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REGULAR PLANNING MINUTES

MARCH 17, 2008

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MINUTES

REGULAR PLANNING COMMISSION MEETING

MARCH 17, 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 VANDEN BOS.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN VANDEN BOS led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Southwell, Conway, Bayer, Rein, Golida, Chairman
Vanden Bos
Commissioners Absent: O'Day
Staff Present: Planning Director Wahba, Senior Planner Cutler
City Experts Present: Traffic Engineer Erik Zandvliet, Environmental Consultants
Erin Razban and Deborah Pracilio

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY asked that his comment on page four regarding PA-15-06 be changed to reflect that Mr. Serabia would be the recipient. Also, COMMISSIONER BAYER asked that the February 19 and March 3 minutes be revised so that she is not referred to as the Vice Chairwoman.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF MARCH 3, 2008, AS CORRECTED.

There being no objection, CHAIRMAN VANDEN BOS so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A RESOLUTION (PA-15-06) OF THE PLANNING COMMISSION DENYING A REQUEST FOR TENTATIVE PARCEL MAP NO. 061156, A GRADING APPLICATION, NEIGHBORHOOD COMPATIBILITY DETERMINATIONS, AND AN AMENDMENT TO CITY COUNCIL RESOLUTION NO. 936 FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY RESIDENCES IN THE RA-20 (HORSE OVERLAY) ZONE. APPLICANT: MR. CRAIG KNICKERBOCKER; LOCATION: NORTHEASTERLY OF THE INTERSECTION OF TANGLEWOOD LANE AND ROLLING HILLS ROAD (VACANT LOT).

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOUTHWELL

TO APPROVE RESOLUTION PA-15-06 RECOMMENDING DENIAL OF A REQUEST FOR TENTATIVE PARCEL MAP NO. 061156, A GRADING APPLICATION, NEIGHBORHOOD COMPATIBILITY DETERMINATIONS, AND AN AMENDMENT TO CITY COUNCIL RESOLUTION NO. 936 FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY RESIDENCES IN THE RA-20 (HORSE OVERLAY) ZONE.

AYES: Southwell, Conway, Rein, Chairman Vanden Bos
NOES: Bayer, Golida
ABSTAIN: None
ABSENT: O'Day

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 16-07; APPLICANT: TED WYNNE; LOCATION: 927 DEEP VALLEY DRIVE; A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A 75-UNIT CONDOMINIUM PROJECT IN THE COMMERCIAL GENERAL (C-G)/MIXED USE OVERLAY ZONE; A PRECISE PLAN OF DESIGN FOR SITE AND BUILDING IMPROVEMENTS INCLUDING DEMOLITION OF EXISTING ON-SITE IMPROVEMENTS AND CONSTRUCTION OF CONDOMINIUMS AND 2,000 SQUARE FEET OF FLEX SPACE; TENTATIVE TRACT MAP NO. 67528 FOR A ONE-LOT SUBDIVISION FOR THE SALE OF CONDOMINIUMS; A GRADING PLAN AND A MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), FINDING THAT THE PROJECT, WITH MITIGATION MEASURES, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Senior Planner Cutler gave a brief Staff Report, as per written material, and recommended approval of the resolution.

COMMISSIONER GOLIDA and Staff discussed the Staff Report and draft resolution relating to traffic, satellite dishes and waste reduction during construction.

COMMISSIONER CONWAY asked Staff about the City's traffic impact analysis methodology guidelines and ambient growth. Traffic Engineer Zandvliet came forward and discussed whether the methodology is intended to include just the project, the project plus ambient growth or the project plus ambient growth plus future projects. COMMISSIONER CONWAY and Staff then discussed the analysis of population growth.

COMMISSIONER BAYER and Staff discussed noise level requirements, key or code control ingresses at gates and underground power poles.

CHAIRMAN VANDEN BOS and Traffic Engineer Zandvliet discussed the loss of service sensitivity analysis for the Crenshaw/PVDN intersection. CHAIRMAN VANDEN BOS and Staff then discussed the impact to flex space parking for the 901 Deep Valley project. Traffic Engineer Zandvliet then discussed access ways and flex parking.

At CHAIRMAN VANDEN BOS' invitation, Ted Wynne (applicant) came forward and thanked the Commission and Staff and stated that he looks forward to the Commission's vote.

Linda Herman (28070 Ella Road) came forward in opposition to the project on behalf of the League of Women Voters of PVP and the Land Use Committee, consisting of residents of Rolling Hills Estates, Palos Verdes Estates and Rancho Palos Verdes. Ms. Herman discussed geotechnical, traffic, parking and water conservation concerns outlined in her letter.

Jeff Petow (26134 Marina Drive) came forward as a representative of the Marloma Homeowners Association and reiterated the Association's objections to the plan, with emphasis on fragile geological concerns and the city's need for due diligence with an EIR.

Richard Conway (4667 Marloma Drive) came forward and expressed his opinion that the Commission will have a long walk on the business of development in the Silver Spur area. Mr. Conway asked for an understanding of the role of the Commission in making

subjective calls and those that go to Council and also further discussed parking, tenant mix, cumulative impacts and density driving shoppers down the hill.

Mr. Wynne re-approached and confirmed that the parking spaces are normal size, no subcompact or compact, and that there are no tandem spaces.

Dan Bolton (Bolton Engineering at 707 Silver Spur) came forward and discussed his firm's extensive experience on the peninsula and his review of numerous soils and geology reports along Silver Spur and Deep Valley Drive. Planning Director Wahba added that the City has also hired Arroyo Geotechnical Engineering, who has reviewed all of the projects, and the Wynne project has been reviewed and approved. Therefore, whether this project moves forward with an MND or EIR, the result is the same as to the extent of the geotechnical review. COMMISSIONERS BAYER and CONWAY then clarified that the development is founded in bedrock. COMMISSIONER VANDEN BOS also clarified that the types of geological reports that were prepared for this project are the exact same type, quality and quantity of reports as if there was an EIR performed, with the same appropriate mitigation measures.

Randy Morris (architect at 2104 Via Acalones, Palos Verdes Estates) came forward and discussed the tenant mix, flex space parking and its access, the size and locations of the parking spaces and the allocation of parking for each unit.

COMMISSIONER GOLIDA and Staff discussed parking restrictions on Deep Valley Drive.

COMMISSIONER CONWAY, Traffic Engineer Zandvliet and Staff discussed whether there were any significant impacts on intersections studied.

Dr. Tabellario (26141 Marina Drive) came forward and discussed geology, the study of the slopes on this hillside and previous slippages. Planning Director Wahba explained the slide that occurred 11 years ago and the knowledge gained by geologists locally and nationally at that time and since then and how engineering practices have changed. Also, there have been extensive studies performed by a number of geologists over the past years, and the actual proposed building has also been fully analyzed tying in with the geology.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CLOSE THE PUBLIC HEARING.

AYES: Southwell, Conway, Bayer, Rein, Golida, Chairman Vanden Bos
NOES: None
ABSTAIN: None
ABSENT: O'Day

COMMISSIONER REIN asked Staff how the property lines will be determined and where they exist today. Staff then pointed out the distribution on the tract map and site plan and explained minimum setback requirements. COMMISSIONER REIN expressed his concern for where the children will play and people will walk their dogs with limited street level space and recreation areas. Affordable housing is also a significant factor, which hasn't been addressed. Helping the downtown vendors is very important, but the economic analysis concludes that the residential projects will not ultimately make a significant difference, and we don't want to kill them with traffic. Ultimately there is a lot of judgment and discretion applying CEQA to any project, and this project needs to be looked at more as an EIR project.

COMMISSIONER SOUTHWELL commented that the issues that still stand out are traffic impact and geotechnical and seismic characteristics of the area with continued grading and load put on it, due to the cumulative effect of all the projects in that area. The lack of specifics in the traffic impact analysis methodology guidelines as to whether the significant impact value is triggered by single or cumulative projects is intriguing. Given its ambiguity, the cumulative impacts should be looked at for triggering a significant impact on the level of service at the Crenshaw/PVDN intersection for a fair argument about traffic. For the geotechnical issues, projects end with better results when forced to look at more alternatives, which an MND does not force but an EIR does. Also, an EIR, once done, is presumptively considered adequate, which is important for the community. If a fair argument can be raised on the basis of substantial evidence in the record that a

project may have a significant adverse environmental impact, even if evidence to the contrary exists, than an EIR is required on the project.

COMMISSIONER GOLIDA thanked the public for their input and complimented LSA and Staff on preparing a very thorough environmental document to support the findings. There were more than sufficient reports done by qualified experts, and the experts have determined that there are no significant impacts, and mitigation measures have been put in place to be conservative and ensure a stabilized slope. Geotechnical engineering is highly advanced. There have been no fair arguments presented by experts in this very lengthy discussion that have been supported by substantial evidence. Therefore, going through the issues and expert opinions, the City has presented more than sufficient evidence that there will be no impact on biological resources. Also, the City could ask the developer to set aside an area where they could pay a fee or do some planting to contribute to the benefit of the city. Noise questions were raised and addressed by the current noise ordinance. Traffic is an area of concern. However, this development is replacing an already existing use, not bare land, and the traffic consultant has said that this project will create fewer trips. The MND is adequate under CEQA and should be adopted by City Council.

COMMISSIONER BAYER agreed with most of COMMISSIONER GOLIDA'S comments and further complimented Senior Planner Cutler for the superior job that has been done. It is wonderful to see the community out, and all comments were taken to heart, for and against the project. Again, this is an existing building that needs to be replaced. The new building and new complex will be an enhancement to the city and meets or exceeds all Code requirements. The environmental issues have been appropriately addressed, and the project will not negatively impact any of the issues on the peninsula. Once this project is done and built up with walking paths and vegetation, the green look of the city will be enhanced. The project will also incorporate green building design, which the City is excited about, another vast improvement over the existing building. Also, the live/work/play community is a very real concept as gas prices go up and the stock market continues to plunge; the community will be walking more. The cumulative impact has been carefully looked at and addressed. The geotechnical, traffic and environmental issues have been addressed by experts, and there have been no contrary opinions. The city does have a mixed-use overlay zone to provide a broad range of passing opportunities to meet the needs of age distribution and the income of the community. Therefore, the City has contemplated having housing opportunities of all kinds, not just single-family residences, and it will bring a vibrancy and new life to the community. A downtown area is not expected to have rural aspects at street level for children. The green areas will be in the back. Also, Mr. Knickerbocker has an affordable housing project on the hill.

COMMISSIONER CONWAY also complimented Staff on the amazing package of information that they have put together. From a traffic standpoint, it was demonstrated in the supplemental report that there was an impact to Crenshaw and PVDN when you look at the project and its ambient growth. However, City Council is contemplating improvements to that intersection, to which the developer will be required to provide a fair share contribution. Only one other intersection was marginally impacted, and there appears to be a method to accommodate that impact. In regard to alternatives analysis, this project is in its third or fourth iteration, and this is an amazing best-case scenario alternative. The City needs residential density in the commercial corridor, which is critical to the downtown success.

CHAIRMAN VANDEN BOS outlined the four items to be approved. For the Grading Plan, the experts can be relied on. The Conditional Use Permit has to satisfy four guidelines. However, there is almost 35,000 cy of exported soil, which is not compatible with the existing site condition. Also, the functional aesthetic relationship of the buildings to each other is in question. The design itself is not compatible with some of the other projects that have been approved and has some inherent flaws. The Commission has not had a chance to scrutinize the design of the project. Staff has identified and addressed the Precise Plan of Design issues. Regarding the Mitigated Negative Declaration, experts have been brought in to address traffic, parking, air quality, land use, biological assessment, geotechnical issues and the piecemeal approach. Parking meets the Code requirements. The Planning Commission does not create law but applies the law. The air quality has been sufficiently addressed by the experts. On land use and planning, the law allows 22 units per acre and this doesn't go over that. The biological assessment was sufficiently done by experts. Also, legal counsel has advised that this project is not piecemealing to avoid an EIR. However, intuitively, traffic has to be impacted. The conclusion that the traffic engineer has come to is understandable,

but the baseline numbers for the 2006 study are flawed. The traffic at Crenshaw/PVDN cannot be a level of service of C at peak morning hours because every car is not getting through one signal cycle. The City should have another traffic study done at that intersection and the Hawthorne/Silver Spur intersection to confirm the baseline numbers. Cumulative impacts and how they factor into the traffic analysis are a concern, and an EIR would address City Council's mitigations at the Crenshaw/PVDN intersection.

COMMISSIONERS CONWAY, VANDEN BOS and GOLIDA discussed in detail the traffic methodology, its baseline numbers, when they were taken, whether the impacts are significant and whether to rely on the numbers provided by the experts. COMMISSIONER CONWAY suggested that the Committee recommend approval of the MND subject to verification of the baseline numbers in the 2006 study.

COMMISSIONER GOLIDA further added that there were originally over 25 projects looked at, with the geography looked at for every project that could likely be built, and the assumptions that were made were very conservative. The cumulative impacts were not found to be significant, and many of these projects will not be built. COMMISSIONER CONWAY agreed that the analyses were very conservative and the impacts were very marginal.

COMMISSIONER BAYER asked whether the project could come back to the Commission for design review. COMMISSIONER CONWAY suggested that the Commission provide some level of security to the developer that more money invested in design will ultimately result in a project by moving the MND forward and request that City Council then remand the design back to the Commission.

Planning Director Wahba suggested that the Commission move the MND, subject to confirming that the level of service impact at the Crenshaw/PVDN intersection is consistent with the report, and providing that the design be remanded back to the Planning Commission for final review.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

FOR STAFF TO BRING BACK A REVISED RESOLUTION RECOMMENDING APPROVAL OF PA-16-07 AND ADOPTION OF THE ASSOCIATED MITIGATED NEGATIVE DECLARATION TO CITY COUNCIL, WITH THE RECOMMENDATION THAT COUNCIL VERIFY THE UNDERLYING BASELINE FOR THE INTERSECTION OF CRENSHAW BOULEVARD AND PALOS VERDES DRIVE NORTH AND WITH THE FURTHER RECOMMENDATION THAT CITY COUNCIL REMAND THE PROJECT DESIGN BACK TO THE PLANNING COMMISSION FOR FURTHER ANALYSIS ON THE DESIGN AND ARCHITECTURAL CHARACTERISTICS, AS WELL AS ROLLING HILLS VILLAS BEING NOTIFIED UNDER ITEM #18 FOR NOISE AND THAT ITEM #95 BE VERIFIED IN REGARD TO RECYCLING.

AYES: Conway, Bayer, Golida, Chairman Vanden Bos
NOES: Southwell, Rein
ABSTAIN: None
ABSENT: O'Day

Director Wahba stated that the Public Hearing is closed and that no public testimony would be taken at the next meeting.

9. COMMISSION ITEMS

None

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (MARCH 11, 2008)

COMMISSIONER CONWAY moved, and COMMISSIONER BAYER seconded,
TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRMAN VANDEN BOS so ordered.

12. ADJOURNMENT

At 9:20 p.m. CHAIRMAN VANDEN BOS adjourned the Planning Commission meeting to March 31, 2008, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk