

## MINUTES

### REGULAR PLANNING COMMISSION MEETING

JULY 16, 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, Zerunyan, Killen, Somers, Chairman Bayer

Commissioners Absent: Vullo

Staff Present: Director Orci

Planning Assistant Tran

4. APPROVAL OF MINUTES

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF APRIL 30, 2001.

There being no objection, CHAIRMAN BAYER so ordered.

5. AUDIENCE ITEMS

None.

6. CONSENT CALENDAR

A. QUARTERLY CODE ENFORCEMENT REPORT.

B. PLANNING APPLICATION NO. 6-01; APPLICANT: LA SALSA; LOCATION: 55 PENINSULA CENTER; A PRECISE PLAN OF DESIGN TO ADD A LOGO TO TENANT ID SIGN.

C. PLANNING APPLICATION NO. 9-01; APPLICANT: PALOS VERDES ART CENTER; LOCATION: 550 DEEP VALLEY DRIVE #327; A PRECISE PLAN OF DESIGN FOR A BUSINESS IDENTIFICATION SIGN WITH LOGO.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER ZERUNYAN,  
TO APPROVE THE CONSENT CALENDAR.

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

NOES: None

ABSTAIN: None

ABSENT: Vullo

2. BUSINESS ITEMS

None.

8. PUBLIC HEARINGS

A. PLANNING APPLICATION NO. 10-01. TO ADOPT CERTAIN AMENDMENTS TO THE ROLLING HILLS ESTATES GUIDELINES AND PROCEDURES FOR IMPLEMENTING THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Director Orci introduced Hanh Tran as the new Planning Assistant.

Assistant Planner Tran gave a staff report and reviewed the overview of the amendments A through G in the staff report. She stated that staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Close the Public Hearing; and
4. Adopt Resolution No. PA-10-01, recommending the City Council amend the Rolling Hills Estates Guidelines for Procedures for Implementing the Provisions of CEQA.

COMMISSIONER CONWAY verified that under Section D of the staff report that 1) the project approval occurs within 180 days of the certification of the EIR and that 2) the approval or disapproval of a project is 60 days from the adoption of a Negative Declaration, not from submittal of application.

Director Orci stated that this should be reflected in the Guidelines. He also said the changes have been taken from the state requirements. He further said certain deadlines may change depending upon the complexity of the project and whether or not concurrence is obtained from the applicant.

In response to COMMISSIONER SOMERS, Director Orci stated that the reason for shorter requirements is from the Permit Streamlining Act.

The Commission reviewed and discussed the following in the Guidelines and Procedures:

- Page 1 – Section 3, Definitions – Approval – Written commitment rather than a verbal commitment.
- Page 5 – Section 3, Definitions – Project – Subsection A – The word "and" changed to "any" in the first sentence.
- Page 5 – Section 3, Definitions – Public Agency – Last sentence should read "this term does not include agencies of the federal government."
- Page 6 – Section 3, Definitions – Responsible Agency – Should read "The public agency which proposes to undertake or approve a project for which a lead agency is preparing an EIR or Negative Declaration." (Director Orci will check on this further).
- Page 6 – Section 3, Definitions – Significant Effect – Correct as stated.
- Page 8 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Ministerial Projects – Subsection e – COMMISSIONER CONWAY inquired if permitting a foundation but not the project itself would create an impact on vested rights. (Director Orci will check on this further).
- Page 9 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a2 – Expand for pedestrian and horse trails. Director Orci explained that there may be impacts from horse trails.
- Page 9 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a4 – Director Orci believed that satellite dishes are included in CEQA, but will check on this further.
- Page 9 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a6 – Change to Class 2 Subsection D.
- Page 9 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a8 – Change to Class 1 Subsection L4.
- Page 9 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a9 – Add "except

for slopes greater than 10 percent and any grading located in a waterway, wetland or officially designated scenic area."

- Page 10 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a10 – Correct as stated.
- Page 10 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a12 – Correct as stated.
- Page 10 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Categorical Exemptions – Subsection a13 – Parcel Maps are not exempt – Delete this section.
- Page 11 – Section 5, Preliminary Review for Completeness and Exemptions – Review for Exemptions – Notice of Exemption – Notice of Exemption filed "after" approval of the project which is in the Guidelines of Section 15062 – Correct as stated. Staff will verify and adjust if needed.
- Page 14 – Section 7, Procedures for the Preparation of Negative Declarations – Section D Public Review Period – Second sentence should read "This period shall be a reasonable period of time..."
- Page 15 – Section 7, Procedures for the Preparation of Negative Declarations – Section F Consideration – Should read "Prior to recommending approval or disapproval of a project..."
- Page 21 – Section 8, Procedures for the Preparation of Environmental Impact Reports – Section F – Subsection 2 Description of Environmental Setting – Fourth sentence should read "Specific reference to related projects, both public and private, both existing and planned..."
- Page 24 – Section 8, Procedures for the Preparation of Environmental Impact Reports – Section I – Public Review of Draft EIR – Director Orci explained that the City requires a 500-foot radius notification and for those who express interest.
- Page 27 – Section 9, Special Time Limits – Section B – Suspension of Time Periods – Second paragraph should read, "Alternatively, an agency..."
- Page 27 – Section 9, Special Time Limits – Section C – Development Projects – Certification "of the EIR" to be inserted.
- Page 27 – Section 9, Special Time Limits – Section C – Development Projects – Third paragraph – Director Orci indicated that the "90 days" is being quoted from CEQA and there are no minimums/maximum stated for extension of time.
- Page 27 – Section 9, Special Time Limits – Section D – Correct as stated.
- Page 28 – Section 9, Special Time Limits – Section E – Projects with Short Time Periods for Approval – The word "statue" should read as "statute".

COMMISSIONER CONWAY indicated that the attached exhibits should reflect the above comments.

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

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

NOES: None

ABSTAIN: None

ABSENT: Vullo

Kathleen Schwallie, President of Montecillo Homeowners Association stated she received notice about the hearing Friday afternoon in the mail. She expressed concern that they have had very little time to review the proposed changes and provide the Commission with comments about changes to be made. She also said that various neighborhoods throughout the City have expressed concern about these changes and have not had the opportunity to review them or to be present tonight. She requested further opportunity to comment on the procedures, and suggested having a public workshop. She also requested an opportunity to inform the homeowners' associations of the proposed changes.

She indicated that the procedures can provide a roadmap to insure that developers are treated fairly and that the public can participate fully. It also allows everyone to fully understand the impacts of projects.

She reviewed the following issues and concerns:

- She addressed the adequacy of various studies used by the City in evaluating traffic impacts and other impacts of various projects. She said the procedures at this time do not provide any standards whatsoever in determining the adequacies of such studies, particularly studies funded by developers. She believed there needs to be a discussion and policy determination made about standards for studies.
- She would like to see the Initial Study and Initial Environmental document prepared and given to the public for review prior to any scoping session.
- She would like to see thresholds of significance in the local procedures, as they are a significant part of the decision making process. This would insure more consistent decision making and more decision making made in the public eye. She said she would like to see the traffic threshold of significance in the set of procedures, as the current threshold (CMP) is very low and needs to be looked at very carefully. She also would like to see air, noise and aesthetic standards be incorporated in the procedures.
- She would like to see longer review periods, particularly with the Negative Declarations where the public is provided with less information than they are

with an EIR. She would also like to see the public encouraged to participate and not be limited. She suggested having at least a 30-day review period for Negative Declarations and also, a maximum of 60 days to review draft EIR's should be allowed.

- The wording in the General Plan should be brought out through ordinances and procedures to help recall what has been adopted.
- Page 5 – Private Project – The definition should specifically include "Variance."
- Page 7 – The definition "Urbanized Area" is irrelevant for this rural City and should not be adopted.
- Page 12 – Section 6C – She would like to see the last statement "and statements in an EIR and comments relative to an EIR are not determinative of whether the project may have a significant effect on the environment," deleted. COMMISSIONER CONWAY stated that this statement is in CEQA.
- Page 14 – Section 7 – Contents – Negative Declaration one-page reference. She believed that the document needs to be longer to develop a discussion about the mitigations and their monitoring, etc.
- Page 15 Section 7E – Review by State Agencies - She indicated that scoping sessions should be included because they are very helpful tools, particularly in larger projects.
- Page 17 – Section 8B 3 and 4 – She would like to see these sections expanded.
- Page 24 – Section 8I – She would like to see reference to a City website in this section. This would be a great opportunity to develop a site to provide information for the public to have easy access to EIR's, Negative Declarations and staff reports, etc. She further suggested that there needs to be more noticing such as increasing mailings or posting of signs.
- Page 25 – Section 8L – She would like to see the public provided an opportunity to respond to the final EIR with a timeframe of approximately two months for review.
- Page 25 – Section 8M – She suggested that only the City Council be able to certify the EIR and that the process be done in a public forum.
- Page 29 – Section 10C – She requested that the City provide each neighborhood organization copies at no charge.

In response to COMMISSIONER SOMERS, Ms. Schwallie said she is asking, as a general matter, that the City, where it is allowed to, under CEQA, provide leniency and allow more public input.

In response to COMMISSIONER SOMERS, Ms. Schwallie stated she would like at least two weeks to review the Guidelines and to insure that all of the presidents of the neighborhood are informed and to encourage them to bring the information back to their boards.

In response to CHAIRMAN BAYER, Director Orci informed that the distribution regarding the discussion tonight was made available to anyone who wished to pick up the Guidelines, and all the Homeowners Associations were also notified.

In response to COMMISSIONER KILLEN, Director Orci indicated that it has been the City's intention to put agendas on the cable-ready service.

COMMISSIONER CONWAY informed that developers typically prepare EIR's under the guidance of the City, and the City would then review and modify the EIR for appropriateness. He said it is not typical for a developer to fund and contract with the proper consultant to prepare the EIR.

Ms. Schwallie clarified that she was referring to studies, not EIR's. She noted that the Rolling Hills Covenant Church prepared a traffic study which was reviewed by the engineer but all that was done was to determine whether or not it met the CMP standards which was very low. She expressed concern that the study was approved by the City and that it will be used as the basis for an EIR and other projects.

COMMISSIONER CONWAY informed that there are guidelines produced by the International Traffic Engineers upon which all traffic studies are prepared. CMP criteria and other type of mitigation measures such as LOS determinations, intersection utilization capacity, etc, are industry standards used by the City's Traffic Engineer to review documents. He said the document would be objective based upon the guidelines that are applied nationwide through the Engineering Association of Traffic Engineers. The interpretation of significance might be something that one could discuss further, but generally, the detail of the traffic volumes, the distribution, etc., are typically established by the ITE manuals that are applied nationwide. The City Traffic Engineer is the City's eyes and ears to insure that the developer's traffic report or traffic impact study has been prepared consistent with those guidelines.

He also informed that concerning the Remax meeting, an Initial Study cannot be done until there is a project. There was no project at the time, and the applicant was just looking for feedback as to what would be an appropriate project for this site and was more or less like a scoping session.

He indicated that there is definition in CEQA of Thresholds of Significance and it is something that Planning Commissioners and all community members can review. He also said there are guidelines on a project by project basis and would not be appropriately applied on a citywide basis for a determination of significance. He believed the City is best served by following state guidelines as to what is defined as significant, and the Commission as a decision making body can look at each project and determine with community input if the level of significance is appropriately placed by the state guidelines.

Ms. Schwallie stated there is a County standard for traffic.

COMMISSIONER CONWAY stated that the City has adopted the state standards also for levels of significance and are trying to be consistent today in the CEQA document. He also informed that the Commission can make a determination of more restrictive thresholds if there is a nexus to the project that creates the impact, and this is best done on a case by case basis, not a citywide application.

He further addressed the time review periods and said that if a project had heavy public outcry, items would be continued to receive more public input. He believed that making a citywide code change would be inappropriate.

Director Orci clarified that under the Public Review Section, it states that unless a project is routine or minor, it is advisable to have the minimum of a 20-day review period for a Negative Declaration, and the City can make the review period longer if the project is more complicated. However for an EIR, the state requirements are very specific with wording such as "you shall not make it less than 30 days nor shall not make it longer than 60 days."

COMMISSIONER CONWAY indicated that there is a requirement for an Environmental Setting Section in an EIR.

He further clarified that the Negative Declaration that is only one page in length is only a notice or transmittal letter.

He referred to projects of regional significance which refers to projects greater than 250,000 square feet or larger thresholds which are huge in relation to the City.

Ms. Schwallie would like to see more scoping sessions in the future in relation to other projects and would like to see the public notified ahead of time to attend them.

COMMISSIONER CONWAY stated that more community input will dictate how many scoping sessions will take place. He also said it would be premature to hold a scoping session at this time, as for the Rolling Hills Covenant Church, if all the information is not available from the applicant.

Director Orci suggested that before determining an application to be a project as defined by CEQA, he would like to see scoping sessions beforehand.

COMMISSIONER CONWAY further clarified that a private developer is under no obligation or timeline to submit the information requested to complete the application.

Ms. Schwallie noted that under CEQA, the City can move forward and deny the project if an applicant continuously refuses to provide the information.

COMMISSIONER CONWAY agreed that a City Website would be an excellent suggestion for CEQA determinations.

Director Orci stated that the website is currently being prepared and once it is established, the CEQA process can be included.

In response to COMMISSIONER CONWAY, Director Orci indicated that Ms. Schwallie could bring to the City Council under audience items the suggestion of incorporating CEQA determinations into the City Website.

COMMISSIONER CONWAY indicated that the City already requires that the EIR only be certified by the City Council, but there are a minimal amount of EIR's in the City.

In respect to fees for copies, COMMISSIONER CONWAY stated that Negative Declarations are only one page and there are minimal EIR's. He also said that special



projects generally would be addressed in a special manner and have copies available to the public, if not excessive.

COMMISSIONER CONWAY clarified that what is before the Commission is a proposal for the City to be consistent with CEQA and CEQA guidelines, and at anytime, the community can come forward and request that the City Department of Planning, the Planning Commission or City Council review the CEQA guidelines and contemplate more restrictive or sensitive measures that will satisfy the community.

Ms. Schwallie stated the burden should not be upon the public.

COMMISSIONER CONWAY disagreed and said it was up to the citizens to get involved and public input is needed.

COMMISSIONER SOMERS stated that the public bodies are looking out for the best interest of the citizens of the community.

Bridget Carmen stated she appreciates the Commission's time to discuss this policy and efforts to update the procedure and make it more consistent with CEQA. She hoped to have the opportunity to review the Guidelines and incorporate the requirements of the community's existing document, the General Plan, zoning and other ordinances that would provide written direction to staff to make sure that these items are being taken under consideration when determining whether or not an EIR is required.

She discussed the CMP and as it applies to traffic standards within the community. She questioned if the level of Standards D or E in the County is acceptable at Palos Verdes Drive North and Palos Drive East.

She reviewed the following issues and concerns:

- Page 2 – Section 3 – Cumulative Impacts – She believed it would be politically incorrect to coordinate with fellow communities regarding cumulative impact of projects, and she would like to see this definition broadened.
- Page 4 – Section 3 – Mitigated Negative Declaration – Significant discretion given to the Planning Director to determine if there is feasibility or opportunity for a Mitigated Negative Declaration she interpreted to mean that all of the outstanding issues that are deemed significant will be worked out in the planning process and if they aren't, then an EIR would be required.

COMMISSIONER CONWAY clarified that in order to have a Mitigated Negative Declaration determination made, the applicant must already have demonstrated how the impacts will be resolved. For example, if an impact was identified from a traffic perspective, the applicant would have to prepare a traffic report, identify the impacts, identify the mitigation measures that resolve those impacts and show how it will be implemented, have a mitigation monitoring plan, have a congestion management plan and all of these things will have to be prepared and provided to the Planning Department before the Mitigated Negative Declaration is prepared.

Ms. Carmen said that this process is not identified in the Guidelines and Procedures addressed this evening.

COMMISSIONER CONWAY noted that the Guidelines and Procedures, however, reference CEQA which is a large document and demonstrates the proper procedure for arriving at a Mitigated Negative Declaration.

Ms. Carmen stated she has an issues as to what is identified as a significant impact.

COMMISSIONER CONWAY informed that this would not be necessarily the Commission's decision. He said what is in front of the Commission this evening, is consistency with state legislation. The Commission is not out to change the state's legislation but only here to adopt what is required to be adopted.

Ms. Carmen stated she would have to use the Internet going through about 65 to 200 pages of CEQA law and then understand and digest it. She would like to see the document complete and readable for a layman.

COMMISSIONER CONWAY said the document this evening is complete and references CEQA and its guidelines. To attach to it CEQA and the guidelines is redundant.

Ms. Carmen said she would like to see the City highlight which areas of significance that should be addressed in the community.

COMMISSIONER CONWAY questioned which projects would be addressed and indicated what is significant in CEQA changes for each project. For example undergrounding utilities not being relevant with having a traffic study.

Ms. Carmen reviewed the Guidelines for Significance and stated it is skipped in the City policy and discretion has to be used.

COMMISSIONER CONWAY noted that this comes directly from state CEQA and its guidelines, and references the City's policy. He also said the only discretion that occurs is on the Planning Commission or the City Council and the Planning Director conducts ministerial approvals. When there is a discretionary decision to be made, the public would come to the meetings and provide input and the Commission considers it into its decision making. He also said that certification of an environmental approval either through a Negative Declaration or EIR requires a public hearing for which the community can come forward and provide their input. There isn't a scenario where CEQA is applied where there is not a public hearing except for Categorical and Statutory Exemptions.

Ms. Carmen indicated that the fact that the CEQA process doesn't have the Mitigated Negative Declaration process involved says that the City should probably highlight what the community process is, when they're going to be at the meetings, and when community input is going to be involved.

COMMISSIONER CONWAY clarified that CEQA does reference Mitigated Negative Declarations, and that is one of the things that is being modified in the codes to reflect with new language that incorporates Mitigated Negative

Declarations, as it previously was not in CEQA.

He further reiterated that they are attempting to be consistent with the state legislation, and he appreciated and understood Ms. Carmen's efforts to get a better or more readable document out of the City. However, he said he is not sure if this meeting tonight would be the forum to obtain this. He said to further along Ms. Carmen's efforts to get a more readable document to address time limits or other scoping sessions methodologies that she would like to see the City implement is a more far reaching effort that will require time, committee involvement and neighborhood involvement that will not be accomplished in a short period of time and will be independent of this document this evening, but not any less important.

Ms. Carmen would like to see a process established to have the community get together and review the document and provide direction and input, with a document understood by the community.

COMMISSIONER CONWAY agreed that any efforts that educate the community should be encouraged but is not under the Commission's purview to initiate that type of effort, which should come from City Council.

COMMISSIONER KILLEN believed that holding some type of workshop is a great idea, and said the Commission always tries to air on the side of being conservative, finding the reasonable road of compromise. He indicated that scoping sessions are important to inform the public on an issue, but is generally on a case by case basis.

Ms. Carmen agreed with having scoping sessions and stated she recently organized the Larga Vista Homeowners' Association to get the community more involved in this process. She suggested staff obtaining a facilitator that will effectively facilitate the dialogue to allow for constructive steps forward. She said the community is ready to move forward, especially on her end of town.

Director Orci suggested putting up a public information campaign to expand more on the CEQA flow chart to make it readable for the public.

COMMISSIONER CONWAY said that the City could educate not only staff, but invite the community in a CEQA workshop, for instance, and notify the community members that a CEQA professional will be available.

Director Orci said this would be in an environment where a decision would not be made or a project not be reviewed. It would only be a educational process. He informed that the request could be made in writing to the City Council via the City Manager.

COMMISSIONER CONWAY indicated that it is to the City's advantage to have an educated community.

Ms. Carmen said that the community's interest has been exhibited by the fact that there have been two traffic committee meetings with standing room only and a planning session in October 1999 with a filled parking lot. She indicated that there is a real need to get the participation within the community, and there

are very intelligent people who would like to be able to be involved with the decision making process.

COMMISSIONER CONWAY informed that the City Council would be the appropriate body to make this request, and the Planning Commission just simply addresses what is submitted to them.

Ms. Carmen stated she appreciated the Commission's time and said she will take the information back to the community.

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

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

NOES: None

ABSTAIN: None

ABSENT: Vullo

COMMISSIONER CONWAY moved, seconded by COMMISSIONER ZERUNYAN,

to ADOPT RESOLUTION NO. PA-10-01, RECOMMENDING THE CITY COUNCIL AMEND THE ROLLING HILLS ESTATES GUIDELINES FOR PROCEDURES FOR IMPLEMENTING THE PROVISIONS OF CEQA, WITH CORRECTIONS NOTED.

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

NOES: None

ABSTAIN: None

ABSENT: Vullo

## 9. COMMISSION ITEMS

Director Orci informed that the Commission is still short one Commissioner, and it is hoped that the City Council will make a decision at the next meeting.

10. UPCOMING PLANNING COMMISSION ITEMS (August 6, 2001)

Director Orci said the Herber case may be heard along with another project previously reviewed and approved by the Planning Commission.

COMMISSIONER ZERUNYAN indicated that he will not be in attendance at the August 6, 2001 meeting.

11. DIRECTOR'S ITEMS

None.

12. MATTERS OF INFORMATION

- a. Park and Activities Minutes (May 1, 2001).
- b. Park and Activities Minutes (May 15, 2001).
- c. Park and Activities Minutes (June 5, 2001).
- d. Park and Activities Minutes (June 19, 2001).
- e. City Council Actions (May 8, 2001).
- f. City Council Actions (May 22, 2001).
- g. City Council Actions (June 12, 2001).
- h. City Council Actions (June 26, 2001).
- i. City Council Actions (July 10, 2001).

COMMISSIONER CONWAY moved, seconded by COMMISSIONER ZERUNYAN,  
to RECEIVE AND FILE ITEMS 12A THROUGH 12I.

9. ADJOURNMENT

At 9:20 p.m. CHAIRMAN BAYER adjourned the Planning Commission meeting in the memory of Bob Goyette, to the regularly scheduled Planning Commission meeting of August 6, 2001 at 7:30 p.m.

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Diane Cleary EPA Douglas R. Prichard

Minutes Secretary City Clerk

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