

MINUTES

REGULAR PLANNING COMMISSION MEETING

APRIL 30, 2001

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A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:30 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN BAYER.

2. PLEDGE OF ALLEGIANCE

CHAIRMAN BAYER led the assembly in the Pledge of Allegiance to the Flag.

3. ROLL CALL

Commissioners Present: Conway, Vullo, Killen, Somers, Chairman Bayer

Commissioners Absent: Zerunyan

Staff Present: Director Orci

Senior Planner Wahba

Director Orci announced the resignation of CHAIRMAN GOYETTE.

4. APPROVAL OF MINUTES

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOMERS,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF APRIL 16, 2001.

There being no objection, CHAIRMAN BAYER so ordered.

5. AUDIENCE ITEMS

None.

6. CONSENT CALENDAR

- A. PLANNING APPLICATION NO. 41-00; APPLICANT: MORNING STAR CHRISTIAN CHURCH; LOCATION: 735 SILVER SPUR ROAD; A REQUEST TO EXTEND RESOLUTION NO. 1954 FOR SIX MONTHS.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO APPROVE THE CONSENT CALENDAR.

AYES: Conway, Vullo, Killen, Somers,
Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: Zerunyan

2. BUSINESS ITEMS

None.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 21-99. APPLICANT: REMAX PALOS VERDES; LOCATION: 2483 PALOS VERDES DRIVE NORTH (NORTHEAST CORNER OF PALOS VERDES DRIVE NORTH AND PALOS VERDES DRIVE EAST). ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM RESIDENTIAL (RA-20) TO COMMERCIAL OFFICE (C-O); MINOR DEVIATION TO REDUCE THE REQUIRED LOT SIZE BY 10% OR LESS; PRECISE PLAN OF DESIGN TO CONSTRUCT A NEW SINGLE STORY 6,900 SQ. FT. REAL ESTATE OFFICE BUILDING, PARKING LOT, AND RELATED SITE IMPROVEMENTS; GRADING APPLICATION TO IMPORT APPROXIMATELY 16,000 CUBIC YARDS OF FILL; AND A REVIEW OF THE INITIAL STUDY AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE PROJECT.

Senior Planner Wahba gave a staff report and reviewed the request and the project. He reviewed the past discretionary actions for the subject property. He indicated that when the applicant purchased the subject property on November 25, 1998 from Larry Arman with the intention of building a new office building on the property requiring a Zone Change, the applicant was aware that the City had denied a previous request to change the zoning from Residential to Commercial Office in 1988, and that the amortization of the use was set to expire on August 22, 1999. As such, the applicant filed an application on March 18, 1999 which began staff's review of the project.

He further reviewed the project description and stated that the site is just under 1 acre, and the Minor Deviation request is to allow the creation of a commercial office site where the minimum code requirement is 1 acre, representing a 5 percent reduction. He also noted that the lot size, setbacks, building coverage, building height, landscaped areas and parking are outlined in the staff report, and all the minimum code requirements are exceeded for the Commercial Office zoning district.

He stated that the grading application involves the import of 16,000 cubic yards to the site to fill the rear portion with a maximum depth of 34 feet. The applicant has completed a geology report for the site, which has also been reviewed initially by the County of Los Angeles. From the geology report, the building will be required to be constructed on caissons.

He pointed out that there is a list of issues in the staff report that the Commission may wish to consider.

He stated that staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take Public Testimony;
3. Discuss the project;
4. Close the Public Hearing; and
5. Direct staff and the applicant accordingly.

In response to COMMISSIONER SOMERS, Senior Planner Wahba explained that if the zoning were not changed, a home could be built on the lot or the applicant could apply for an extension to the legal non-conforming use for a period of up to ten years, requiring two-thirds of the residents within a 500 foot radius of the property to sign a petition which would then go before the City Council.

In response to COMMISSIONER KILLEN, Senior Planner Wahba stated that the RA-20 zoning would have the ability to have two homes on the lot.

In response to COMMISSIONER CONWAY, Senior Planner Wahba stated that there are about three residences within 500 feet of the subject property. He also said if the property were rezoned commercial, the horse overlay zone would be removed from the site. He informed that the property is identified as a high sensitivity area in the Cultural Resources Overlay zone which is being incorporated in the CEQA study. He further informed that the 33 percent slope relative to more stringent development standards would be addressed in the geology section along with the grading impacts. He indicated that the applicant will be requested to provide an archeological survey and a detailed review of the sensitive resources.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,
to OPEN THE PUBLIC HEARING.

AYES: Conway, Vullo, Killen, Somers,
Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: Zerunyan

Sandra Sanders, Broker and Owner of Remax Palos Verdes Realty, stated she has owned a business in the City of Rolling Hills Estates for over 17 years. She said she has been a realtor on the Peninsula for approximately 28 years. She said in 1999, the Peninsula Chamber of Commerce awarded the most professional business award to her company. She said she lives on the Peninsula and is very proud of the City's very beautiful environmental appearance and semi-rural character, and she wants to

preserve the uniqueness. She indicated that she owns the property on the northeast corner of Palos Verdes Drive North near Rolling Hills Country Club, and the property is presently a real estate office that has been located on that corner for almost 40 years which is in great need of repair and renovation. She informed that she would like to continue her business in this location and beautify the corner by building a new country ranch structure which will be built further away from Palos Verdes Drive North and extensively landscaped to make it attractive and rural as possible. The parking will be in the back of the building away from the street, and the current driveway would be eliminated. The office will accommodate approximately 30 agents, with no meetings being held at the office. The agents would be out in the field most of the time with no more than 10 agents at anytime in the office.

She also pointed out that her building will be beautiful and in good taste and nothing like the appearance of the offices on the opposite corner. She also said that officials from the Rolling Hills Country Club are in favor of the project. She noted that anything else on the corner such as a home, school or church would encounter too much traffic and noise.

She respectfully asked the Planning Commission to allow her to build a real estate office in good taste that would be a great improvement to the appearance of the corner of Palos Verdes Drive North.

In response to COMMISSIONER SOMERS, Ms. Sanders indicated that she bought the property and there are no contingencies at this time. She clarified that she bought the property from Roy Roberts and Dennis Silver, and not from Larry Arman, as indicated in the staff report.

In response to COMMISSIONER SOMERS, Ms. Sanders explained that the building is to be expanded to accommodate separate offices for the agents.

In response to COMMISSIONER VULLO, Ms. Sanders indicated that there would be approximately 20 offices in the building.

COMMISSIONER CONWAY pointed out that the Commission is guided by state law to incorporate all other developmental projects that may have an impact in their decision making, and the proposed project cannot be looked at in isolation.

Doug McHatte, Bolton Engineering, indicated that the sound studies revealed noise exceeding what is allowable for residential, and the traffic engineer and the City Traffic Engineer found that the proposed project would have no impact on the traffic.

In response to COMMISSIONER VULLO, Mr. McHatte explained that drainage would not be increased with the proposed project, and there is an agreement with the Butcher project to accept the drainage.

In response to COMMISSIONER KILLEN, Mr. McHatte stated that the slope is 3 to 1 in the middle and 2 to 1 on both sides.

COMMISSIONER KILLEN suggested a different traffic pattern for the parking lot to be considered, and he expressed concern with the excessive amount of fill proposed and the total height of the building at 33 feet.

Mr. McHatte explained that the design grew from various inputs from the traffic engineer and staff to meet the setbacks and staying away from the greenbelt and City property line. He also informed that the geology report indicated that it would be geologically correct to fill the proposed 16,000 cubic yards. He also pointed out that the proposed building is not much larger than homes being constructed today.

In response to COMMISSIONER VULLO, Mr. McHatte stated that existing dirt will have to be removed and re-compacted to allow for the import of 16,000 cubic yards.

In response to COMMISSIONER CONWAY, Mr. McHatte explained that the soil engineer feels that the building should be on caissons to be properly founded, and slab on grade would cause distress to the building. He also said that the removal and re-compaction proposed will be done to County standards to a 90 percent compaction rate.

Valerie Atkinson, 33 Deerhill, Rolling Hills Estates, indicated that she has been in the real estate business for over 20 years, and stated that Ms. Sanders is an exceptional person, an excellent businessperson and is very well-respected. She stated that the Peninsula is unique with a rural feeling, and the proposed office is a prominent location and introduction to the area. She noted that Ms. Sanders is an active member of the community and has strong convictions as to what transpires in the area, and her proposal would be a great improvement and conform beautifully to the neighborhood and enhance the corner. She also noted that at any given time, there would only be approximately 10 percent of the agents in the office. She believed the location would be perfect for a real estate office.

In response to COMMISSIONER SOMERS, Ms. Atkinson stated that she would like to see a nicer building on the corner, regardless of the size. She also pointed out that by having two residences on the property, the same concerns would still exist.

Roxanne Ellison, 5121 Bluemound Road, Rolling Hills Estates, indicated that her husband works for Ms. Sanders. She believed that the existing buildings are not in style of what is being built today and feels that the corner has always needed more attention. She pointed out that most of the horses are now down closer to Chandler, and she does not believe that horses will be seen in the proposed area. She also said that the proposed corner would suit the realtors and public, is a gateway to the Peninsula, and would be too busy for residential. She feels that the proposal would be a beautiful addition to the City and would keep the rural feeling.

Jim Zappella, 7 Santa Bella Road, Rolling Hills Estates, indicated that he has been employed for Remax for over 17 years and has always worked on the corner of Palos Verdes Drive North and Palos Verdes Drive East. He believed that the location would be impractical for homes, and he is in favor of the real estate office proposed.

Jim Cohn, 14 Encanto Drive, Rolling Hills Estates, stated he is on the Board of Directors for the Montecillo Homeowners' Association and read an email from Patrick Humphries who is opposed to the rezoning of the Residential property to Commercial Office. He stated that the existing non-commercial zoning has been in effect for 25 years and the City Council unanimously rejected the up-zoning in 1988. The General Plan which calls for protection of valuable open space and residential areas has been in place for more than nine years; therefore, there is ample precedence that would

warn any buyer from zoning to commercial. He further expressed concern with impacts to natural habitat, open space, density, the scenic corridor, parking and increased run off.

In response to COMMISSIONER SOMERS, Mr. Cohn stated he is speaking on behalf of the Montecillo Homeowners' Association which is objecting to the commercial use of the property. He also said that residential homes would be acceptable or the existing buildings if they were improved.

Dan Freedland, 30 Encanto Drive, Rolling Hills Estates, Vice-President of the Montecillo Homeowners' Association noted that the Board has voted in opposition to the project. He stated that the Palos Verdes Drive North scenic corridor must be preserved and the entire corridor must be looked at as a whole. He said the City must not permit any further commercialization of this corridor until a comprehensive review of the public policy for the entire corridor is completed. He believed that the current zoning should be reaffirmed and the up-zoning be denied. He said it is critical to preserve and enhance the rural nature of Palos Verdes Drive North, and the protection of the corridor is already embodied in the General Plan.

In response to COMMISSIONER SOMERS, Mr. Freedland believed that the entire corridor should go to the City line and both sides of the street of Palos Verdes Drive North.

In response to COMMISSIONER VULLO, Mr. Freedland stated he is sensitive to development on the proposed corner, and he pointed out that the General Plan calls for examining the issues very carefully.

Eric Chen, Secretary of the Montecillo Homeowners' Association, 18 Encanto Drive, Rolling Hills Estates, clarified that the Board has voted against the up-zoning and believed that the correct decision would be to reaffirm the current zoning. The developer will then come back with other ideas for further discussion. He also expressed concern with precedent setting with other development projects. He asked that staff examine the following items:

1. What public policy would be served by up-zoning to Commercial use.
2. What public policy would be served by reversing nearly a quarter of a century of consistent City actions maintaining this property at low density residential.
3. What public policy would be served by rewarding spot zoning.
4. Issues of precedent setting.
5. Why the project would be approved at this time when the General Plan is to be updated with a comprehensive review of the corridor.
6. Review if the application is incomplete and if the LA County is lacking information.
7. What natural species and/or habitats would be adversely affected.
8. Conduct a new traffic study for the project or correct the flawed study done for

the Rolling Hills Covenant Church project.

9. Look at alternatives to the proposed project which would include creating a greenbelt open space recreation area.

In response to COMMISSIONER CONWAY, Mr. Chen believed that all forms of species and/or habitats should be considered.

Bob Bennett, President of the Harbor Site Homeowners' Association, 16 Deerhill Drive, Rolling Hills Estates, pointed out that the corner is a scenic corridor and is the entrance to the City, and the current buildings are unattractive. He believed that Remax has attempted to design the building consistent with the area, but the building would be a large commercial building, setting a precedent, and the area should remain residential.

John Shepherd, 12 Deerhill Drive, Rolling Hills Estates, questioned what community need is served by the rezoning.

Bridget Carman, 2225 Carriage Drive, noted that development along the corridor creates impacts regarding noise, traffic and congestion. She said the majority of her homeowners' association is against extensive development on Palos Verdes Drive North and wants to maintain the rural area of the community. She also said up-zoning to commercial would be inconsistent with existing residential uses such as lot coverage, height, density and scale. She believed that the corridor should stay residential.

Eric Frank, 15 Encanto Drive, Rolling Hills Estates, pointed out that this issue has already been visited by the City Council in 1988 who denied the up-zoning to commercial which could set a precedent for other uses along Palos Verdes Drive North. He also indicated that the only reason the non-conforming use has been permitted was to allow the owner to amortize the existing investment. He noted that the up-zoning would result over time to more intensive commercial uses on the property which is evidenced by the 50 percent over parking that the developer is proposing. He also questioned why Remax has been allowed to keep the project non-conforming since 1999, and the new owner knew it was zoning for residential and not commercial.

Coco Mueller, 29 Hitching Post, concurred with the opposition already stated.

Ms. Sanders pointed out that when Mr. Arman requested the approval of his project, he wanted a commercial building with underground parking. She stated she wants to make the building much nicer with vegetation on the corner. She indicated that the building has been a real estate office for 40 years and never residential, and it would be practical now to make it larger and nicer.

In response to COMMISSIONER SOMERS, Ms. Sanders stated she plans to be there for a long time with her son taking over when she retires. She offered to specify in the deed that the building remain a real estate business.

Jackie Crowley, 32538 Coastsite Drive, Rancho Palos Verdes, stated she has lived in the area for many years and has been with Sandra and Remax since 1982. She pointed out that there are impacts from the commercial Cramer Club and Country

Club which no one has objected to. She believed that the proposal would be kept in conformity to a rural atmosphere and would be an asset to the community. She also said that the proposed driveway would be much easier to access. She indicated that residential on that corner would not be as valuable.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLAN,
to CLOSE THE PUBLIC HEARING.

AYES: Conway, Vullo, Killen, Somers,
Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: Zerunyan

In response to COMMISSIONER CONWAY, Director Orci believed that the new guidelines from the SUSUMP would not apply to the development.

In response to COMMISSIONER CONWAY, Director Orci believed there are no special circumstances or limitations applying to the General Plan amendments eliminating residential uses. Also, there are no general state guidelines, findings or precedent regarding the elimination of residential zones via a General Plan amendment.

In response to COMMISSIONER VULLO, Senior Planner Wahba informed that any changes to the configuration of the parking lot, building or interior would have to come before the City and would be proposed as an extension of the legal non-conforming use.

In response to COMMISSIONER VULLO, Senior Planner Wahba explained that there are height limitations and setback requirements for buildings and walls along Palos Verdes Drive. Director Orci further addressed that a scenic corridor preserves a character of the City as you enter or travel through it and does not necessarily mean a view is gained beyond the corridor.

In response to COMMISSIONER SOMERS, Director Orci stated that there are certain provisions in the General Plan that owners facing Palos Verdes Drive North or any other portion designated with the City corridor needs to follow to maintain and preserve the character and remain scenic.

In response to COMMISSIONER CONWAY, Director Orci stated that another workshop could be presented with the Initial Study in circulation to allow the audience as well as the Planning Commission to provide additional comments.

In response to CHAIRMAN BAYER, Director Orci explained that the Cramer Club and Country Club are zoned Commercial Recreation versus Commercial Office considered for the proposed project.

In response to COMMISSIONER VULLO, Director Orci explained that the Initial Study and Environmental Impact Report are looked at together.

In response to COMMISSIONER KILLEN, Senior Planner Wahba explained that the vacant property to the east will be a 12-home subdivision at 6.4 acres with access off of Montecillo with a private road that would front Palos Verdes Drive north and end in a cul-de-sac. He said there is currently no vesting tract map for the site at this time.

CHAIRMAN BAYER requested the following items for staff's review:

1. Scenic corridor analysis.
2. Benefits to the community.
3. City Traffic Engineer review the applicant's traffic study.
4. Location of the entrances and exits in the proposed parking areas.
5. Information on the natural species and habitat.
6. Further residential development on the site.
7. Unsettling of the land and impacts.

COMMISSIONER SOMERS pointed out that all the projects along the corridor should be considered together. He would also like information on the impacts of a different use in the future and any excessive runoff concerns.

COMMISSIONER VULLO requested information on lighting in the parking lot, hours of operation and the haul route for grading.

COMMISSIONER CONWAY requested the following items for staff's review:

1. A Title Report.
2. Hydraulics and hydrology study.
3. Further explanation and policy and guidelines relative to scenic highways.
4. Explanation of Policy 5.3 of the conservation element of the General Plan.
5. Information of City's obligation to protect and maintain natural canyons and passive open space.
6. Impacts of excessive grading and slopes.
7. Impacts of the Cultural Resource Management Overlay zone.

COMMISSIONER KILLEN stated he would not vote in favor of the project as it exists, as it does not respond well to the site and the grading is problematic. Proposing to fill 34 feet and sloping it off to the property line to the north is not an appropriate solution, and all the existing landscaping and natural habitat would be lost. He also indicated that developing two houses may create the same problems. He would like to see the site developed without creating tremendous amounts of grading. He also pointed out that the 33-foot high building is only setback at 17 feet from the property

line and would be a vertical structure and does not need to be this high.

COMMISSIONER CONWAY stated that he appreciated the comments from the audience.

Director Orci stated this item will be re-advertised to the surrounding properties and the additional information will be brought back to the Commission.

The Commissioner took a break at 9:18 p.m.

- A. PLANNING APPLICATION NO. 3-01. APPLICANT: MICHAEL CONWAY; LOCATION: 27739 CONESTOGA DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A FIRST AND SECOND STORY ADDITION. A MINOR DEVIATION IS REQUIRED TO CONTINUE A LEGAL NON-CONFORMING SIDE YARD SETBACK INTO THE REAR YARD. A VARIANCE IS REQUIRED FOR THE SECOND STORY TO ENCROACH INTO THE HEIGHT-TO-SETBACK RATIO.

Senior Planner Wahba indicated that the applicant has requested to continue the application to work with staff and eliminate the Variance application from the project. Staff recommends that the Planning Commission close the Public Hearing and continue the application to a date uncertain to allow the applicant and staff to work through the Neighborhood Compatibility concerns of the project which will then be re-advertised and brought back to the Commission at a future date.

COMMISSIONER SOMERS moved, seconded by COMMISSIONER VULLO,

to CLOSE THE PUBLIC HEARING AND CONTINUE PLANNING APPLICATION NO. 3-01 TO A DATE UNCERTAIN.

AYES: Vullo, Killen, Somers, Chairman
Bayer

NOES: None

ABSTAIN: None

ABSENT: Zerunyan

RECUSE: Conway

9. COMMISSION ITEMS

In response to COMMISSIONER CONWAY, Director Orci explained that the Rolling Hills Road situation involves un-kept properties adjacent to Rolling Hills Road and safety issues.

COMMISSIONER CONWAY requested a copy of Ordinance No. 619.

COMMISSIONER KILLEN announced that the City Council meeting he attended last Tuesday involved discussion of the Pepper Tree project, and the developer was given direction to reduce the amount of units and modulate the setbacks on the front.

In response to CHAIRMAN BAYER, COMMISSIONER KILLEN stated that the City Council felt that the single entrance was acceptable, keeping the site a less of a drive-thru.

10. UPCOMING PLANNING COMMISSION ITEMS (May 14, 2001)

None.

11. DIRECTOR'S ITEMS

Director Orci announced that CHAIRMAN GOYETTE will be presented a plaque at the May 8, 2001 City Council meeting, and he encouraged the Commissioners to attend.

12. MATTERS OF INFORMATION

- a. Park and Activities Minutes (April 17, 2001).
- b. City Council Actions (April 24, 2001).

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,
to RECEIVE AND FILE ITEMS 12A and 12B.

9. ADJOURNMENT

At 9:30 p.m. CHAIRMAN BAYER adjourned the Planning Commission meeting to the regularly scheduled Planning Commission meeting of May 14, 2001 at 7:30 p.m.

Diane Cleary EPA Douglas R. Prichard

Minutes Secretary City Clerk

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