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**DECEMBER 15, 2008**

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- C. CITY COUNCIL ACTIONS (DECEMBER 9, 2008).
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ADJOURNMENT

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**DECEMBER 15, 2008**

1. **CALL MEETING TO ORDER**

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 CONWAY.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
Commissioners Absent: None  
Staff Present: Planning Director Wahba, Principal Planner Cutler,  
Associate Planner Thom, Assistant Planner Masters  
City Experts Present: Eriik Zandvliet, Willdan & Associates

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER SOUTHWELL,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 17, 2008.

There being no objection, CHAIRMAN CONWAY so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. WAIVE READING IN FULL OF ALL RESOLUTIONS THAT ARE PRESENTED FOR PLANNING COMMISSION CONSIDERATION ON TONIGHT'S AGENDA AND ALL SUCH RESOLUTIONS SHALL BE READ BY TITLE ONLY.

B. A RESOLUTION (PA-31-08) OF THE PLANNING COMMISSION APPROVING A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR FIRST AND SECOND STORY ADDITIONS TO AN EXISTING SINGLE STORY RESIDENCE; A MINOR DEVIATION TO EXCEED ALLOWABLE LOT COVERAGE BY LESS THAN 10%; AND A VARIANCE FOR AN ENCROACHMENT INTO THE REQUIRED 25' MINIMUM FRONT YARD SETBACK. APPLICANT: MR. & MRS. PHILIP AMBROSE; LOCATION: 9 DAPPLEGRAY LANE

COMMISSIONER BAYER moved, seconded by COMMISSIONER SCOTT,

TO APPROVE THE CONSENT CALENDAR.

AYES: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
NOES: None  
ABSTAIN: None  
ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

7. BUSINESS ITEMS

- A. PLANNING APPLICATION NO. 34-08; APPLICANT: PENINSULA CENTER; LOCATION: 44 PENINSULA CENTER; A PRECISE PLAN OF DESIGN TO AMEND THE EXISTING MASTER SIGN PROGRAM FOR THE PAD TENANT BUILDINGS.

Associate Planner Thom gave a brief Staff Report, as per written material, and recommended denial. It was noted that the applicant was not present at the meeting.

COMMISSIONER O'DAY asked for further details on the rationale for Staff's recommendation, and Planning Director Wahba elaborated on the visibility and the risk of over-signing.

COMMISSIONER O'DAY expressed that he is willing to support Staff's recommendation, although he does not have an issue with the sign in concept.

CHAIRMAN CONWAY added that a sign is not going to attract somebody off of Hawthorne who doesn't already know what's in the commercial center, so there is no need to over-sign the buildings there.

COMMISSIONER BAYER moved, seconded by COMMISSIONER SOUTHWELL,

TO DENY PA-34-08.

AYES: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
NOES: None  
ABSTAIN: None  
ABSENT: None

- B. PLANNING APPLICATION NO. 33-08; APPLICANT: DR. GAIL HUMBLE; LOCATION: 3747 PALOS VERDES DRIVE NORTH; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A 9,000 SQUARE FOOT DRESSAGE ARENA AND TWO HORSE-RELATED STRUCTURES; AND A GRADING APPLICATION TO CUT AND FILL APPROXIMATELY 2,340 CUBIC YARDS OF EARTH MATERIAL.

Assistant Planner Masters gave a brief Staff Report, as per written material, and recommended continuing the item for further redesign.

COMMISSIONER BAYER asked for clarification of whether the project is a jumping ring or dressage arena, and Planning Director Wahba responded that it is being treated as a multipurpose ring.

COMMISSIONER BAYER and Planning Director Wahba further discussed the number of stalls and horses, the number of lots, legal access, square footage and construction vehicles.

COMMISSIONER REIN and Planning Director Wahba discussed accessory structures, retaining walls and grading as they relate to Neighborhood Compatibility.

COMMISSIONER O'DAY, Assistant Planner Masters and Planning Director Wahba discussed setback requirements and the dirt surface access road.

CHAIRMAN CONWAY asked Staff what size a dressage arena could be without being too large for the neighborhood, and Planning Director Wahba gave a summary of the issues within the city with horse boarding and commercial uses of equestrian residential property.

At CHAIRMAN CONWAY'S invitation, Dr. Gail Humble (applicant) came forward and summarized the history of the project and her family's desire for a ring for their own personal use.

COMMISSIONER SCOTT and Dr. Humble discussed the appropriate ring size for jumping.

COMMISSIONER O'DAY discussed the dirt surface road, sloping and grading with Dr. Humble.

Tom Peterson (3809 Palos Verdes Drive North) came forward in support of the project, as it is compatible with Code, not visible from the street, no dirt will go in or out, and the canyons have already been filled.

Kathleen Markowski (applicant's real estate agent at 2501 Sepulveda Boulevard, Manhattan Beach) came forward in support of the project and reiterated the applicant's private use intentions.

CHAIRMAN CONWAY asked Ms. Markowski whether the property is on one or two lots, and Ms. Markowski responded that there are two different APNs but one title report.

Charles Belak-Berger (architect at 118 S Catalina Avenue, Suite D, Redondo Beach) came forward in support of the project, pointing out the superior cut and fill plan and explained that the hydrology of the lot has not changed.

Morgan Dalton (applicant's daughter) approached the Commission and explained her relocation process and school change in order to have the riding ring.

Darren Palacios (3721 Palos Verdes Drive North) came forward in opposition to the project, explaining his concerns about commercial renting of the property, a retaining wall, sewer and bridle trail easement issues that presently exist and fire access. Mr. Palacios urged the Commission to continue the project so that the issues can all be addressed before proceeding.

Deanna Harwood (3719 Palos Verdes Drive North) approached the Commission also with concerns about the horse trail easement and maintenance.

Dr. Humble clarified that the whole project will take only three days, and she also wants the horse trails maintained.

COMMISSIONER SCOTT agreed that more information should be obtained in regard to the horse trail and sewer easements.

COMMISSIONER O'DAY agreed that sufficient space is needed in order to jump horses, and it is a legitimate use of the property, although he appreciates Staff's concern about possible commercial use and stated that he would vote in support of the project if all the cut and fill, fire access and other details worked out in favor of the applicant.

COMMISSIONER REIN agreed that there are a couple of issues, as far as access, that need to be designed more clearly, and maintenance of the horse trail easement would be a condition.

COMMISSIONER BAYER stated that she can support the project as it is with conditions because the applicant will not do anything to undermine anybody else's use of the horse trail. She understands Staff's concern, but there is no basis to deny the project based on future use, and the applicant has stated her intent for private use only.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO MOVE TO RECOMMEND APPROVAL OF PA-33-08 WITH THE CONDITIONS THAT 1) THE APPLICANT ADDRESSES THE ISSUE OF THE SEWER EASEMENT AND THE LOCATION OF THE SEWER EASEMENT SO THERE IS NO ISSUE WITH ITS CONTINUED USE; 2) THE APPLICANT ADDRESSES THE BRIDLE TRAIL EASEMENTS WITH HER NEIGHBORS TO ASSURE THAT THE SEWER ACCESS IS MAINTAINED AND THAT THERE IS NO IMPEDIMENT TO THE BRIDLE TRAIL AS IT EXISTS RIGHT NOW AS A RESULT OF HER PROJECT; 3) THERE IS BETTER DEFINITION OF THE ACCESS ROADWAY; 4) IF THERE IS ANY DAMAGE TO "NO NAME ROAD" THE APPLICANT WILL BE RESPONSIBLE FOR THE REPAIR OF THAT DAMAGE; 5) THE PLACEMENT OF THE RING IS MOST OPTIMAL TO MINIMIZE THE AMOUNT OF CUT AND FILL; 6) THE PROPERTY WILL BE HELD AS ONE PARCEL AND NOT BE DEVELOPED INDEPENDENTLY.

AYES: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
NOES: None  
ABSTAIN: None  
ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

A. PLANNING APPLICATION NO. 24-07; APPLICANT: RICHARD EDLER (SILVERDES) LOCATION: 828 SILVER SPUR ROAD; A REQUEST FOR A PRECISE PLAN OF DESIGN (PPD), A CONDITIONAL USE PERMIT (CUP), A VESTING TENTATIVE TRACT MAP (VTTM), A GRADING PLAN, A VARIANCE TO EXCEED THE MAXIMUM PERMITTED BUILDING HEIGHT, AND AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), FINDING THAT THE PROJECT, WITH MITIGATION MEASURES, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT FOR THE CONSTRUCTION OF A 29,642 SQUARE FOOT MEDICAL OFFICE CONDOMINIUM BUILDING ON A .66 ACRE PARCEL.

Principal Planner Cutler gave a brief Staff Report, as per written material, and recommended approval of the application and certification of the EIR.

CHAIRMAN CONWAY pointed out some errors in the report, and Principal Planner Cutler discussed the traffic impact analysis.

CHAIRMAN CONWAY further asked if an intersection is already failed, how the impact of the project gets measured, and Planning Director Wahba suggested the traffic engineer address that issue.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER SCOTT,

TO OPEN THE PUBLIC HEARING.

AYES: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
NOES: None  
ABSTAIN: None  
ABSENT: None

At CHAIRMAN CONWAY'S invitation, Rick Edler (applicant) came forward. Mr. Edler explained the need for residential condominiums and the concept of village overlay and how the concerns of the neighbors were addressed.

COMMISSIONER O'DAY asked Mr. Edler about any demand for medical use, and Mr. Edler responded that the challenge with the other building is the he doesn't have any vacancy.

COMMISSIONER REIN and Mr. Edler discussed the number of units in the baseline and any possible conflict with Skinner's Pharmacy. Mr. Edler further clarified that there will be CC&Rs that govern the use.

Brian Winkelspecht (project executive at 608 Silver Spur) approached the Commission to address contamination on the site and the oversight agencies. CHAIRMAN CONWAY, COMMISSIONER BAYER and Mr. Winkelspecht discussed oversight, human health risk assessment, special transportation techniques, possible sustainable guidelines and green building standards.

Dennis Pascua (traffic engineer with DKS Associates) came forward and addressed the errors and explained how a failing intersection is measured for significant impact by a project.

Ted Wynne (927 Deep Valley Drive) came forward in support of the project, pointing out that he has no financial interest in the project but recommends Mr. Edler and his associates to meet the criteria. It is a handsome project and will be a wonderful addition to the Peninsula Center area.

Steve Zurnacian (5040 Golden Arrow Drive, Rancho Palos Verdes) came forward and read his written comments in opposition to the project to the Commission. Mr. Zurnacian's concerns are in regard to the excavation, earth movement and the building height, and he asked that the project be redesigned to confirm to City Code.

CHAIRMAN CONWAY pointed out that if Mr. Zurnacian is seeking indemnity from the developer, that is outside the City's involvement, but all residents have the same rights to pursue damages as any other land owner for defaults of construction. Mr. Zurnacian then clarified that he wants to make clear that in the event of any damage to residents or homes resulting from the horrendous excavation for the underground garages, the residents need to be protected in one way or another.

Joyce Crump (5030 Golden Arrow Drive, Rancho Palos Verdes) came forward in opposition to the project and read the comments she submitted. Ms. Crump's concerns are also in regard to the excavation and potential landslide and the height of the structure, and she has the additional concern of increased traffic.

Richard Martin (geologist with Coastline Geotech) came forward in rebuttal. Mr. Martin provided the soil study for the project. The Deep Valley slide is quite a distance from this project and was on a fill site. The hillside property to the north has had slippage and has continued movement. However, the closest location to the basement excavation is 50 feet from the toe of the slope. Mr. Martin then explained the careful process for the excavation.

COMMISSIONER REIN pointed out that the slippage behind the Red Onion site was only five years ago and asked for more information about the Deep Valley and Arco sites and how deep the gasoline tanks were at the Arco site compared to the planned garage excavation.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER BAYER,

TO CLOSE THE PUBLIC HEARING.

AYES: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
NOES: None  
ABSTAIN: None  
ABSENT: None

COMMISSIONER O'DAY stated that the Variance for the architectural tower is his only concern. It is consistent with the previous Variance that was granted for Silver Spur Court. The element has also been incorporated in other construction in the area. However, the RPV residents who overlook it will have an impact on their view, although it will be well below their typical site level.

Principal Planner Cutler pointed out that a view simulation was done in the EIR for that reason.

COMMISSIONER BAYER commented that the concerns of the public have been more than adequately met and in a very thoughtful and considered way. The building has turned out to be very pleasing and fills a tremendous need in our community.

COMMISSIONER O'DAY moved, seconded by CHAIRMAN BAYER,

TO DIRECT STAFF TO BRING BACK A RESOLUTION TO APPROVE PA-24-07, WITH CONDITIONS AS REFERRED TO IN THE REPORT, INCLUDING THE VARIANCE.

AYES: O'Day, Southwell, Bayer, Rein, Scott, Chairman Conway  
NOES: None  
ABSTAIN: None  
ABSENT: None

## 9. COMMISSION ITEMS

COMMISSIONER O'DAY asked for an update on the substandard property, and Planning Director Wahba advised that the City Prosecutor and Code Administrator are working on that and suggested that COMMISSIONER O'DAY contact Roy Beall, Code Administrator, directly.

COMMISSIONER BAYER advised that she got a call from the South Bay Environment Services Center, and they would like to visit the Council and the Commission. COMMISSIONER BAYER referred them to Kelly Thom, Associate Planner and Greg Grammer, Assistant to the City Manager.

10. DIRECTOR'S ITEMS

Planning Director Wahba thanked COMMISSIONERS SCOTT and BAYER for attending the holiday party and advised that the Planning Commission will be in charge of the party next year.

Planning Director then advised the Commissioners that COMMISSIONER GOLIDA has resigned from the Commission due to his own ventures.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES MINUTES (NOVEMBER 4, 2008).
- B. PARK AND ACTIVITIES MINUTES (DECEMBER 2, 2008).
- C. CITY COUNCIL ACTIONS (DECEMBER 9, 2008).
- D. CITY COUNCIL ACTIONS (NOVEMBER 25, 2008).

COMMISSIONER REIN moved, and COMMISSIONER BAYER seconded,

TO RECEIVE AND FILE ITEMS 11A through D.

There being no objection, CHAIRMAN CONWAY so ordered.

12. ADJOURNMENT

At 9:30 p.m. CHAIRMAN CONWAY adjourned the Planning Commission meeting to January 20, 2009, at 7:30 p.m.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk