

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

F9a**October 27, 2010****TO:** Commissioners and Interested Persons**FROM:** Peter Douglas, Executive Director
John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
John Del Arroz, Coastal Program Analyst**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Rancho Palos Verdes accepting certification with suggested modifications of Major LCP Amendment No. 1-10 is legally adequate. For Commission review at its November 17-19, 2010 meeting in Santa Monica.**STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

On March 22, 2010, the city of Rancho Palos Verdes submitted Major Local Coastal Program Amendment Request No. 1-10 for Commission certification. Amendment No. 1-10 was submitted for Commission certification by City Council Resolution No. 2010-09. The proposed amendment would change both the Land Use Plan and Implementation Plan. The amendment request would change Coastal Specific Plan Land Use from Agriculture to Residential, and would change the zoning designation from Commercial Recreational to Single-Family Residential for a vacant 1.42 acre property located at 32639 Nantasket Drive.

On April 30, 2010, Commission staff determined that the City's submittal was complete. On June 11, 2010 the City and the Commission agreed to extend the 90-day time limit for consideration of the amendment to the total LCP for one additional year pursuant to Public Resources Code section 30517. On Friday, August 13, 2010, the Commission approved LCP Amendment No. 1-10 with suggested modifications. The suggested modifications directed the City to: a) delete sections of the LUP designating or referencing an agricultural land use on the subject site, b) require landscaping on the subject parcel to consist of native species to protect adjacent habitat areas, c) require that the public sidewalk portion of the Flowerfield trail remain open to the public.

On September 21, 2010, the Rancho Palos Verdes City Council unanimously adopted Resolution 2010-087, incorporating into the LCP the modifications suggested by the Commission pursuant to its approval of LCP Amendment 1-10, and submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on August 13, 2010 (**See Attachment**)

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of LCP Amendment No. 1-10 shall become effective upon Commission concurrence with the Executive Director's determination.



**FOLLOW-UP AGENDA
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
SEPTEMBER 21, 2010
FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD**

**Remote Site:
Sheraton New York Hotel and Towers
811 7th Ave. 53rd Street
New York, New York 10019**

Time Estimates: The time noted next to an agenda item is only an estimate of the amount of time that will be spent during the meeting on that particular item. Accordingly, these estimates should not be relied on in determining when a matter will be heard, especially since agenda items are often re-ordered during a meeting and may be discussed at any time.

6:00 P.M. CLOSED SESSION: SEE ATTACHED BROWN ACT CHECK LIST FOR DETAILS. (FIRESIDE ROOM – PRIOR TO INTERVIEWS)

6:15 P.M. REGULAR SESSION (INTERVIEWS-FIRESIDE ROOM)

7:00 P.M. REGULAR SESSION

(15 mins) CALL TO ORDER:

ROLL CALL:

FLAG SALUTE:

MAYOR'S ANNOUNCEMENTS: Kathy Pape, Executive Director, Peninsula Education Foundation (PEF) provided a presentation regarding the PEF fundraising campaign.

RECYCLE DRAWING:

APPROVAL OF AGENDA:

PUBLIC COMMENTS: (This section of the agenda is for audience comments on items on the agenda.) **COASTAL COMMISSION**

- (5 mins) 10. Use of State Funding for Supplemental Police Services—CORE Police Team (Petru)
Action Taken: Approved the continued use of COPS (Citizen Option for Police Services) grant in FY10-11 to partially fund the CORE Police Team.
- (30 mins) 11. California Coastal Commission Modifications to the Coastal Specific Plan Amendment pertaining to the Nantasket Residential Development (Case Nos. SUB2008-00001 and ZON2008-00074 through ZON2008-00078; Address: 32639 Nantasket Drive, a vacant lot located on the west side of Nantasket Drive between Beachview and Seacove Drive) (Schonborn)
Action Taken: ADOPTED RESOLUTION NO. 2010-87, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY ACCEPTING THE MODIFICATIONS ADOPTED BY THE CALIFORNIA COASTAL COMMISSION ON AUGUST 13, 2010 IN REGARDS TO THE CITY'S COASTAL SPECIFIC PLAN AND IMPOSING NEW CONDITIONS ON THE FOUR COASTAL DEVELOPMENT APPLICATIONS TO ENSURE THEIR CONSISTENCY WITH THE MODIFIED COASTAL SPECIFIC PLAN.

REGULAR NEW BUSINESS:

- (10 mins) 12. Appointment of Finance Advisory Committee Member to Fill a Vacancy (Morreale)
Action Taken: Appointed Gregory O'Brien to the Finance Advisory Committee to fill the vacancy left by the resignation of Barbara Dye, said term of office until December 2010.
- (10 mins) 13. Marine Life Protection Act South Coast Study Region Draft Environmental Report (Singer)
Action Taken: Directed staff to submit the comment letter, as amended, to the Department of Fish and Game.
- (10 mins) **CITY COUNCIL ORAL REPORTS:** (This section of the agenda is designated for oral reports from Council Members to report action taken at outside committee and association meetings.)

CLOSED SESSION REPORT: City Attorney Lynch reported that with respect to the Closed Session item regarding VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes a report was provided and no action taken.

ADJOURNMENT: Adjourned at 9:58 P.M.

CLOSED SESSION AGENDA CHECKLIST COASTAL COMMISSION
Based on Government Code Section 54954.5

EXHIBIT # 1
City Council Follow-Up Agenda 2
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RESOLUTION NO. 2010-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES CONDITIONALLY APPROVING CASE NOS. SUB2008-00001 AND ZON2008-00074 THRU -00078 FOR A GENERAL PLAN AMENDMENT, ZONE CHANGE, COASTAL SPECIFIC PLAN AMENDMENT AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION, VESTING PARCEL MAP, VARIANCE, COASTAL PERMIT, GRADING PERMIT AND HEIGHT VARIATIONS TO ALLOW THE FOLLOWING: GENERAL PLAN LAND USE CHANGE FROM COMMERCIAL RECREATIONAL (CR) TO SINGLE-FAMILY RESIDENTIAL, TWO-TO-FOUR DWELLING UNITS PER ACRE; ZONE CHANGE FROM CR TO RS-3; LAND DIVISION OF A 1.42-ACRE LOT INTO FOUR SINGLE-FAMILY RESIDENTIAL LOTS; A VARIANCE TO ALLOW LOT DEPTHS OF 93-FEET INSTEAD OF 110-FEET; HEIGHT VARIATIONS TO ALLOW THE NEW SINGLE-FAMILY RESIDENCES ON LOTS 3 AND 4 TO EXCEED THE 16-FOOT HEIGHT LIMITS; AND ALLOW A TOTAL OF 4,028 CUBIC YARDS OF GRADING TO ACCOMMODATE THE CONSTRUCTION OF SINGLE-FAMILY RESIDENCES ON FOUR NEW LOTS; ON AN EXISTING VACANT LOT LOCATED 32639 NANTASKET DRIVE, WHICH IS ON THE WEST SIDE OF NANTASKET DRIVE BETWEEN BEACHVIEW DRIVE AND SEACOVE DRIVE IN THE CITY'S COASTAL ZONE (APN 7573-014-013).

WHEREAS, on September 26, 2006, November 14, 2006, January 9, 2007, March 13, 2007, and March 27, 2007, the Planning Commission considered Case Nos. ZON2005-00536 and ZON2006-00180 thru -00182 for a proposed General Plan Land Use Designation Change from Commercial to Residential, a Coastal Specific Plan Land Use Designation Change from Agricultural to Residential, a Zone Change from CR (Commercial Recreational) to RS-4 (Single-Family Residential), a 5-lot subdivision and development of five single-family residences on a vacant parcel on Nantasket Drive between Beachview Drive and Seacove Drive (APN 7573-014-013); and,

WHEREAS, on April 24, 2007, the Planning Commission adopted PC Resolution Nos. 2007-29, 2007-30 and 2007-31, recommending that the City Council certify the Mitigated Negative Declaration; approve the Land Use Designation changes to Residential; approve the Zone Change to RS-4 (Single-Family Residential); approve the single-family residences on Lots 1 and 2; and deny the single-family residences on Lots 3, 4, and 5 due to these residences not being compatible with the immediate neighborhood with regards to bulk and mass; and,

WHEREAS, on May 15, 2007, the proposed project, along with the Planning Commission's recommendation was presented to the City Council for consideration. After hearing public testimony and discussing the merits of the project, the City Council denied the applications and remanded the item back to the Planning Commission with instructions that consideration be given to rezone the project from Commercial Recreational to RS-2 or

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RS-3, which are less dense residential zoning districts than the Planning Commission's recommendation of RS-4; and,

WHEREAS, in response to the City Council's May 15, 2007 directive, the property owner/applicant submitted new applications on January 31, 2008, which are the same application types submitted in 2006 and 2007. However, the current proposal includes a zone change to RS-3 instead of RS-4, which is a lower density; a 4-lot subdivision and residential development instead of a 5-lot subdivision; Height Variation applications for Lots 3 and 4 to exceed the 16-foot height limit; a Grading Permit for a total of 4,028 cubic yards of grading to facilitate the construction of the new residences; and, continues to propose a General Plan Land Use Designation Change from Commercial to Residential, a Coastal Specific Plan Land Use Designation Change from Agricultural to Residential, a Variance to allow the RS-3 zoned lots to maintain a lot depth of 93-feet instead of the 110-foot lot depth requirement (hereinafter referred to as Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078); and,

WHEREAS, on February 25, 2008, Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078 were deemed incomplete pending the submittal of additional information; and,

WHEREAS, after submittal of additional information, including construction and certification of the required temporary silhouettes, on September 29, 2009 the applications were deemed to be complete for processing; and,

WHEREAS, pursuant to the provision of the California Environmental Quality Act, Public Resources Code Section 21000 et.seq. ("CEQA"), the State's CEQA Guidelines, California Code of 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 Initial Study and determined that, by incorporating mitigation measures into the Negative Declaration, there is no substantial evidence that the approval of Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078, otherwise known as General Plan Amendment, Zone Change, Coastal Specific Plan Amendment, Vesting Parcel Map, Variance, Coastal Permit, Grading, and Height Variations, would result in a significant adverse effect on the environment. Accordingly, a Draft Mitigated Negative Declaration was prepared and notice of that fact was given in the manner required by law; and,

WHEREAS, the Mitigated Negative Declaration and Initial Study were prepared and circulated for public review between October 2, 2009 and November 10, 2009; and,

WHEREAS, on October 2, 2009, the City mailed notices to all property owners within a 500-foot radius from the subject property, including the *Sea Bluff* HOA, informing them of the Planning Commission hearing to consider the pending development applications. Further, the notice was published in the *Peninsula News* on October 8, 2009.

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WHEREAS, in accordance with the requirements of CEQA, a Mitigation Monitoring program has been prepared, and is attached to the Environmental Assessment and Resolution No. 2010-08 as Exhibit "A"; and,

WHEREAS, copies of the draft Mitigated Negative Declaration were distributed to the Planning Commission, and prior to taking action on the proposed development proposal, the Planning Commission independently reviewed and considered the information and findings contained in the Negative Declaration and determined that the document was prepared in compliance with the requirements of CEQA and local guidelines, with respect thereto; and,

WHEREAS, after issuing notices pursuant to the requirements of the Rancho Palos Verdes Development Code and the State CEQA Guidelines, the Planning Commission held a duly noticed public hearing on November 10, 2009, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, at a public hearing held on November 10, 2009, the Planning Commission adopted P.C. Resolution No. 2009-47, recommending that the City Council certify the Mitigated Negative Declaration for Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078; and,

WHEREAS, at a public hearing held on November 10, 2009, the Planning Commission adopted P.C. Resolution No. 2009-48, recommending that the City Council approve the land use amendments, zone change, and development project associated with Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078; and,

WHEREAS, at a public hearing held on February 2, 2010, the City Council adopted Resolution No. 2010-08, certifying a Mitigated Negative Declaration and determining that there is no substantial evidence that the approval of Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078, otherwise known as General Plan Amendment, Zone Change, Coastal Specific Plan Amendment, Vesting Parcel Map, Variance, Coastal Permit, Grading, and Height Variations, would result in a significant adverse effect on the environment; and,

WHEREAS, at a public hearing held on February 2, 2010, the City Council adopted Resolution No. 2010-09, approving Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078, for a General Plan Land Use change from Commercial Recreational (CR) to Single-Family Residential, two-to-four dwelling units per acre; a Zone Change from CR to RS-3; a Parcel Map, subdividing a 1.42-acre lot into four single-family residential lots; a Variance to allow lot depths of 93-feet instead of 110-feet; Height Variations to allow the new single-family residences on Lots 3 and 4 to exceed the 16-foot height limits; and allow a total of 4,028 cubic yards of grading to accommodate the construction of single-family residences on the four new lots; and,

WHEREAS, since final approval of the project was contingent upon the California Coastal Commission approval of an amendment to the City's Local Coastal Plan (i.e., Coastal Specific Plan), City Staff submitted a LCP Amendment to Coastal Commission

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Staff on March 17, 2010 to change the Coastal Specific Plan Land Use designation from Agriculture to Residential, and the zoning from Commercial Recreation (CR) to Single-Family Residential (RS-3); and,

WHEREAS, the City's LCP Amendment was accepted by the California Coastal Commission Staff and identified as Local Coastal Program Amendment RPV-MAJ-1-10, and subsequently deemed complete for processing in May 2010; and,

WHEREAS, on August 13, 2010, the California Coastal Commission considered the City's LCP Amendment, and approved the LCP Amendment with suggested modifications to the text and policies of the City's LCP (i.e., the City's Coastal Specific Plan); and,

WHEREAS, after issuing notice pursuant to the requirements of the City's Development Code, the City Council of the City of Rancho Palos Verdes held a public hearing on September 21, 2010, to consider the Coastal Commission's suggested modifications, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: The proposed project is for a General Plan Amendment to change the land use designation from Commercial Recreational (CR) to Single-Family Residential, 2-to-4 dwelling units per acre; a Zone Change from CR to RS-3; Coastal Specific Plan Amendment to change the land use designation from Agricultural to Residential; subdivision of the existing 1.42-acre site to four single-family residential lots; development of a single-family residence on each lot; a Variance to allow the four lots to maintain a lot depth of 93-feet, which is less than the 110-foot lot depth requirement for RS-3 zoned lots; a Grading Permit for approximately 4,028 cubic yards of total grading on all 4 lots to accommodate the construction of a single-family residence on each lot; Height Variation Permits for the single-family residential structures on Lots 3 and 4 (the 2 lots closest to Sea Cove Drive), to exceed the 16-foot building height requirement; and, a coastal Permit for development within the City's Coastal Zone.

GENERAL PLAN AMENDMENT

Section 2: The City Council finds that the request for a General Plan Amendment, which involves changing the Land Use designation from Commercial Recreational (CR) to Single-Family Residential, 2-to-4 dwelling units per acre is warranted for the following reasons:

- A. The size of the subject site, at 1.42-acres, does not meet the minimum development site area for CR Zoned lots. The Development Code calls for CR Zoned lots to be a minimum of 20-acres in area, and maintain a minimum of 250-feet of lot width and 150-feet of lot depth. The subject property, as a result of previous subdivisions, maintains an existing lot depth of 93-feet, which does not conform to the current CR Zoning standards.

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- B. The appropriateness of the site lends itself to the need within the community for the proposed residential use, and is compatible with surrounding uses. A commercial use would create more sensory impacts than a residential use with regards to hours of operation, noise, and traffic circulation. The subject site is an existing in-fill site, accessed from the residential streets of Beachview Drive, Nantasket Drive, and Sea Cove Drive. Although the subject site abuts a commercial development, i.e., the Terranea Resort Hotel, to the immediate north, west, and south, there are also single-family residences to the north and south of the subject site and a multi-family residential development to the east, all within 500-feet of the subject site. Any development would be required to front along Nantasket Drive, and either type of development is anticipated to impact the adjoining commercial recreational, single-family, and multi-family residences; however, a single-family residential development on the subject site would have less impact on the adjoining residential properties with regards to traffic, light, and noise pollution. As such, the Residential land use is more compatible with the existing residential uses of the adjoining area.
- C. Changing the land use to Residential brings it into consistency with the "Residential type land uses found on the other properties along Beachview, Seacove and Nantasket Drives, and is thereby internally consistent with the General Plan and is not contrary to the goals and policies of the General Plan. The General Plan states, *'The predominance of residential use [within the City] is based on several factors: the ability of residential activity to produce low environmental stress, the geographical location of the community with no major transportation facilities, lack of market potential for any major commercial, and need for support facilities only to meet the community's demand'* (General Plan Page No. 194). Additionally, the General Plan states, *"Commercial uses tend to have environmental impacts unless small in scale and very carefully designed"* (General Plan Page No. 196). Even though this site is small in scale, it is currently vacant, and any commercial venture would cause impacts to the area that would be considered more intrusive than what could be found from a residential development. More specifically, residential uses tend to generate less vehicle trips, create less noise, and have less light and glare impacts than commercial uses. Thus, the General Plan Amendment to Residential will be in the public's interest, and the General Plan Amendment is appropriate.

COASTAL SPECIFIC PLAN AMENDMENT

Section 3: The City Council finds that the request for a Coastal Specific Plan Amendment, which involves changing the Coastal Specific Plan Land Use designation from Agricultural to Residential, is warranted for the following reasons:

- A. With respect to commercial recreational development on the subject site, the Coastal Specific Plan states that *"access should not be taken from Nantasket Drive (in Subregion 3) since it is designated as a residential street and commercial traffic would in all likelihood cause significant problems."* Currently, Nantasket Drive is used to access the existing single-family and multi-family

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residential developments along Beachview Drive and Sea Cove Drive. Additionally, vehicular access from the privately owned Terranea Resort Hotel to the subject site does not exist and it is not likely that a driveway easement would ever be created to facilitate vehicular access to the site so that access to the site is not via Nantasket Drive. Thus, a CR development on the subject site would be inconsistent with this policy direction of the Coastal Specific Plan.

- B. The Coastal Specific Plan speaks of potentially adverse impacts resulting from a CR development on the adjoining residential developments in Subregion 3. In general, a single-family residential use on the site would be a less intensive use of the subject site than were it developed with a comparable sized commercial development when examining the potential traffic, noise, and light pollution generated from the site. Further, a residential development would be more compatible with the existing residential uses in the adjoining area. Furthermore, the development of a CR use on the subject site would result in an appearance incompatible with the existing single- and multi-family uses in the adjoining areas. For instance, the site being used as a commercial filming site, a recycling facility, a helistop, or a small hotel, etc., would erode the character of the neighborhood, which is primarily composed of single-family and multi-family residential structures.
- C. The current Agricultural Coastal Specific Plan Land Use Designation is inconsistent with the current Commercial-Recreational General Plan Land Use Designation, and changing the land use designation to Residential will be compatible with the proposed revisions to the General Plan and Zoning designations. Further, the size of the subject property, at 1.42-acres, is too small to conduct a viable agricultural use on the property.

Section 4: Subregion 2 of the City's Coastal Specific Plan is hereby amended to read as follows (the **bold underlined** text represents new language and strikethrough text represents deleted text):

Agriculture Section (page S2-7):

"AGRICULTURE

The most extensive agricultural operation in the area takes place on a 17 acre site located at the eastern extremity of this Subregion. This site is currently leased for \$800 per year from Palos Verdes peninsula unified school district, which has declared the site surplus and intends to sell it in the near future. Additional agricultural activity takes place on an undeveloped portion of Marineland's site. The grain and tree farming activities are bounded on the south by Marineland's access road and on the north by Palos Verdes drive south.

~~The coastal specific plan makes a primary effort to maintain agricultural activity on the 17 acre school site. This action is warranted because of the site's high crop yield, irrigation and substantial site size. In order to maintain the activity, the city~~

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~~needs to add an agricultural district to its development code and apply it to this site. Maintaining agriculture on this site is contingent on the site not being needed for a school, and sufficient funding from other agencies being available for purchase of the site. Should these conditions not be met, then the plan recommends a secondary use of commercial recreation as proposed by the general plan."~~

Potential Activities Section (pages S2-7 and S2-8):

"POTENTIAL ACTIVITIES

The only totally undeveloped site capable of supporting new activity is the 17 acre site owned by the school district. The district had intended to use this site for development of an intermediate school; however, enrollment studies done by the district did not substantiate the need for an additional school in this vicinity. Therefore, the site has been found potentially surplus and may be sold in the next few years. The site's gentle topography and its lack of biotic resources and geologic constraints make it a desirable area for supporting structured activities.

Additional potential activity is presented on those areas which presently have limited site development. This potential is reflective of site buildout and is discussed below under each site's respective land use designation.

~~Should the primary aim of maintaining agriculture on this site prove unworkable, then a secondary proposal of commercial recreation should be implemented. Development under a commercial recreational use would raise two concerns. One, the point of primary access which is discussed under vehicular networks and should be referred to therein; and two, possible adverse impacts onto adjoining residential areas located in Subregion 3. Site planning efforts need to be cognizant of adjoining residential areas. Buffer areas should be supplied along the site's common property lines along with the shielding of any outdoor lighting. Noise should be retarded at the generating sources. A critical view corridor traverses the site (see corridor section) requiring structural improvements to be carefully reviewed in the affected area. Also, consideration should be given to a development's appearance from residential areas."~~

Induced Activity Section (page S2-11):

"INDUCED ACTIVITY

The general plan designates a commercial recreational use for the 17 acre surplus school site. The coastal specific plan changes this proposal. It designates a **land use of residential for the 1.4-acre parcel on the eastern boundary near Nantasket Drive on the site and a commercial recreation use on the remainder.** Primary use of agriculture on the site, a secondary use of commercial recreation, and encouragement of a retirement/senior citizen/fixed income facility on a portion of the site. Aside from this, the coastal specific plan concurs with land uses established in the general plan."

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Transportation Systems Section (page S2-14):

With respect to the future potential development of the school site as a commercial recreation facility (secondary use), this plan does not identify specific recommended uses; however, the following are guidelines which should be considered in any such development plans:

- 1) ~~access should not be taken from Nantasket drive (in Subregion 3) since it is designed as a residential street and commercial traffic would in all likelihood cause significant problems.~~
- 2) ~~the project proponents should investigate the possibility of sharing access with Marineland through the use of appropriate legal methods.~~
- 3) ~~parking and access should be designed so that it is sufficiently buffered from existing and future residential development."~~

Policy No. 8 (page S2-16):

- "8. Change the primary land use on the designate as agricultural use on 1.42-acre site, which was subdivided from the former Abalone cove school site, located on the west side of Nantasket Drive adjacent to the Terranea Hotel Resort site in the event that the property is not required for construction of a school and if sufficient non-city funds are made available to the city through the coastal conservancy (or other funding) for purchase of the site. A secondary use designation shall be commercial recreation and encouragement of a retirement/senior citizen/fixed income facility on a portion of the site. from agriculture to residential.

Parcels adjacent to the natural habitat areas created as mitigation for development of the Terranea Resort Hotel including the residential parcels along Nantasket Drive to the east shall be required to use only non-invasive plant species, as identified by the California invasive pest council (cal-IPC) or the Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains. In addition, all landscaping shall be required to consist of primarily native, drought resistant species and all landscaping within 15 feet of the rear property line adjacent to the natural habitat area shall consist of non-invasive, native plant species only. Fuel modification for parcels adjacent to the Terranea Resort Hotel shall not be carried out in native habitat zones created as a part of the Terranea Resort."

New Policy No. 10 (page S2-16):

- "10. The sidewalk along Nantasket Drive, which connects to the Flowerfield trail on the Terranea Resort site shall remain open to the public and no physical obstructions such as gates or guardhouses or signs that restrict public access to the trail shall be allowed on or fronting

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Nantasket Drive.

ZONE CHANGE

Section 5: The City Council finds that the request for a Zone Change, which involves changing the underlying Zoning of the subject property from CR to RS-3, is warranted for the following reasons:

- A. In order to bring the zoning in compliance with the proposed General Plan Land Use Designation, the project warrants the subsequent change of the site's zoning designation from CR (Commercial Recreational) to RS-3 (Single-Family Residential, two-to-four dwelling units per acre). By changing the zoning, the land use on the subject site would be consistent with the adjacent residential areas and the General Plan.
- B. An RS-3 zoning of the property provides a transitional neighborhood between the existing RS-1 zoned properties to the south along the bluff on Sea Cove Drive and the RS-4 zoned properties that exist to the north (i.e., the *Sea Bluff* community). Further, an RS-3 zoning designation is a suitable zoning designation for the subject property. Although there is no other RS-3 zoning in close proximity to the proposed project site, an RS-3 zoning would provide a transitional zoning district not only between the RS-1 zone to the south and the RS-4 zone to the north, but also between the non-conforming multi-family development to the east and the open space of the Teranea site to the west; therefore the zone change is appropriate.

VESTING PARCEL MAP

Section 6: The City Council hereby approves the Vesting Tentative Parcel Map to subdivide the existing 1.42-acre lot into four single-family residential lots for the following reasons:

- A. Since the General Plan Land Use designation changes from Commercial Recreational to Single-Family Residential, and the zoning changes from CR to RS-3, the subject site is located in an area designated as Residential, two-to-four dwelling units per acre (RS-3). Vacant land designated in this density range has low to moderate physical and social constraints, and the density is compatible with the adjacent existing densities, which range from one d.u./ac (along Seacove Drive) to 4-6 d.u./ac (along Beachview Drive). The proposed lot sizes range between 14,081 square feet and 17,704 square feet, which are consistent with the RS-3 zone, which requires a minimum lot size of 13,000 square feet.
- B. The subject application permits the division of a 1.42-acre lot into four residential lots, which will maintain a minimum lot area of 13,000 square feet and a

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minimum contiguous lot area of 4,290 square feet, as required by the City's Development Code and Subdivision Ordinance for lots located within the designated RS-3 zoning district.

- C. The site is physically suitable for the proposed type and density of the development in that the proposed subdivision will result in four residential lots that will each have a gross lot area that exceeds the 13,000 square foot minimum area required by the City's Development Code for the RS-3 zoning district. Further, the proposed lots will exceed the minimum 4,290 square feet of contiguous land requirement. The proposed contiguous lot area of each lot will be large enough to accommodate a residence that complies with the standards set forth in the City's Development Code for an RS-3 zoning district, as it pertains to structure size, lot coverage, and setbacks.
- D. The proposed division of land will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. According to the City's most recent Natural Communities Conservation Plan (NCCP), no Coastal Sage Scrub habitat or sensitive species have been identified on the subject property. Further, the proposed Initial Study determined that the potential impacts to the surrounding environment would not result in a significant effect that cannot be mitigated to a level of insignificance with the appropriate mitigation measures.
- E. The proposed division of land will not cause serious public health problems. The proposed residences will have to be constructed in conformance with the recommendations of the City's Geotechnical Consultant who has reviewed the proposed division of land site plan during the planning stage and identified no significant concerns. Further review and approval of geotechnical reports will be required prior to the issuance of grading permits and at the time the lots are developed. Additionally, the applicant will also be required to make certain public improvements to ensure that the residential development will not be detrimental to the public's health and safety as set forth in the Mitigation Monitoring Program, Exhibit "A", attached to Resolution No. 2010-08, and incorporated into the scope of the proposed project.
- F. The proposed division of the land will not be in conflict with the easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The existing 30-foot wide access easement to the benefit of the City on the northernmost end of the site exists, which was created to provide access to the adjoining property to the west, now Terranea Resort Hotel site. However, since the Terranea Resort Hotel provides its own access, this access point is no longer necessary and can be vacated. Vacation of said easement shall be done prior to Final Parcel Map approval and/or issuance of any grading/building permits.

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VARIANCE

Section 7: The City Council finds that the request for a Variance to allow the four lots to maintain a lot depth of 93-feet, which is less than the 110-foot lot depth requirement for RS-3 zoned lots, is warranted for the following reasons:

- A. There are extraordinary circumstances 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 to warrant an approval of a variance to allow for nonconforming lot depths of 93-feet, which does not comply with the 110-foot minimum requirement for RS-3 zoned lots. Specifically, the subject site has had a nonconforming lot depth upon its creation by the City under any zoning district.
- B. The approval of the 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*. The property right in question is the applicant's ability to develop the subject site, in accordance with the Development Code and the Subdivision Map Act; thus a variance is necessary to ensure the applicant's property right to develop single-family residential lots, which is a right that other property owners of Residentially zoned and designated properties maintain. With the exception of the nonconforming lot depth, the proposal satisfies the minimum contiguous lot area, minimum lot size, and minimum lot width requirements.
- C. Granting the variance for these four lots created with nonconforming lot depths will not be detrimental to the public welfare or injurious to property improvements in the area since a residential development will bring compatibility to the existing residential use in the adjoining area. The lot depth deficiency does not result in a deficient rear yard setback, as the residences will maintain rear yard setbacks that exceed the minimum requirement. This is further augmented with the fact that the rears of the parcels abut the golf course area which provides for additional open area. Thus, there is no impact upon the appearance of the residences, the appearance of the lots or to the location of the residences since they do not have to encroach into any required setback area.
- D. Granting the variance will not be contrary to the objectives of the General Plan or the policies and requirements of the Coastal Specific Plan. The development of single-family residential structures on the four lots is consistent with the underlying Residential Land Use designation since the Development Code allows for subdivision of land, provided that such proposal meet the minimum conditions as warranted by the Subdivision Map Act and City's Development Code. As concluded, the new residential lots will not be detrimental to the public welfare, or injurious to property and improvements in the area, which is consistent with the General Plan's goal *to protect the general health, safety, and welfare of the community* (Land Use Plan, Page 192-193). Further, the new residential lots are consistent with General Plan Housing Policy No.3 to "[encourage] and assist in the maintenance and improvement of all existing

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residential neighborhoods so as to maintain optimum local standards of housing quality and design." Thus, granting the variance will not be contrary to the City's General Plan.

COASTAL PERMIT

Section 8: The City Council finds that the request for a Coastal Permit to allow the development project within the "appealable area" of the City's Coastal Zone is warranted for the following reasons:

- A. For the reasons specified in the General Plan Amendment, Zone Change, Coastal Specific Plan Amendment, and Subdivision sections above, the project is consistent with the Coastal Specific Plan.
- B. The proposed project, when located between the sea and the first public road, is consistent with applicable public access and recreation policies of the Coastal Act. The proposed land use change, the division of land and subsequent development of four single-family residential structures are confined to the property limits and will not interfere with the public's right of access to the sea since the subject property does not abut the coastline. Further, the proposed development of residences on the lots is not anticipated to interfere with the existing unique water-oriented activities, such as the Point Vicente Fishing Point or other recreational uses, which can be engaged in near the shoreline.

GRADING PERMIT (LOTS 1 THRU 4)

Section 9: The City Council finds that the request for a Grading Permit to conduct 4,028 cubic yards of total grading on all 4 lots to accommodate the construction of a single-family residence on each lot, is warranted for the following reasons:

- A. The grading proposed does not exceed that which is necessary for the permitted primary use of the lot. The subject properties will be designated and zoned RS-3 (Single-Family Residential), which permits single-family residential development. The grading will facilitate construction of the new residential structures. Terracing the subject 1.42-acre lot by means of grading will accommodate the new construction of four residences on the four lots that are created by the subdivision. In addition, the grading will facilitate a basement for the residence on Lot 3. Although it is to increase the residential square footage on this lot, the grading does not exceed that which is necessary for the permitted primary uses of the lots since a single-family residence is classified as a permitted primary use in the RS zoning district. Further, the proposed terracing has been designed to follow the existing street grade and the basement will not be evident from the surrounding residences or from the street.

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- B. The proposed grading and/or related construction will not significantly adversely affect the visual relationships with, or the views from the "viewing area" of neighboring parcels. The grading will not affect the maximum ridgeline elevations for the new residences. Lots 1 and 2 are considered sloping lots, and new structures are limited to 16-feet in height as measured from the highest preconstruction grade elevation covered by structure, and 30-feet as measured from the lowest finish grade elevation covered by structure, to the highest ridgeline elevation. The new residences on Lots 1 and 2 are at ridgeline elevations that are 16-feet or less above the highest preconstruction grade elevation covered by the proposed structures. Further, the overall heights of these residences on Lots 1 and 2 will be 24.1-feet as measured from the highest ridgeline elevations down to the finish pad elevations covered by the structures. Although fill is proposed on Lots 1 and 2, the fill does not result in a higher ridgeline elevation than what is allowed "by-right". Rather, the fill is a function of the sloping lot condition, which results in a split-level design, but does not result in a higher ridgeline elevation than what is allowed "by-right", and does not result in higher structures than what can be built in the same location on the lots if measured from existing grade.

Lots 3 and 4 also contain fill; however, similar to the grading for lots 1 and 2, the fill on these lots is provided so that there is no crawl space under the up-slope portion of the new residences. Although Lots 3 and 4 will be constructed with grading that does not artificially raise the grade for the proposed residences, the ridgeline elevations of these residences exceed the 16-foot height limits, and are thus subject to Height Variations, which can be approved for the reasons stated below.

- C. The nature of proposed grading minimizes disturbance to the natural contours and finished contours so that they will be reasonably natural. The existing contours of the project site are not the original natural contours, partly as the result of past farming on the subject site until the late 1980s. The subject site is a gently sloping lot with steeper slopes around the front edge of the lot. The subject lot is proposed to be re-contoured in a manner to minimize change to the existing contours.
- D. The grading proposed 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 natural topography. The existing "natural" contours of the project site are partly the result of human alteration in the past. Thus, there are no significant natural topographic features that would be disturbed by the proposed grading.
- E. The proposed grading is associated with the construction of residences on these lots; therefore, a Neighborhood Compatibility Analysis of the proposed residences is warranted. For the purposes of conducting a Neighborhood Compatibility Analysis, the current project constitutes its own immediate neighborhood for the purpose of the neighborhood compatibility analysis, which

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is consistent with the City Attorney's previous opinion on performing a neighborhood compatibility analysis for the proposed project and is supported by the City Council approved Neighborhood Compatibility Guidelines. According to the Neighborhood Compatibility Guidelines, *"for purposes of Neighborhood Compatibility, the immediate neighborhood is normally considered to be at least the twenty (20) closest residences within the same zoning district."* Since the Zone Change allows for RS-3 zoning of the subject property and since there are no other RS-3 zoned properties in the area, this creates its own neighborhood and creates a transition between the existing RS-1 and RS-4 zones that are to the north and south of the subject site.

The structure sizes and lot coverages are significantly less than the previous project, and are consistent with the neighborhoods to the north and south of the subject site, which are in different zoning districts than the subject property. Notwithstanding, the residential development will comply with and exceed the minimum setback standards for RS-3 zoned lots. With regards to façade treatments, the new residences will incorporate smooth stucco finishes, hip-pitched roofs and clay tile roof materials, which is consistent with the materials found in the residential developments in the area. Lastly, with regards to bulk and mass, the applicant has modified the proposed architectural design of the residences to address the concerns that led to the denial of the previous proposal.

- F. The project conforms to all the City's grading criteria in that the grading will be conducted in a manner that facilitates construction of the residences with a split-level design that slopes with the topography of the site. The grading will not be conducted on extreme slopes, no slopes steeper than 2:1 will be created, and the retaining walls will be under the building footprints to accommodate for the split-level designs.

HEIGHT VARIATIONS (LOTS 3 AND 4)

Section 10: The City Council finds that the request for Height Variation permits to allow for the construction of single-family residences on Lots 3 and 4 that exceed the 16-foot height limit, is warranted for the following reasons:

- A. The applicant has complied with the Early Neighbor Consultation process established by the City by providing addressed, stamped/pre-paid postage envelopes, a copy of the mailing list, reduced copies of the plans, a letter with a description of the proposed project, along with a \$10.00 fee, to the City for mailing. The City mailed the envelopes on August 28, 2009, which satisfied this finding.
- B. The proposed structure is not located on a ridge or promontory, which the Development Code defines as an elongated crest or linear series of crests of hills, bluffs, or highlands, while a promontory is defined as a prominent mass of

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land, large enough to support development which overlooks or projects onto a lowland or body of water on at least two sides. The subject property and the new single-family residences are proposed to be on a lot which was previously used as farmland and is gently sloping, which is not considered a ridge or promontory.

- C. The proposed structures comply with all other Code requirements. The proposed residences meet or exceed the minimum Development Code standards with regards to lot coverage and setbacks. The residences will be constructed outside of any required setbacks. Lastly, the resulting lot coverages will be 37% for Lot 3 and 34% for Lot 4, which is less than the 45% maximum permissible by the RS-3 zoning district.
- D. As indicated above in the Grading Permit Section, the current project constitutes its own immediate neighborhood for the purpose of the neighborhood compatibility analysis.
- E. Several view analyses were conducted from residences in the *Sea Bluff Community*, which identified two residences at 6617 and 6619 Beachview Drive as containing views. Further, view analyses were conducted from the *Villa Apartments*; however, consistent with the City's Height Variation Guidelines, one unit in each structure of the apartment complex was identified to be "...where the best and most important view is taken" (Page 2, Height Variation Guidelines, April 20, 2004). The three units were units #334, #45 and #88, which have views in the direction of and over the subject property. Thus, the portions of the new residences on Lots 3 and 4 that are above 16-feet will not significantly impair a view or cause significant cumulative view impairment from the viewing area of another parcel as follows:

Beachview Residences:

- i. The angle of the view, the topography of the area, and the location of the residences on the proposed lots results in a Lot-4-residence that is only partially visible from the viewing area at 6619 Beachview Drive since the proposed residence on Lot 3 will screen most of the proposed residence on Lot 4. In light of the whole view that is obtained from the viewing area at 6619 Beachview Drive, the proposed residences on Lots 3 and 4 will only encroach into the lower part of the view frame, obstructing a small amount of ocean view. However, a large portion of the ocean will continue to be unobstructed, and the view of Catalina Island will not be impaired by these structures; thus, the proposed structures will not result in significant view impairment.

Villas Apartments:

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- ii. Three units (one in each structure) were identified as having the best and most important views, which are units #334, #45 and #88. These units have views over the subject property. Staff's view analyses of the previous project concluded that the previous project significantly impaired the view from only Unit #45. Since the proposal has been modified, Staff conducted new view analyses from the same three units on November 4, 2009. Based upon the analyses, Staff has concluded that the new project will not cause any view impairment to Unit #334 in structure 1 (closest to Beachview Drive) and Unit #88 in structure 3 (closest to Seacove Drive). With regards to Unit #45 in structure 2 (located between the aforementioned structures), the proposed residence on Lot 3 will impair the view of the Teranea hotel, which is not a significant impairment. The residence on Lot 4 will impair some ocean view at the bottom of the view frame, but the view of Catalina Island will not be impaired. Although some ocean view will be impaired, the amount of view impairment is minimal, is located at the periphery of the view frame, and Catalina Island is not impaired; thus, the structure on lot 4 will not result in significant view impairment.

Section 11: The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and other applicable shortened period of limitations.

Section 12: For the foregoing reasons and based on the information and findings included in the California Coastal Commission Staff Report considered by the Coastal Commission on August 13, 2010, Planning Commission and City Council Staff Reports, Environmental Assessment and other components of the legislative record, in the proposed Mitigated Negative Declaration, and in the public comments received by the City Council, the City Council of the City of Rancho Palos Verdes hereby approves the modifications approved by the California Coastal Commission on August 13, 2010 for Case Nos. SUB2008-00001 and ZON2008-00074 thru -00078 subject to the conditions in Exhibit B attached hereto, thereby allowing a General Plan Amendment to change the Land Use Designation from Commercial Recreational to Residential (2-4 d.u./ac); a Coastal Specific Plan Amendment to change the Land Use Designation from Agriculture to Residential; a Zone Change from CR to RS-3 (Single-Family Residential); a 4-lot subdivision and residential development; a Variance to allow the RS-3 zoned lots to maintain a lot depth of 93-feet; a Grading Permit for a total of 4,028 cubic yards of grading to facilitate the construction of the four new residences; Height Variation applications for the new residences on Lots 3 and 4 to exceed the 16-foot height limit; and, a Coastal Permit to allow the development within the appealable area of the City's Coastal Zone.

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