


CITY OF  RANCHO PALOS VERDES


PLANNING, BUILDING, & CODE ENFORCEMENT

**TO:** CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

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

**DATE:** MAY 15, 2009

**SUBJECT:** ZON2003-00317 (CUP 9 REVISION "E," GRADING PERMIT, VARIANCE PERMIT, AND MASTER SIGN PERMIT) / 30800 PALOS VERDES DRIVE EAST - MARYMOUNT COLLEGE FACILITIES EXPANSION PROJECT

**Prepared By:** Ara Michael Mihranian, AICP, Principal Planner 

---

As requested by the Commission on April 14<sup>th</sup>, attached is a draft Resolution that has been prepared by Staff for the conditional approval of the project with the following modifications directed by the Commission at its April 14<sup>th</sup> meeting:

- Elimination of the residence halls;
- Modifications to the Athletic Building by reducing the roof ridgeline and building footprint from the top-of-slope (906' contour elevation); and,
- Modifications to the eastern parking lot to reduce impacts to neighboring properties by increasing the buffer between the parking lot and the rear property line for the homes on San Ramon.

The Draft CEQA Resolution and the Appendix A to the project EIR will be delivered next week.

# **DRAFT**

P.C. RESOLUTION NO. 2009- \_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES CONDITIONALLY APPROVING CASE NO. ZON2003-00317 FOR THE MARYMOUNT COLLEGE FACILITIES EXPANSION PROJECT, LOCATED ON THE PROPERTY AT 30800 PALOS VERDES DRIVE EAST, AND DISAPPROVING THE PROPOSED RESIDENCE HALLS**

WHEREAS, on September 2, 1975, the City Council of the City of Rancho Palos Verdes (the "City Council") adopted Resolution No. 75-73 granting Marymount College (the "College") Conditional Use Permit #9 ("CUP No. 9"), thereby allowing the College to operate a non-profit, private two-year liberal arts community college at the 30800 Palos Verdes Drive East (the "Property") under certain conditions of approval; and,

WHEREAS, the College sought and received various additional approvals from the City between 1975 and 2000; and,

WHEREAS, on July 12, 2000, the College submitted applications for revisions to the College's facilities (Conditional Use Permit No. 9 – Revision "D"), which application was subsequently withdrawn by the College on June 12, 2003, in light of geological constraints on a portion of the Property that impacted the proposed library, maintenance and art studio buildings; and,

WHEREAS, on June 12, 2003, the College submitted case No. ZON2003-00317 including applications for a Conditional Use Permit #9 – Revision "E", Grading Permit, Variance Permit, Master Sign Permit (collectively, the "Application"), and Environmental Assessment, for the Property; and,

WHEREAS, on August 21, 2005, the Application was deemed complete for processing, pursuant to the State Permit Streamlining Act (PSA), Government Code Section 65920 *et seq.*; 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 Regulation, 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 Environmental Impact Report (State Clearinghouse Number 2002021127) (the "EIR"); and,

WHEREAS, the College's current facilities do not contain sufficient on-site parking as required by the City's Municipal Code, and the College proposes to remedy this deficiency by providing additional on-site parking to meet the demand generated by the modified campus facilities, which may include taking certain steps to reduce parking demand on the site; and,

# DRAFT

WHEREAS, the College constructed a partial silhouette of the proposed structures on the project site, which remained in place for viewing between December 20, 2007 and January 25, 2008; and,

WHEREAS, on January 18, 2008, the Planning Commission conducted a special meeting to visit the site and view the silhouette; and,

WHEREAS, the College submitted revised project plans after the close of the public comment period on July 10, 2008; and

WHEREAS, after notice was issued pursuant to the requirements of the Rancho Palos Verdes Development Code and CEQA, the Planning Commission held a duly noticed public hearing on October 28, 2008, at which time all interested parties were given an opportunity to be heard and present evidence regarding the EIR; and,

WHEREAS, on October 28, 2008, the Planning Commission continued the item to the December 9, 2008, Planning Commission meeting to allow time for additional review of the Project's EIR; and,

WHEREAS, the Planning Commission held a continued public hearing on December 9, 2008, at which time all interested parties were given an opportunity to be heard and present evidence, and the item was continued to the Planning Commission meeting of January 27, 2009; and,

WHEREAS, on December 19, 2008, the College submitted modified plans and updated information to Staff, including an application for a Minor Exception Permit and an additional Variance Permit to allow fencing and netting around the perimeter of the athletic field and tennis courts to be considered by the Planning Commission as part of the overall development proposal (collectively, with the Application, referred to as "the Project"); and,

WHEREAS, on January 5, 2009, the City's Traffic Safety Commission conducted a public hearing, at which time presentations were made by the EIR traffic consultant, the City's independent traffic consultant retained to review the traffic study, and the applicant's traffic study, and all interested parties were given an opportunity to be heard and present evidence on the project related traffic study prepared for the project EIR; and,

WHEREAS, on January 8, 2009, public notice of the Minor Exception Permit and additional Variance Permit applications were mailed to all property owners within a 500-foot radius of 30800 Palos Verdes Drive East (Marymount College) and to interested parties, as well as concurrently published in the *Peninsula News*; and,

WHEREAS, on January 9, 2009, public notice of the Minor Exception Permit and additional Variance Permit applications was issued by electronic correspondence to the city's list-serve subscribers; and,

WHEREAS, on January 27, 2009, the Planning Commission held a duly noticed and continued public hearing, at which time all interested parties were given an opportunity to be heard and present evidence, and continued the item to its March 10, 2009 meeting; and,

# DRAFT

WHEREAS, prior to the March 10, 2009 Planning Commission meeting, the College formally requested that the Project not be considered at the March 10, 2009 meeting due to the unavailability of the College's President on that date; and,

WHEREAS, on March 10, 2009, the Planning Commission continued the hearing on the Project to March 31, 2009, at the request of the College; and;

WHEREAS, the Planning Commission continued deliberation regarding the Project at the May 26, 2009 and \_\_\_\_\_ Planning Commission meetings; and,

WHEREAS, on \_\_\_\_\_, 2009, the Planning Commission adopted Resolution No. \_\_, which certified that the Final Environmental Impact Report prepared for the Project was prepared in accordance with the provisions of CEQA, and adopted findings required by CEQA; and,

WHEREAS, the College has operated at the current site for many years while concurrently providing residential accommodations for its students on other sites outside of the City of Rancho Palos Verdes, which strongly suggests that residence halls on the Property are not critically needed or central to the College's historic educational mission; and,

WHEREAS, denial of the on-site residence halls requested by the College is not a substantial burden upon the operations of the College, because it can continue to operate its existing residential accommodations in the current off-site locations and could integrate any aspects of its educational mission that it believes should be conveniently located near the residential accommodations into those offsite locations without construction of new residence halls at the Property; and,

WHEREAS, maintenance of the semi-rural residential character of the area in which the Property is located while also allowing the educational and cultural aspects of the College is a compelling interest warranting denial of the request for residence halls, particularly when the College has existing residential accommodations available for its students; and,

WHEREAS, the Planning Commission reviewed the Project on the basis of the proposed uses, the unique location of the project site, the unique topography of the site, the proximity of this site to existing residential neighborhoods, and has considered these unique aspects of the site in reaching its determinations regarding the various applications; and,

WHEREAS, the Planning Commission considered the College's applications on equal terms with other institutional projects in the City while taking into account the unique aspects of this project and the project site; and,

WHEREAS, in a letter dated April 14, 2009, the College stated that it "*would have no alternative but to build its residence halls in the middle of the lower portion of its vacant hillside where they would be far more visible...*" if the proposed residence halls are denied. However, at no previous time has the College proposed relocation of the residence halls to

# DRAFT

other areas on the site, and if residence halls were proposed in another location on the site, review and approval through a conditional use permit process, including the appropriate level of CEQA review would be required. Thus, construction of residence halls, regardless of location on the site, would not be allowed by right as suggested by the College. Further, as the College acknowledges, residence halls constructed in the lower portion of the site would be closer and thus likely more impactful to neighboring residential neighborhoods and would be far more visible due to the proximity to Palos Verdes Drive East. The College ignores the fact that the existing condition of off-site residence halls allows the College to have its desired residential accommodations while avoiding impacts associated with the introduction of a residential aspect to the Property; and,

WHEREAS, the College's site and the proposed Project are substantially different from institutional properties in the City, including (1) the St. John Fisher facility for which a new sanctuary and other site revisions were permitted subject to various conditions of approval, (2) the Palos Verdes Art Center, (3) the Congregation Ner Tamid Temple, for which various facility additions have been approved, (4) Crestmont College, and (5) the City's Senior housing Project that was recently approved. Further, this institutional project is substantially different from residential and commercial development projects in the City, which are subject to different development standards. Thus, for example, the Terranea site, which is zoned commercial recreational, is not comparable to the subject property.

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 considered the volumes of evidence presented in the Project's Environmental Impact Report, staff reports, written and oral public comments, and written and oral comments from the College.

**Section 2:** In consideration of the requested Conditional Use Permit, the Planning Commission finds as follows:

2.1 The site is adequate in size and shape to accommodate the proposed use and for all of the yards, setbacks, walls, fences, landscaping and other features required by Title 17 of the Rancho Palos Verdes Municipal Code or by conditions imposed under this section to integrate said use with those on adjacent land and within the neighborhood for all aspects of the proposed Project except the proposed residence halls, for the following reasons:

2.1.1 The Project approval does not include the proposed residence halls because, among other things, a majority of the Planning Commission could not find that the Property is adequate in size and shape to accommodate all of the uses proposed on the site. However, with removal of the residence halls the Property is sufficient in size to accommodate the remainder of the facilities proposed by the College. The Planning Commission could not make the finding of site adequacy for the residence halls because (a) the distance between one of the proposed residence halls and the parking area exceeds the 150-foot maximum distance permitted by the City's Municipal Code Section 17.50.040 C, and (b) the residence halls as proposed would require construction over an extreme slope, which is not permitted pursuant to Section 17.48.060 of the Municipal Code. As

# DRAFT

proposed, the residence halls adversely impact the visual character of the site due to the placement at the top of a slope rather than on the more flat upper areas of the Property. Further, although not proposed by the College, other locations on the Property where residence halls might be located have the potential for impacts on neighboring residences and without further information and analysis demonstrating appropriateness, a majority of the Commission could not find the site adequate in shape and size to allow for inclusion of the residence halls.

2.1.2 The Project is located on an approximately 24.57 acre site and, as conditioned, the Project meets the general plan development standards for the Institutional (I) zoning district in which the Property is located. The Project, as conditioned, complies with the required structure setbacks. Although the Project does not comply with the general development standards of the Municipal Code with respect to the height of walls and fencing, the College has applied for a Minor Exception Permit to allow for the construction of such fencing. For the reasons set forth below, the Planning Commission finds that the Property is adequate to accommodate the proposed walls and fencing.

2.1.3 The Project complies with the structural setback standards for the Institutional zoning district. The proposed structures will be set back a minimum of 118-feet from the front and street-side property lines. This exceeds the 25-foot front and side setbacks for properties that abut dedicated streets, as set forth in the Municipal Code. Institutional zoning requires a minimum of 20 feet interior side and rear setbacks, and the Project meets these requirements by providing setbacks of a minimum of 63 feet from the interior side and rear property lines.

2.1.4 The proposed parking lots for the Athletic Building, Library, Student Union, Admission Building, and Faculty Building, are within 300 feet of the subject buildings as required by Municipal Code Section 017.50.040 (c).

2.1.5 As noted above, the parking lot for Residence Hall No. 2 would be within the required 150 feet of the building. However, the parking lot intended to serve Residence Hall No. 1 would be 450 feet away. Thus, the proposed parking lot for Residence Hall No. 1 does not comply with the 150-foot parking setback requirement demonstrating that the Property is inadequate for the proposed Residence Hall No. 1.

2.1.6 The proposed parking area would be only 10 feet from the front property line. This would encroach on the 25-foot front yard setback area. However, the existing parking lot is only 10 feet from the front property line. The College has requested a Variance for this parking setback requirement. The College also incorporates landscaping into the design and is conditioned to construct a 42-inch tall decorative wall / wrought iron fence to visually soften views of the parking lot. For the reasons set forth below, the Planning Commission can make the findings to approve a variance for the encroaching parking and hereby finds the setback encroachment does not render the site inadequate to accommodate the proposed uses and structures.

2.1.7 The new garden wall and retaining wall comply with criteria contained in the Development Code. The retaining walls around the tennis courts exceed the permissible height. In addition, the chain link fence is not permitted by the Development

# **DRAFT**

Code. The proposed hedge along the western edge of the tennis courts is not permitted within the street side setback at the height requested. However, the College has submitted applications for a Variance and Minor Exception Permit to address these issues, the findings for which can be made for the reasons set forth below. The Commission therefore finds that the proposed fencing is appropriate, and that the site is adequate to accommodate the requested fencing and retaining walls.

2.1.8 In addition to other vegetation, the gold medallion trees, Aleppo pine trees, and snail seed trees will buffer and screen the College from adjacent residences, and the site is adequate in size and shape to accommodate the proposed landscaping.

2.1.9 By reducing the footprint of the Athletic Building, no portion of the structure will extend over the southern slope (906' at top-of-slope), including the existing extreme slope. Landscaping and a minimum 10-foot setback will screen the structure's visibility from down-slope.

2.1.10 The athletic fields and tennis courts are set into the grade thus reducing their visibility from neighboring properties and from the public roadway. Although the retaining walls for these facilities exceed the height limits established by the Development Code, the additional Grading Permit findings can be made, as discussed below, to warrant approval of these facilities.

2.1.11 For all of these reasons, the site is adequate in size and shape to accommodate the proposed use, with the exception of the Residence Halls. In addition, the conditions imposed on the Project, which are set forth in Exhibit "A" attached hereto, and incorporated herein by reference, ensure consistency and compatibility of use between the College and properties within the neighborhood.

2.2 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;

2.2.1 The Traffic Impact Analysis prepared by the City's environmental consultant, RBF Consulting, and subsequently reviewed by a City-retained independent traffic consultant (Fehr and Peers) as well as the City's Traffic Engineer, and the City's Traffic Safety Commission, indicates that the impacts resulting from project-generated traffic on intersections currently experiencing, or projected to experience, traffic congestion can be mitigated to a less than significant level with the incorporation of specific mitigation measures.

2.2.2 Construction related traffic could otherwise cause significant adverse impacts to local traffic. However, the submittal of a Construction Management Plan to control hauling schedules and prohibit staging of equipment and parking of construction related vehicles on City Streets will mitigate construction related traffic impacts.

2.2.3 The Project would not result in any significant traffic impacts upon implementation of the mitigation measures identified in the Project EIR, including installation of a traffic signal at the intersection of PVDE and Miraleste Drive (TR-2); re-striping Trudie Drive at Western Avenue to provide one left-turn lane, and one thru/right-

# **DRAFT**

turn lane (TR-3), limiting the total full-time and part-time student enrollment (TR-4), fair share payment for modifications to the intersection of PVDE and PVDS to construct a raised median refuge area for southbound left-turning vehicles to cross westbound traffic and wait for an adequate gap to enter the eastbound traffic flow (TR-9); and providing an acceleration lane along PVDS for the southbound left-turning vehicles identified above to accelerate onto PVDS (TR-9).

2.2.4 The Project has the potential to increase traffic hazards resulting from errant balls due to the athletic field's proximity to Palos Verdes Drive East. However, the following proposed mitigation measures would address such traffic hazards: the installation of combination fencing along the westerly edge of the athletic field; and the installation of temporary netting along the northwestern and southwestern corners of the athletic field at approximately 20-feet in height. Further, conditions of approval have been imposed that require the College to obtain insurance with the City, its officials and representatives named in the policy or policies as additional insureds. The insurance must cover, among other things, claims made for injuries or damages that may arise from the College's operations including the operation of the proposed athletic field.

2.2.5 The mitigation measures proposed in the EIR and traffic study adequately address the potential traffic impacts of the Project at all locations, although the Project would add to a potentially significant cumulative impact at Palos Verdes Drive South and Palos Verdes Drive East. This cumulative impact has been mitigated to the extent feasible through a requirement to make a fair-share payment to the City for improvement of this intersection. Because the Project must mitigate its impacts, including its contribution to cumulative impacts, the Commission finds that the site relates to streets and highways sufficient to carry the type and quantity of traffic generated by the Project.

2.3 In approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof, provided that the residence halls are removed from the Project;

2.3.1 There will be no significant adverse effect on adjacent property or the permitted use thereof because mitigation measures have been incorporated into the Project that reduce the potential impacts on Aesthetics, Air Quality, Geology and Soils, Hydrology and Water Quality, and Noise generated by Project operation to a less than significant level. Further, removal of the residence halls from the Project eliminates a potential source of impacts to the aesthetic quality of the site and area and noise associated with a new residential use with the potential for activity during all hours of the day.

2.3.2 Marymount College is surrounded by well-established single-family neighborhoods, on properties designated in the City's General Plan Land Use Policy Map as Residential with densities ranging from one to four dwelling units per acre.

2.3.3 The Project including enhancement of the Library, Student Union, and Fine Arts Studio, and incorporating a new Athletic Building would alter the use of the College's property and likely extend the hours of operation. However, the proposed uses, subject to the hours of operation set forth in the conditions of approval, would not result in significant adverse effects on adjacent properties or nearby residential areas. The

# **DRAFT**

residence halls, however, have the potential for impacting nearby residential areas because unlike the other proposed uses of the site, the residential use introduces a 24-hour a day use that would increase noise and traffic levels in the area.

2.3.4 The proposed residence halls would provide housing for 255 occupants. The residence halls would drastically alter the use of the campus by creating a 24-hour per day use that does not currently exist. The addition of residence halls to the property would likely result in social gatherings, and would involve drivers entering and exiting the campus at all hours of the day and night. In addition, pedestrian activity could occur throughout the day and night. These activities would increase the level of noise coming from the campus and impacting neighboring residential areas. The Residence Halls would therefore adversely impact adjacent properties from an operational perspective, and thus are not approved as a part of the Project.

2.3.5 The conditions of approval limit the cumulative attendance at summer program activities to no more than 600 students (non-traditional and summer educational programs), and special use permits would be required for uses that are not permitted under this approval.

2.3.6 As conditioned, the enrollment limitations ensure that uses would remain compatible with the surrounding residential areas.

2.3.7 The proposed Project would increase the number of on-site parking spaces from 343 to 463. The traffic demand could be minimized by implementing mitigation measures, including: increased shuttle service, carpool incentives, and restricting guest parking. Other parking related mitigation measures would limit over-flow parking on adjacent City streets, including: requiring the College to submit a parking management program; prohibiting dormitory guest parking during peak demand periods; providing carpool only spaces; utilizing remote parking; offering financial incentives for people who use the shuttle and/or public transit; implementing parking pricing for campus parking permits; requiring the submittal of annual Parking Management Strategy Programs; and limiting student enrollment to a maximum of 793 weekday students and 83 weekend students.

2.3.8 Additional trees and shrubs, combined with existing trees and a privacy wall, will minimize impacts to the adjacent properties on San Ramon. Further, the parking lot would be set back five feet from the property, as compared to a zero setback under current conditions, with the area between the privacy wall and new parking area developed with a planter wall and additional landscaping for screening.

2.3.9 The proposed eastern parking lot would be located on property that is currently unimproved open space. This area is identified as a geologic structure setback zone because of its close proximity to the South Shore Landslide. As originally proposed, the placement of parking in this area would have adversely affected the two properties at 2750 and 2742 San Ramon by introducing: parked cars directly in view from those residences; activities associated with the operation of cars such as car alarms, doors slamming, car radios, and conversations in the parking lot; and privacy impacts. The Commission requested revisions to the design and placement of this parking area to

# DRAFT

increase the distance between the parking area and the adjacent properties and incorporate additional landscaping with native and low water using plant material to minimize impacts and ensure there would not be adverse effects on the adjacent properties. Although taller landscaping or walls might further reduce impacts to the adjacent properties, such improvements would have the potential to cause significant view impairment impacts. As modified and as conditioned, the Project will not have an adverse effect on the adjacent properties.

2.3.10 Construction activities would create noise impacts. Impacts are minimized by imposition of certain conditions of approval, including limiting the time of construction activities; notifying property owners when each phase of construction will commence; addressing noise complaints immediately upon notification; limiting construction activities within the public right-of-way; limiting the hours of on-site repair, maintenance or delivery of equipment and/or materials; and imposing as conditions the noise mitigation measures identified in the project EIR. Elimination of the residence halls also reduces the amount of construction contemplated, with a related decrease in the amount of overall construction noise. Although the EIR concludes that construction noise will remain a significant impact for purposes of the California Environmental Quality Act, the Planning Commission finds that the temporary construction noise is not a sufficient basis for concluding that the overall project would have a significant adverse effect on adjacent properties. Thus, given the totality of the circumstances, this finding can be made with the removal of the residence halls from the Project.

2.3.11 Project implementation would create new operational noise sources and eliminate or relocate existing operational noise sources. Major operational noise sources include: mechanical equipment, slow moving delivery/supply trucks, loading dock activity, parking lots, landscape maintenance, athletic fields, tennis courts, and the outdoor pool. The conditions of approval imposed to control operational noise impacts, including but not limited to such as hours of operation, code of conduct, and campus landscape and maintenance plan, will ensure that the Project will not have a significant impact on adjacent properties.

2.3.12 The proposed project would require enhancements of night lighting including security lighting, specifically at the following locations: buildings, the reconfigured parking lots, pedestrian walkways, outdoor plazas, the rose garden, the outdoor pool, and the flag pole. All lighting will be contained on-site, as shown on the photometric plan provided by the College. Moreover, conditions are imposed requiring the College to minimize the spill or glare at property lines and shield abutting properties from light generated on the Property. Further, the conditions require that lighting of pedestrian paths to the athletic field, lighting at the rose garden, and along the top of the extreme slope area, must either be removed, and be accomplished with light fixtures that do not result in lighting impacts. Therefore, as conditioned, the lighting components will minimize potential adverse impacts to neighboring properties.

2.3.13 As discussed above, the proposed eastern parking lot would be situated near the escarpment for the South Shore Landslide. The College proposed to develop a parking lot with grasscrete pavers in a portion of this area, however, based on

# DRAFT

concerns related to percolation of irrigation water into the landslide area, the grasscrete surface is not approved. Although a subsurface drainage system could be designed to capture the irrigation water before it percolated into areas of instability, the City's Geologist expressed concern that such systems can fail in ways that would not be readily noticed, and thus could allow introduction of irrigation water into the landslide areas. To ensure that adverse effects do not occur, the grasscrete material is not approved for use in the eastern parking area and landscaping to consist of native or other low water use plants. Parking lot planters should be raised, lined and connected to the storm drain system.

2.3.14 The Project includes a drainage system, including a detention basin designed to meet not only drainage purposes, but also to meet water quality requirements. As designed, the system will ensure that drainage from the project site into existing storm drains will not increase above existing conditions so that the capacity of existing storm drains will not be exceeded. As such, the Project will not affect adjacent properties because of drainage from the Project site.

2.3.15 The College proposes a free standing stone wall at the entry along PVDE and a retaining wall at the eastern edge of the parking lot. These walls comply with the Development Code and will not adversely affect neighboring properties. Extending the wall with a wrought iron fence to the northeast corner of the tennis courts will control pedestrian access from PVDE onto the campus and will visually screen the parking lot without adversely impacting neighboring properties.

2.3.16 The College proposes constructing a 10-foot tall retaining wall at the northwest corner of the athletic field, a 6-foot tall chain link fence along the southwestern corner and a 42-inch tall hedge along the western edge of the athletic field, and a 20-foot tall retractable net at the northwest and southwest corners of the athletic field. None of these are permitted under the City's Development Code. However, the Minor Exception Permit and Variance findings in this Resolution support the conclusion that the chain link fence and retaining walls will not adversely affect neighboring properties. In addition, the installation of temporary netting, and fencing along the outside of the athletic field will reduce safety concerns regarding errant balls and avoid related effects on adjacent properties.

2.3.17 The mass and bulk of each structure will exceed the 16-foot height standard imposed on buildings within the Institutional (I) zoning district, although greater height can be approved through the conditional use permit process. The fine arts studio will be constructed at 17 feet, as a single-story addition to the existing auditorium building. The addition will be located behind the auditorium and is lower in height. Thus, the addition of the fine arts studio will not be visible from neighboring properties. The faculty building is proposed to be two-stories and constructed at a maximum height of 28 feet. The proposed structure will be located behind existing buildings such that its height will not be visible from neighboring properties. Thus, the faculty building will not cause adverse impacts to neighboring properties. The student union is proposed to be a two-story addition at a maximum height of 30 feet. The addition will be connected to the proposed athletic building and will not adversely impact neighboring properties in terms of mass, bulk, or views. The administration/admission structure is proposed to be a one-story addition to the existing

# DRAFT

building at a maximum height of 25 feet. The addition will be comparable to the height of the immediately surrounding buildings, and therefore will not be massive, bulky, or significantly affect views from neighboring properties. The maintenance building is proposed to be one-story and will be constructed at a maximum height of 20 feet. The proposed ridgeline will be lower than the athletic building and student union by approximately 10 feet. This structure will not adversely impact neighboring properties with respect to mass, bulk, or views. The library building is proposed to be one-story and will be a maximum of 44 feet in height. The design of the library will result in a single-story appearance from properties located to the north and a two-story appearing structure from the south. The applicant lowered the entry rotunda by five feet to address potential view impairments of the residence at 2925 Crest Road. The articulation and varying roof planes should minimize mass and bulk. The library as proposed will not significantly impair views from neighboring properties, specifically 2925 Crest Road.

2.3.18 The athletic building is proposed to be two stories, at a maximum height of 45 feet. It will be notched into the site to give the appearance of a single-story structure when viewed from properties to the north, and a two-story structure when viewed from properties to the south. The structure has been revised so that it does not encroach into an existing extreme slope area of the site. Photos of the project silhouette and visual simulations included in the EIR suggest the building would be massive and bulky when viewed from the south, including from PVDE. However, certain design adjustments, including reducing the footprint of the structure so that no portion extends beyond the top-of-slope, imposing a minimum 10-foot setback from the top-of-slope to provide a walkway and landscape buffer, articulating the portion of the structure exceeding 16 feet in height along the southern façade, and installing trees adjacent to the southern façade, should minimize the mass and bulk of the structure. As originally designed, the height of the athletic building would impair views of the Pacific Ocean and isthmus of Catalina Island from the lot located at 3302 Narino Drive. Lowering the roof by at least ten feet, or otherwise redesigning the building to ensure that it does not encroach into the Catalina view from 3302 Narino Drive would reduce view impairment, and ensure not adverse effects on neighboring properties would result. A condition of approval has been imposed to require the appropriate project modifications.

2.3.19 The architectural style of the proposed buildings conforms to the Mediterranean climate in Rancho Palos Verdes and the existing architectural context. The proposed use of Palos Verdes stone veneer, large overhangs, clay tile roofs, and wood and earth tone stucco resembles the architectural integrity of the surrounding residential neighborhoods.

2.3.20 The proposed residence halls would be two stories with a maximum height of 45 feet, although the design of the residence halls makes them appear as single-story structures when viewed from the campus. Based on the project silhouette and visual simulations in the EIR, the Planning Commission finds that the bulk and mass, the fundamental change in use to a 24-hour per day residential use, noise generated by the residence hall use, and visual character impacts, constitute adverse effects on adjacent properties and the public traveling along Palos Verdes Drive that preclude approval of the proposed residence halls.

# DRAFT

2.4 The proposed use is not contrary to the general plan;

2.4.1 The proposed Project is consistent with the General Plan's Institutional land use designation of the site, and with the types of land uses permitted within the Development Code's Institutional zoning district because the College will continue to operate as a private educational institution. The Project site is designated Institutional – educational, on the City's General Plan Land Use Map. The General Plan lists educational facilities and activities as appropriate institutional land uses, and includes reference to Marymount Palos Verdes College within the context of Institutional and Educational Activities. Thus, college level educational facilities are consistent with the Institutional-educational land use designation applied to the project site.

2.4.2 The Project complies with the Natural Environment Element because independent engineering studies concerning geotechnical and other stability factors were conducted and peer-reviewed not only by the City's geologist but also by a geologist assisting with the preparation of the EIR for the Project. In addition, the Project has been reviewed through the Major Grading Permit process with the findings related thereto set forth in Section 2 below. Therefore, the Project was subject to regulation with respect to irrigation, natural drainage, and other water related considerations, which is consistent with Natural Environment Element Policy 3 and Policy 11. The Project, as conditioned, is also consistent with Policy 2 because the residence halls are excluded from the approval of the Project and the requirement to relocate the athletic facility off of the existing extreme slope area collectively result in lower intensity activities in the area of the extreme slope. Further, no part of the site is designated as RM-2 in the General Plan. The Project, as conditioned, is also consistent with Natural Environment Overall policy 7 because the project site has been assessed for the presence of unusual flora and fauna, including the El Segundo blue butterfly in part because ashy-leaf buckwheat (*Erigeron cinereum*) occurs on the site and some biologists postulate, without proof, that this type of plant might be able to serve as a host plant for the El Segundo blue butterfly. Site surveys were conducted by qualified biologists in February 2002 and January 2006, and neither El Segundo blue butterflies or indicators of the butterflies were observed on the site. Nonetheless, to ensure that the passage of time has not resulted in establishment of any El Segundo blue butterflies on the site, mitigation measure BIO-1 has been adopted to require a further habitat assessment for the El Segundo blue butterfly before any grading permit can be issued. The mitigation measure also provides for preparation of a Special Status Plan Mitigation Program in the event that the further study finds a population of this species that warrants a finding of significance. Because there are no resources on the site at present, and because further confirmation of this condition is required before any site disturbance can occur, the Project as conditioned is fully consistent with Policy 7, which encourages study and preservation of unusual flora and fauna. Further, the project site is not within the Palos Verdes Nature Preserve, a Natural Communities Conservation Plan (NCCP), and the south facing slope is not adjacent to the preserve, whereas proposed eastern parking lot is adjacent to the preserve area lying generally to the east.

2.4.3 The Project is consistent with the Socio/Cultural Element because it proposes the development of new library and athletic facilities. The Socio/Cultural Element indicates that a major problem in the City is a lack of indoor and outdoor facilities for

# DRAFT

meetings and events and the heavy use of schools' indoor and outdoor facilities and libraries. The Socio/Cultural Element also provides that youth athletic organizations need more playing fields and that the City lacks facilities to stage plays, concerts, etc. to adequately accommodate attendees and performers. The Project would therefore support the General Plan's intent to provide socio/cultural facilities within the City.

2.4.4 The Project is consistent with the Urban Environment Element. The Project would be consistent with the site's designation as an Institutional activity area because it involves an expansion of facilities entirely within the boundaries of the existing campus. The occurrence of recreational activities on the campus would continue. As conditioned for the removal of the grasscrete pavers for the eastern parking lot area the Commission finds that any inconsistencies of the project with Disposal/Recovery Systems Policy No. 4 (requiring developers to install necessary flood control devices to mitigate downstream flood hazard induced by proposed upstream developments), and Policy No. 5, (requiring that all flood control/natural water source interfaces and systems be treated so that erosion will be held to a minimum) have been eliminated. Inclusion of grasscrete pavers would require design and construction of a subsurface water collection system under those areas to capture water that percolates through the permeable grass areas in order to capture water before it permeates into the ground where it could exacerbate potentially unstable land areas. Although such a system could be designed, the City's geologist has expressed concerns regarding the uncertainty associated with system maintenance and the possibility that an undetected system failure could result in increased amounts of ground water with the possibility of aggravating landslide activity in the project vicinity. Further Urban Environment Element Residential Policies 13, 14 and 15 are not applicable to the subject property because the policies relate to residential areas and development. Nonetheless, the Project, as conditioned is consistent with these policies because the Project has been analyzed with respect to potential view impacts and has been modified and conditioned to ensure preservation of views and to minimize impacts on the visual character of the area. Further, the Project has been conditioned to ensure that existing scenic views reasonably expected by neighboring residences are not encroached upon, including conditions of approval that restrict the height of structures to be built on the site, including the athletic facility.

The Project is also consistent with Urban Environment Element Institutional Activity Policy 1, because as conditioned the Project maintains appropriate buffers between the college uses and the nearby residential uses through perimeter walls, location of open spaces and capitalization on the buffer provided by Palos Verdes Drive East. Further, the process undertaken to review the Project and its relationship to adjacent sites and, the environmental review which included analysis of potential impacts of the Project, and the conditions of approval and project modifications required by the Commission to address land use compatibility demonstrate that the Project location and site design have been carefully reviewed in compliance with Urban Environment Element Institutional Activity Policy 6.

The Project is also consistent with Urban Environment Element Noise Policies, including policy 3, which requires regulation of land uses so that there is a minimal degree of noise impact on adjacent land uses, because the Project as conditioned

# **DRAFT**

eliminates the proposed residence halls which could have been a significant source of noise in the area. Additional mitigation measures and conditions of approval have been imposed to minimize any potential noise impacts on adjacent uses. Further, because the residence halls are not approved as part of the Project approval, there is no need to require special noise attenuation measures in multi-family residential units, and Urban Environment Element Noise Standards Policy 8 is inapplicable to the Project as conditioned.

The Project is also consistent with Urban Environment Element Residential Policy 11 in that the Project has been subject to review and approval through the Major Grading Permit process, which controls and regulates the alterations to natural terrain and tends to minimize grading. The residence halls have been excluded from the approval of the Project, thus reducing the amount of grading required. Further, the athletic facility and athletic field are designed to be cut into the site in order to maintain the general contours of the terrain and to minimize the profile of the structures and improvements. As conditioned, the Project is consistent with Policy 11 regarding control of alterations of natural terrain.

Denial of the resident hall component of the Project and imposition of conditions of approval to address particular issues associated with the Project is also consistent with the General Plan. The Project, as conditioned and without the residence halls, provides new meeting facilities while maintaining a portion of existing meeting space; would result in new and improved recreational facilities; allows for expansion of existing cultural, educational and recreational needs of the community; and maintains an educational use on a major arterial with adequate buffer from residential uses and with sufficient parking and access. Because of the revisions to the Project made by the Commission, it is hereby found to be consistent with Socio/Cultural Element Cultural Social, Service and Cultural Organization Policies 3 and 4, Socio/Cultural Element Social Services Policy 12, Urban Environment Element Educational Activity Policy 1, Urban Environment Element Recreational Activity Policy 11, and Urban Environment Element Transportation Systems Policy 18.

2.5 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 Title 17 of the Rancho Palos Verdes Municipal Code, the proposed use complies with all applicable requirements of that chapter;

2.5.1 The Project site is not situated within any Overlay Control District. Therefore, this finding is not applicable for the proposed Project.

2.6 Conditions, as set forth in Exhibit A, attached hereto and incorporated herein by reference, have been imposed on the Project to protect the health, safety and general welfare. These conditions of approval relate to various issues 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 forth in this title.

# DRAFT

2.7 For the foregoing reasons, the Planning Commission can make the findings to grant a conditional use permit for the Project except that (a) it cannot make the findings to approve the residence halls, and (b) it can only make the findings for the athletic facility if that building is modified so as not to encroach over the extreme slope, to minimize visual character impacts, and to ensure that no impacts to Catalina views from Narino Drive will occur, and (c) it can only make the findings for the eastern parking lot if it is revised to be further removed from the rear yards of properties fronting San Ramon with additional landscaping buffer provided between the relocated parking area and the neighboring properties.

**Section 3:** In consideration of the requested Grading Permit, the Planning Commission finds as follows:

3.1 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 Title 17 of the Rancho Palos Verdes Municipal Code;

3.1.1 The applicant originally proposed to conduct 102,000 cubic yards of grading to prepare the site for the proposed development, however, due to project revisions in response to the Planning Commissions denial of the residence halls, the grading quantity has been reduced to 84,800 cubic yards. The grading is balanced on-site eliminating the need to import or export earth.

3.1.2 The majority of the grading occurs at the southern portion of the campus and involves cutting into existing terrain to lower the finished pad elevations to address potential view impacts to properties to the north. Retaining walls are proposed at the northwest corner of the athletic field and along the northern and eastern sides of the tennis courts to support the grade cut. The proposed athletic building is also being notched into the existing grade so that when viewed from the neighboring properties to the north and the adjacent roadway, the structure appears to be single-story.

3.1.3 The proposed residence halls would be constructed primarily on the south-facing slope utilizing a combination of cut and fill. The entrances to both structures would be on the upper level connecting to the pedestrian walkway to the eastern parking lot. Residence Hall No. 1 and a portion of Residence Hall No. 2 would be constructed on fill used to build up the south-facing slope. Retaining walls would be required. The Residence Halls would be 45 feet in height, as measured from the adjacent finished grade on the south-facing elevation to the highest roof ridgeline. In addition to the conditional use permit findings that could not be made to approve the residence halls, the Planning Commission could not find that the grading required for the proposed residence halls is not excessive, thus providing a separate and independent ground for denying the residence halls. The grading builds up the slope to accommodate the buildings, making the structures appear tall and massive when viewed from the down-slope properties and Palos Verdes Drive East. The Planning Commission could not find that the proposed grading required for the residence halls would not exceed that which is necessary for the permitted primary use of the lot.

# DRAFT

3.1.4 The grading proposed for the eastern parking lot will be terraced into two levels, with the lower level being cut into the slope. A retaining wall will be used to support the cut between the parking lot's upper and lower terraces. This grading enables sensitivity to neighboring residential uses, and allows for additional parking to accommodate the primary use of the site, thus the finding can be made for the grading associated with the eastern parking lot.

3.1.5 The athletic building is being notched into the grade to minimize view impacts to the north, and has been relocated so that it does not extend beyond the top of slope (906') into the extreme slope area, and to minimize the structure's visibility from down slope properties and Palos Verdes Drive East. Therefore, the Commission finds that grading for this building does not exceed that which is necessary for the permitted primary use of the lot.

3.2 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 Title 17 of the Rancho Palos Verdes Municipal Code, is lower than a structure that could have been built in the same location on the lot if measured from preconstruction (existing) grade. However, it should be noted that the second part of this finding is inapplicable to the subject project because the project is not a single-family residence;

3.2.1 Portions of the grading would allow the depression of the proposed improvements into the grade in order to minimize view impacts to neighboring properties and roadway to the north. These improvements include the athletic field, tennis courts, athletic building (as conditioned), swimming pool, and parking lots. The grading enables these improvements to be developed without adversely affecting the visual relationship to neighboring properties and streets, and serves to protect the views and viewing areas of neighboring properties.

3.2.2 The height of the athletic building as initially proposed created a significant view impact to the properties to the north, especially the ocean and Catalina views from the lot located at 3302 Narino Drive. Lowering the roof of the athletic building by at least 10 feet, either by lowering the roof ridgeline, lowering the building pad elevation, or both, will minimize the view impacts. The Project has been conditioned accordingly.

3.2.3 A majority of the grading for the proposed residence halls involved fill to build up the south-facing slope, as described above. Therefore, the Planning Commission could not find that the Residence Halls, if approved, would appear not tall and massive from down-slope properties or from Palos Verdes Drive East. Further, the Planning Commission could not find that the grading for these structures would not adversely affect the visual relationship with neighboring properties because of the bulk and mass of the structures perched at the top of the descending slope. Thus, the Planning

# DRAFT

Commission could not make this finding as to the residence halls, which serves as a separate and independent basis for denying the residence halls.

3.3 The nature of the grading minimizes disturbance to the natural contours and finished contours are reasonably natural;

3.3.1 The majority of the proposed grading occurs at the southern portion of the campus in relatively flat, unimproved areas, with the exception of the proposed residence halls and a portion of the athletic building.

3.3.2 The grading for the athletic field and tennis courts is designed to resemble the existing natural contours of the site by depressing the improvements into the grade, utilizing transitional slopes, incorporating terracing, and largely preserving the site's appearance as viewed from the south along Palos Verdes Drive East. Further, the grading for these improvements occurs in a relative flat portion of the site and does not encroach into the existing south-facing slope that helps to define the Property.

3.3.3 The grading to accommodate construction of the residence halls results in a disturbance to the existing natural and finished contours of the slope and results in 45-foot tall structures that could appear massive and bulky from the down-slope properties and roadway, as shown in the various photo simulations and silhouette. The Planning Commission could not find that the grading associated with the proposed residence halls would minimize disturbance to the natural contours of the site.

3.3.4 The athletic building is proposed to be constructed on the south-facing slope, which partially includes extreme slopes of more than 35 percent. However, as modified and conditioned to be removed from the extreme slope and set back further into the slope with a reduced overall height, the Planning Commission finds that the athletic building will also serve to minimize disturbance to the south-facing slope and will result in reasonably natural finished contours.

3.4 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;

3.4.1 In general, the new slopes are similar to the existing slopes. However, the Planning Commission cannot make the finding that the proposed 2:1 fill slope proposed for the Residence Halls takes into account the natural topographic features or demonstrates land sculpting to blend the manufactured slopes with the existing topography.

3.4.2 The 2:1 cut slope at the southern side of the athletic field exceeds the natural slope, however, the Planning Commission finds that if the proposed slope is modified to be less than 35 percent, it will blend in with the natural topography of the area, which is generally less than 35 percent.

3.5 The grading permit finding regarding grading and construction compatibility with immediate neighborhood character applies only to the construction of new single family homes, and thus is inapplicable to this institutional project.

# **DRAFT**

3.6 The grading permit finding regarding preservation and introduction of plant materials in new residential tracts so as to protect slopes from soil erosion and slippage and minimize visual effects of grading and construction on hillside areas is not applicable, because the project is an institutional facility that is not in a new residential tract. Nonetheless, the biological study prepared for the EIR suggests that potential impacts to biological resources, such as wildlife and vegetation, were assessed based on the proposed grading limits, including construction activities such as staging and equipment areas. According to the assessment in the EIR, the proposed project is not anticipated to adversely impact biological resources.

3.7 The grading permit finding regarding street design and improvements which serve to minimize grading does not apply to the project because no new streets are proposed.

3.8 The grading would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation;

3.8.1 The biological study prepared for the EIR suggests that potential impacts to biological resources, such as wildlife and vegetation, were assessed based on the proposed grading limits, including construction activities such as staging and equipment areas. According to the assessment in the EIR, the proposed project is not anticipated to adversely impact biological resources, with the implementation of the mitigation measures incorporated as conditions of this approval.

3.9 The grading conforms to the City's standards for grading on slopes, creation of new slopes, heights of retaining walls, and maximum driveway steepness;

3.9.1 Section 17.76.040(E)(9) of the Rancho Palos Verdes Municipal Code outlines additional grading criteria. With the exception of the grading for the residence halls, the grading proposed in this project would not occur on slopes equal to or exceeding 35 percent and no fill or cut shall exceed a depth of five feet except that unusual topography, soil conditions, previous grading or other circumstances make such grading reasonable and necessary. Nonetheless, the proposed maximum depth of cut of 18 feet and a maximum 25-foot depth of fill are not consistent with the development standards, except that these amounts of grading may be appropriate because of the findings set forth in section 2.10 below.

3.9.2 The proposed grading is intended to prepare the site for the proposed improvements, and is designed to address certain potential impacts such as views from neighboring properties by lowering finished pad elevations for such improvements as the athletic field, tennis courts, athletic building, and eastern parking lot.

3.9.3 Although the grading exceeds certain criteria, such grading is found to be appropriate for the improvements except for the residence halls because of the findings set forth in Section 2.10 of this resolution.

# DRAFT

3.10 A grading permit for development in excess of that permissible under subsection (E)(9) of section 17.76.040 of the Rancho Palos Verdes Municipal Code upon finding that:

3.10.1 The criteria of subsections (E)(1) through (E)(8) of section 17.76.040 of the Rancho Palos Verdes Municipal Code are satisfied. With project modifications, including eliminating grading for the proposed Residence Halls and the modification to the Athletic Building footprint, these findings can be made as described in subsections 2.1 to 2.8 of this Resolution.

3.10.2 In general, the approval is consistent with the purposes set forth in subsection A of section 17.76.040 of the Rancho Palos Verdes Municipal Code, including permitting reasonable development of land, ensuring the maximum preservation of natural scenic character of the area consistent with reasonable economic use of the property, ensuring that the development of land occurs in a manner harmonious with adjacent lands, and ensuring that the project is consistent with the General Plan. However, this finding cannot be made with respect to the grading for the residence halls.

3.10.3 Departure from the standards in subsection (E)(9) of section 17.76.040 of the Rancho Palos Verdes Municipal Code will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity. The proposed project requires a significant amount of grading to accommodate the improvements and minimize impacts to neighboring properties by depressing the improvements into existing grades. The Property is roughly 24.57 acres in size. Development proposals on parcels of similar or larger size typically require a significant amount of grading to accommodate improvements while minimizing impacts to neighboring properties. Thus, the proposed deviations will not grant special privileges inconsistent with the limitations upon other properties in the vicinity.

3.10.4 Departure from the standards of subsection (E)(9) of section 17.76.040 of the Rancho Palos Verdes Municipal Code will not be detrimental to the public safety nor to other property. The City Geologist reviewed geotechnical reports to determine the feasibility of this Project. The City Geologist conceptually approved the proposed project, including grading, during the planning stage. The Project must undergo additional review at the building and safety review and permitting stage such that engineered plans may be submitted for grading and building permits. The EIR also required analysis of the geology and drainage, finding that the Project would not have an adverse impact on the environment given mitigation measures.

3.11 In conclusion, the findings can be made to warrant approval of the grading or the Project, subject to certain modifications as noted above and further provided that the Planning Commission could not make the findings to approve the grading associated with the residence halls.

**Section 4:** The College has requested a Variance to permit deviation from Municipal Code section 17.48.060 to allow development/construction of a structure (the proposed Residence Halls and Athletic Building) on an extreme slope (grade of 35 percent or greater). Although the variance is not strictly required because of the foregoing findings

# DRAFT

denying the residence halls and because of the project revisions that move the athletic building off of the extreme slope, the Planning Commission nonetheless considered the variance request and finds as follows:

4.1 There are not 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;

4.1.1 The Planning Commission could not find that extraordinary circumstances or conditions existed to warrant a variance for construction of the proposed Residence Halls and athletic building would be partially located over an extreme slope. The applicant has revised the project so that the athletic building no longer encroaches over an extreme slope, which demonstrates that the building could be constructed in conformance with the code and that the variance is not necessary. The project site is 24.57 acres in size, and opportunities exist to reconfigure the project to avoid construction over the extreme slopes. The Planning Commission could not find that other institutional properties in the City are dissimilar to the project site in that portions of those properties consist of extreme slopes, thus the conditions of this property could not be found exceptional or extraordinary.

4.1.2 The structures are proposed to be placed over the south-facing slope which contains slopes that are 35 percent or greater, rather than the flatter areas that are more conducive to development. Reconfiguration of the proposed improvements, as has been done with the athletic building, suggest that subject site might be able to accommodate these structures without the need for a variance.

4.1.3 Construction on the south-facing slope including the extreme slopes results in significant impact to the visual character of the site, especially as viewed from the down-slope properties and from the roadway.

4.1.4 Other Institutional zoned uses are commonly located on lots that are equal or smaller in size than the subject site. Such lots typically include both flat and sloped terrain, thus the site topography is not an exceptional or extraordinary circumstance applicable only to the subject property.

4.1.5 The subject site is not unique in size or topography when compared to other properties in the City's institutional zoning district as it relates to the City's extreme slope criteria.

4.1.6 The Planning Commission could not make this finding for the construction of the Residence Halls or the Athletic Building. There are not exceptional or extraordinary circumstances or conditions that warrant construction on an extreme slope for either the residence halls or the athletic building.

4.2 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;

# DRAFT

4.2.1 According to the City's zoning map, there are approximately 19 other sites zoned as Institutional. The majority of these properties are developed as schools, medical facilities, religious institutions, and government facilities. Extreme slopes are found on others of these properties within the Institutional zone.

4.2.2 The City's standards apply equally to new projects in the Institutional zone. These standards uphold the community's quality of life. In addition to other reasons, development on extreme slopes is prohibited to preserve the aesthetic character of the City's hillsides and maintain adequate open space surrounding developments.

4.2.3 The proposed residence halls and athletic building are considered ancillary uses to the College. As ancillary uses, the Planning Commission could not find that the residence halls are necessary to preserve and enjoy a substantial property right of the applicant. The College may consider relocating the residence halls off the extreme slopes. This would require a redesign and reconsideration of the proposal as to site configuration and may necessitate the removal of other project components. Such a redesign would negate the need for this variance, as is the case for the relocated athletic building.

4.2.4 The right to constructing the residence halls on an extreme slope is not a property right possessed by other property owners within the Institutional zoning district. Further, the primary use of the site is for an educational institution, a use that has been permitted on the site for a number of years. Residence halls are considered an ancillary use in the institutional zoning district, and the Planning Commission could not find that such an ancillary use represented a substantial property right that was possessed by other property owners under like conditions in the same zoning district that warranted approval of the variance.

4.3 Granting the variance would not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located;

4.3.1 The proposed location of the residence halls and athletic building on the extreme slopes would not be detrimental to the public welfare or injurious to property and improvements in the area. Although the design of the buildings present impacts discussed under other findings, the mere location over extreme slopes would not be materially injurious because of the distance to neighboring properties and improvements.

4.4 Granting the variance would not be contrary to the objectives of the general plan or the policies and requirements of the coastal specific plan;

4.4.1 Marymount College is not located within the City's Coastal Zone. Thus, the City's Local Coastal Specific Plan is not applicable to this project.

4.4.2 Construction over an extreme slope, if first reviewed carefully to ensure compatibility with adjacent uses, as required by "Urban Environmental Element Institutional Activity Policy No. 6," and if the terrain alteration is controlled consistent with "Urban Environmental Element Residential Activity Policy 11," would not be contrary to the

# DRAFT

objectives of the General Plan, and the Planning Commission could make this finding strictly as to construction over an extreme slope.

**Section 5:** The College has requested a Variance to permit deviation from section 17.50.040.C.1 of the Rancho Palos Verdes Municipal Code to allow the proposed parking areas to exceed the Code's maximum permitted distance of 150 feet from the building it is to serve. Although the variance is not strictly required because of the foregoing findings denying the residence halls, the Planning Commission nonetheless considered the variance request and finds as follows:

5.1 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;

5.1.1 The Planning Commission could not make this finding because the Parking Lot location requirement in the Municipal Code that applies to the residence halls is no different to other uses in the City's Institutional (I) zoning district, and the proposed Residence Halls are located in an area that is not conducive to development due to the sloped topography and inadequate on-site pedestrian circulation.

5.1.2 Despite the connection of the two proposed buildings by an underground walkway, the Residence Halls are considered separate buildings. The buildings have individual public areas and are by design, two separate buildings. Each building requires a separate building permit. Thus, Residence Hall No. 2 meets the 150-foot parking setback requirement, but Residence Hall No. 1 does not because it is located approximately 450 feet away from the proposed parking lot, which substantially exceeds the 150-foot standard.

5.1.3 The Code requirement related to parking lots is meant to provide the public with adequate and safe on-site pedestrian circulation. Other projects, such as St. John Fisher, comply with the requirement that facility parking lots be no more than 300 feet from the respective buildings. Thus, the parking lot location requirement in the Code is no different than the requirement for other uses in the Institutional zoning district.

5.1.4 The Planning Commission did not find that there are exceptional or extraordinary circumstances or conditions because there is opportunity on the developable portion of the site to design Residence Hall No. 1 in a manner that meets this requirement.

5.2 Such variance is not 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;

5.2.1 Allowing a parking lot to be located farther than allowed under the Municipal Code is not necessary for the preservation of a substantial property right of the applicant because the College can continue to operate its educational facilities without the variance, and other options are available to design a project that could meet the development code standard on this 24.57 acre site.

# DRAFT

5.2.2 Other residential and boarding facilities subject to the same parking code requirements include nursing homes, rest homes, homes for the aged, homes for children, homes for mental patients, and bed and breakfast inns. These types of developments are required to comply with the parking lot requirement in order to provide occupants and guests with safe and adequate circulation.

5.3 Granting the variance will be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located;

5.3.1 The primary entrance to Residence Hall No. 1 is located approximately 450 feet from the nearest parking lot, exceeding the Code's requirement that sleeping and boarding facilities be located within 150 feet of the designated parking area. The development code standard is designed to further the public safety and welfare, the Planning Commission could not find that deviation from the standard would not be materially detrimental to the public welfare, thus the finding could not be made.

5.4 Granting the variance will be contrary to the objectives of the general plan or the policies and requirements of the coastal specific plan;

5.4.1 The distance between proposed Residence Hall No. 1 and the proposed parking lot would require residents to walk further than allowed under the City's Development Code.

5.4.2 Urban Environment Element Institutional Activity Policy No. 6 states "Review the location and site design of future institutional uses very carefully to ensure compatibility with adjacent uses."

5.4.3 The proposed distance between the parking lot and the Residence Hall No. 1 would negatively impact adjacent properties because of the potential for excessive conversation noise occurring after hours when students travel between the parking lot and Residence Hall No. 1.

5.4.4 The distance between the nearest parking lot and Residence Hall No. 1 is contrary to the General Plan.

5.4.5 The Project site is not within the Coastal Specific plan area.

5.4.6 For the foregoing reasons, the Commission could not find that the project would not be contrary to the general plan, and thus could not make this finding.

**Section 6:** In consideration of the requested Variance to permit deviation from Section 17.50.040.C.2 to allow development of a new parking area within the front and street-side setback area (25 feet), the Planning Commission finds as follows:

6.1 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;

# **DRAFT**

6.1.1 The College currently provides 343 parking spaces of which the existing northern parking area is currently set back 2 feet from the front property line. The College proposes to reconfigure the northern parking area within the limited footprint of the existing parking area. The reconfigured parking area will have 120 more parking spaces than before.

6.1.2 In order to provide the additional needed parking spaces in the northern parking lot without having to significantly alter the location of existing buildings, the northern parking lot could only be setback 10 feet from the property line, which lessens the nonconformity of the existing 2-foot setback, and increase the amount of area along the street that can be landscaped.

6.1.3 The area between the property line and the new parking stalls will be landscaped and is conditioned to include a 42-inch tall decorative combined wall and wrought iron fence to create a visual buffer from the roadway.

6.1.4 Because of the limited area of the site that can accommodate the needed parking spaces, and the importance of providing sufficient on-site parking to ensure spill-over parking into adjacent streets and neighborhoods does not occur, there are exceptional circumstances that apply to this parking lot.

6.2 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;

6.2.1 Other Institutional zoned properties within the City are similarly developed with parking spaces located within the front yard setback. These include the Art Center, the Peninsula Community Church, and the Congregation Ner Tamid Temple.

6.2.2 A parking variance to allow the parking spaces to be located in the front yard setback at the Congregation Ner Tamid Temple was approved by the City of Rancho Palos Verdes with a landscaped buffer area. This parking variance is similar to that requested here. In that instance, the City found that site constraints resulting from access easements limited the area for the placement of the parking lot warranting an encroachment into the front yard setback.

6.2.3 In this instance, in order to accommodate parking at the north portion of the site without demolishing existing buildings, the parking lot is proposed to encroach into the 25-foot front yard setback by 15 feet. The 10-foot setback will be used as a landscaping planter to visually buffer the parking lot from the roadway.

6.2.4 This 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 Institutional zoning district.

6.3 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;

# **DRAFT**

6.3.1 The intent of the required front or street-side setbacks is to provide an adequate buffer between parking lots, the property line, and adjacent uses.

6.3.2 The proposed northern parking lot would be setback 10 feet from the property line. The area in between the parking lot and the property line would be used as a landscape planter to visually screen and buffer the parking lot from the roadway.

6.3.3 The roadway itself, Palos Verdes Drive East, which is approximately 100 feet wide, provides an additional buffer between the parking lot and the neighboring properties.

6.3.4 Granting a variance for the reduction of the 25-foot setback requirement for the northern parking lot is not materially detrimental to the public or neighboring properties. This finding can be made.

6.4 Granting the variance will not be contrary to the objectives of the general plan or the policies and requirements of the coastal specific plan;

6.4.1 The proposed northern parking lot would be set back 10 feet from the property line along Palos Verdes Drive East. The City's Municipal Code requires parking lots to be set back 25 feet from the property line.

6.4.2 The 10 feet between the parking lot and the property line will constitute a landscape buffer, including shrubs and a 42-inch combined decorative wall and wrought iron fence, providing aesthetic screening of the northern parking lot.

6.4.3 Urban Environment Element Institutional Activity Policy No. 6 requires the City to review the location and site design of future institutional uses very carefully to ensure compatibility with adjacent uses. Urban Environment Element Institutional Activity Policy No. 6 requires the City to locate schools on or near major arterials or collectors, buffered from residential uses, and provide adequate parking and automobile access. The proposed parking configuration has been carefully reviewed, and with the landscaped areas between the parking and Palos Verdes Drive East, the Planning Commission finds that the appearance of the front line of the campus is compatible with adjacent uses.

**Section 7:** In consideration of the requested Variance to permit the installation and use of a 20-foot tall retractable net at the southwest and northwest corners of the athletic field during activities that involve field balls, the Planning Commission finds as follows:

7.1 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;

7.1.1 The existing athletic field is proposed to be relocated to the western portion of the Project site, located near a major arterial street. The western end of the campus follows the curvature of PVDE, meaning that the property line abuts the roadway

# DRAFT

on the north, west, and south sides. Placing the athletic field on the western end of campus means the field is in close proximity to the roadway on three sides, which is unlike other institutionally zoned properties.

7.1.2 Given the proximity of the proposed athletic field to a major arterial street, the potential exists that errant balls will enter the roadway and create a potential hazard for motorists.

7.1.3 The EIR identifies temporary netting as a possible mitigation measure.

7.1.4 The athletic field will be depressed and a grade differential of approximately 10 feet would exist between the field's northern boundary line and the road. Nonetheless, the potential for balls to enter the roadway still exists.

7.1.5 Temporary netting will prevent errant balls from entering the road. However, time limits should be placed on the use of such netting to minimize the visual impacts to adjacent properties.

7.1.6 Other schools (Institutional zoned properties) located in the general vicinity of the College have athletic fields that are in close proximity to roadways. Miraleste Intermediate, Miraleste Elementary, and Dodson Middle School have athletic field fencing ranging in height from 9-feet to 20 feet.

7.1.7 The College has had an athletic field use for many years, and thus inclusion of athletic fields, even if in a different location, constitutes an intended, but ancillary, use of the site.

7.1.8 With conditions regarding maintenance and operation of the netting, this finding can be made for the temporary use of 20-foot tall netting at the athletic field.

7.2 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;

7.2.1 Several other educational facilities located throughout the City's institutional zoning district have playgrounds with fencing, including Miraleste Intermediate, Miraleste Elementary, and Dodson Middle School. Further, the College has had an athletic field in use on the site, although in a different location, for a number of years. The other educational facilities in the City tend to use permanent fencing rather than the proposed netting.

7.2.2 To minimize view impacts, the netting used in connection with the College is required to be retractable and only used when the athletic field is in use during activities involving field balls.

# **DRAFT**

7.2.3 This 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 Institutional zoning district.

7.3 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;

7.3.1 The proposed athletic field netting would be 20 feet tall, a height comparable to that used at the existing athletic field to contain errant balls from entering property located on Vista del Mar.

7.3.2 The conditions imposed on the use of netting, including the retractable nature of the netting and the limited use during activities involving field balls, will reduce the view impacts to neighboring properties.

7.3.3 Certain neighboring properties may be potentially impacted by the use of the net, especially the properties located at 30853, 30865, 30871 Casilina Drive and 3324 Narino Drive. However, at its highest point, the proposed athletic field would have a finished grade of 893 feet. Given the 20 foot height of the netting, measured from the finished grade of the athletic field, the proposed net would not exceed an elevation of 913 feet, which remains 12 feet lower than the lowest pad elevation of the homes across the street (925 feet).

7.3.4 The netting for this type of use is typically thin and open to light and air. A mock-up of the proposed net was installed in April 2009, and was photographed from adjacent properties and the public right-of-way. Further, view simulations of the proposed netting were prepared and submitted for the Commission's consideration. Based on observations and review of the simulations and other testimony, the Planning Commission finds that this type of netting allows for the continued enjoyment of views through the net. Furthermore, the nets will only be used during limited activities to minimize view impacts.

7.3.5 The proposed netting will not be detrimental to the public welfare or adjacent properties, and would help to protect the public welfare by containing errant balls on-site to minimize safety impacts associated with balls rolling in the public rights-of-way. This finding can be made.

7.4 Granting the variance will not be contrary to the objectives of the general plan or the policies and requirements of the coastal specific plan;

7.4.1 The proposed athletic field netting is intended to contain errant field balls from entering the public roadway during sporting activities. The netting will be retractable and only used during activities involving field balls during limited hours. The use of the athletic field involving field balls and the use of the net is prohibited on Sundays and Federal Holidays.

7.4.2 The City's General Plan includes the following policies: "Urban Environment Element Institutional Activity Policy No. 6 – Review the location and site design of future institutional uses very carefully to ensure compatibility with adjacent uses;

# DRAFT

Urban Environment Element Residential Activity Policy No. 14 – Prohibit encroachment on existing scenic views reasonably expected by neighboring residents; Urban Environment Element Residential Activity Policy No. 15 – Enforce height controls to further lessen the possibility for view obstructions; Urban Environment Element Recreational Activity Policy No. 11 – Encourage public use of institutional recreation facilities where possible.”

7.4.3 The conditions placed on the use of the netting, including the limitation on hours of use and the retractable nature of the netting, support the General Plan policies cited in the previous finding.

7.4.4 The proposed athletic field net is not contrary to the General Plan. This finding can be made.

**Section 8:** In consideration of the requested Minor Exception Permit to allow the construction of a 6-foot tall wrought iron fence within the front- and street-side setback and to allow a 10-foot tall recreational fence along the perimeter of the tennis courts, the Planning Commission finds as follows:

8.1 The requested minor exception is necessary to avoid practical difficulties;

8.1.1 The Project proposes relocating the athletic field and tennis courts from the eastern portion of the campus to the western portion of the campus. The proposed location is in close proximity to the roadway (Palos Verdes Drive East) such that the athletic field would abut the roadway on three sides.

8.1.2 Given the location of the new athletic field, there are safety concerns in connection with errant balls entering the roadway.

8.1.3 The wrought iron fencing and sports court fencing will help to contain balls on-site and within the respective field or court, thereby preventing hazards to passing vehicles or pedestrians.

8.1.4 The configuration of the site at this location, the curvature of the roadway, and the change in grade from the north of the property to the south of the property suggest that the fencing is warranted because of practical difficulties.

8.2 Conditions of approval, as set forth in Exhibit A, attached hereto and incorporated herein by reference, are placed on the minor exception permit to ensure the permit is within the intent of Chapter 76 of Title 17 of the Rancho Palos Verdes Municipal Code.

8.3 The Planning Commission hereby directs that a notice of decision be given to interested parties in accordance with section 17.80.040 of the Rancho Palos Verdes Municipal Code.

8.4 The height of the fence, wall, or hedge will not be detrimental to the public safety and welfare;

# DRAFT

8.4.1 The proposed height of the athletic field wrought iron fence will not exceed 6 feet, while the tennis court fence will not exceed 10 feet.

8.4.2 The fencing is setback from the roadway and is on private property. Landscaping, including shrubs at a height of 42-inches, will soften the appearance of the fence and add aesthetic value.

8.4.3 Thus, the construction of the tennis court fence and wrought iron fence will not be detrimental to the public safety and welfare.

8.5 The line of sight over or through the fence is adequate for safety and does not significantly impair a view from the viewing area of an adjacent parcel as defined in Section 17.02.040 (Single-Family Residential Districts) of Title 17 of the Rancho Palos Verdes Municipal Code;

8.5.1 The proposed wrought iron fence will be 6 feet in height and setback by approximately 10 feet from the property line. The fence will run parallel along Palos Verdes Drive East along the western side of the athletic field and will then run parallel to the southern edge of the athletic field.

8.5.2 The wrought iron fence will be open to light and air and will not impede on the line of sight over or through the fence. The wrought iron fence will not impair views from adjacent properties to the north because the fence does not run along the north side of the field. At its highest point, the fence will have an elevation of approximately 908' and the lowest finished pad elevations for the properties to the north range from 925' to 930' – which is at least 17' higher in elevation than the highest point of the wrought iron fence.

8.5.3 The proposed tennis courts will be depressed into the grade and supported by a retaining wall that ranges in height from 10 feet to 23.5 feet. Given the lower pad elevation of the courts, the only fencing used along the northern side will be a 30 inch safety fence placed on top of the retaining wall.

8.5.4 Given these findings, the proposed fencing will not result in line-of-sight impacts or significant view impacts.

8.6 On corner lots, intersection visibility as identified in Section 17.48.070 (Lots, Setbacks, Open Space Area and Building Height) of Title 17 of the Rancho Palos Verdes Municipal Code is not obstructed;

8.6.1 This finding is not applicable because the proposed fencing is not located on a corner lot nor within an intersection visibility triangle.

8.7 The height of the retaining wall portion does not exceed the grading limits set forth in Section 17.76.040 (Grading Permit) of Title 17 of the Rancho Palos Verdes Municipal Code;

# DRAFT

8.7.1 The proposed height of the retaining wall for both the athletic field and the tennis courts exceed the permitted height for upslope retaining walls, as set forth in section 17.76.040 of the Rancho Palos Verdes Municipal Code.

8.7.2 The proposed retaining walls may be permitted to exceed the specified height criteria if certain grading finds can be made.

8.7.3 The grading permit findings in Section 2 of this Resolution are sufficient to allow the retaining walls to exceed the specified height criteria deemed appropriate for this Project.

**Section 9:** In consideration of the requested Master Sign Permit to allow the construction of two new entry signs adjacent to the campus entry and other campus signs, the Planning Commission finds as follows:

9.1 The proposed signs are consistent with the sign standards of the City's Development Code with respect to height and materials;

9.1.1 The applicant proposes to affix two new entry signs to the proposed stone veneer wall at a maximum height of 6 feet. The letters will be individually mounted brass finished letters, and will be backlit.

9.1.2 The proposed entry signs are acceptable in terms of height and materials. However, since the sign is mounted to a decorative wall that runs parallel to the street, the sign cannot be double-faced. The College thereby seeks to install two signs on the decorative wall on each side of the entry driveway.

9.1.3 These signs will not result in adverse impacts, especially if back lit.

9.1.4 The proposed way-finding signs, building identification signs, and other signs related to educational use will be added in accordance with the Complete Master Sign Plan that the College will submit for review and approval by the Planning Director. This Plan will ensure that campus signs comply with the City's Codes and, accordingly, are approved for that reason.

**Section 10:** The Project involves the construction, expansion or intensification of nonresidential uses, and includes an application for a conditional use permit seeking construction of more than 10,000 square feet of new building area. Therefore, the Project is subject to compliance with Rancho Palos Verdes Municipal Code Section 17.11.140 *Affordable Housing Requirements for Nonresidential Projects*. However, with the removal of the residence halls and the related jobs, the College represents that the Project would result in the creation of less than ten (10) new employment opportunities for persons of low or very low income. Thus, the Project is exempt from the affordable housing requirements for nonresidential projects pursuant to Section 17.11.140 B. 3.

**Section 11:** The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.) ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title

# DRAFT

14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. A Final Environmental Impact Report (the "Final EIR") was prepared for the Project and is hereby incorporated by reference. The Planning Commission, by separate Resolution No. \_\_\_\_\_ certified the Final EIR, made environmental findings, adopted a statement of overriding considerations, which is attached hereto as Exhibit C, and adopted a mitigation monitoring and reporting program concerning the Project, which is attached hereto as Exhibit B.

**Section 12:** For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby conditionally approves a Conditional Use Permit #9 – Revision "E", Grading Permit, certain Variance Permits, Minor Exception Permit, and Master Sign Permit, for the Marymount Facilities Expansion Project located at 30800 Palos Verdes Drive East, subject to the conditions of approval in the attached Exhibit A, and the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, which Exhibits are incorporated herein by this reference. Further, the proposed residence halls are hereby denied for the reasons set forth above.

**Section 13:** Any interested person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Sections 17.02.040(C)(1)(g) of the Rancho Palos Verdes Municipal Code, any such appeal must be filed with the City, in writing, setting forth the grounds of the appeal and any specific actions requested by the appellant, and accompanied by the appropriate appeal fee, no later than fifteen (15) days following \_\_\_\_\_, 2009, the date of the Planning Commission's final action.

PASSED, APPROVED, and ADOPTED this \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2009 by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RECUSALS:

---

Jeffrey Lewis  
Vice-Chair

---

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

# **DRAFT**

**Exhibit "A"**

**Conditions of Approval  
Case No. ZON2003-00317  
(Conditional Use Permit #9 – Revision "E", et. al.)**

# **DRAFT**

## **Exhibit "B"**

**Mitigation Monitoring and Reporting Program  
for  
Case No. ZON2003-00317  
(Conditional Use Permit #9 – Revision "E", et. al.)**