Significant Impacts" to an insignificant level. Staff recommends that the Planning Commission review the proposed Mitigation Measures and provide Staff with input on the mitigation measures for eventual adoption at its February 9, 2010 meeting.

The Notice of Intent (NOI) and the attached MND was released for public circulation on December 24, 2009 for a period of 42-days. The public comment period is scheduled to close on Wednesday, February 3, 2010. To date, the City has received one public comment letter on the proposed project from the Department of the Army indicating that an engineer's permit may be required from the U.S. Army Corps of Engineers if the existing drainage channel is modified. According to the project plans, no work will occur on or around the existing drainage channel located at the western edge of the property.

Comment letters received between the transmittal of this Staff Report and the January 26, 2010 public hearing will be provided to the Commission as late correspondence. Furthermore, written comments submitted by the close of the public comment period will be included in the February 9, 2010 Planning Commission Staff Report.

ADDITIONAL INFORMATION

Resolutions and Conditions of Approval

Staff is recommending that the Commission review the proposed project and the related findings for the requested planning applications at tonight's meeting. If the Commission finds the project and findings to be acceptable, Staff is recommending that the Commission direct Staff to prepare the appropriate resolutions for the Mitigated Negative Declaration and the Planning Entitlements, as well as Conditions of Approval, for adoption at the February 9, 2010 meeting.

Public Notice

A Notice of Intent (public notice) announcing the availability of the project's Mitigated Negative Declaration including mitigation measures, as well as the date, time, and location of the Planning Commission meetings on the proposed project was published in the *Peninsula News*, sent to property owners within a 500-foot radius of the project site, interested parties, and list-serve subscribers on December 24, 2009. The public comment period on the project, including the MND, closes on Wednesday, February 3, 2010, a 42-day comment period.

Public Comments

As previously noted, to date, one comment letter from the Department of the Army was submitted to the City (See attachment) on the proposed project.

Proposed Annenberg Project at Lower Point Vicente and the Project Silhouette

On October 30, 2009, the Annenberg Foundation submitted to the Planning Department the project applications and architectural plans for the proposed construction of an education building and related site improvement at Lower Point Vicente. The project application is Planning Case No. ZON2009-00442 for Conditional Use Permit No. 200

Revision “B”, Grading Permit, Coastal Permit, and Environmental Assessment (EIR preparation). The Annenberg project is being processed separately from the site improvements that are in connection with the expansion project for the PVIC building.

The entitlement process for the Annenberg project has commenced and the code required silhouette for the proposed Annenberg building and outpost building is in the process of being constructed. The completed silhouette will be in place for about 5 weeks and will be disassembled after the City’s March 6th Whale-of-a-Day event. The project silhouette depicts the building envelope for the proposed education building and does not depict any of the site improvements being considered by the Planning Commission tonight.

Lastly, pursuant to the requirements of the California Environmental Quality Act (CEQA), the Annenberg Project requires the preparation of an Environmental Impact Report (EIR). The Initial Study for the project EIR is scheduled to be released at the end of the month. A scoping session to receive public comments on potential environmental impacts that should be studied in the project EIR is tentatively scheduled to be held by the Planning Commission at its February 23, 2010 meeting. A public notice (Notice of Preparation) will be issued at the time the Initial Study is released.

ATTACHMENTS

- Reduced Project Plans (Full size plans will be transmitted under separate cover)
 - Site Plan
 - Construction Management Plan
 - Grading Plan
 - Landscape Plan
 - Lighting Plan
- Mitigated Negative Declaration (bound copy and cd copies under separate cover)
- Performance Criteria for the Control Overlay Districts
- Public Comments