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**REGULAR PLANNING MINUTES**

**MARCH 3, 2008**

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**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**MARCH 3, 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, O'Day, Conway, Bayer, Rein, Golida, Chairman Vanden Bos  
Commissioners Absent: None  
Staff Present: Planning Director Wahba, Senior Planner Cutler  
City Experts Present: Environmental Consultant Julie Berger

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER asked that the items 12 and 13 be corrected to reflect VICE CHAIRWOMAN BAYER in place of CHAIRMAN VANDEN BOS.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 19, 2008, AS CORRECTED.

There being no objection, CHAIRMAN VANDEN BOS so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

8. **BUSINESS ITEMS**

None.

9. **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.

Planning Director Wahba gave a brief Staff Report, as per written material, and requested that this item be continued to the next meeting of March 17 to allow for compiled responses to questions posed by Commissioners.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CONTINUE PA-16-07 TO THE NEXT MEETING OF MARCH 17.

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

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

Senior Planner Cutler gave a brief Staff Report, as per written material, and advised the Commission that Staff supports the 30-foot wide driveway option as opposed to the deceleration lane.

COMMISSIONER GOLIDA and Staff discussed whether all subdivided lots need to be developed, the green building design concepts and traffic impacts.

COMMISSIONER BAYER asked about references to a.m. and p.m. hours in the Mitigated Negative Declaration, and Ms. Berger clarified that those references refer to morning and evening rush hours. COMMISSIONER BAYER and Staff then further discussed the bridle, undergrounding of the telephone cables, environmental sensitivity and whether the address would be Rolling Hills Road or Tanglewood.

COMMISSIONER CONWAY asked about resolution 936 and the requirements numbered 27 and 39, which indicate that no access shall be taken from Rolling Hills Road and that the lot will not be subdivided. Planning Director Wahba agreed that the intent at the time was to prevent further subdivision of the lot.

COMMISSIONER O'DAY further asked what the City's interest would be in granting this developer additional rights that he currently doesn't have with the property. Planning Director Wahba suggested that no developers were able, in the past, to show how this lot could be developed, preserve open space and minimize grading.

COMMISSIONER O'DAY and Staff further discussed flagging, access to the driveway and liability of slip failure.

COMMISSIONER SOUTHWELL pointed out that the General Plan's policy is to maintain hillside areas for passive open spaces or incorporate into the city trail system.

COMMISSIONER SOUTHWELL further pointed out the 10,100 cars per day on Rolling Hills Road in 1988 and asked about other multi-house driveways currently coming onto that road. Planning Director Wahba stated that there are currently 3 to 4.

COMMISSIONER SOUTHWELL also pointed that the cut and fill is very dramatic.

CHAIRMAN VANDEN BOS echoed the extensive cut and fill concern and the massive retaining walls, and Planning Director Wahba discussed how Staff could work further with the applicant. CHAIRMAN VANDEN BOS and Staff then discussed horse keeping areas and the 30-foot wide driveway with a radius turn versus a deceleration lane.

COMMISSIONER REIN asked for background on the Declaration of Restriction, and Senior Planner Cutler outlined the history and intent of the City's requirements for the 5-lot subdivision. COMMISSIONER REIN then asked why the City should now reverse a Declaration of Restriction that was originally set forth to protect something in the neighborhood, and Planning Director Wahba responded that the applicant is showing how the subdivision could be done, but it is the City's prerogative. COMMISSIONER REIN and Staff then discussed minimum horse keeping standards and the Declaration of Restriction's intent to prevent a potentially dangerous traffic situation.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY

TO OPEN THE PUBLIC HEARING.

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

At CHAIRMAN VANDEN BOS' invitation, Craig Knickerbocker (applicant) came forward and gave a history of the project and that he was three years of work and six figures of architectural fees into the process before a neighbor remembered the Declaration of Restriction, which did not show up on the title policy, nor were the City Staff or any engineers aware of it. The development will provide the neighbors on Tanglewood with a driveway repair fund, two lots would leave a third lot for open space, the trees would be protected, and the City would get 3-rail fences and a developed horse trail down along Rolling Hills Road.

COMMISSIONER BAYER and Mr. Knickerbocker discussed the horse keeping area and the implementation of green buildings and using them as green house examples in the community. Mr. Knickerbocker also clarified that the construction trucks will stay off of Tanglewood Lane.

CHAIRMAN VANDEN BOS asked about utility connections, and Mr. Knickerbocker responded that the big wires and poles will go underground.

COMMISSIONER O'DAY and Mr. Knickerbocker discussed the claim against the title insurer, and COMMISSIONER O'DAY asked why the city should grant these additional property rights. Mr. Knickerbocker responded that it would help the Tanglewood Lane neighbors, put some poles underground, improve equestrian fences and trails and add an additional two houses.

COMMISSIONER O'DAY and Mr. Knickerbocker then discussed COMMISSIONER O'DAY's concerns with massing.

COMMISSIONER REIN and Mr. Knickerbocker further discussed the horse trail and the improvement to the trail as part of this plan. COMMISSIONER REIN then expressed his concerns with slippery driveways across the horse trail and the current serious problem in the community with motorists not respecting the right of way of equestrians.

COMMISSIONER REIN then stated that the architecture is very nice, although large and then asked about fill on the site. Mr. Knickerbocker responded that there is currently 15 to 16 feet of un-compacted fill on the site.

Tony Serabia (3463 Tanglewood Lane) came forward in support of the project. Mr. Serabia is the neighbor most affected by the project, as his home is right above the site. This vacant lot is flammable, and some houses and yards would be welcomed as a fire risk reduction. Also, some of the activity by teenagers in the vacant lot is not welcome, so developing nice houses there will improve the neighborhood. Mr. Serabia was concerned about changes and damage to the slope, so he hired a geologist to take a look at it, and he is now comfortable that this project will be safe and is in support of it.

COMMISSIONER O'DAY asked about his potential liability to his neighbors below, and Mr. Serabia stated that he understood the liability issues and responsibilities, both related to slope slippage and fire hazards.

COMMISSIONER CONWAY confirmed that there would be a lot line adjustment and asked whether Mr. Serabia knew who would then own that property, and Mr. Serabia responded that he would be the recipient of that property.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CLOSE THE PUBLIC HEARING.

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

COMMISSIONER CONWAY commented that back in 1977 the Planning Commission and City Council were visionaries, making a statement in the resolution that Rolling Hills Road is a major thoroughfare, and the developer must dedicate access. In 1988 traffic volumes were at 10,100, which is an increase of 20% from the prior 5 years. The property is entitled to develop one home, but no development will occur on this property without the removal of the restriction on development. Also, this is 1.84 acres of open space that the Planning Commission and City Council in 1977 exacted that should not be given up for development. The General Plan policies limit development of areas where existing roads will be adversely impacted, state that new residential shall be buffered from heavy traffic, maintain existing natural and passive open space. Undergrounding utilities is a benefit, but the trees are there, so they cannot see them to begin with. There is no positive benefit to the City of Rolling Hills Estates by the development of this property.

COMMISSIONER O'DAY agreed, adding that it is not the job of this body to make a decision to override the resolution. The City Council is to make that decision. Unless the Planning Commission gets direction from City Council that they want to change this resolution that was passed and signed by City Council, that is precedent.

COMMISSIONER SOUTHWELL stated that he also would not vote to overturn what an elected official had voted for.

COMMISSIONER BAYER commented that amendments do not get done unless someone points out that they need to be done. There is a benefit to the city as an improvement of that area. This is space that is a hazardous piece of property that is just sitting there. With property trees and landscaping, two new homes there would be very nice for the city, in addition to having green buildings as a shining example for the city. This resolution is over 30 years old now and maybe needs some updating, which can be recommended to City Council.

COMMISSIONER REIN and Staff discussed potential City liabilities with any landslide or traffic issues. COMMISSIONER REIN then commented that as there is nothing to mitigate the potential traffic problem, he cannot be in favor of the project.

COMMISSIONER GOLIDA agreed with COMMISSIONER BAYER and added that the applicant owns the property and thought he had a right to use it, when all of a sudden he has a resolution that he didn't know existed. Also, he pointed out that the Commissioners are just making a recommendation to the City Council, and resolutions are changed and amended all the time. This proposed project opens up an area that is not open space but an area that is not well kept and extremely cluttered with no benefit to the city. As part of this project, an equestrian trail will be connected and utilities will be put underground. Also the residents in the area favor the project, and it is a very nice design that will increase property values for the residents of the area.

CHAIRMAN VANDEN BOS complimented Mr. Knickerbocker on his improvements, addressing the neighbor's concerns and providing the Commission with detailed plans. The Commission can make a recommendation to City Council to overturn something done 30 years ago, and having the space developed is beneficial. However, the grading necessary to put to houses there is extensive. One house would work, but two is overreaching.

COMMISSIONER CONWAY also agreed that the plans are nicely done, but he can't get to that question because he is stuck with the items of the resolution. If the resolution was modified or rescinded by City Council, he would look at it from a different perspective. Therefore, he would like direction from City Council.

CHAIRMAN VANDEN BOS agreed and would also like guidance from City Council as to the suitability of two houses on the property.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY

TO DENY PA-15-06.

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

Director Wahba advised the Planning Commission that staff will bring back a resolution for the Planning Commission to adopt at the next meeting of March 17, 2008.

10. COMMISSION ITEMS

COMMISSIONER O'DAY asked about an update on the automobile accident on PVDE and the smashed vehicle that still remains on a resident's property. Planning Director Wahba advised that he would discuss it again with the sheriff and Assistant City Manager.

COMMISSIONER CONWAY asked about street work done at the entryway of Larga Vista, and Planning Director Wahba stated that he would discuss it with the Assistant City Manager.

11. DIRECTOR'S ITEMS

None.

12. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (FEBRUARY 26, 2008).

COMMISSIONER BAYER moved, and COMMISSIONER O'DAY seconded,

TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRMAN VANDEN BOS so ordered.

13. ADJOURNMENT

At 9:20 p.m. CHAIRMAN VANDEN BOS adjourned the Planning Commission meeting to March 17, 2008, at 7:30 p.m.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk