

RESOLUTION NO. 2010- 42

A RESOLUTION OF THE CITY COUNCIL 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.

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to the College's facilities (Conditional Use Permit No. 9 – Revision "D"), which application was subsequently withdrawn by the College on June 12, 2003, in light of geological constraints on a portion of the Property that impacted the proposed library, maintenance and art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

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, on July 10, 2008 the College submitted revisions to the Application plans based in part on the comments made during the public comment period on the Draft EIR, which included:

1. providing more appropriate drought tolerant and native plant materials and increased planting on the south slope to visually screen buildings;
2. redesigning the eastern parking lot to remove parking spaces adjacent to residence at 2750 San Ramon Drive and provide a landscape buffer area. The parking lot was also redesigned to provide for one-way access to the lower portion of the parking lot so as to prevent headlights from shining into back yard area. The grading plan was revised consistent with this change, and a detailed section was provided of this area of the parking lot;
3. showing the locations of temporary modular buildings for use while construction is occurring;
4. revising the plans for the Library (within the same footprint of previous design), including lowering the height of the entry rotunda by approximately 5 feet and modifying the interior building layout;
5. revising the plans for the Athletic Building (within footprint of previous design), which added a stepped connection between the pool and exterior walkway and modified the interior building layout (with no exterior building changes);
6. providing fencing and planting plans for the athletic field; and,

WHEREAS, on September 9, 2008, the Planning Commission was presented with revisions to the Project proposed by the College; 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 Application and 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 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, in response to the proposed conclusions in the Draft EIR, the College submitted modified plans and updated information to Staff, including an application for a Minor Exception Permit and an additional Variance request to allow fencing and netting around the perimeter of the proposed athletic field and tennis courts to be considered by the Planning Commission as part of the Project (collectively, the Application, the Minor Exception Permit and additional Variance are 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 College's traffic consultant, and all interested parties were given an opportunity to be heard and present evidence on the Project related traffic study prepared for the EIR; and,

WHEREAS, on January 8, 2009, public notice of the Minor Exception Permit and additional Variance 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 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 regarding the Project, and continued the item to its March 10, 2009 meeting; and,

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 June 9, 2009 Planning Commission meetings; and,

WHEREAS, certain revisions were made to the Project to address concerns raised during the consideration of the Project, as more specifically described in Appendix A of the Final EIR, which revisions include the removal of the Residence Halls, relocation and redesign of the Athletic Building, and redesign of the East Parking Lot. The Project, with this revision, is referred to as the "Revised Project";

WHEREAS, on June 9, 2009, the Planning Commission adopted P.C. Resolution No. 2009-27, 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 Planning Commission adopted P.C. Resolution No. 2009-28, approving the Revised Project; and,

WHEREAS, Concerned Citizens Coalition/Management Expansion (CCC/ME) filed a timely appeal of the Planning Commission approval of Conditional Use Permit No. 9 – Revision “E” to the City Council in accordance with the City’s Code; and,

WHEREAS, on August 18, 2009, the City Council held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence, and continued the item to a meeting on Saturday, September 12, 2009; and,

WHEREAS, on September 9, 2009, the College issued a press release announcing its intention to seek accreditation for and to commence offering Bachelor of Arts degree programs as early as the Fall of 2010; and,

WHEREAS, the introduction of Bachelor of Arts degree programs was deemed by the City to be a revision to the Revised Project that had the potential to cause greater environmental impacts than the project as analyzed in the Final EIR certified by the Planning Commission, thus the City conducted further review as required by CEQA; and,

WHEREAS, the additional environmental analysis is embodied in Appendix D to the Final EIR; and,

WHEREAS, Appendix D was circulated for public review and comment (January 21, 2010 through March 8, 2010), during which time the City received a number of comments to which responses were prepared; and,

WHEREAS, the City Council held a public meeting on February 16, 2010, during the public comment period, to provide an opportunity for the College and the public to provide comments on Appendix D; and,

WHEREAS, the City Council held a continued public hearing on March 30, 2010, at which time testimony, both written and oral, was taken, after which the public hearing was closed; and,

WHEREAS, the City Council continued its deliberations on March 31, 2010, at which time the City Council considered the Revised Project, with the inclusion of the Bachelor of Arts degree programs; and,

WHEREAS, on April 6, 2010, the City Council directed staff to notice a public hearing regarding the Project for the meeting of May 4, 2010 for the purpose of revisiting issues related to the athletic field; and,

WHEREAS, on May 4, 2010, the City Council held a public hearing regarding the athletic field issues, took testimony, closed the public hearing, and concluded its deliberations regarding the Project; and,

WHEREAS, the College, at the May 4, 2010, meeting committed to assist the City's construction of a center roadway median barrier in Palos Verdes Drive East, which would be a City public works project, by donating to the City \$200,000.00 towards the cost of that improvement;

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

Section 1: The City Council 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. At the conclusion of the public testimony, the City Council considered various revisions to the project approved by the Planning Commission, including the Bachelor of Arts degree programs and potential reconfiguration of the athletic field. The project as revised by the City Council is hereby referred to as the "Final Project."

Section 2: In consideration of the requested Conditional Use Permit, the City Council 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 Final Project for the following reasons:

2.1.1 The City Council finds the site sufficient in size to accommodate the Final Project.

2.1.2 The Final Project is located on an approximately 24.57 acre site and, as conditioned, the Final Project meets the General Plan development standards for the Institutional (I) zoning district in which the Property is located. The Final Project, as conditioned, complies with the required structure setbacks. Although the Final 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 and Variance to allow for the construction of such fencing. For the reasons set forth below, the City Council finds that the Property is adequate to accommodate the proposed walls and fencing.

2.1.3 The Final 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. The Institutional zoning requires a minimum of 20 feet for interior side and rear setbacks, and

the Final 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 17.50.040 (c).

2.1.5 The proposed parking area would be 10 feet from the front property line. This would encroach on the 25-foot front yard setback area. The existing parking lot has a setback of between zero and two feet from the front property line. The College has requested a Variance for this parking setback requirement due to site constraints associated with the location of existing structures. The plans also incorporate landscaping into the design, and the Final Project 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 City Council 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.

2.1.6 The new garden walls and retaining walls comply with criteria contained in the Development Code. The retaining walls around the tennis courts exceed the permissible height. In addition, the proposed chain link fence is not permitted by the Development 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 City Council therefore finds that the proposed fencing is appropriate, and that the site is adequate to accommodate the requested fencing and retaining walls.

2.1.7 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.

2.1.8 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 will screen the structure's visibility from down-slope.

2.1.9 The athletic field 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 the facilities.

2.1.10 The City Council finds that the site is of adequate size to accommodate an athletic field in addition to the other components of the project, provided that it is moved further to the east, with two tennis courts on either side, because a field so configured, would not result in safety impacts on Palos Verdes Drive East.

2.1.11 For all of these reasons, the site is adequate in size and shape to accommodate the Final Project. 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. However a significant cumulative traffic impact would occur at the intersection of Palos Verdes Drive South and Palos Verdes Drive East.

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 Final Project would not result in any significant traffic impacts upon implementation of the mitigation measures identified in the Final EIR, including, among other things, 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-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-8); and providing an acceleration lane along PVDS for the southbound left-turning vehicles identified above to accelerate onto PVDS (TR-8).

2.2.4 The Final 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 a 6-foot high wrought iron fence along the curvature of Palos Verdes Drive East between the east tennis courts and the detention basin, the installation of retractable netting along the north, south, and western sides of the athletic field of 30 feet in height, and the installation of 20-foot high tennis court fencing around the perimeter of the west tennis courts. Further, conditions of approval have been imposed that require the College to hold harmless and indemnify the City, its officials and agents and to obtain insurance with the City, its officials and agents 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 athletic field.

2.2.5 The mitigation measures proposed in the EIR and traffic study adequately address the potential traffic impacts of the Final Project at all locations, although the Final 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 City Council finds that the site relates to streets and highways sufficient to carry the type and quantity of traffic generated by the Final 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;

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 Final Project operation to a less than significant level.

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 Final 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

2.3.4 The conditions of approval establish a fixed enrollment cap of 793 full- and part-time students in the College's traditional degree programs (weekdays) during the fall, winter, and spring terms, add a new enrollment limit to the College's non-traditional degree programs (night/weekend), add a new limit as to the cumulative attendance at summer program activities to no more than 600 students (traditional and summer educational programs), and require special use permits or an amendment to the conditional use permit for uses that are not permitted under this approval.

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

2.3.6 The Final Project would increase the number of on-site parking spaces from 343 to 463. The traffic demand could be minimized by implementing other measures and Mitigation Measures (TR-5 and TR-6), 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; 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 150 weekend students.

2.3.7 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 shared property line, 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.

2.3.8 The proposed Eastern Parking Lot would be located on an area of the property that is in part improved with an athletic field, tennis courts and basketball courts, and is in part unimproved open space. This area is identified as a geologic structure setback zone because of its close proximity to the South Shores 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 Planning Commission requested revisions to the design and placement of this parking area to 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. The City Council finds that as modified and as conditioned, the Final Project will not have an adverse effect on the adjacent properties.

2.3.9 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. Although the EIR concludes that construction noise will remain a significant impact for purposes of the California Environmental Quality Act, the City Council finds that the temporary construction noise is not a sufficient basis for concluding that the Final Project, as conditioned, would have a significant adverse effect on adjacent properties. Final 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, 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 Final Project will not have a significant impact on adjacent properties.

2.3.10 The Final 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 of approval require that the athletic field and rose garden generally be closed between sunset and sunrise, unless special approval is granted, and to the extent that the lighting of the pedestrian paths to the athletic field and rose garden are illuminated at night, it must 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.

2.3.11 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 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 is required to consist of native or other low water use plants. Parking lot planters are required to be raised, lined and connected to the storm drain system.

2.3.12 The Final 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, which results in an improvement over the existing conditions. As such, the Final Project will not affect adjacent properties because of drainage from the property.

2.3.13 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.

2.3.14 The Final Project includes constructing an approximately 10-foot tall retaining wall at the northwest corner of the athletic field, a 6-foot tall wrought iron fence and a 42-inch tall hedge along the property line at the curvature of Palos Verdes Drive East, a 30-foot tall retractable net at the northern, southern and western sides of the athletic field and 20-foot tall tennis court fencing at the westerly tennis courts. 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 fencing, netting 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.

2.3.15 The height 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 two-story addition to 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 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. 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 with the rotunda height at 39 feet as measured from the lowest finished grade adjacent to the building. 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.

2.3.16 The Athletic Building is proposed to be two stories, at a maximum height of 32.25 feet with a maximum ridgeline elevation of 930 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 shifting the footprint of the structure so that no portion extends beyond the top-of-slope, providing an additional landscape buffer, articulating the portion of the structure exceeding 16 feet in height along the southern façade, and installing new and replanted mature 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

ten feet from the original proposed building height, reduced any potential view impairment, and ensures no adverse effects on neighboring properties would result. A condition of approval has been imposed to require the appropriate modifications.

2.3.17 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.

2.4 The proposed use is not contrary to the General Plan;

2.4.1 The Final 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 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 Final 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 Final Project has been reviewed through the Major Grading Permit process with the findings related thereto set forth in Section 2 below. Therefore, the Final 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 (even though such policy only applies in the zone, and no part of the Project site is designated as RM-2 in the General Plan) and Policy 11. The Final Project is also consistent with Policy 2 because no construction over the existing extreme slope area is contemplated. The Final 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 ash-leaf buckwheat (*Erigonum 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 nor 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 Final 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 Final 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 meetings and events and the heavy use of schools' 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, concerns, etc., to adequately accommodate attendees and performers. The Final Project would therefore support the General Plan's intent to provide socio/cultural facilities within the City.

2.4.4 The Final Project is consistent with the Urban Environment Element. The Final 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 City Council 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. 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 Final Project, as conditioned is consistent with these policies because the Final 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 Final 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 Building.

The Final Project is also consistent with Urban Environment Element Institutional Activity Policy 1, because as conditioned the Final Project maintains appropriate buffers between the college uses and the nearby residential uses through perimeter walls, vegetation, 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 to address land use compatibility demonstrate, in the opinion of the City Council, that the Final Project location and site design have been carefully reviewed in compliance with Urban Environment Element Institutional Activity Policy 6.

The Final 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. Additional mitigation measures and conditions of approval have been imposed to minimize any potential noise impacts on adjacent uses. Because Residence Halls are not included as part of the Final 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 Final Project.

The Final Project is also consistent with Urban Environment Element Residential Policy 11 in that the Final 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. Further, the Athletic Building is 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 Final Project is consistent with Policy 11 regarding control of alterations of natural terrain.

The Final Project, as conditioned, provides new meeting facilities while maintaining a portion of existing meeting space; allows for expansion of existing cultural, and educational 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. The Final Project, as conditioned, is hereby found by the City Council 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.

2.4.5 The City Council, for the foregoing reasons, finds the Final Project to be consistent with the General Plan, and thereby rejects Appellant's assertion that the Final Project is inconsistent with the General Plan.

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 Final Project.

2.6 Conditions, as set forth in Exhibit A, attached hereto and incorporated herein by reference, have been imposed on the Final 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 Title 17 of the City's Municipal Code.

2.7 For the foregoing reasons, the City Council can make the findings to grant a conditional use permit for the Final Project except that (a) it can only make the findings for the Athletic Building if that building is modified so as not to encroach over the extreme slope, to minimize visual character impacts, and to ensure that no significant impacts to Catalina views from Narino Drive will occur, and (b) it can only make the findings for the eastern parking lot if it is revised to be set back from the rear yards of properties fronting San Ramon by 80' 6" with additional landscaping buffer provided between the relocated parking area and the neighboring properties.

Section 3: In consideration of the requested Grading Permit, the City Council 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 College originally proposed to conduct 102,000 cubic yards of grading to prepare the site for the Project, however, as demonstrated by the recent grading plan that was submitted by the College, the grading quantity necessary for the Final Project would be 79,155 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 along the northern, western and eastern sides of the athletic field and tennis court area to support the grade cut. An additional retaining wall is proposed along the southern slope to support the fill required for the Fire Access Lane. 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 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.

3.1.4 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 City Council 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, or 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 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. Extensive visual simulations were prepared, from various vantage points, and studied in the Final EIR. In addition, a silhouette was constructed to assess views. These studies found that no General Plan protected view will be impacted after changes to the Athletic Building are made in accordance with conditions set forth in Exhibit "A." 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 ocean and Catalina views from the lot located at 3302 Narino Drive. Modifying the Athletic Building to ensure no significant impairment of Catalina Island views either by lowering the roof ridgeline, lowering the building pad elevation, or both, will minimize the view impacts. The Final Project has been conditioned accordingly.

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

3.3.1 The grading for these improvements also occurs in a relatively flat portion of the site and does not encroach into the existing south-facing slope that helps to define the Property.

3.3.2 The grading for the tennis courts and athletic field 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.

3.3.3 The Athletic Building is set back from the south-facing slope, which includes extreme slopes of more than 35 percent. However, as discussed below with respect to remedial grading, the extreme slope will be removed and restored to its more natural grade. Thus, the City Council finds that the Athletic Building will 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 will be similar to the existing slopes, but with the elimination of the man-made extreme slopes.

3.4.2 The 2:1 cut slope at the southern side of the building areas exceeds the natural slope, however, the City Council 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. The project is conditioned accordingly.

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.

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 Final 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 discusses the potential impacts to biological resources, such as wildlife and vegetation, based on the proposed grading limits, including construction activities such as staging and equipment areas. According to the assessment in the EIR, the Final 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. Except with respect to the remedial grading analyzed in Section 8 to remove, recontour and recompact certain man-made extreme slopes, the grading proposed in this Final Project would not occur on slopes equal to or exceeding 35 percent. Unusual topography, soil conditions, previous grading or other circumstances

make grading and fill exceeding a depth of five feet reasonable and necessary. Although, the proposed maximum depth of cut of 18 feet and a maximum 25-foot depth of fill are not consistent with the development standards, these amounts of grading are found appropriate because of the findings set forth in section 3.10 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 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 included in the Final Project for the reasons discussed herein.

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. The relevant findings can be made as described in subsections 3.1 to 3.8, of this Resolution as to the Final Project.

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 Final Project is consistent with the General Plan.

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 Final Project must undergo additional review at the building and safety review and permitting stage such that engineered plans will be submitted for grading and building permits. The EIR also required analysis of the

geology and drainage, finding that the Final Project would not have an adverse impact on the environment with the proposed mitigation measures.

3.11 In conclusion, the findings can be made to warrant approval of the grading or the Final Project, subject to certain modifications as noted above.

Section 4: 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 City Council finds as follows:

4.1 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;

4.1.1 The College currently provides 343 parking spaces of which the existing northern parking area is currently set back from zero to two feet from the front property line. The College proposes to reconfigure the northern parking area utilizing much of the existing parking area. The reconfigured parking area will have 120 more parking spaces than before.

4.1.2 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 zero to 2-foot setback, and increases the amount of area along the street that can be landscaped as a buffer.

4.1.3 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.

4.1.4 Because of the limited area of the site that can accommodate the needed parking spaces due to the sloping topography of the site, 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.

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;

4.2.1 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.

4.2.2 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.

4.2.3 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.

4.2.4 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.

4.3 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;

4.3.1 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.

4.3.2 The proposed northern parking lot would be setback 10 feet from the property line, which will significantly reduce the existing non-conformity. The resulting 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.

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

4.3.4 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.

4.4 Granting the variance will not be contrary to the objectives of the General Plan or the policies and requirements of the coastal specific plan;

4.4.1 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.

4.4.2 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.

4.4.3 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 City Council finds that the appearance of the front line of the campus is compatible with adjacent uses.

Section 5: In consideration of the requested Variance to permit the installation and use of 20-foot high tennis court fencing of the westerly tennis courts and 30-foot tall retractable netting on the north, south and west sides of the athletic field during activities that involve field balls, the City Council 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 existing athletic field is proposed to be relocated in 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 abuts the roadway on the north, west, and south sides. Placing the athletic field and tennis courts on the western end of campus means they are in close proximity to the roadway on three sides, which is unlike other institutionally zoned properties.

5.1.2 Given the proximity of the proposed athletic field and tennis courts to a major arterial street, the potential exists that errant balls will enter the roadway and create a potential hazard for motorists, however, relocation of the field further to the east, and relocation of two tennis courts to buffer the field from PVDE, as shown in the alternative D-2 discussed in Final EIR Appendix D, in conjunction with fencing and retractable netting would minimize any such hazards.

5.1.3 The EIR identifies retractable netting as a possible mitigation measure.

5.1.4 The athletic field and tennis courts will be depressed and a grade differential of at least 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.

5.1.5 Retractable netting will prevent most if not all errant balls from entering the road. However, time limits should be placed on the use of such netting to minimize the visual and view impacts to adjacent properties.

5.1.6 Schools (Institutional zoned properties) located in the general vicinity of the College have similar facilities 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.

5.1.7 The College has had athletic field and tennis court uses for many years, and thus inclusion of these facilities, even if in a different location, constitutes an intended, but ancillary, use of the site.

5.1.8 With conditions regarding maintenance and operation of the retractable netting, this finding can be made for the temporary use of 30-foot tall netting at the athletic field.

5.2 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;

5.2.1 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 and tennis courts 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.

5.2.2 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.

5.2.3 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.

5.3 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;

5.3.1 The proposed athletic field retractable netting would be 30 feet tall, a height higher than but comparable to that used at the existing athletic field to contain errant balls from entering property located on Vista del Mar.

5.3.2 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.

5.3.3 Certain neighboring properties may be potentially impacted by the use of the retractable 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 30 foot height of the netting, measured from the finished grade of the athletic field, the proposed net would not exceed an elevation of 923 feet, which remains 2 feet lower than the lowest pad elevation of the homes across the street (925 feet).

5.3.4 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 and considered by the Council. Based on observations and review of the simulations and other testimony, the City Council 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.

5.3.5 The retractable 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.

5.3.6 The 20-foot tall tennis court fencing will not be detrimental to the public welfare or adjacent properties, will not substantially impact any views, and will assist in containing errant ball on-site to minimize safety impacts associated with balls rolling into the public right-of-way.

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

5.4.1 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 will only be 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.

5.4.2 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; 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."

5.4.3 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.

5.4.4 The proposed athletic field net and tennis court fencing are not contrary to the General Plan. This finding can be made.

Section 6: 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 eastern tennis courts, the City Council finds as follows:

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

6.1.1 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 PVDE such that the athletic field and tennis courts would abut the roadway on three sides.

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

6.2 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.

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

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

6.3.2 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.

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

6.4 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;

6.4.1 The proposed wrought iron fence will be 6 feet in height and setback by approximately 3 feet from the property line. The fence will run parallel along Palos Verdes Drive East from the tennis courts to the detention basin.

6.4.2 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 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.

6.4.3 The proposed tennis courts and athletic field 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.

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

6.5 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;

6.5.1 This finding is not applicable because the proposed fencing is not located on a corner lot or within an intersection visibility triangle.

6.6 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;

6.6.1 The proposed height of the retaining wall for 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.

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

6.6.3 The grading permit findings in Section 3 of this Resolution are sufficient to allow the retaining walls to exceed the specified height criteria deemed appropriate for the Final Project.

Section 7: 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 City Council finds as follows:

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

7.1.1 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.

7.1.2 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.

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

7.1.4 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 8: As a result of the removal of the Residence Halls from the Final Project, grading that previously was analyzed as part of the Major Grading Permit can be

classified as remedial grading. Therefore, the City Council considered the additional findings necessary to approve remedial grading, and finds as follows:

8.1 The maximum vertical height of cut or fill should not exceed that which is necessary to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards, except that fissures of any depth may be filled to the level of the adjacent ground surface. Such grading should be designed to reduce the local topographic relief and in no case should fill be placed on a slope steeper than thirty-five percent such that it might cause a soil slip or mud-flow.

8.1.1 According to the revised grading plan submitted by the College on March 5, 2010, the overall project grading has been reduced from 102,000 cubic yards to 79,155 cubic yards. The proposed earth movement will remain balanced on-site. The maximum vertical height of cut is 25' and the maximum vertical height of fill is 18', similar to the vertical heights in the original grading plan. The proposed remedial grading on the southern slope is intended to remove the band of extreme slope and to stabilize the slope for the proposed improvements by removing the un-compacted fill and re-contouring the slope to best resemble the existing contours. The proposed remedial grading for the southern slope adjacent to the new central walkway (also known as the Fire Access Lane) consists of the cutting into the pre-existing slope (by approximately 20-feet which is similar to the cut proposed under the original major grading permit), installing a shear key, and back filling the slope at a grade that is less than 35%, giving the appearance of a continuous gradual downward slope. Furthermore, the remedial grading of the slope adjacent to the proposed rose garden is not only intended to support the upslope improvements by stabilizing this area with a cut that is approximately 25-feet (which is similar to the cut proposed under the original grading permit), but is also designed to re-contour the slope to match the finished grade of the area surrounding the rose garden and parking area that has been lowered by approximately 6-feet from the existing grade of the existing athletic field and adjacent areas.

The proposed remedial grading is essentially the same as the grading originally contemplated for the Project, no new earth movement is proposed. However, the grading considered for the original Project was requested because of the relationship to the proposed buildings and site improvements, such as the site preparation to accommodate the construction of the Residence Halls. In light of the removal of the Residence Halls, the grading is now characterized as "remedial" because, although the grading is no longer necessary to accommodate construction of a structure, the grading is still needed to stabilize the slopes adjacent to the proposed improvements.

The City Geologist and the Geologist for the project EIR have reviewed the proposed remedial grading plan and the related geotechnical and soils report prepared by the College's geologist, Associated Soils and Engineering (ASE), and have concluded that the proposed remedial grading is necessary for the stabilization of the southern slope to accommodate the proposed improvements. Furthermore, the geologists conclude that the remedial grading is not excessive and is needed for safety reasons to stabilize the slope. In no case will fill be placed over extreme slopes, rather, the extreme slopes will be cut

away and back filled at grades not to exceed 35% to better resemble a continuous natural slope. As such, this finding can be made.

8.2 Where remedial grading on a residential lot involves importation of fill material from a source outside of the lot, no more than that which is necessary to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards should be permitted.

8.2.1 This finding does not apply because the proposed remedial grading does not occur on a lot zoned for residential use. Rather, the subject lot is designated for Institutional uses and the proposed remedial grading is intended to, among other things, remove un-compacted fill by re-contouring the slope with grades less than 35%.

8.3 Remedial grading along private roads should be restricted to maintaining the roads in a safe and usable condition and to improving surface drainage so that runoff water does not flow into closed depressions or fissures. In areas adjacent to scarps, the crests of the scarps should be periodically lowered so as to reduce the volume of imported fill needed to maintain the proper road grade on the down-thrown sides of the scarps. In no event shall remedial grading bring the road surface higher than the original grade. Such remedial grading should be the responsibility of the appropriate homeowners association or the adjacent property owners.

8.3.1 This finding does not apply because the proposed remedial grading is not intended for either public or private roads.

8.4 Stockpiling will be allowed for road repair and remedial grading; providing, the stockpiles in any given area do not exceed two hundred cubic yards, are not in yard areas visible from any right-of-way and are not stockpiled for more than six months.

8.4.1 This finding can be made because conditions will be placed on the project that limit stockpiling for the intended remedial grading to 200 cubic yards, prohibit stockpiling visible from any right-of-way and prohibit stockpiling for more than six months.

8.5 Remedial grading shall be designed to improve surface drainage and in no case cause ponding or surface runoff so as to increase the likelihood of surface water infiltration.

8.5.1 As part of the overall project grading, the existing drainage facilities are proposed to be improved with the construction of the following:

- Roof drains on all new and improved buildings
- Grading contours designed to redirect water run-off from flowing onto adjacent properties
- Parking lot curbs

- Catch basins that will collect and divert water run-off to the proposed detention basin through a campus-wide pipe system. Included are catch basins along the top-of slope adjacent to the area of the proposed remedial grading intended to capture run-off from flowing onto the southern slopes
- A detention basin intended to capture water run-off and to control the flow into the City's storm drains at pre-construction levels.

Based on the above improvements, as shown on the preliminary Grading and Drainage Plan, that have been reviewed and conceptually approved by the City Geologist and analyzed in the project EIR, this finding can be made because water run-off flows associated with the remedial grading and site development contemplated by the Final Project are designed to be captured and diverted to a detention basin in order to avoid ponding and surface run-off and infiltration.

8.6 The nature of the grading shall minimize disturbance to the natural contours and finished contours should remain reasonably natural.

8.6.1 The grading proposed along the southern slope has been substantially reduced from the original proposal with the cut and fill slopes and the shear key moving closer to the top-of-slope, a major factor in the reduction of the amount of earth movement. The existing slopes will be graded with manufactured slopes that are designed to be less than 35% (which is considered an extreme slope). Under the current proposal, the reduction of the grading on the southern slope minimizes disturbance to the slope and the finished contours shall remain reasonably natural. As such, this finding can be made.

8.7 The grading shall take 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.

8.7.1 The proposed remedial grading along the southern slope is designed to re-contour the existing slope by removing the band of extreme slope with a cut and fill slope that is less than 35%. The manufactured slope located near the top-of-slope will tie into the existing slope resulting in a similar appearance as the natural topography. Furthermore, the remedial grading will remove the un-compacted fill stabilizing the condition of the southern slope to support the improvements located at the top-of-slope. As such, this finding can be made.

8.8 The grading shall avoid or minimize disturbance to coastal sage scrub habitat. If disturbances or impacts to coastal sage scrub are unavoidable, all impacts shall be mitigated to the satisfaction of the city.

8.8.1 At the time the project EIR was prepared a Biological Study was prepared to assess potential impacts to biological resources, such as wildlife and vegetation including Coastal Sage Scrub, based on the project grading limits and construction activities, including staging and equipment areas. According to the Biological Study in the project EIR, the southern slope does not consist of protected vegetation, such

as Coastal Sage Scrub. As such, the proposed remedial grading is not anticipated to adversely impact Coastal Sage Scrub or other biological resources. Notwithstanding, mitigation measures are included in the project EIR intended to address potential impacts to biological resources if encountered during project grading and construction. As such, this finding can be made.

8.9 Where appropriate, the grading shall include provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction on hillside areas.

8.9.1 The existing southern slope currently consists of ruderal grasses, shrubs and trees. The existing plant material contributes toward minimizing slope erosion and slippage of the existing slope while visually screening some of the existing improvements located on the flat areas of the campus adjacent to the subject slope. As part of the proposed project, a preliminary landscape plan is included in the project plans indicating the retention of existing plant material and the installation of new plant material. In regards to the southern slope and the related remedial grading, the College proposes to plant the subject slope with new grasses, shrubs and trees including native species. The new plant material serves multiple purposes, such as stabilizing the southern slope from soil erosion and slippage and visually screening the existing and proposed improvements located beyond the top-of-slope. Additionally, a condition is included that requires the installation of landscaping for each phase of the project construction to visually screen the constructed improvements. As such, this finding can be made with the recommended conditions.

8.10 Where appropriate, the grading should utilize street designs and improvements that serve to minimize grading alternatives and harmonize with the natural contours and character of the hillside.

8.10.1 This finding does not apply because the proposed remedial grading is not intended for public or private streets or roadways.

8.11 The grading should not cause excessive and unnecessary scarring of the natural landscape through removal of vegetation.

8.11.1 As indicated in Section 8.9 above, the existing southern slope currently consists of ruderal grasses, shrubs and trees. The existing plant material contributes toward minimizing slope erosion and slippage of the existing slope while visually screening some of the existing improvements located on the flat areas of the campus adjacent to the subject slope. As part of the proposed project, a preliminary landscape plan is included in the project plans indicating the retention of existing plant material and the installation of new plant material. In order to minimize excessive scarring of the southern slope that may be caused by the proposed remedial grading, a condition of approval has been imposed requiring the College to retain existing trees located on the southern slope that may be impacted by the proposed remedial grading. These trees should be boxed and replanted on the southern slope so at the conclusion of the remedial grading, the potential scarring of the southern slope is minimized with the planting of established and mature trees.

Moreover, the replanting of the existing mature trees will assist in visually screening the existing and new improvements, including the Athletic Building and the retaining wall supporting the Fire Access Lane. As such, the College shall submit a Landscape Plan that identifies the existing trees to be boxed and replanted. Furthermore, in the event retained trees are unable to thrive, such trees that die are to be replaced with new trees by the College. The replanted trees shall not be allowed to grow beyond the highest roof ridgelines adjacent to the nearest buildings to minimize potential view impacts from upslope properties to the north. With the appropriate conditions, this finding can be made.

Based on the foregoing, the City Council can make the necessary findings and approves the remedial grading with the appropriate conditions of approval.

Section 9: 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, because the Residence Halls have been removed from the Project, the College represents that the Final Project would result in the creation of less than ten (10) new employment opportunities for persons of low or very low income. Thus, the Final Project is exempt from the affordable housing requirements for nonresidential projects pursuant to Section 17.11.140 B. 3.

Section 10: 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 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 City Council, by separate Resolution No. 2010-41 certified the Final EIR, made environmental findings, adopted a statement of overriding considerations, which is attached thereto as Exhibit C, and adopted a mitigation monitoring and reporting program concerning the Project, which is attached thereto as Exhibit B.

Section 11: The City Council, in response to the Appeal, has made certain revisions to the findings as previously made by the Planning Commission, as memorialized in this Resolution and Resolution No. 2010-41 (the CEQA Resolution), in the conditions of approval attached hereto. Other than those changes, the City Council hereby rejects the Appellant’s appeal. The City Council hereby adopts the rationale set forth in the staff reports dated August 18, 2009, September 12, 2009, March 30, 2010 and May 4, 2010 as the basis for rejection of Appellant’s Appeal. Pursuant to Municipal Code Section 17.80.120, Appellants shall be entitled to a refund of one-half of the appeal fees.

Section 12: For the foregoing reasons and based on the information and findings included in the staff reports, minutes and other records of proceedings, the City Council of the City of Rancho Palos Verdes hereby affirms the Planning Commissions decision, with certain revisions, and hereby conditionally approves Conditional Use Permit #9 – Revision “E”, Grading Permit, certain Variance Permits, Minor Exception Permit, and Master Sign Permit, with the inclusion of the Bachelor of Arts degree programs, and approves the Final

Project, 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.

Section 13: The City Council hereby accepts the College's offer to donate the \$200,000.00, to assist the City with its separate project to construct a center median barrier along Palos Verdes Drive East adjacent to a portion of the campus site.

PASSED, APPROVED, AND ADOPTED this 1st day of June 2010.

/s/ Stefan Wolowicz
Mayor

Attest:

/s/ Carla Morreale
City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2010-42 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on June 1, 2010.

City Clerk

RESOLUTION NO. 2010-42 - EXHIBIT "A"
MARYMOUNT COLLEGE
CONDITIONS OF APPROVAL

ZON2003-00317 (Conditional Use Permit No. 9 Revision 'E',
Grading Permit, Variance, and Minor Exception Permit)

GENERAL CONDITIONS

- 1) The approvals granted by this Resolution shall not become effective until the applicant submits a written affidavit that the applicant has read, understands and accepts all conditions of approval contained herein. Said affidavit shall be submitted to the City no later than ninety (90) days from the date of approval of the project by the City Council. If the applicant fails to submit the written affidavit required by this condition within the required 90 days, this resolution approving planning case number ZON2003-00317 (Conditional Use Permit No. 9 Revision 'E,' Grading Permit, Variance and Minor Exception Permit) shall be null and void and of no further effect.
- 2) In accordance with the provisions of Fish and Game Code §711.4 and Title 14, California Code of Regulations, §753.5, the applicant shall pay all applicable filing fees, payable to the County of Los Angeles, for the Fish and Game Environmental Filing Fee, including posting fees. This check shall be submitted to the City within five (5) business days of final approval of this project. If required, the applicant shall also pay any fine imposed by the Department of Fish and Game.
- 3) Each and every mitigation measure contained in the Mitigation Monitoring Program attached as Exhibit "C" of Resolution No. 2010-41 is hereby incorporated into the Conditions of Approval, as Exhibit "B", for planning case number ZON2003-00317 (Conditional Use Permit No. 9 Revision 'E,' Grading Permit, Variance, and Minor Exception Permit).
- 4) The applicant shall fully implement and continue for as long as a college is operated on the subject property the Mitigation Monitoring Program and execute all mitigation measures as identified and set forth in the Final Environmental Impact Report for the project as certified in Resolution No. 2010-41.
- 5) Marymount College shall be responsible for implementing and ensuring compliance with all of the Conditions of Approval stated herein. Accordingly, as used herein, the term "applicant" shall mean Marymount College including operators of educational and recreational programs affiliated with Marymount College and the property upon which the Marymount College is located.

- 6) The project development shall conform to the specific standards contained in these Conditions of Approval or, if not addressed herein, shall conform to the appropriate development and operational standards of the Rancho Palos Verdes Municipal Code ("RPVMC").
- 7) The project, including site layout, the building and appurtenances, and signage throughout the site, must be constructed and maintained in substantial compliance with the plans reviewed and approved by the City Council, on March 31, 2010 and May 4, 2010 (Athletic Field Alternative D-2), and stamped APPROVED by the City with the effective date of the Notice of Decision. Prior to any submittal to Building and Safety, the applicant shall submit to the Community Development Director a complete set of the revised plans (such as, but not limited to, architectural, grading, landscaping, and lighting plans) that reflect the Council's final decision.
- 8) The Community Development Director shall be authorized to approve minor modifications to the approved plans or any of the conditions if such modifications achieve substantially the same result as would strict compliance with such plans and conditions. Otherwise, all other modifications shall be subject to review and approval by the City Council as a revision to this conditional use permit at a duly noticed public hearing.
- 9) Failure to comply with all of the Conditions of Approval will be grounds to revoke the approval of the project pursuant to the revocation procedures contained in RPVMC section 17.86.060.
- 10) These conditions are organized by topic type for ease of reference. Regardless of such organization, each condition is universally applicable to the entire project site, unless a condition clearly indicates otherwise. The conditions shall be applicable as long as a college is operated on the property, unless otherwise stated herein.
- 11) In the event that a Condition of Approval is in conflict or is inconsistent with any Mitigation Measure for this project, the more restrictive shall govern.
- 12) All applicable permits required by the City's Building and Safety Division shall be obtained by the applicant prior to the commencement of any construction activities associated with this approval.
- 13) If applicable, prior to issuance of any certificate of occupancy, the applicant shall pay the City's Environmental Excise Tax in accordance with the Rancho Palos Verdes Municipal Code (RPVMC).

- 14) If applicable, prior to issuance of any Certificate of Occupancy the applicant shall comply with the Affordable Housing requirements of the RPVMC.
- 15) If applicable, the applicant shall comply with all applicable provisions of the City's Transportation Demand Management and Trip Reduction Ordinance as set forth in RPVMC section 10.28.
- 16) The applicant shall be required to pay 110% of the estimated amount of the cost of services to be provided on behalf of the City by any outside consultants that have been retained by the City to render services specifically in connection with this project, in the form of a trust deposit account, prior to commencement of such services (e.g. City Engineer, City Attorney, geotechnical consultants, biologist, landscape architect, City Arborist, noise consultant, environmental consultants, recycling consultants, etc.). The College shall adequately fund said trust deposit accounts prior to the commencement of services, in amounts reasonably requested by the City, based upon an estimate of the cost of services for the period of at least 90 days for which services are rendered. In addition, the trust deposits shall be replenished within two weeks of receipt of notice from the City that additional funds are needed.
- 17) All costs associated with plan check reviews and site inspections for the Department of Public Works shall be incurred by the applicant through the establishment of a trust deposit with the Director of Public Works at the time of plan check submittal or site inspection request.
- 18) No later than six (6) months after the completion of each of the three Construction Phases described herein, the City Council shall review these Conditions of Approval at a duly noticed public hearing. As part of said review, the City Council shall assess the applicant's compliance with the Conditions of Approval and the adequacy of the conditions imposed. At that time, the City Council may add, delete or modify any Conditions of Approval as evidence presented at the hearing demonstrates are necessary and appropriate to address impacts resulting from operation of the project. Such modifications shall not result in substantial changes to the design of the project structures. Notice of such review hearing shall be published and provided to owners of property within a 500' radius of the site, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance the RPVMC. As part of the review, the City Council shall consider such items, including, but not limited to, the effectiveness of the parking conditions, on-site circulation patterns, lighting, landscaping, noise, hours of operation, the operation of outdoor events, the operation and effectiveness of the retractable net, the use of the athletic field and tennis courts, and the use of the outdoor pool. The City Council may also consider other concerns raised by the public in response to the public notice of

the review hearing. The City Council may require such subsequent additional reviews, as deemed appropriate. This provision shall not be construed as a limitation on the City's ability to enforce any provision of the RPVMC regarding this project.

In addition to the three 6-month reviews required above, no later than 18 months after the completion of Construction Phase III, as described herein, the City Council shall review these Conditions of Approval and the operations of the College at a duly noticed public hearing. As part of said review, the City Council shall assess the applicant's compliance with the Conditions of Approval and the adequacy of all the conditions imposed similar to the 6 month reviews such as, but not limited to, the effectiveness of the parking conditions, on-site circulation patterns, lighting, landscaping, noise, hours of operation, the operation of outdoor events, the operation and effectiveness of the retractable net, the use of the athletic field and tennis courts, and the use of the outdoor pool. At that time, the City Council may add, delete or modify any Conditions of Approval if evidence presented at the hearing demonstrates that new or modified conditions are necessary and appropriate to address impacts resulting from operation of the project.

The Campus Landscape Maintenance Plan shall also be subject to a three (3) month review as stated in Condition No. 170.

- 19) This approval authorizes the construction of a Facilities Expansion Plan (Facilities Plan) for Marymount College located at 30800 Palos Verdes Drive East, including the athletic field and tennis courts depicted in Alternative D-2 of Appendix D of the Final EIR. The approval does not include or allow the construction of Residence Hall buildings included in the applicant's original submittal. Any significant changes to the characteristics of the development, including, but not limited to, the introduction of new uses or buildings, the site configuration, the size or operation of the facilities, or other ancillary uses shall require an application for revision to this Conditional Use Permit pursuant to the provisions stated in the RPVMC. At that time, the City Council may direct that the Planning Commission consider the proposed application, or it may deny the proposed application, or it may approve the proposed application and impose such conditions, as it deems necessary upon the proposed use resulting from operations of the project. Further, the City Council may consider all issues relevant to the proposed change of use.

GENERAL CONSTRUCTION CONDITIONS

- 20) Temporary construction fencing shall be installed in accordance with the RPVMC. Prior to the issuance of any grading or building permit, the applicant

shall submit a Temporary Construction Fence Plan, as part of the Construction Management Plan, that identifies items including, but not limited to, the type, the location and the time duration of construction fencing to be installed to address health and safety issues that are related to grading or other construction activities.

- 21) All on-site construction and grading activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction shall occur on Sundays or Federal holidays as set forth in RPVMC unless a special construction permit, allowing construction work on Sundays or Federal holidays between the hours of 7:00 am and 7:00 pm, is first obtained from the Community Development Director at least 48-hours in advance of construction work. Any deviation from this Condition shall require an amendment to these Conditions of Approval and the approval of a Variance Permit.
- 22) The construction site and adjacent public and private properties and streets shall be kept free of all loose materials in excess of the material used for immediate construction purposes. Such excess material includes, but is not limited to, the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, salvage materials, abandoned or discarded furniture, appliances, or fixtures.
- 23) No overnight parking or storage of vehicles associated with construction shall be permitted in the public right-of-way during construction.
- 24) Prior to issuance of any grading permit, the applicant shall submit final geotechnical and soils reports to the City for review and approval by the Building Official and the City's Geotechnical Consultant. All conditions specified in the approved geotechnical and soils reports will be incorporated into the project.
- 25) The applicant shall prepare a notice to all property owners within a 500-foot radius of the project site at least 30-days prior to the commencement of each phase of construction. Such notice shall be sent by the City, at the expense of the applicant, and shall include a contact (name, telephone number, and e-mail address) in the event complaints need to be filed. A similar notice shall be visibly posted from the right-of-way (PVDE) at the entrance to the campus. The size, exact location, and content of such notice shall be reviewed and approved by the Director at least 30-days prior to installation.
- 26) Prior to issuance of the Final Certificate of Occupancy for Phase Three, the applicant shall provide a detailed as-built Classroom Student Seat Plan. Such Plan shall substantially comply with the student seats depicted in Exhibit 4 of Appendix A of the Final EIR and shall not exceed a maximum of 655 student seats. An increase to the maximum number of student seats permitted herein

shall be subject to review and approval by the City Council, at a duly noticed public hearing, and shall not result in new impacts or the intensification of impacts identified in the Final EIR, including but not limited to traffic, parking and noise.

- 27) Construction and grading activities within the public right-of-way shall be limited to the days and hours approved by the Director of Public Works at the time of permit issuance.
- 28) No on-site repair, maintenance, delivery of equipment and materials or vehicle idling shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Saturday, nor on any Sunday or Federal holiday, unless otherwise specified in these Conditions of Approval or a Special Construction Permit is obtained from the City. Emergency repairs are exempt from this condition.
- 29) All construction activity shall not extend beyond the phasing plan identified in the Certified Environmental Impact Report described in Resolution No. 2010-41 and actual physical construction shall not exceed a total of three years during the eight year phased schedule, as described in Condition No. 60. Any significant changes to the construction activity schedule shall be reviewed and approved by the Community Development Director.
- 30) Prior to the issuance of any grading permits, the applicant shall submit to the Director of Public Works, for review and approval, a Construction Management Plan. Said Plan shall include, but not be limited to, the proposed routes to and from the project site for all deliveries of equipment, materials, and supplies, and shall set forth the parking plan for construction employees, the installation of traffic control signs at and around the project site, hours of arrival and departure for construction workers, sound abatement measures, and street maintenance (street cleaning and repairs). All construction related parking must be accommodated on-site. No on-street construction related parking shall be permitted. The queuing and idling of construction worker vehicles and construction vehicles/equipment shall be prohibited on-site and on City streets. Furthermore, the applicant shall prepare and submit a Haul Plan to the Public Works Department for review and approval prior to issuance of grading permits.
- 31) The applicant shall be responsible for repairs to any public streets that may be damaged as a result of development of the project as required by the Director of Public Works.
- 32) Prior to issuance of any grading or building permit for each construction phase described in these Conditions of Approval, the applicant shall film the public roads that will be used for construction traffic to and from the project site, as

described in the City approved Construction Management Plan, to document the pre-construction road condition. Said film, in either a DVD or CD format, shall be submitted to the Director of Public Works and shall be used to document any roadway damage that may be associated with project construction.

- 33) Prior to the issuance of any grading or building permit, the applicant shall submit security, in a form reasonably acceptable to the City, to cover any damage to existing public roadways caused by project construction. The amount of such security shall be determined by the Director of Public Works and shall not be released until all construction related activities have been completed and after final inspections by the City's Building Official.
- 34) Prior to the release of the security to cover any damages to existing public roadways (see above conditions), the applicant shall repair or replace all curbs, gutters, and sidewalks that are damaged as a result of project construction, as determined by the Director of Public Works.
- 35) All proposed driveways shall be designed in substantially the same alignment as shown on the approved site plans, subject to final design review and approval by the Los Angeles County Fire Department and the Director of Public Works.
- 36) Any on-site raised and landscaped medians and textured surfaces, including parking lot planters, shall be approved by the Director of Public Works, and by the City Geologist in areas adjacent to or within the Building Geologic Setback Area.
- 37) Handicapped access ramps shall be installed and or retrofitted in accordance with the current standards established by the Americans with Disabilities Act. Access ramps shall be provided at all intersections and driveways.
- 38) All sidewalks and pathways throughout the project site shall be designed to comply with the minimum width standards set forth in the most recent California Disabled Accessibility Guidebook.
- 39) If excavation is required in any public roadway, the roadway shall be resurfaced with an asphalt overlay to the adjacent traffic lane line to the satisfaction of the Director of Public Works.
- 40) Prior to commencing any excavation or construction within the public rights-of-way, the applicant shall obtain all necessary permits from the Director of Public Works.

- 41) The project shall comply with all requirements of the various municipal utilities and agencies that provide public services to the property.
- 42) All existing easements shall remain in full force and effect unless expressly released by the holder of the easement.

INDEMNIFICATION/INSURANCE

- 43) The owner of the property upon which the project is located shall hold harmless and indemnify and past, present and future City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense, including but not limited to death or injury to any person and injury to any property ("Loss"), resulting from willful misconduct, negligent acts, errors or omissions of the owner, the applicant, the project operator, or any of their respective officers, employees, or agents, arising or claimed to arise, directly or indirectly, in whole or in part, out of, in connection with, resulting from, or related to the construction or the operation of the project approved by this resolution including but not limited to the operation and use of the athletic field. The obligation to indemnify the Indemnitees shall not include any loss caused by the sole negligence or willful misconduct of the Indemnitees.
- 44) The applicant shall defend, indemnify and hold harmless the City and its and past, present and future agents, officers, commissions, boards, committees and employees from any claim, action or proceeding against the City or such agents, officers, commissions, boards, committee or employees, to attack, set aside, void or annul this resolution or one or more of the approvals set forth in Resolution 2010-41 brought by one or more third parties. Alternatively, at the City's election, the City may choose to defend itself from any claim, action or proceeding to attack, set aside, void or annul this resolution or one or more of the approvals set forth in this resolution with counsel of its choosing, in which case, the applicant shall reimburse the City for all of its costs, including attorney fees, arising from such claim, action or proceeding. The obligations set forth in this condition include the obligation to indemnify or reimburse the City for any attorney fees or monetary judgments that the City becomes obligated to pay as a result of any claim, action or proceeding within the scope of this condition.

The City shall promptly notify the applicant of any claim, action or proceeding within the scope of this condition and the City shall cooperate in the defense of any such claim or action.

- 45) The applicant shall procure and maintain in full force and effect during the operation of the College primary general liability insurance in conjunction with umbrella coverage, which is applicable to, and provides coverage in an amount of at least \$5 million dollars, which amount shall be increased on each fifth anniversary of the issuance of the first certificate of occupancy for any structure authorized by this approval to reflect increases in the consumer price index for the Los Angeles County area. Such insurance shall insure against claims for injuries to persons or damages to property that may arise from or in connection with the operation of the athletic field at the College as authorized by the conditional use permit as amended by this approval. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, shall be issued by an insurer that is admitted to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's, and shall comply with all of the following requirements:
- (a) The coverage shall contain no limitations on the scope of protection afforded to City, its officers, officials, employees, volunteers or agents serving as independent contractors in the role of city or agency officials which are not also limitations applicable to the named insured.
 - (b) For any claims related to the operation of the athletic field, including balls that may enter the public road right-of-way, applicant's insurance coverage shall be primary insurance as respects City, members of its City Council, boards, committees, commissions, officers, employees, attorneys, volunteers and agents serving as independent contractors in the role of city or agency officials.
 - (c) The limits of applicant's insurance shall apply separately to the project site.
 - (d) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be canceled except after 30-days prior written notice by first class mail has been given to City.
 - (e) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be materially modified except after 5-business days prior written notice by first class mail has been given to City.
 - (f) Each insurance policy required by this condition shall expressly waive the insurer's right of subrogation against City and members of its City

Council, boards and commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials.

- (g) Copies of the endorsements and certificates required by this condition shall be provided to the City when the insurance is first obtained and with each renewal of the policy.
- (h) No activities involving field balls at the athletic field shall be permitted unless such general liability insurance policy is in effect and on file with the City.

Such insurance shall likewise name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance may, at applicant's option, be in the form of a separate excess insurance policy and may be issued by a non-admitted carrier so long as the insurer is authorized to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's and shall comply with all of the requirements of this Condition.

PROJECT DESCRIPTION

- 46) This approval, the Marymount College Facilities Expansion Project, allows for the expansion of the existing College's facilities (92,268 square feet of floor area) consisting of the demolition of 18,022 square feet of existing floor area and the construction of 61,928 square feet of new floor area, including expanding 14,916 square feet of existing buildings, the proposed development would result in a total of 151,090 square feet of campus floor area, as outlined in the table shown below:

| <u>Building</u> | Total Existing Building (SF) | Proposed Building Demolition (SF) | Proposed Building Addition (SF) | Total Building (SF) |
|--|------------------------------|-----------------------------------|---------------------------------|---------------------|
| Existing Buildings | | | | |
| Classroom/Academics | 26,180 | 0 | 0 | 26,180 |
| Auditorium/Fine Arts Studio | 8,012 | 0 | 1,869 | 9,881 |
| Faculty Office | 7,346 | 0 | 7,455 | 14,801 |
| Student Union/Bookstore/Faculty Dining | 18,158 | 0 | 3,492 | 21,650 |
| Administration/Admissions | 9,450 | 0 | 2,100 | 11,550 |
| Chapel | 5,100 | 0 | 0 | 5,100 |
| Buildings to be Removed | | | | |
| View Room/Hall | 1,530 | (1,530) | 0 | 0 |
| Maintenance/Photo Lab | 2,696 | (2,696) | 0 | 0 |
| Bookstore/Health Center | 2,870 | (2,870) | 0 | 0 |
| Arts | 3,648 | (3,648) | 0 | 0 |
| Preschool | 2,998 | (2,998) | 0 | 0 |
| Library | 4,072 | (4,072) | 0 | 0 |
| Pool Equipment | 208 | (208) | 0 | 0 |
| Subtotal Existing Buildings | 92,268 | (18,022) | 14,916 | 89,162 |
| Library | | | 26,710 | 26,710 |
| Maintenance | | | 1,975 | 1,975 |
| Athletic Building | | | 33,243 | 33,243 |
| Subtotal New Buildings | | | 61,928 | 61,928 |
| Total Square Footage | | | 76,844 | 151,090 |
| Source: Rasmussen & Associates, <i>Proposed Master Site Plan</i> | | | | |

- 47) A Square Footage Certification prepared by a registered surveyor or engineer shall be submitted to the Community Development Director, prior to a framing inspection, indicating that the buildings, as identified in the condition herein, do not exceed the maximum permitted gross square footages (as measured from exterior walls).
- 48) A security/information booth shall be allowed to be constructed at the entry driveway, as depicted on the site plan approved by the City Council. This structure shall not exceed 54 square feet and a maximum height of 10-feet, as measured from the lowest adjacent finished grade (935.50') to the highest roof ridgeline (945.50'). Architectural details, as shown on the project plans reviewed

and approved by the City Council at its March 31, 2010 meeting (plans dated May 9, 2009), shall be allowed to exceed the maximum 10-foot height limit.

- 49) Building setbacks shall comply with the Institutional zoning requirements, unless otherwise noted herein. A Setback Certification shall be prepared by a licensed engineer and submitted to Building and Safety prior to the framing inspection on each structure or prior to the final inspection of grading activities, whichever occurs first.
- 50) The approved structures, including additions to existing structures, shall not exceed the building heights and number of stories described as follows:

| BUILDING | LOWEST ADJACENT FINISHED GRADE | MAXIMUM ROOF RIDGELINE | MAXIMUM HEIGHT | NUMBER OF STORIES |
|--|--------------------------------|------------------------|----------------|-------------------|
| Auditorium / Fine Arts Studio | 925' | 942' | 17-feet | One |
| Faculty Building | 912' | 940' | 28-feet | Two |
| Student Union (bookstore and faculty dining expansion) | 910' | 940' | 30-feet | Two |
| Administration/Admissions | 926' | 951' | 25-feet | One |
| Library Building | 912' | 951' | 39-feet | One |
| Maintenance Building | 913' | 933' | 20-feet | One |
| Athletic Building | 897.75' | 930' | 32.25-feet | Two |

- 51) A Building Pad Certification shall be prepared by a licensed engineer and submitted to Community Development Director and the Building Official prior to final inspection of grading activities.

A Roof Ridgeline Certification, indicating the maximum height of each building, shall be prepared by a licensed engineer and submitted to Community Development Director and the Building Official prior to the final framing certifications for each building.

- 52) New or replaced flagpoles shall be permitted at a maximum height of 16-feet, as measured from adjacent finished grade to the highest point of the flag poles.

BUILDING DESIGN STANDARDS

- 53) Prior to the submittal of the Athletic Building plans into Plan Check, plans shall be submitted to the Director of Community Development to demonstrate that the

portion of the Athletic Building that was allowed by the Planning Commission at 41-feet in height (elevation 938.75') has been reduced in height by a total of 10-feet from the height of the original Athletic Building so that the maximum roof ridgeline does not exceed an elevation of 930'. The Community Development Director shall determine that the revised Athletic Building is designed in compliance with the City Council's decision at its March 31, 2010 meeting.

- 54) The applicant shall submit an Architectural Materials Board for review and approval by the Community Development Director prior to issuance of building permits. The Materials Board shall identify, at a minimum, a sample of the proposed exterior building materials, roof tile materials, and paint colors for all new, expanded and modified structures. Such materials shall substantially comply with the materials called out on the project plans approved by the City Council on March 31, 2010 including, but not limited to, the use of stone veneer facades, stained wood trellises, cast-stone caps, stone veneer columns, and baked enamel aluminum windows with tinted glazing to name a few.
- 55) All new, expanded or modified buildings, including but not limited to the Athletic Building, the Library, the Student Union, and the Classroom buildings shall be finished in a muted earth-tone color, as deemed acceptable by the Community Development Director based on the review of the Materials Board.
- 56) The roof materials for all new, expanded or modified buildings with pitched roofs, including but not limited to the Library, Student Union, Athletic Building as revised per Condition No. 53, and Classrooms, shall be tile, consisting of a muted color, as deemed acceptable by the Community Development Director based on the review of the Materials Board. To the extent permitted by the City's Building Code, the material for all flat roofs shall be a color that is compatible with the color of the tiles used on the pitched roofs throughout the project, as deemed acceptable by the Community Development Director.
- 57) All trash enclosure areas shall be designed with walls six (6) feet in height with the capability of accommodating recycling bins. The enclosures shall be consistent with the overall building design theme in color and material, and shall include self-closing / self-latching gates. The enclosures shall integrate a solid roof cover to screen the bins from view from all public rights-of-way and surrounding properties. Trash enclosures shall be prohibited in all setback areas.
- 58) Mechanical equipment, vents or ducts shall not be placed on roofs unless approvals are obtained pursuant to Section 17.48.050 of the RPVMC regarding building heights and screening from view of all public rights-of-way and surrounding properties. This condition shall apply to all new and expanded

project buildings, including but not limited to the Athletic Building, Student Union, and Library Building.

- 59) The storage of all goods, wares, merchandise, produce, janitorial supplies and other commodities shall be permanently housed in entirely enclosed structures, except when in transport.

CONSTRUCTION PHASING

- 60) This Facilities Expansion Plan approval shall remain valid as set forth below, and shall be constructed in no more than 3 phases totaling 36 months of actual construction time over a period not to exceed eight (8) years from the date the approval becomes final:
- a. Phase One (Years 1-2): Phase One includes demolition of existing buildings, grading including the installation of drainage and water quality facilities, installation of utilities, the construction of new parking areas, athletic field, tennis courts, and the installation of temporary modular buildings to replace demolished facilities and those buildings subject to future construction. The planning entitlements, including grading and building permits, for all construction described under Phase One shall remain valid and the construction thereof shall be completed no later than September 30th of the year that is two years from the date the decision becomes final. Approvals for any Phase One components that are not completed with the two-year period shall lapse and become null and void unless an extension is granted by the City Council at a duly noticed public hearing.
 - b. Phase Two (Years 2-5): Phase Two includes fine grading, the construction of the new library, maintenance facility, Athletic Building, outdoor pool, and additions to the faculty building and student union. The planning entitlements, including building permits, for all construction described under Phase Two shall remain valid and the construction thereof shall be completed no later than five (5) years from the date the decision becomes final. Approvals for any Phase Two components that are not completed with the five-year period shall lapse and become null and void unless an extension is granted by the City Council at a duly noticed public hearing.
 - c. Phase Three (Years 6 -8): Phase Three includes the construction of the new fine arts building and an addition to the admissions building. The planning entitlements, including building permits, for all construction described under Phase Three shall remain valid and the construction thereof shall be completed no later than eight years from the date the decision becomes final.

- d. All project buildings and improvements stated in these Conditions of Approval shall be completed in a total of three (3) years of construction activity and Certificates of Occupancy shall be issued within eight (8) years of the final decision of the project. All elements of the approved Facilities Plan that are not completed within the time period stated in this Condition shall require additional review and approval through an additional revision to Conditional Use Permit No. 9 and additional CEQA review if required.

TEMPORARY MODULAR BUILDINGS

- 61) The installation and use of temporary modular buildings (consisting of several modular segments each, as shown on the Phase One phasing site plan prepared by Rasmussen Associates) shall be permitted until the completion of the applicable permanent buildings or additions in Phase Two or Phase Three and in no event longer than eight years from the issuance of the first grading or building permit for Phase One, unless a revision to this CUP is approved. Upon the issuance of the certificate of occupancy for the applicable building or addition, the temporary modular building serving such use shall be removed from the project site within 30-days and the site restored to a condition deemed acceptable by the Community Development Director.
- 62) The permanent use of the temporary modular building shall be prohibited unless a revision to this CUP is approved.
- 63) The temporary modular buildings shall not exceed 15-feet in height, as measured from the lowest adjacent grade to the highest roof ridgeline.
- 64) The exterior facades for the temporary modular building facades shall be painted a neutral color to match existing or the new structures and incorporate materials that are similar to the proposed finish for the permanent buildings (not including Palos Verdes Stone or other stone material) as deemed acceptable by the Community Development Director.
- 65) The areas adjacent to the temporary modular buildings shall be landscaped to reasonably screen the buildings from Palos Verdes Drive East and properties to the south as deemed acceptable by the Community Development Director.
- 66) A building permit shall be obtained for applicable modular exterior improvements (e.g., decks, stairs, facade details, etc.) from the Department of Building and Safety.

GRADING

- 67) The following maximum quantities and depths of grading are approved for the Facilities Expansion Plan, as shown on the Preliminary Grading Plan received by the City on March 5, 2010 and reviewed and approved by the City Council at its March 31, 2010 meeting:
- a. Maximum Total Grading (Cut and Fill): 79,155 cubic yards.
 - b. Maximum Cut: 39,255 cubic yards (13,545 cubic yards with 15% shrinkage).
 - c. Maximum Fill: 39,900 cubic yards.
 - d. Maximum Depth of Cut: 25 feet.
 - e. Maximum Depth of Fill: 18 feet.

The maximum grading quantities shown above shall constitute total on-site earth movement, including but not limited to, combined raw cuts and fills (outside and under building footprints, parking lots, walkways, athletic facilities, etc.) remedial grading, and buttressed slopes to name a few.

The Community Development Director shall be authorized to allow deviations to the above grading quantities up to 200 cubic yards over the stated maximum quantities for unforeseen circumstances or due to conditions encountered in the field provided that such deviation or modification to the grading quantities achieve substantially the same results as with the strict compliance with the grading plan.

Any modifications resulting in additional grading in excess of the above quantities shall require approval of an amendment to the grading permit by the City Council at a duly noticed public hearing. This is a balanced grading project. No import or export of earth shall be permitted, except for fine grading materials, such as select fill and landscaping soils/materials.

Prior to the final inspection of the precise grading, the applicant shall provide the Building Official with a certified as-built grading plan prepared and wet-stamped by a licensed engineer. Additionally, prior to the final inspection, the applicant shall provide the City with documentation of the location of existing or relocated bentonite soil material. If applicable, the as-built grading plan shall identify all revisions to the City Council's approved grading plan.

- 68) Should the project require removal or delivery of earth, rock or material other than demolition and construction debris and waste from the site or building materials, the applicant shall first obtain City approval in the form of a revised Conditional Use Permit and Grading Permit application. Said review shall

evaluate potential impacts to the surrounding environment associated with such export or import. If the revised grading impacts results in impacts greater than those identified in the Certified EIR that cannot be mitigated to an insignificant level, a Supplemental EIR shall be prepared and reviewed by the City, at the expense of the applicant.

- 69) The grading plans shall identify the location of the building geologic setback line. Limited irrigation shall be allowed within the geologic setback area as reviewed and approved by the City geologist pursuant to Condition Nos. 79 and 171. All water runoff in this area shall be collected and diverted to the City approved drainage system for the project.
- 70) Recommendations made by the City Geologist, the City Engineer, and the Building and Safety Division during the ongoing review of the project shall be incorporated into the design and construction of the project.
- 71) Recommendations made by the project applicant's geologist, as modified by comments from the City's Geologist, shall be incorporated into the design and construction of the project.
- 72) Prior to issuance of any grading permit, the City's Geologist and Building Official shall review all applicable structural plans or design information and reports as deemed necessary by the City's Geologist, Building Official, or both, including but not limited to, geotechnical reports during the Plan Check review process to ensure that the proposed project will not threaten public health, safety, and welfare.
- 73) If applicable, as determined by the City Geologist, prior to the issuance of any grading permit, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works. Said security shall be released after all grading related activities are completed and after the approval of the as-built grading plans by the Building Official.
- 74) Prior to issuance of any grading permit or building permit in any phase, the applicant shall submit to the City a Certificate of Insurance demonstrating that the applicant or its applicable contractor has obtained a general liability insurance policy in an amount not less than \$5 million dollars per occurrence and in the aggregate to cover awards for any death, injury, loss or damage, arising out of the grading or construction of this project. Said insurance policy must be issued by an insurer that is authorized to do business in the State of California with a minimum rating of A-VII by Best's Insurance Guide or a rating of at least A by Standard & Poors. Such insurance shall name the City and past, present and

future the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. A copy of this endorsement shall be provided to the City. Said insurance shall be maintained in effect at all times during actual project construction until the approval of the Final Certificate of Occupancy for each Phase shall not be canceled or reduced during the grading or construction work without providing at least thirty (30) days prior written notice to the City. Further, the insurance shall remain in place for a minimum period of five (5) years following final inspection and approval, but only as to the proposed drainage system, including detention basins.

- 75) Prior to issuance of any grading permits, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works. The bond, cash deposit, or other City-approved security, at a minimum, shall be sufficient to pay for the cost of restoring the project site to an acceptable condition, as determined by the Building Official and the Director of Public Works, in the event that the project is not completed and shall include, but not be limited to, stabilizing and hydro-seeding all slopes, completing all retaining walls that are required to maintain the slopes, installing erosion control improvements, and filling in grade depressions or holes. Said security shall be released after all grading related activities are completed and after the approval of the as-built grading plans by the Building Official.
- 76) Prior to issuance of a grading permit, the applicant shall provide the Community Development Director a plan that demonstrates how dust generated by grading activities will be mitigated so as to comply with the South Coast Air Quality Management District Rule 403 and the City's Municipal Code requirements that require watering for the control of dust.
- 77) Prior to the issuance of any grading permit, the applicant shall prepare a plan indicating, to scale, clear sight triangles, which shall be maintained at the reconfigured driveway intersection. No objects, signs, fences, walls, vegetation, or other landscaping shall be allowed within these triangles in excess of thirty inches in height as measured from the adjacent curb.
- 78) Prior to the issuance of any grading permit, the following improvements shall be designed in a manner meeting the approval of the Director of Public Works: 1) all provisions for surface drainage; 2) all necessary storm drain facilities, including the detention basin, extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and 3) all water quality related

improvements. Where determined necessary by the Director of Public Works, associated utility easements shall be dedicated to the City.

- 79) Prior to the issuance of any grading permit, the applicant shall record a restricted use covenant, to the satisfaction of the City Attorney and the City Geologist, that prohibits the development of buildings or other structures and improvements within the designated Building Geologic Setback Area as described in the applicant's geotechnical reports and as depicted on the site and grading plans. Limited irrigation in this area shall be permitted pursuant to the approval of the City's Geologist as stated in these Conditions of approval. Said Building Geologic Setback Area shall be shown on all future plans.
- 80) Prior to the issuance of building permits, a Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites shall be submitted for review and approval by the City Geologist. As required in Condition No. 67, the applicant shall provide the City with documentation of the on-site location of bentonite soil material.
- 81) Prior to the issuance of a building permit, an as-built geological report shall be submitted for new structures to be founded on bedrock, and an as-built soils and compaction report shall be submitted for new structures to be founded on fill as well as for all engineered fill areas.
- 82) Prior to the issuance of any grading permit, the applicant's project geologist shall review and approve the final plans and specifications and shall stamp and sign such plans and specifications.
- 83) Prior to the issuance of any grading permit, a grading plan review and geologic report, complete with geologic map, shall be submitted for review and approval by the City's Geotechnical Engineer.
- 84) Except as specifically authorized by these approvals, foundations shall be set in accordance with the RPVMC and shall extend to such a depth as to be unaffected by any creep-prone surficial soil and/or weathered bedrock. Field review and certification by the project geologist is required.
- 85) All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with the applicable provisions of the RPVMC and the recommendations of the City Engineer. Written reports, summarizing grading activities, shall be submitted on a weekly basis to the Director of Public Works and the Community Development Director.

- 86) The project shall comply with all appropriate provisions of the City's Grading Ordinance, unless otherwise approved in these conditions of approval.
- 87) Grading activity on-site shall occur in accordance with all applicable City safety standards.
- 88) Prior to final grading inspection by Building and Safety, the graded slopes shall be properly planted and maintained in accordance with the approved Landscape Plan required in Condition Nos. 164 and 165. Plant materials shall generally include significant low ground cover to impede surface water flows.
- 89) Prior to final grading inspection by Building and Safety, all manufactured slopes shall be contour-graded to achieve as natural an appearance as is feasible and shall be less than 35%.
- 90) Any water features (fountains, etc.), including the detention basin, shall be lined to prevent percolation of water into the soil. Designs for all water features shall be included on the grading plans submitted for review by the City's Building Official and Geotechnical Engineer prior to the issuance of any grading permits.
- 91) The proposed swimming pool shall be lined and shall contain a leak detection system, subject to review and approval by the City's Building Official.
- 92) The use of on-site rock crushing equipment and raw stone cutting shall be prohibited. However, cutting and shaping of pre-cut stone veneer, as deemed acceptable by the Community Development Director, for the final fitting and installation of said stone veneer on the building and site walls shall be allowed provided that the stonecutting occurs immediately adjacent to the areas where the stone veneer is being applied and as far as possible from nearby residences. The Community Development Director has the authority to limit any stone cutting that is determined by the Director to adversely impact the neighbors, including but not limited to restricting the hours of stone cutting, restricting the areas of stone cutting and/or limiting the number of stone cutting saws and requiring saws to be located within a structure.
- 93) Retaining walls shall be limited in height as identified on the grading plans reviewed and approved by the City Council at its March 31, 2010 meeting. Any retaining walls exceeding the permitted heights shall require the processing of a revised grading permit for review and approval by the City Council at a duly noticed public hearing as set forth in the provisions of the Municipal Code.

UTILITIES

- 94) Prior to issuance of the final inspection for the project grading, all new utilities exclusively serving the project site shall be placed underground including cable television, telephone, electrical, gas and water. All appropriate permits shall be obtained for any such installation. Cable television, if utilized, shall connect to the nearest trunk line at the applicant's expense.
- 95) No above ground utility structure cabinets, pipes, or valves shall be constructed within the public rights-of-way without prior approval of the Director of Public Works. If permitted, above ground utility structure cabinets, pipes, or valves shall not impede on the pedestrian circulation flow.
- 96) Use of satellite dish antenna(e) or any other antennae shall be controlled by the provisions set forth in the RPVMC. Centralized antennae shall be used rather than individual antennae for each building.
- 97) Prior to issuance of any building or grading permits, the applicant shall prepare sewer plans in accordance with the Countywide Sewer Maintenance District. The applicant shall be responsible for the transfer of sewer facilities to the Countywide Sewer Maintenance District for maintenance.
- 98) A sewer improvement plan shall be prepared as required by the Director of Public Works, Building Official, and the County of Los Angeles.
- 99) Prior to issuance of building or grading permits, the applicant shall submit to the Director of Public Works, a written statement from the County Sanitation District accepting any new facility design and/or any system upgrades with regard to existing trunk line sewers. Said approval shall state all conditions of approval, if any.
- 100) Prior to issuance of any final Certificate of Occupancy, if applicable, the applicant shall dedicate sewer easements to the City, subject to review and approval by the Community Development Director and the Director of Public Works with respect to the final locations and requirements of the sewer improvements.
- 101) Sewer Improvement plans shall be approved by the County of Los Angeles, the County Sanitation Districts, and the Director of Public Works.
- 102) A sewer connection fee shall be paid to the County Sanitation Districts of Los Angeles County prior to the issuance of a permit to connect to the sewer line.

- 103) Prior to the construction of any water facilities, the Director of Public Works shall review and approve the water improvement plan. Any water facilities that cannot be constructed below ground shall be located on the subject property and screened from view from any public rights-of-way, to the satisfaction of the Director of Public Works and the Community Development Director. In addition, an easement to California Water Service shall be dedicated prior to issuance of any grading or building permits.
- 104) The project site shall be served by adequately sized water system facilities that shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the City Engineer. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los Angeles County Fire Department is required prior to issuance of building permits.
- 105) Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate fire fighting water and access available to such structures.
- 106) The applicant shall file with the Director of Public Works an unqualified "will serve" statement from the purveyor serving the project site indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be dated no more than six months prior to the issuance of the building permits for the project. Should the applicant receive a qualified "will serve" statement from the purveyor, the City shall retain the right to require the applicant to use an alternative water source, subject to the review and approval of the City, or the City shall determine that the conditions of the project approval have not been satisfied.
- 107) Prior to the issuance of building or grading permits, the applicant shall file with the Director of Public Works, a statement from the purveyor indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that under normal operating conditions the system will meet the needs of the project.

HYDROLOGY AND WATER QUALITY

- 108) Prior to issuance of any grading permit, the applicant shall submit an updated Master Drainage Plan for the College campus and any adjacent tributary area, including supporting documents, for review and approval by the Director of Public Works, Building Official, and Geologist. The Plan shall demonstrate adequate

storm protection from the design storm, under existing conditions, as well as after the construction of future drainage improvements by the City along Palos Verdes Drive East immediately abutting the project site. The updated Master Drainage Plan shall also include, but not be limited to, the items listed in the adopted Mitigation Monitoring and Reporting Program and the following:

- Drop inlets connecting to the proposed storm drain system shall be added along the eastern edge of the subject site including the eastern parking area. The added drop inlets shall extend to the rose garden.
 - An on-site storm water collection system that is designed to prevent water run-off flows from entering off-site properties, including properties on Vista del Mar and the City-owned San Ramon Reserve (Palos Verdes Nature Preserve)
 - Identification of the final size of the detention basin.
 - Sheet overflow and ponding shall be eliminated or the floors of buildings with no openings in the foundation walls shall be elevated to at least twelve inches above the finished pad grade
 - Calculations shall be made according to the latest adopted Los Angeles County Department of Public Works Drainage Calculation Methodologies.
- 109) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works a Storm Water Pollution Prevention Plan (SWPPP) to ensure compliance with the current California State Regional Water Quality Control Board (RWQCB) regulations.
- 110) The irrigation system and area drains proposed shall be reviewed and approved by the City's Geotechnical Engineer, Building Official and Director of Public Works.
- 111) A construction specific drainage report(s) shall be prepared demonstrating that the grading, in conjunction with the drainage improvements, including applicable swales, channels, street flows, catch basins, will protect all building pads from design storms, as approved by the Building Official and the Director of Public Works.
- 112) All drainage swales and any other at-grade drainage facilities (detention basin, etc.), including gunite swales, shall be of an earth tone color, as deemed appropriate by the Community Development Director.
- 113) Prior to the issuance of any grading permit, the applicant shall demonstrate to the satisfaction of the Director of Public Works and City Engineer that the design storm can be conveyed through the site without conveying the water in a pipe and without severely damaging the integrity of the Standard Urban Stormwater

Mitigation Plan (SUSMP). If such integrity cannot be demonstrated, the applicant shall redesign the SUSMP to the satisfaction of the Director of Public Works and City Engineer, which may require off-site flows to be diverted into a piped system and carried through the site.

- 114) Prior to the issuance of any grading permit that proposes to convey off-site drainage through the subject property, the applicant shall execute an agreement with the City that is satisfactory to the City Attorney agreeing to defend, indemnify and hold the City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees") harmless from any damage that may occur to the subject property or to any improvements, persons or personal property located on the subject property due to the flow of off-site storm flows that are designed, as of the date the College's drainage plans are approved by the City, to flow onto, over, and through the subject property ("Claims"). The indemnity agreement need not (i) obligate the Applicant or its successor or assigns to defend, indemnify or hold harmless any party other than the Indemnitees, or (ii) prohibit the Applicant or its successor or assigns from taking any action against parties other than Indemnitees with respect to the Claims or on any other basis.
- 115) Prior to the acceptance and final inspection of the storm drain system, all catch basins and public access points that crosses or abut an open channel shall be marked with a water quality message in accordance with the SUSMP and SWPPP.
- 116) Prior to issuance of any building or grading permit, the applicant shall submit for approval by the City a SUSMP pursuant to the guidelines in *Development Planning for Stormwater Management – A Manual for the Standard Urban Stormwater Mitigation Plan (SUSMP)* prepared by Los Angeles County Department of Public Works 2002 (or most current version). The SUSMP shall include both structural and non-structural BMPs and shall comply with RWQCB and applicable National Pollution Discharge Elimination System (NPDES) permits. The SUSMP shall identify how on-site flows and off-site water flows that mix with on-site water flows are treated for pollutants prior to leaving the site. The WQMP shall also include an Integrated Pest Management Plan (IPMP) that addresses the use of grasscycling and pesticides for the lawn and landscape areas including the athletic field.

All costs associated with the review, installation and maintenance of the SUSMP and project related Best Management Practices (BMPs) shall be the responsibility of the applicant. If the plan requires construction of improvements, such plans shall be reviewed and approved by the Director of Public Works.

- 117) Prior to issuance of any final Certificate of Occupancy, the SUSMP Maintenance Agreement, outlining the post-construction Best Management Practices, shall be recorded with the Los Angeles County Recorders Office.
- 118) Prior to issuance of any building or grading permits, the applicant shall file any required documents, including the Notice of Intent (NOI), and obtain all required permits from the California RWQCB.
- 119) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works an Erosion Control Plan. Said Plan shall be designed in conformance with the City standards and the requirements of the RWQCB.
- 120) Prior to issuance of any final Certificate of Occupancy the applicant shall implement the project in full compliance with the standard urban storm water mitigation plan adopted by the RWQCB.
- 121) Prior to the approval of the SUSMP, the City's Geotechnical Engineer shall review and approve the Plan. In the event the City's Geotechnical Engineer determines that additional improvements need to be constructed, the applicant shall revise the Plan accordingly.
- 122) Marymount College, or subsequent landowners, shall maintain all on-site drainage facilities, including, but not limited to structures, pipelines, open channels, detention and desilting basins, mechanical and natural filtering systems, and monitoring systems. The cost of maintaining these systems shall be based on costs estimated and developed by the applicant and approved by the Director of Public Works and the City Engineer. A bond, letter of credit or other security acceptable to the City shall be provided to secure completion of such drainage facilities. A bond to cover the cost of their maintenance for a period of 2 years after completion shall also be provided to the City.
- 123) Subject to the agreement of Los Angeles County and if applicable, the applicant shall turn over all eligible drainage facilities to the Los Angeles County Public Works Department upon completion and acceptance of the facilities by the County of Los Angeles.

SOURCE REDUCTION AND RECYCLING

- 124) Prior to issuance of any Certificate of Occupancy, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive Integrated Waste Management Plan that addresses source reduction, reuse and

recycling. The Plan shall include a description of the materials that will be generated, and measures to reduce, reuse and recycle materials, including, but not limited to, beverage containers, food waste, office and classroom waste. The Plan shall also incorporate grass cycling, composting, mulching and xeriscaping in ornamental landscaped areas. It is the City's intention for the project to meet Local and State required diversion goals in effect at the time of operation. The specifics of the Plan shall be addressed by the applicant at the time of review by the Director of Public Works.

- 125) Prior to issuance of any building or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP or the Plan) shall be prepared and submitted to the Director of Public Works for approval. The CDMMP shall include all deconstruction, new construction, and alterations/additions. The CDMMP shall document how the Applicant will divert 85% of the existing on-site asphalt, base and concrete, through reuse on-site or processing at an off-site facility for reuse. The Plan shall address the parking lots, concrete walkways, and other underground concrete structures. The Plan shall also identify measures to reuse or recycle building materials, including wood, metal, and concrete block to meet the City's diversion goal requirements as established by the State Integrated Waste Management Act (AB 939). In no case shall the Plan propose to recycle less than the State mandated goals as they may be amended from time to time.
- 126) Prior to issuance of any Certificate of Occupancy a Construction and Demolition Materials Disposition Summary (Summary) shall be submitted to the Director of Public Works upon completion of deconstruction and construction. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.
- 127) Where possible, the site design shall incorporate for solid waste minimization, the use of recycled building materials and the re-use of on-site demolition debris.
- 128) The project site design shall incorporate areas for collection of solid waste with adequate space for separate collection of recyclables.

OPERATIONAL

- 129) Any repair work conducted in or outside the Maintenance Building that may be visible to the public, including from the public right-of-way, shall be screened with landscaping from public view.
- 130) Unless an earlier time is specified in these Conditions of Approval, campus facilities open for student, participant, and public use shall close by 10:00 p.m.

with the exception of the Library, Auditorium, and Athletic Building, which shall close by 11:00 p.m. Notwithstanding the foregoing, the College may hold up to six student activity events, such as dances, within a calendar year in which campus facilities for such events may remain open until midnight provided that at least three weeks before the event, the College provides written notice of the special event to the Community Development Director. All such events shall also be posted on the College's website.

- 131) The following areas of the campus shall be closed for all use between sunset and sunrise and such hours of closure shall be visibly posted in the applicable location, unless a special use permit is obtained:
 - Library Building outdoor deck
 - athletic field
 - tennis courts
 - Athletic Facility outdoor balcony
 - rose garden
- 132) Use of the outdoor pool shall be prohibited between 10:00 p.m. and 6:00 a.m. Monday through Friday, and between 8:00 p.m. and 6:00 a.m. on Saturday and Sunday, unless a Special Use Permit is obtained.
- 133) The delivery of goods and supplies, including food supplies, shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Sunday.
- 134) All regular truck deliveries shall use the loading docks adjacent to the student union.
- 135) 24-hour campus security shall be provided, including but not limited to the monitoring of parking lots, to ensure outdoor noise levels are kept to a minimum and the College's Code of Conduct, as described in the Mitigation Monitoring and Reporting Program attached to Resolution No. 2010-41, is being adhered to. Between the hours of 7 a.m. and 7 p.m., Monday to Friday, a security guard shall be on duty at the information booth located near the campus entrance. At all other times, the campus security shall patrol the campus.
- 136) The use of outdoor amplification equipment for outdoor events shall be prohibited unless a Special Use Permit is obtained. Prior to September 1st of each year, the College may request an annual Special Use Permit to conduct no more than 24 outdoor events that include amplified sound, including sporting events, graduation ceremonies, and evening tent events, during the next twelve months (ending August 31st) Such activities and other outdoor events shall only be allowed to occur at Chapel Circle, the plazas adjacent to the Library and the

Auditorium (as shown on the site plan approved by the City Council), and the outdoor pool area. The Athletic Field and Tennis Courts may only be used with amplified sound for graduation ceremonies.

- 137) The existing preschool shall discontinue its operation upon the demolition of the building occupied for this use in Phase I, as described in these Conditions of Approval. The future use of a preschool, either within an existing building or in a new building that needs to be constructed, shall require a revision to this Conditional Use Permit pursuant to the provisions stated in the RPVMC and the appropriate environmental review.
- 138) The College shall establish a Neighborhood Advisory Committee consisting of one representative selected by each of the following neighboring homeowner's associations: El Prado, San Ramon, Mira Catalina, Seacliff Hilltop, and Mediterrania; two at-large representatives who live within 3000 feet of the campus (one of which shall be selected by the Community Development Director and one by the College); and a representative from City Staff (non-voting member). The Committee shall meet, at a minimum of once every fall and spring term, to review any campus operational and neighborhood concerns. Reports on the meetings shall be provided to the City Council.

PROGRAMS / STUDENT ENROLLMENT

- 139) The use of the College campus is permitted for only the following academic and recreational programs and related activities as further described below and defined in Condition 140:
 - Traditional Degree Programs
 - Non-Traditional Degree Programs
 - Continuing Educational Programs, such as but not limited to English as a Second Language (ESL)
 - Recreational Activities
 - Summer Educational Programs, such as but not limited to:
 - Upward Bound
 - High School Courses
 - International Students Taking ESL courses

The use of the campus by groups or organizations unaffiliated with the College's educational and recreational programs listed above that would have less than 100 participants or visitors present on campus at one time or would occupy less than 20% of the 463 required parking spaces during such use is also allowed. Any and all other uses and activities on the College campus that do not meet this threshold are prohibited unless approved with a revision to this Conditional Use

Permit or a Special Use Permit is obtained, whichever is applicable based on the request.

The sub-leasing of the campus for commercial purposes that are unaffiliated with the College is prohibited.

- 140) The College's "Traditional Degree Programs" are the academic programs (Associates and Bachelors degrees) that offer classes primarily during the day on weekdays (Monday to Friday). The College's "Non-Traditional Degree Programs" are the academic programs (Associates, Bachelors, and Masters degrees) that offer classes, including post-secondary academic classes, primarily during weekday evenings and on weekends (Saturday and Sunday), so as to generally avoid overlap with the class schedules of the Traditional Degree Programs. The Traditional and Non-Traditional Degree Programs are referred collectively as the "Degree Programs."
- 141) The College may also provide lifelong learning programs ("Continuing Education Programs") such as English as a second language (ESL). For the purposes of this Conditional Use Permit, all students in such Continuing Education Programs will be included as part of the total full-time and part-time permitted student enrollment for both the Traditional and Non-Traditional Degree Programs. The determination as to which enrollment category such students are counted towards will be based on whether the applicable classes are primarily offered during the weekdays (in which case the students would be classified as part of the Traditional Degree Program enrollment) or nights/weekends (in which case they would be classified as part of the Non-Traditional Degree Program enrollment).
- 142) As used in this Conditional Use Permit, a "student" means either a "full-time student," who is a person enrolled in a Bachelor of Arts or Associates of Arts Degree Program or a Continuing Education Program on campus for at least 12 hours of course work during the applicable Term (as defined below), or a "part-time student," who is a person enrolled in a Bachelor of Arts or Associates of Arts Degree Program or Continuing Education Program on campus for at least 3 hours, but up to 11 hours, of course work during the applicable Term.
- 143) The campus facilities may also be used for "Summer Educational Programs." Summer Educational Programs are educational programs for persons generally 14 years or older such as college-credit classes for local high school students, Upward Bound, and international students taking ESL classes along with other educational classes and recreational activities. Persons enrolled in Summer Educational Programs are referred to in this CUP as "participants" for the purpose of establishing enrollment limitations.

- 144) The College may operate throughout the calendar year under the following general "Term" schedule: "Fall Term" (August through December), "Winter Term" (January), "Spring Term" (February to May) and "Summer Term" (June through July/August).

The College shall provide all of its incoming students a driver's training course regarding local roadway conditions. The total number of students receiving the required driver's training course shall be included in the enrollment report for each term as described in Condition No. 146.

- 145) The following enrollment limitations apply:
- A. The maximum total permitted enrollment in Traditional Degree Programs on campus during the Fall, Winter, and Spring Terms is 793 students (full-time and part-time). Of these 793 students, a maximum of 250 students shall be enrolled in a Bachelor of Arts degree program (BA Program). For the Summer Term, if other educational or recreational programs are concurrently offered during weekdays, the maximum total permitted enrollment in Traditional Degree Programs must be proportionally reduced so that the combined enrollment in all such programs (e.g., Traditional Degree Programs and Summer Educational Programs) does not exceed a total of 600 students (full-time and part-time) and participants.
 - B. The maximum total permitted enrollment in Non-Traditional Degree Programs on campus during any Term is 150 students.
 - C. The maximum total permitted enrollment in any combination of Traditional Degree Programs and Summer Educational Programs offered concurrently during summer weekdays (June to August) is 600 students and participants.
- 146) The College shall submit to the City an enrollment report for each Term within an academic year for all Traditional and Non-Traditional Degree Programs and Summer Educational Programs no later than 30-days after a term has commenced. Failure to submit such a report on a timely basis will constitute a violation punishable by administrative citation per the RPVMC.

NOISE / MECHANICAL EQUIPMENT

- 147) All new mechanical equipment, regardless of its location, shall be housed in enclosures designed to attenuate noise to a level of 65 dBA CNEL at the project site's property lines. Mechanical equipment for food service shall incorporate filtration systems to reduce exhaust odors.

- 148) Mechanical equipment shall be oriented away from any sensitive receptors such as neighboring residences, and where applicable, must be installed with any required acoustical shielding.
- 149) All hardscape surfaces, such as the parking area and walkways, shall be properly maintained and kept clear of trash and debris. The hours of maintenance of the project grounds shall be restricted to Mondays through Fridays from 7:00 a.m. to 5:00 p.m., and on Saturdays from 9:00 a.m. to 4:00 p.m. Said maintenance activities shall be prohibited on Sundays and Federal holidays listed in the RPVMC.
- 150) Noise levels resulting from on-campus activities (parking areas, athletic field, tennis courts, swimming pool, and outdoor gathering areas and plazas), including those allowed through the annual Special Use Permit except for graduation ceremonies, shall not exceed 65 dba CNEL at all property lines. Within 6 months of completion of each Phase of the Facilities Plan, as described in these conditions, the College shall provide the City with sound test reports prepared by a certified noise consultant that is approved by the Community Development Director. Said sound test reports shall be taken at locations indentified by the Community Development Director, to establish compliance with this condition. The College shall establish a Trust Deposit, in an amount deemed acceptable by the Community Development Director, to cover all City costs incurred for the noise monitoring.

LIGHTING

- 151) The applicant shall prepare and submit a Lighting Plan for the project site that is in compliance with the RPVMC. The Lighting Plan, including a Photometric Plan, shall clearly show the location, height, number of lights, wattage and estimates of maximum illumination on site and spill/glare at property lines for all exterior circulation lighting, outdoor building lighting, trail and sidewalk lighting, parking lot lighting, landscape ambiance lighting, and main entry sign lighting. The Lighting Plan shall be submitted for review and approval by the Community Development Director prior to issuance of any building permit. An as-built lighting plan shall be submitted to the City prior to the issuance of the Final Certificate of Occupancy for each construction phase (as described in the conditions herein).

Prior to the installation of any on-site lighting for the parking lots and walkways, one illuminated mock-up of each type of light fixture that would be used for the parking lots and walkways shall be set-up for review and approval by the Community Development Director to ensure compliance with the Municipal Code. The applicant shall make any adjustments to the light fixtures determined

by the Community Development Director necessary to prevent the fixture from being excessively bright or creating other adverse impacts.

- 152) Parking and Security lighting shall be kept to minimum safety standards and shall conform to City requirements. Fixtures shall be shielded so that only the subject property is illuminated; there shall be no spillover onto residential properties or halo into the night sky. A trial period of thirty (30) days from the installation of all the project exterior lighting, including building and parking lot lighting shall be assessed for potential impacts to the surrounding properties. At the end of the thirty (30) day period, the Community Development Director may require additional screening or reduction in the intensity or numbers of lights which are determined to be excessively bright or otherwise create adverse impacts. Furthermore, said lighting shall be reviewed as part of the six (6) month review described in Condition No. 18.
- 153) No outdoor lighting is permitted where the light source or fixture, if located on a building, is above the line of the eaves. If the light source or fixture is located on a building with no eaves, or if located on a standard or pole, the light source or fixture shall not be more than ten feet above existing grade, adjacent to the building or pole.
- 154) No outdoor lighting shall be allowed for the tennis courts or the athletic field, other than safety lighting used to illuminate the walkways and trails through the campus. A Special Use Permit shall be obtained for the temporary use of lighting in these areas for special events as described in Condition No. 139.
- 155) The light standards at the parking lot along the property line adjacent to the properties located on San Ramon Drive shall be no higher than the top of the existing 5-foot tall privacy wall.
- 156) The light standards at the east parking lot, located within the lower tier, shall be limited to a height of 42-inches, as measured from adjacent finished grade.

PARKING

- 157) Prior to the issuance of any grading permit, a Parking Lot Plan shall be reviewed and approved by the Community Development Director. The Parking Lot Plan shall be developed in conformance with the parking space dimensions and parking lot standards set forth in RPVMC or allowed in this condition of approval, and shall include the location of all light standards, planter boxes, directional signs and arrows. No more than 20% of the total parking spaces shall be in the form of compact spaces.

- 158) The applicant shall construct and maintain no fewer than 463 on-site parking spaces consisting of 391 standard parking spaces at a minimum dimension of 9' wide by 20' deep and a maximum 72 compact parking spaces at a minimum dimension of 8' wide by 15' deep. In addition, the applicant shall construct and maintain off-street loading spaces pursuant to the criteria set forth in Section 17.50.050 of the RPVMC.

Prior to the completion of Phase I, as described in Condition No. 60, the applicant shall institute, to the satisfaction of the Community Development Director and the Director of Public Works, a Parking Management Strategies Plan to reduce College related parking in order to minimize street parking by students and visitors by the following values:

- 11 percent or greater for student enrollment between 744 and 793;
- 6 percent or greater for student enrollment between 694 and 743;
- 0 percent or greater for student enrollment of 693 or less.

Parking Management Strategies may include, but are not limited to, the following:

- Provision of "carpool only" parking spaces
- Implementation of parking restrictions for students living in College-owned off-campus residential housing
- Utilization of remote parking
- Provision of increased shuttle service
- Offering of financial incentives, such as providing transit passes
- Utilization of campus security to direct vehicles to available on-campus parking during peak times (8am to noon, Monday through Friday)
- Utilization of campus security personnel to monitor street parking and direct students and visitors to available on-campus parking spots

A Parking Management Strategy Program shall be prepared and submitted by the Applicant for review and approval by the Community Development Director, by July 1st of every year. Said Program shall:

- Document the prior-year's achieved parking demand reductions;
- Identify strategies for use in the upcoming academic school year;
- Be modified on an as needed basis, as deemed necessary by the Community Development Director.

- 159) Parking on the east side of the campus adjacent to the properties on San Ramon Drive in the area marked on the site plan reviewed and approved by the City Council at its March 31, 2010 meeting shall be limited to faculty and staff

between 7:00 a.m. and 10:00 p.m. All parking between 10:00 p.m. and 7:00 a.m. is prohibited in this area.

- 160) Parking at the lower terrace of the eastern parking lot in the area marked on the site plan reviewed and approved by the City Council at its March 31, 2010 meeting shall be prohibited between 7:00 p.m. and 7:00 a.m. During this period this portion of the parking lot must be closed off with the use of a chain or other similar device to prevent cars from parking or accessing this area.
- 161) Prior to the final inspection of project grading in Phase One, emergency vehicular access shall be installed at the project site. A plan identifying such emergency access shall be submitted to the Los Angeles County Fire Department and the Director of Public Works for review and approval prior to issuance of any building permit.
- 162) Prior to issuance of any building permit, the applicant shall prepare an Emergency Evacuation Plan for review and approval by the Community Development Director. Such plan shall comply with the City's SEMS Multihazard Functional Plan.
- 163) The use of grasscrete pavers shall be prohibited within the Geologic Building Setback Area.

LANDSCAPING

- 164) A Landscape Plan shall be prepared by a qualified Landscape Architect in accordance with the standards set forth in RPVMC. The Landscape Plan shall be reviewed and approved by the Community Development Director, a qualified Landscape Architect, and an Arborist hired by the City, prior to the issuance of any building or grading permits. The applicant shall establish a Trust Deposit account with the City prior to the submittal of Landscape Plans to cover all costs incurred by the City in conducting such review. The Landscape Plan shall include, at a minimum, the plant species (Latin and common names), growth rate, and maximum height at maturity for all proposed trees. The Landscape Plan shall also identify the areas to be landscaped based on the phased construction plan described in these conditions of approval. Included in the Landscape Plan shall be a maintenance schedule as stated in these conditions. During the Director's review, the Landscape Plan shall also be made available to the public for review and input.

The Landscape Plan shall comply with the water conservation concepts, the View Preservation Ordinance, the planting requirements, the irrigation system design criteria, and all other requirements of the RPVMC. All new trees and

foliage shall not exceed 16-feet in height, as measured from grade adjacent to the tree or foliage, except along the south slope of the campus where the height of such new trees must be maintained at a level below the ridgeline of the nearest structure to the tree or foliage.

Prior to the completion of Phase I, as described in Condition No. 60, the existing eucalyptus trees located on the upper western portion of the southern slope and the existing canary pine trees located at the existing parking lot and drop-off circle shall either be laced, trimmed, removed or any combination thereof, as determined by the Community Development Director to restore views of Catalina Island from the viewing area of properties to the north, including 2925 Crest Rd.

- 165) The applicant shall preserve existing on-site mature trees for the purpose of incorporating the mature trees into the landscaping of the southern slope, which shall be planted in a manner to reasonably screen the Athletic Building and the retaining walls that support the Fire Access Lane when viewed from the Palos Verdes Drive East roadway. The selection of the mature trees for preservation and re-planting shall be made by the Community Development Director based on consultation with the City Arborist. The re-planting of the mature trees shall occur prior to the completion of Phase I as described in Condition No. 60. Additionally, the applicant shall replace any of the existing trees removed from the southern slope and the adjacent area prior to the completion of Phase I, as described in Condition No. 60, with 24" box trees at a 2:1 ratio, to minimize the scarring or erosion of the southern slope that may result from the project grading. Included in the Landscape Plan described in the above Condition No. 164, the applicant shall indicate the location of the existing mature trees that will be removed, preserved, and replanted. The replacement tree species shall be approved by the Community Development Director based on consultation with the City Arborist as part of the Landscape Plan review and prior to the issuance of any grading permit. If any of the retained mature trees become diseased or die, such trees shall be removed and replaced with 24" box trees at a 2:1 ratio by the applicant within thirty days of removal with a tree species approved by the Community Development Director after consultation with the City Arborist. The College shall establish a Trust Deposit account with the City to cover costs incurred by the City Arborist's in implementing this condition.
- 166) Where practical, landscaping shall be planted and maintained to screen the project buildings, ancillary structures, and the project's night lighting as seen from surrounding properties and/or public rights-of-way, as depicted on the Landscape Plan. Landscaping, as described in Condition No. 165, shall be planted and maintained to reasonably screen the Athletic Building and the retaining walls for the Fire Access Lane from Palos Verdes Drive East and down-slope properties.

- 167) All landscaping shall be planted and maintained in accordance with the City approved Landscape plan. During project construction, the respective planting for each phase must be completed prior to the issuance of the certificate of occupancy for the adjacent building or improvement area, as deemed appropriate by the Community Development Director.
- 168) The area between the retaining wall along the eastern parking area and the existing privacy wall for the adjacent properties along San Ramon Drive shall be used as a landscaped buffer area and planted with trees not to exceed 16-feet in height to provide additional screening.
- 169) The area between the front and street-side property lines and the required 42-inch wrought iron fence/wall adjacent to the parking areas and the 6-foot wrought iron fence along the curvature of Palos Verdes Drive East between the northeastern corner of the tennis courts and the detention basin shall be landscaped and maintained on both sides of the fence/wall.
- 170) Prior to issuance of any grading permit, a Campus Landscape Maintenance Plan shall be submitted and approved by the Community Development Director. At a minimum, the Campus Landscape Plan shall be consistent with the following requirements:
- That landscape maintenance activities, including lawn mowing, are prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, and on Sundays and Federal holidays.
 - That the use of weed and debris blowers and parking lot sweeping shall be prohibited before 8:00 a.m. or after 5:00 p.m., Monday through Friday, or before 9:00 a.m. or after 4:00 p.m. on Saturday or at any time on Sundays and Federal holidays.
 - General identification of the irrigation hours.
 - General tree pruning and trimming schedule.

The implementation of the Campus Landscape Maintenance Plan shall be formally reviewed by the Community Development Director three (3) months after the installation of the campus landscaping for each phase of construction, and shall be subsequently reviewed by the City Council at the six (6) month review described in Condition No. 18. At either review, the Director and/or the City Council may determine that the Plan needs to be revised to address confirmed noise impacts.

If the City receives any justified noise complaints that are caused by the maintenance of the athletic field or campus landscape and lawn areas, as verified by the Community Development Director, upon receipt of notice from the City, the College shall respond to said verified complaint by notifying the City of the implementing corrective measures within 24 hours from the time of said notice.

Notice of the Director's decision resulting from the 3-month review of Campus Landscape Maintenance Plan shall be provided to all interested parties and may be appealed to the City Council by any interested party. Any violation of this condition may result in the revocation of the Conditional Use Permit.

- 171) The area between the eastern parking lot and the property line (adjacent to the City-owned San Ramon Reserve) depicted on the approved site plan shall be landscaped with native plants that require little to no irrigation, as deemed acceptable by the City Geologist. Such landscaping shall be reviewed and approved by the Fire Department prior to planting for fuel modification compliance. Such plants shall not exceed a height of 42-inches, unless the Community Development Director determines that such landscaping may exceed 42-inches, but no higher than 7-feet, in order to minimize any view impairment to the properties at 2742 and 2750 San Ramon Drive.

FENCES, WALLS, AND HEDGES

- 172) The applicant shall install and maintain a 42-inch tall combination wrought iron fence and wall, finished in a stone veneer similar to the approved entry signs, along the entire Palos Verdes Drive East frontage between the eastern property line (adjacent to the corner of the rear property line for San Ramon) to the northeastern corner of the eastern tennis courts. Said fence/wall shall be setback a minimum of 5-feet from the property line to allow this area to be landscaped, irrigated and maintained with approved plants, not to exceed 42-inches in height, as identified on the Landscape Plan.
- 173) The applicant shall construct a 6-foot tall screening wall along the College's eastern property line, as depicted on the approved site plan, beginning at the southwest corner property line for Lot 26 (2742 San Ramon Drive / Tooley property).
- 174) The applicant shall install and maintain a wrought iron fence, painted black, along the westerly edge of the property, between the northeast corner of the tennis courts and the detention basin, at a maximum height of 6-feet and 80% open to light and air, as permitted with the City Council's approval of the Minor Exception Permit, as part of planning case number ZON2003-00317. Said wrought iron fence shall be setback a minimum of 3-feet from the property line to allow this

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area to be landscaped, irrigated and maintained with approved plants, not to exceed 42-inches in height, as identified on the Landscape Plan. The installation of lighting onto said fence is prohibited.

- 175) The applicant shall install and maintain a retractable net at the south, north and west sides of the Athletic Field as depicted in Athletic Field Alternative D-2 and the plans dated December 2008 and January 2009. Said net, when extended, shall not exceed a height of 30-feet, as measured from the lowest adjacent grade (891') on the Athletic Field side. The Athletic Field net shall be extended at all times when the field is used for recreational activities involving balls and shall be lowered at the conclusion of the recreational activity. Recreational activities requiring the use of said net shall be prohibited on Sundays and the Federal holidays listed in the RPVMC, unless a Special Use Permit is obtained.

Use of the Athletic Field shall be prohibited for activities involving baseballs, golf balls, or other similar sized balls that cannot be adequately contained by the use of the field net.

- 176) The use of chain link fencing shall be prohibited within the front and street-side setback yards (along Palos Verdes Drive East) with the exception of the chain link fencing for the tennis courts permitted with the City Council's approval of the Minor Exception Permit, as part of planning case number ZON2003-00317.
- 177) The chain link fence for the tennis courts shall be 20-feet in height along the entire perimeter of the westerly tennis courts and 10-feet in height for the easterly tennis courts (including combined retaining walls and fencing), as measured from the lowest adjacent finished grade to the top of the fence. Said fence shall consist of a green or black mesh that is 80% open to light and air. The installation of lighting onto said fence is prohibited.
- 178) All pools and spas shall be enclosed with a minimum 5' high fence (80% open to light and air), with a self-closing device and a self-latching device located no closer than 4' above the ground.

SIGNS

- 179) The applicant shall be permitted to construct two entry signs, adjacent to the driveway entrance at Palos Verdes Drive East and Crest Road, at a maximum height of 6-feet and affixed to a stone veneer decorative wall, as illustrated in the project plans reviewed by the City Council on March 31, 2010. The entry signs shall consist of individually mounted brass finished letters that are reverse channel lighting (back lit).

- 180) Prior to the issuance of any grading permit by Building and Safety, the applicant shall submit for review and approval by the Community Development Director a Master Sign Plan that is consistent with the sign requirements of the RPVMC. The Master Sign Plan shall include, but not be limited to, the entry identification signs for the College, the way-finding signs, the building signs, and other signs related to an educational use to ensure that such signs are in compliance with the City's Codes.



6.0 MITIGATION MONITORING AND REPORTING PROGRAMS

6.1 INTRODUCTION

The California Environment Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code:

“ . . . the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.”

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table below lists those mitigation measures that may be included as Conditions of Approval for the Project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised, which identifies the milestone and responsibility for monitoring each measure. The Applicant will have the responsibility for implementing the measures, and the various City of Rancho Palos Verdes departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures. The Mitigation Monitoring and Reporting Program (MMRP) was revised to reflect the analyses provided for the Bachelor of Arts Degree Program and Alternative No. D-2 (modified). The MMRP for the BA Degree Program and Alternative D-2, combined, is provided in its entirety in Section 6.2.



6.2 MARYMOUNT COLLEGE FACILITIES EXPANSION PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measure | | Monitoring Milestone | Monitoring Agency | Action Indicating Compliance | Verification of Compliance | | |
|--|--|---|--------------------------------|---|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| LAND USE AND RELEVANT PLANNING | | | | | | | |
| City of Rancho Palos Verdes Development Code | | | | | | | |
| LU-1 | An Athletic Associations Membership Report shall be prepared and submitted by the Applicant for review and approval by the Community Development Director, by July 1st of every year. Said Report shall document the Athletic Association memberships and corresponding sports, in order to determine if a revision to the Conditional Use Permit is required. | By July 1st of Every Year | Community Development Director | Approval of Athletic Associations Membership Report | | | |
| AESTHETICS/LIGHT AND GLARE | | | | | | | |
| Short-Term Visual Character | | | | | | | |
| AES-1 | Prior to issuance of any Grading or Building Permit, a Construction Management Plan shall be submitted for review and approval by the Community Development Director. The Construction Management Plan shall, at a minimum, indicate the equipment staging areas, construction worker parking, vehicle staging areas, fencing, haul route, dust control measures, hours of construction, detailed construction schedule, and contact information for the Construction Manager. | Prior to any Grading or Building Permit | Community Development Director | Approval of Construction Management Plan | | | |
| AES-2 | Prior to issuance of any Grading or Building Permit, a Construction Safety Lighting Plan shall be submitted for review and approval by the Community Development Director. All construction-related lighting shall include shielding in order to direct lighting down and away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site. | Prior to any Grading or Building Permit | Community Development Director | Approval of Construction Safety Lighting Plan | | | |
| AES-3 | Upon completion of the Phase I grading activities and prior to any Building Permit issuance, the graded areas shall be hydroseeded or otherwise revegetated, to the satisfaction of the Community Development Director. | Upon Completion Of Phase I Grading and Prior to Any Building Permit | Community Development Director | Confirmation Graded Areas Hydroseeded and Revegetated | | | |



Marymount College Facilities Expansion Project
 Environmental Impact Report

| Mitigation Measure | Monitoring Milestone | Monitoring Agency | Action Indicating Compliance | Verification of Compliance | | | |
|-----------------------------------|---|---|--|------------------------------------|------|---------|--|
| | | | | Initials | Date | Remarks | |
| Long-Term Visual Character | | | | | | | |
| AES-4 | Prior to issuance of a Grading Permit for the easterly parking area or the modular buildings, a revised Landscape Plan shall be prepared and submitted to the Planning Department for review and approval. The revised Landscape Plan shall incorporate the revisions outlined below, to the satisfaction of the Community Development Director. <ul style="list-style-type: none"> ▪ Additional gold medallion tree plantings shall be incorporated on the site's northeastern boundary, up to the northern corner of the existing deck on Lot 27 (2750 San Ramon) and not beyond, in order to further screen the eastern parking lot from the adjacent property (Lot 27). ▪ The gold medallion tree proposed adjacent to Lot 26 shall be omitted from the Plan. ▪ Additional tree plantings shall be incorporated on the south-facing slope (southern portion) to further screen the temporary modular buildings and the Athletic Facility from areas to the south in a manner that would not result in view impacts to properties to the north. | Prior to Grading Permit for Easterly Parking or Residence Halls | Community Development Director | Approval of Revised Landscape Plan | | | |
| AES-5 | The Applicant shall install and maintain a retractable net along the perimeter of the Athletic Field (north, south and west sides). Said net, when extended, shall not exceed a height of 30-feet, as measured from the lowest adjacent grade to the top of the net. The Athletic Field retractable net shall be extended at all times when the field is used for recreational activities involving balls and shall be lowered at the conclusion of the recreational activity. Recreational activities requiring the use of said net shall be prohibited on Sundays and the Federal holidays listed in the RPVMC, unless a Special Use Permit is obtained. The use of the retractable net shall be prohibited during hours of non-play. | On-going | Code Enforcement Department | Field Inspection | | | |
| Light and Glare | | | | | | | |
| AES-6 | Lighting shall be designed as an integral part of the Project. Lighting levels shall respond to the type, intensity and location of use. Lighting shall be designed and installed such that it is directed downward and away from adjoining properties and does not spill out onto adjacent areas, while maintaining safety and security for pedestrian and vehicular movements. | Prior to any Grading Permit | Community Development Director and City Engineer | Approval of Revised Lighting Plan | | | |



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| AES-7 Prior to issuance of any Grading Permit, a Revised Lighting Plan shall be submitted for review and approval by the Community Development Director and City Engineer. The Revised Lighting Plan shall include: <ul style="list-style-type: none"> ▪ Low-level bollards, not to exceed 42-inches in height, in place of the currently proposed pole-mounted lighting along the lower terrace of the eastern parking lot. ▪ Light standards adjacent to the privacy wall for the properties on San Ramon Drive shall not exceed the height of the privacy wall. ▪ Pole-mounted lighting shall not exceed 10-feet in height, except along the easterly boundary of the eastern parking lot, as noted above. ▪ The selected fixtures shall include reflectors, refractors, lenses, or louvers. ▪ The selected shielding accessories shall be the sharp cut-off type. ▪ Lighting fixtures with cut-off shields to prevent light spill and glare into adjacent areas. | Prior to any Grading Permit | Community Development Director and City Engineer | Approval of Revised Lighting Plan | | | |
| AES-8 Ninety (90) days after the installation of lighting for each phase of the Project, the lighting equipment shall be tested and adjusted to ensure that the proper levels of light and glare have been achieved, to the satisfaction of the Community Development Director and City Engineer. | Sixty (60) Days After the Installation of Lighting For Each Phase | Community Development Director and City Engineer | Receipt of Field Test Results | | | |
| AES-9 Prior to the issuance of any Building Permit, the Applicant shall demonstrate to the satisfaction and approval of the Community Development Director and the Building Official that the Athletic Facility (south facing façade) use minimally reflective glass, based on manufacturers' guidelines. All other materials used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare. The use of glass with over 25 percent reflectivity shall be prohibited on the exterior of all buildings on the Project site. | Prior to Any Building Permit | Community Development Director and Building Official | Approval of Building Plans | | | |

| TRAFFIC AND CIRCULATION | | | | | | |
|-------------------------|--|--------------|-----------|-------------|--|--|
| Construction Traffic | | | | | | |
| TR-1 | Prior to issuance of any Demolition or Grading Permit, the Community | Prior to Any | Community | Approval of | | |



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| <p>Development Director shall review and approve the Construction Management Plan, which shall specify the following, at a minimum:</p> <ul style="list-style-type: none"> ▪ Demolition debris hauling and materials delivery shall be scheduled, as indicated below, to avoid the peak hour traffic period and minimize obstruction of through traffic lanes adjacent to the site. If necessary, a flag person shall be retained to maintain safety adjacent to existing roadways: <ul style="list-style-type: none"> - Weekdays: Hauling and deliveries shall be scheduled between 9:00 AM and 4:00 PM, with consideration given to reduce deliveries during the 11:30 AM to 1:30 PM lunch period. - Saturdays: Hauling and deliveries, if any, shall not occur during the peak hour period of 11:30 AM to 1:30 PM. <p>There shall be no idling or staging of equipment or accumulation of vehicles on Rancho Palos Verdes City streets. Staging of trucks for the hauling of all demolition debris shall be limited to the College campus.</p> | Demolition or Grading Permit | Development Director | Construction Management Plan | | | | |
| Existing Plus Project Conditions | | | | | | | |
| TR-2 | <p>Prior to issuance of the last Certificate of Occupancy for the Phase II buildings (i.e., Library, Maintenance, or Athletic Facility), the Applicant shall implement the following improvement and may be eligible in the future for partial reimbursement from future projects that result in impacts on this intersection:</p> <ul style="list-style-type: none"> ▪ Palos Verdes Drive East/Miraleste Drive – Signalize the intersection. The intersection traffic signal shall be designed to include a westbound right-turn overlap, which would preclude u-turn movement from southbound to northbound Palos Verdes Drive East. | Prior to Any Certificate of Occupancy | Community Development Director and City Engineer | Verification of Signalization | | | |
| TR-3 | <p>Prior to issuance of the last Certificate of Occupancy for the Phase II buildings (i.e., Library, Maintenance, or Athletic Facility), the Applicant shall implement the following improvement, at the City's direction, and may be eligible for reimbursement from future projects that result in impacts on this intersection:</p> <ul style="list-style-type: none"> ▪ Western Avenue (SR-213)/Trudie Drive-Capitol Drive – Re-stripe the eastbound Trudie Drive approach from one shared left-turn/through lane and one de-facto right-turn lane to consist of one left-turn lane and one shared through/right-turn lane. The Project Applicant shall coordinate | Prior to Any Certificate of Occupancy | Community Development Director and City Engineer | Verification of Modifications | | | |



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| <ul style="list-style-type: none"> ▪ Provision of increased shuttle services; ▪ Offering financial incentives; and ▪ Implementation of restrictions on parking allowed by residents of the Palos Verdes North Facility. | | | | | | |
| TR-6 A Parking Management Strategy Program shall be prepared and submitted by the Applicant for review and approval by the Community Development Director, by July 1 st of every year. Said Program shall: <ul style="list-style-type: none"> ▪ Document the prior-year's achieved parking demand reductions; ▪ Identify strategies for use in the upcoming academic school year; and ▪ Be modified on an as needed basis, as deemed necessary by the Community Development Director. | Prior to Any Certificate of Occupancy | Community Development Director and Public Works Director | Approval of Parking Management Strategies Program | | | |
| TR-7 The parking impacts and corresponding mitigation measures assume the Marymount College student enrollment as a maximum of 793 weekday students (based on the formula allowing 750 full-time students, 20 part-time students, and a marginal difference of 3.0 percent) and 150 weekend students. Additionally, it is assumed, Marymount College student enrollment as a maximum of 250 weekday students enrolled in the BA Program and a maximum of 793 weekday students minus current BA Program weekday students enrolled in the AA Program. Therefore, prior to issuance of any Certificate of Occupancy, student enrollment shall be limited to a maximum of 793 weekday students and 150 weekend students, including full- and part-time students, and maximum of 250 weekday students enrolled in the BA Program and a maximum of 793 weekday students minus current BA Program weekday students enrolled in the AA Program. | Prior to Any Certificate of Occupancy | Community Development Director and City Engineer | Annual Student Enrollment Report | | | |
| Cumulative (Forecast Year 2012) Conditions | | | | | | |
| TR-8 Prior to issuance of any Certificate of Occupancy, the Applicant shall make a proportionate share contribution to implement the following, in addition to improvements specified in Mitigation Measures TR-2 and TR-3: <ul style="list-style-type: none"> ▪ Palos Verdes Drive East/Palos Verdes Drive South – Modify the intersection to provide a two-stage gap acceptance design for southbound left-turning vehicles. A raised median refuge area shall be constructed for vehicles to turn left from Palos Verdes Drive East to cross westbound | Prior to Any Certificate of Occupancy | Community Development Director and City Engineer | Verification of Proportionate Share Contribution | | | |



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| | Palos Verdes Drive South while waiting for a gap in eastbound traffic to complete the turn to eastbound Palos Verdes Drive South. Additionally, the existing raised median shall be narrowed to provide an acceleration lane along Palos Verdes Drive South to accommodate vehicles accelerating to join eastbound Palos Verdes Drive South traffic flow. Modifications to the Palos Verdes Drive East/Palos Verdes Drive South intersection shall be designed taking into account truck turning radius requirements and shall be to the satisfaction of the Public Works Director. Since the Palos Verdes Drive East/Palos Verdes Drive South intersection is impacted by the proposed Project for "Cumulative with proposed Project conditions," a proportionate share contribution by the Project Applicant is applicable. | | | | | |
| TR-9 | Prior to issuance of any Grading Plan, the Project Plans shall be revised to include wrought iron fencing along Palos Verdes Drive East at approximately 6.0 feet in height and 80 percent open to light and air, temporary retractable netting along the northern, southern and western sides of the athletic field at approximately 30.0 feet in height, and chain link fencing at 20.0 feet in height around the perimeter of the western tennis courts and 10.0 feet in height around the perimeter of the eastern tennis courts so that errant balls are sufficiently contained, to the satisfaction of the Community Development Director. The retractable net shall only be extended during activities involving field balls at the Athletic Field, subject to the limitations set forth in Mitigation Measure AES-5. The Applicant shall be responsible for retracting the net. The use of a landscape screen around and adjacent to the wrought iron fence along the perimeter of the Athletic Field shall be limited to a maximum height of 42 inches. | Prior to Any Grading Plan | Community Development Director. | Approval of Project Plans | | |
| AIR QUALITY | | | | | | |
| Short-Term (Construction) Air Emissions | | | | | | |
| AQ-1 | Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with South Coast Air Quality Management District Rule 403, excessive fugitive dust emissions shall be | Prior to Any Grading Permit | Director of Public Works and Building Official | Approval of Grading Plan, Building Plans, and | | |



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| <p>controlled by regular watering or other dust preventive measures, as specified in the South Coast Air Quality Management District's Rules and Regulations. In addition, South Coast Air Quality Management District Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:</p> <ul style="list-style-type: none"> ▪ All active portions of the construction site shall be watered to prevent excessive amounts of dust; ▪ On-site vehicle speed shall be limited to 15 miles per hour (mph); ▪ All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized; ▪ All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day; ▪ If dust is visibly generated that travels beyond the site boundaries, the Applicant shall conduct street cleaning along the roadways impacted by dust (i.e., Palos Verdes Drive East and/or Crest Drive), surrounding the Project site; ▪ If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving, or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes; ▪ All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site; ▪ All delivery truck tires shall be watered down and/or scraped down prior to departing the job site; and ▪ No more than 5.0 acres per day shall be graded. | | | Specifications | | | | |
| AQ-2 | Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and | Prior to Any Grading Permit | Director of Public Works | Approval of Grading Plan, | | | |



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| | | and Building Official City Inspector | Building Plans, and Specifications Review of Maintenance Records | | | |
| AQ-3 | Prior to Any Grading Permit | Director of Public Works | Approval of Construction Contract Documents | | | |
| AQ-4 | During Construction | City Inspector | Review of Building Materials | | | |
| AQ-5 | Prior to Any Grading Permit | Director of Public Works and Building Official | Approval of Grading Plan | | | |
| Long-Term (Operational) Air Emissions | | | | | | |
| AQ-6 | Prior to Any Building Permit | Building Official | Issuance of Building Permit | | | |
| AQ-7 | Prior to Any | Director of | Approval of | | | |



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| and approval by the Director of Public Works and Community Development Director, a Transportation Demand Management (TDM) Plan that is applicable to students, faculty, and staff. The TDM Plan shall include, but not be limited to, preferential parking for vanpooling/carpooling, subsidy for transit pass or vanpooling/carpooling, flextime work schedule, and the location of bicycle racks throughout the College campus. | Grading Permit | Public Works and Community Development Director | Transportation Demand Management Plan | | | |

| NOISE | | | | | | |
|-------------------------------|--|-----------------------------|--------------------------------|---|--|--|
| Short-Term Construction Noise | | | | | | |
| NOI-1 | <p>Prior to issuance of any Grading Permit, the Applicant shall provide, to the satisfaction of the Community Development Director, a Noise Mitigation and Monitoring Program. Such plan shall ensure that the proposed Project provides the following:</p> <ul style="list-style-type: none"> ▪ Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with mufflers maintained according to manufacturer's specifications and other state required noise attenuation devices. ▪ Property owners and occupants located within 0.25-mile of the Project construction site shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed Project. A sign, legible at a distance of 50 feet, shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Community Development Director, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide the contact name and a telephone number of the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints. ▪ The Applicant shall provide, to the satisfaction of the Community Development Director, a qualified "Noise Disturbance Coordinator" who shall be responsible for receiving, registering, and responding to any complaints about construction noise. When a complaint is received, the | Prior to Any Grading Permit | Community Development Director | Approval of Noise Mitigation and Monitoring Program | | |



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| <p>Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Director. All notices that are sent to residential units within 0.25-mile of the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Disturbance Coordinator.</p> <ul style="list-style-type: none"> ▪ Prior to issuance of each Grading or Building Permit, the Applicant shall demonstrate to the satisfaction of the City's Building Official how construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. ▪ During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. | | | | | | |
| Long-Term Stationary Noise | | | | | | |
| NOI-2 | Prior to issuance of any Certificate of Occupancy, the Applicant shall submit a noise analysis that demonstrates to the satisfaction of the Community Development Director and the City Engineer, that site placement of stationary noise sources would not exceed noise standards indicated in the State Land Use Noise Compatibility Guidelines for adjacent residences (i.e., Community Noise Exposure (Ldn or CNEL, DBA) for Residential – Low Density, Single-Family would be 50 – 60/Normally Acceptable, 55 –70/Conditionally Acceptable, 70 – 75/Normally Unacceptable, and 75 –85/Clearly Unacceptable). | Prior to Any Certificate of Occupancy | Community Development Director and City Engineer | Approval of Noise Analysis | | |
| NOI-3 | Prior to issuance of any Building Permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, compliance with the following: <ul style="list-style-type: none"> ▪ All mechanical equipment shall include specifications on quiet equipment; | Prior to Any Building Permit | Community Development Director | Verification of Mechanical Equipment Specifications | | |



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| <ul style="list-style-type: none"> ▪ All mechanical equipment shall be selected and installed according to manufacturer's specifications, and shall include sound attenuation packages; ▪ To the extent possible, all mechanical equipment shall be oriented away from the nearest noise sensitive receptors; and ▪ All mechanical equipment shall be screened and enclosed to minimize noise. | | | | | | | |
| NOI-4 | Prior to issuance of any Certificate of Occupancy, a subsequent noise analysis shall be prepared, to the satisfaction of the Community Development Director and the City Engineer, which demonstrates that all reasonable sound attenuation has been incorporated into the northeasterly and easterly parking areas (i.e., landscaping and brushed driving surfaces), such that noise from the parking areas has been minimized. | Prior to Any Certificate of Occupancy | Community Development Director and City Engineer | Approval of Noise Analysis | | | |
| NOI-5 | <p>Prior to issuance of any Certificate of Occupancy, the Marymount College Code of Conduct shall be reviewed and approved by the Planning Commission at a duly noticed public hearing. The provisions of the Code of Conduct shall outline measures for minimizing operational/stationary source noise impacts to the surrounding neighborhoods that would also minimize the need for police enforcement). The City or Applicant could initiate revisions or modifications to the Code of Conduct, which shall be reviewed and approved by the Planning Commission at a duly noticed public hearing. The Code of Conduct shall, at a minimum, include provisions for the parking lots, common open space area, and security measures, in order to ensure stationary noise impacts are minimized, and shall specify the following provisions, among others:</p> <ul style="list-style-type: none"> ▪ "Quiet Hours" throughout the campus are designated between 10:00 PM and 7:00 AM; and ▪ Limitations on noise from congregations during quiet hours. <p>City review and approval of the Code of Conduct shall be limited to provisions related to potential Project impacts to adjacent neighbors (i.e., offsite) related</p> | Prior to Any Certificate of Occupancy | Planning Commission | Approval of Marymount College Code of Conduct | | | |



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| | | | | | | |
| NOI-6 | to noise and police protection. | | | | | |
| NOI-6 | Use of the athletic field and tennis courts, shall be prohibited between sunset and sunrise, seven days per week, unless a Special Use Permit for said use has been issued by the Community Development Director, pursuant to Code Chapter 17.62, <i>Special Use Permits</i> . | Ongoing | Community Development Director | Enforcement of CUP | | |
| NOI-7 | The use of amplified sound shall be prohibited at the proposed athletic field, tennis courts, swimming pool, and other outdoor gathering areas, unless a Special Use Permit for said use has been issued by the Community Development Director, pursuant to Code Chapter 17.62, <i>Special Use Permits</i> . | Ongoing | Community Development Director | Enforcement of CUP | | |

| GEOLOGY AND SOILS | | | | | | |
|--------------------------------------|---|---|---------------------------------|--|--|--|
| Seismic Hazards | | | | | | |
| <i>Strong Seismic Ground Shaking</i> | | | | | | |
| GEO-1 | Prior to issuance of any Grading Permit or Building Permit for Phases I, II, and III (as outlined in DEIR Section 3.5, <i>Phasing</i>) of the Project, the Applicant shall comply with each of the recommendations detailed in the Preliminary Grading Plan Review and Geotechnical Response to City of Rancho Palos Verdes (ASE, June 28, 2002, 2005), and other such measure(s) as the City deems necessary to adequately mitigate Project geotechnical impacts, which may include, but not be limited to, the following during each construction phase of the Project: <ul style="list-style-type: none"> Ingrading mapping and inspections by the Project geotechnical engineer/engineering geologist, and/or City Inspector. Corrosivity and expansivity soil testing upon completion of rough grading. Final compaction testing upon completion of precise grading. | Prior to Any Grading Permit or Building Permit For Each Phase | City Engineer | Approval of Grading Plans and Building Plans | | |
| Soils | | | | | | |
| <i>Soil Erosion</i> | | | | | | |
| GEO-2 | Prior to issuance of any Grading Permit or Building Permit, the Grading Plan and Landscape Plan shall demonstrate, to the satisfaction of the City Engineer, City Geologist, and City Building Official, that the plans have been designed such that: | Prior to Any Grading Permit or Building Permit | City Engineer and City Building | Approval of Grading Plan and Landscape Plan | | |



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| <ul style="list-style-type: none"> ▪ Runoff, including irrigation run-off, at the eastern parking lot shall be prohibited from draining onto adjacent properties including the South Shores Landslide; ▪ Drainage shall be prohibited from flowing over the top of the south-facing slope, ponding, or soaking; and ▪ Runoff from all hardscape areas and any disturbed area in conjunction with the Project construction, particularly the parking lots, shall be prohibited from draining onto the south-facing and east-facing slopes and neighboring properties, as required by the City; all runoff shall be diverted to on-site storm drains. <p>To reduce the potential impact resulting from slope deformation one or more of the following measures shall be implemented prior to the issuance of any grading permit:</p> <ul style="list-style-type: none"> ▪ Design and build improvements with flexible joints between individual structures to accommodate slope deformation; and ▪ Set the foundation for improvements deeper and use less flexible materials that will resist soil movement. <p>In the event improvements within the creep zone cannot be avoided, a soil engineer shall assess the depth of the creep zone and determine if the proposed improvements would contribute to slope deformation. The Applicant shall comply with each of the recommendations identified by the soil engineer to reduce any potential slope deformation impacts associated with the proposed improvements to the satisfaction of the City Engineer, City Geologist, and City Building Official.</p> | | For Each Phase | Official | | | | |
| <p>Unstable Geologic Units</p> <p><i>Slope Stability</i></p> | | | | | | | |
| GEO-3 | <p>Prior to issuance of any Grading Permit, the Final Grading Plans shall specify that the oversized (i.e., one- to three-foot-wide blocks) that are generated from excavation of the one- to two-foot-thick (+/-), discontinuous layers and/or lenses of very hard, silica and/or calcium-magnesium carbonate cemented siltstone, which is commonly referred to as "PV Stone," shall not be placed in engineered fills unless their location and disposal methods are specifically</p> | Prior to Any Grading Permit For Each Phase | City Engineer | Approval of Grading Plan | | | |



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| reviewed and approved by the Project Soils Engineer and City Engineer. No rock crushing shall occur onsite. | | | | | | |
| HYDROLOGY AND WATER QUALITY | | | | | | |
| Drainage and Hydrology | | | | | | |
| HYD-1 | <p>Prior to issuance of any Grading Permit, the Director of Public Works and the City Engineer shall review and approve a Revised Storm Drain Plan. Such Plan shall:</p> <ul style="list-style-type: none"> ▪ Include an on-site storm water collection system designed to prevent the flow (sheet or concentrated) from eroding the natural hillside surrounding the Project site. ▪ Identify how storm drains and catch basins are designed to control stormwater leaving the campus. ▪ Control erosion downstream of the development. ▪ Include storm drains designed to convey flows per Los Angeles County Standards. ▪ Includes a system of storm drain pipes that would divert the flow to the proposed storm drain system. <p>Calculations shall be provided to the Director of Public Works and the City Engineer indicating that the diversion area does not impact the existing storm drains (i.e., no more than the existing condition flow at any given time).</p> | Prior to Any Grading Permit | Director of Public Works and City Engineer | Approval of Revised Storm Drain Plan (i.e., Drainage Plan) | | |
| HYD-2 | <p>Increased flows from Watersheds A and BC shall be mitigated with the installation of a detention basin (i.e., Watershed A Sub-Basin and Watershed BC Sub-Basin), as illustrated on <u>Exhibit 5.7-3, Proposed Storm Drain Layout</u>, and <u>Exhibit 5.7-4, Detention Basin Layout</u>, or where determined by the Director of Public Works and the City Engineer, to reduce the peak flow. The detention basin shall be designed such that:</p> <ul style="list-style-type: none"> ▪ The 2- through 100-year storm events are mitigated. ▪ Water would be detained a minimum of 24 hours, but not greater than 96 hours, pursuant to Vector Control District standards. ▪ Berms shall be provided at Palos Verdes Drive East to allow adequate free board. The flow leaving the detention basin shall be maintained equal to the existing condition. | Prior to Any Grading Permit | Director of Public Works and City Engineer | Approval of Revised Storm Drain Plan (i.e., Drainage Plan) | | |



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| <ul style="list-style-type: none"> ▪ Watershed A Sub-Basin shall include an outlet that ties into the storm drain system at Node 1. ▪ Watershed BC Sub-Basin shall include an outlet that drains to the storm drain system at Nodes 2 and 3 ▪ The pipe outlets that would drain the sub-basin shall be sized to allow no more than the existing condition flow out of the detention basin at any given time. ▪ Water quality requirements shall be satisfied through detention basin design. The extended detention basin shall serve also as a flood control detention basin. ▪ Adequate secondary overflow shall be provided. ▪ An impermeable liner shall be provided to eliminate saturation of soil in the vicinity. ▪ Maintenance of the detention basin shall be the Applicant's responsibility. | | | | | | | |
| HYD-3 | Prior to issuance of any Grading Permit or Building Permit for each phase of the Project, the Preliminary Grading and Drainage Plan shall be updated to specifically address the modified athletic field and tennis courts in the western portion of the site with respect to altered drainage patterns and runoff amounts. | Prior to Any Grading or Building Permit | Director of Public Works and City Engineer | Approval of Revised Grading and Drainage Plan | | | |

| Water Quality – Construction | | | | | | | |
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| HYD-4 | The hydrological and drainage improvements identified in Mitigation Measures HYD-1 and HYD-2 shall be completed during the Phase I grading period and prior to issuance of the Building Permit for the Phase II buildings (i.e., Library, Maintenance, or Athletic). | During Phase I Grading Period and Prior to Any Building Permit | Director of Public Works and City Engineer | Verification of Drainage Improvements | | | |
| HYD-5 | Prior to issuance of any Grading or Building Permit, and as part of the Project's compliance with the NPDES requirements, a Notice of Intent shall be prepared and submitted to the Los Angeles RWQCB providing notification and intent to comply with the State of California general permit. Also, a Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Public Works and the City Engineer for water quality construction | Prior to Any Grading Permit or Building Permit | Director of Public Works and City Engineer | Verification of Submittal of Notice of Intent | | | |



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| | | | | Initials | Date | Remarks |
| activities onsite. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." The SWPPP shall contain, at a minimum, the BMPs outlined in <u>Appendix 13.6, Hydrology and Water Quality Data</u> . | | | | | | |
| HYD-6 | Prior to Any Grading Permit | Director of Public Works and City Engineer | Verification of Approval of Water Quality Management Plan | | | |
| PUBLIC SERVICES AND UTILITIES | | | | | | |
| Police Protection | | | | | | |
| PSU-1 | Prior to issuance of any Certificate of Occupancy, a private security program, reviewed and approved by the Planning Commission and the Los Angeles County Sheriff's Department at a duly noticed public hearing, shall be implemented at the campus enforcing the Project's Conditions of Approval and the Marymount College Code of Conduct; refer to Mitigation Measure NOI-5. The private security program shall, at a minimum, consist of a security patrol officer and a staffed security/info kiosk (during the Campus' operational hours). | Prior to Any Certificate of Occupancy | Planning Commission | Approval of Private Security Program | | |
| Solid Waste | | | | | | |
| PSU-2 | Prior to issuance of any Building or Grading Permit, an approved Construction and Demolition Materials Management Plan shall be prepared and submitted to the Director of Public Works for review and approval. Said Plan shall include: <ul style="list-style-type: none"> ▪ All demolition (buildings and hardscape), new construction and alterations/additions. ▪ How the Applicant proposes to divert at least 85 percent of the existing parking/paving, concrete walkways and other concrete or asphalt | Prior to Any Building Permit or Grading Permit | Director of Public Works | Approval of Construction and Demolition Materials Management Plan | | |



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| Mitigation Measure | Monitoring Milestone | Monitoring Agency | Action Indicating Compliance | Verification of Compliance | | | |
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| | | | | Initials | Date | Remarks | |
| <p>pavement away from land disposal.</p> <ul style="list-style-type: none"> ▪ Identify where recycled material generated by the demolition of the existing buildings and parking areas will be stockpiled on-site and disposed. ▪ Identify measures to reuse or recycle at least 50 percent of the demolition and construction materials, including, but not limited to wood, metal and cardboard, to meet the City's diversion goal requirements, as established by AB 939. | | | | | | | |
| PSU-3 | Upon completion of demolition and construction, and prior to issuance of any Certificate of Occupancy, a Construction and Demolition Materials Disposition Summary shall be submitted to the Director of Public Works. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tickets or other sufficient documentation. | Prior to Any Certificate of Occupancy | Director of Public Works | Approval of Construction and Demolition Materials Disposition Summary | | | |
| PSU-4 | Where possible, the site design shall incorporate for solid waste minimization, the use of recycled building materials, and the re-use of on-site demolition debris. | Prior to Any Demolition Permit | Community Development Director | Approval of Site Plan and Demolition Plan | | | |
| PSU-5 | The proposed Project shall incorporate storage and collection of recyclables into the Project design, and refuse collection contracts shall include provisions for collection of recyclables. Recycling shall be included in the design of the Project by reserving space appropriate for the support of recycling, such as adequate storage areas and access for recycling vehicles. | Prior to Any Building Permit | Community Development Director | Approval of Site Plan and Refuse Collection Contracts | | | |
| PSU-6 | <p>Prior to issuance of any Certificate of Occupancy, the Applicant shall, to the satisfaction of the Director of Public Works, implement a comprehensive Recycling Program on an on-going basis, including but not limited to the following measures:</p> <ul style="list-style-type: none"> ▪ Grasscycle, use as mulch, or compost all greenwaste generated from the athletic field and landscape areas. ▪ Recycle all bottles, aluminum cans, glass and foodwaste. | Prior to Any Certificate of Occupancy | Director of Public Works | Approval of Revised Recycling Plan | | | |



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| Mitigation Measure | Monitoring Milestone | Monitoring Agency | Action Indicating Compliance | Verification of Compliance | | |
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| | | | | Initials | Date | Remarks |
| <ul style="list-style-type: none"> The existing paper recycling program shall be expanded to include the proposed improvements, including but not limited to the Library and Administration Building. Reports detailing the progress of the recycling for each academic year (including summer) shall be prepared and submitted to the Director of Public Works at the end of the academic year. Said report shall include the volume of tonnage that has been diverted to solid waste disposal, recycling, composting and grasscycling. | End of Each Academic Year | Director of Public Works | Approval of Recycling Plan | | | |
| PSU-7 | During events at the athletic field, temporary waste and recycling receptacles shall be provided. | City Inspector | Field Verification | | | |
| BIOLOGICAL RESOURCES | | | | | | |
| Special Status Biological Resources | | | | | | |
| BIO-1 | Prior to issuance of any Grading Permit, a habitat assessment for the El Segundo blue butterfly (<i>Euphilotes battoides allyni</i>) shall be conducted by a qualified biologist permitted by the USFWS to conduct surveys for this species, approved by the Community Development Director, and paid for by the Applicant. If any El Segundo blue butterfly is located in the impact area, authorization from the UFWS shall be required prior to commencing any construction activities in the surveyed area. Authorization can occur through either Section 7 or 10 of the FESA. The authorization process would require a preparation of Biological Assessment or Habitat Conservation Plan (HCP), which would include a Special Status Plant Mitigation Program to avoid or minimize impacts to this species. The Special Status Plant Mitigation Program may include avoiding the habitat of this species or purchasing off-site habitat for this species. | Prior to Any Grading Permit | Community Development Director | Acceptance of Habitat Assessment and Acceptance of Special Status Plant Mitigation Program (if needed) | | |
| BIO-2 | The Applicant shall hire, at the Applicant's expense, a qualified Biologist, approved by the Community Development Director, who shall conduct a focused survey for active raptor nests no more than 30 days prior to commencement of any grading or construction or the removal of the gum trees, if such activity occurs during the breeding season between February 1 and | No More Than 30 Days Prior to Any Grading or Construction or Gum Tree | Community Development Director | Acceptance of Focused Survey for Active Raptor Nests | | |



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| Mitigation Measure | | Monitoring Milestone | Monitoring Agency | Action Indicating Compliance | Verification of Compliance | | |
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| | | | | | Initials | Date | Remarks |
| | June 30. If an active nest is found, some restrictions on grading activities may be required in the vicinity of the nest until the nest is no longer active as determined by a qualified Biologist. | Removal, if Activity Occurs Between February 1 and June 30 | | | | | |
| Special Status Habitats | | | | | | | |
| BIO-3 | Prior to issuance of any Grading Permit, a jurisdictional delineation shall be conducted by the Applicant to determine whether the two drainage channels are under the jurisdiction of ACOE and CDFG. If these agencies have jurisdiction over the Project's study area, permits or waivers thereof would be required from one or both of these agencies prior to issuance of any Grading Permit. The Applicant shall be required to comply with all permit conditions from the ACOE and/or CDFG. Conditions of these permits may include, but are not limited to, the replacement of habitat value within the jurisdictional areas impacted. The replacement may come in the form of habitat restoration and/or enhancement onsite or in the immediate vicinity at the discretion of the permitting agencies. | Prior to Any Grading Permit | Community Development Director | Acceptance of Jurisdictional Delineation | | | |



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EXHIBIT C

Statement of Overriding Considerations

The following Statement of Overriding Considerations is made in connection with the approval of the Final Project.

The City Council finds that the economic, social and other benefits of the Final Project outweigh the significant and unavoidable environmental impacts identified in the EIR and in the record, some of which have been eliminated or reduced in severity to the degree feasible through modifications to the originally proposed Project. In making this finding, the City Council has balanced the benefits of the Final Project against its unavoidable impacts and has indicated its willingness to accept those adverse impacts. The City Council finds that each one of the following benefits of the Final Project, independent of the other benefits, would warrant approval of the Final Project notwithstanding the unavoidable environmental impacts of the Final Project.

- A. The Final Project provides new, expanded, and enhanced facilities that could be used for community meeting space, in furtherance of General Plan Socio/Cultural Policy 3.
- B. The Final Project provides new and expanded recreational facilities, including the new athletic field, in furtherance of General Plan Socio/Cultural Policy 4.
- C. The Final Project will upgrade on-site drainage and flood control systems, thus reducing the likelihood to site instability as a result of flood water sheet flowing across the property.
- D. The Final Project will enable the College to upgrade its facilities and programs to better provide higher education opportunities to the public.
- E. The Final Project increases the landscaped setback along Palos Verdes Drive East, thus enhancing the appearance of the campus from the public right-of-way.
- F. The Final Project will assist the College in its ability to attract and retain students, which in turn will help maintain existing jobs, including the opportunities for highly trained workers like professors and faculty.
- G. The College has committed to provide a public benefit by offering to donate \$200,000.00, to assist the City in funding construction of a median barrier in Palos Verdes Drive East adjacent to a portion of the College's site.