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**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**FEBRUARY 19, 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: O'Day, Southwell, Bayer, Rein, Golida, Chairman Vanden Bos  
Commissioners Absent: Conway  
Staff Present: Planning Director Wahba, Senior Planner Cutler, Assistant Planner Masters  
City Experts Present: Traffic Engineer Erik Zandvliet, Deborah Pracilio & Erin Razban from LSA Associates

4. **APPROVAL OF MINUTES**

COMMISSIONER O'DAY asked that the last page be corrected to reflect that CHAIRMAN VANDEN BOS adjourned the meeting.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 4, 2008, AS CORRECTED.

There being no objection, CHAIRMAN VANDEN BOS 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. QUARTERLY CODE ENFORCEMENT REPORT.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE CONSENT CALENDAR.

There being no objection, CHAIRMAN VAN DEN BOS so ordered.

8. **BUSINESS ITEMS**

- A. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES (PA-33-07), GRANTING A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A ONE-STORY ADDITION TO A

SINGLE STORY RESIDENCE; A MINOR DEVIATION TO CONTINUE A LEGAL NON-CONFORMING SIDE YARD SETBACK; AND VARIANCES TO 1) DECREASE THE FRONT YARD AREA BY GREATER THAN 10%; AND 2) ENCROACH INTO THE REQUIRED HEIGHT-TO-SETBACK RATIO; APPLICANT: MR. & MRS. WARREN ARATA; LOCATION: 5185 BLUEMOUND ROAD.

Planning Director Wahba gave a brief Staff Report, as per written material, and reminded the Commission that Staff was directed to prepare the resolution with a 4 to 3 vote.

COMMISSIONER BAYER MOVED, SECONDED BY COMMISSIONER GOLIDA,  
TO ADOPT RESOLUTION PA 33-07.

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

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 01-08; APPLICANT: MR. & MRS. MOHAMMAD HAYAT; LOCATION: 40 HITCHING POST DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A SECOND STORY ADDITION TO AN EXISTING SINGLE STORY RESIDENCE.

Assistant Planner Masters gave a brief Staff Report, as per written material, and recommended approval.

COMMISSIONER GOLIDA asked about the possible city light view impact on the neighbor across the street. Assistant Planner Masters responded that the neighbor would not allow access to her home in order to make a determination. Planning Director Wahba added that he did not find there to be a significant view impairment.

COMMISSIONER BAYER asked whether the resident expressed concerns about the view. Assistant Planning Masters responded that the neighbor is looking forward to the addition and doesn't use the room that could be impacted.

COMMISSIONER GOLIDA asked about imposing requirements for obscured glass on the bathroom window looking directly onto the neighbor. Assistant Planner Masters responded that there is no privacy issue. Planning Director Wahba confirmed that there is adequate separation between the two homes.

COMMISSIONER O'DAY commented that upon approval the applicant should understand that it is being approved with materials corresponding with the visual representation in the plan.

CHAIRMAN VANDEN BOS asked for statistics on other houses in the neighborhood, and Staff provided the Commission with the statistics.

COMMISSIONER O'DAY asked about the open area on the second floor, which is not in the square footage calculation but adds to the volume. Planning Director Wahba responded that Staff did look at that and worked with the applicant to minimize the mass of the building.

At CHAIRMAN VANDEN BOS' invitation Mohammed Hayat (applicant) came forward and summarized the need for additional space, the process undertaken and the design of the project.

CHAIRMAN VANDEN BOS asked whether the applicant had spoken with the neighbor regarding the bathroom window, and Mr. Hayat confirmed that they did speak about window placement and obscure glass, and the neighbor is comfortable.

CHAIRMAN VANDEN BOS then asked whether having a second story would impact his down slope neighbors, and Mr. Hayat responded that there were discussions with those neighbors, and the project does not create any new views onto their homes.

COMMISSIONERS BAYER and VANDEN BOS commended the applicant on his excellent job with planning, preparation and working with Staff.

COMMISSIONER BAYER asked whether the applicant would maintain the roof, as mentioned by COMMISSIONER O'DAY. Mr. Hayat responded that there will be a concrete tile roof, fitting in with the color. The plans indicated a Class A composite shingle, but after working with Staff, there was a decision to maintain a similar roof.

COMMISSIONER BAYER MOVED, SECONDED BY COMMISSIONER O'DAY,  
TO APPROVE PA-01-08.

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

Planning Director Wahba explained the 20-day appeal period.

## 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.

Senior Planner Cutler gave a brief Staff Report, as per written material, and recommended approval or continuance of the item and asked for further questions or items needing clarification.

CHAIRMAN VANDEN BOS commented that COMMISSIONER CONWAY would like to be present to vote on the issue, and COMMISSIONER O'DAY was not present at the previous meeting and won't be able to ask them or the applicant's experts at this meeting.

CHAIRMAN VANDEN BOS explained that the Commissioners would like to hear comments, but those comments should be limited to what the Commissioners are required to consider. The Commission is being asked to approve the MND under CEQA, which says that if there is a project with no significant impacts, an EIR does not have to be done. The Commission is charged with deciding whether that MND is sufficient to move forward with the project or the project requires a full EIR. At the previous meeting 13 people stated that they liked the project, it would be good for the area and business, and the neighborhood could use it; and 6 commented that all the rules have been followed, and so the project should be approved. These comments, although giving the Commission a sense of what the community felt, did not address the issue of whether the MND is sufficient or an EIR is required. We also heard 9 comments that the city needs to keep open space, the character of the city will be changed, and the Commission should wait and see how the other projects go before making a determination on this project. Those comments spoke to the need to not piecemeal projects, which is prohibited under CEQA. There were then another 7 or 8 comments on traffic concerns.

At CHAIRMAN VANDEN BOS' invitation, Ted Wynne (applicant) came forward for questions or comments.

COMMISSIONER GOLIDA asked how many units the project originally conceived, and Mr. Wynne responded that it started with 120 and was then scaled back after the Peninsula Village Overlay Zone was not approved.

Jeff Petow came forward representing the Marloma Homeowners Association and further discussed traffic issues. COMMISSIONER VANDEN BOS then explained the push-down/pop-up traffic theory and that standard practice of traffic engineers has to be followed.

Joan Moe (28 Santa Bella Road) came forward and asked about the date of the traffic study being used. CHAIRMAN VANDEN BOS and Staff then clarified that the counts were done in January of 2006, and the guideline is that studies performed within two years of the date of the application are acceptable. Ms. Moe then asked whether the new study addresses the cumulative effects. CHAIRMAN VANDEN BOS responded that the Traffic Engineer will address the methodology of traffic studies.

Richard Conway (4667 Marloma Drive) came forward and commented that the area studied for traffic is constrained, and this is a landlocked community where traffic density is highly important. CHAIRMAN VANDEN BOS agreed.

Mr. Conway then expressed parking concerns for families with children buying into the project. Planning Director Wahba explained that there are specific parking code requirements for a mixed-use project, and those requirements are being met.

Mr. Conway then expressed his concern with carving out small slices and the aggregation of all projects. COMMISSIONER BAYER then reviewed the statistics of children in the families and how they would be distributed among the schools. CHAIRMAN VANDEN BOS clarified that the Commission is required under law to look at all existing projects and proposed projects.

Carlo Tabellario (26141 Marina Drive) came forward and expressed his concern with the stability of the geology of the hillside. A full-blown EIR, including a thorough geological survey, should be performed.

Dick Moe (28 Santa Bella Road) came forward and again addressed traffic concerns. CHAIRMAN VANDEN BOS then explained the methodology of the traffic study for peak hours and agreed that the study should include PVDN and Crenshaw Boulevard.

Mr. Petow re-approached and asked what constitutes lack of service.

City Traffic Engineer Erik Zandvliet came forward and addressed the traffic study methodology in detail with the Commissioners.

COMMISSIONER GOLIDA commented that this is a very remote area, which makes the traffic issue complex, and asked when an impact becomes significant. Mr. Zandvliet responded that a change of 2% at the intersections with the worst level of service (more than one cycle to get through the light) would be a significant change.

COMMISSIONER O'DAY asked about cumulative impacts from additional projects on the hill, such as the Trump project and others along the shoreline, and whether this has to be opened up to an EIR to get those projects included. Mr. Zandvliet responded that would be out of the scope of what you could require with this application, and those items were included in the draft program EIR for the Peninsula Village Overlay Zone that the city is using.

COMMISSIONER O'DAY then asked that Mr. Zandvliet and Staff to consider possible impact fees and what those funds could be used for to reduce traffic.

COMMISSIONER REIN asked whether Mr. Zandvliet considered the Deep Valley/Silver Spur corridor is unique. Mr. Zandvliet responded that the uses and demographics are not unique but the geography is.

CHAIRMAN VANDEN BOS asked that members of the public address any further issues or questions to Senior Planner Cutler for the next meeting.

Planning Director Wahba suggested that traffic methodology changes should be addressed before City Council.

CHAIRMAN VANDEN BOS asked that staff look at the PVDN and Crenshaw intersection and what number of trips would be required to trigger a loss of service.

CHAIRMAN REIN again raised the issue of addition projects on the hill not within Rolling Hills Estates, including a project at the Marineland site. Mr. Zandvliet responded that the

February 4 memo from Richard Baretto included related projects to determine level of service before determining impacts by this project.

CHAIRMAN VANDEN BOS left at 9:07 p.m.

COMMISSIONER GOLIDA asked Staff to address the SCAG issue and their April revised numbers. Also, whether a noise study was conducted and how the Commission would know that Rolling Hills Villas won't be significantly impacted. COMMISSIONER GOLIDA would also like to see the City Attorney's opinion on the piecemealing comment by Ms. Reynolds. The Staff Report on page 3 should specify where the discharge is going. The Reynolds response, there are references to a 2005 biological assessment and a spring 2005 biological assessment, and it is unclear whether they are the same document. Also, what would the mitigation look like if this was an environmentally sensitive area?

VICE CHAIRWOMAN BAYER asked about the February 14 e-mail from Dr. Simon Choi and whether the most recent population estimates were used in the report. Also, did Staff communicate with the California Fish and Game or Audubon Society?

COMMISSIONER O'DAY moved, seconded by COMMISSIONER REIN

TO CONTINUE PA-16-07 TO THE NEXT MEETING OF MARCH 3.

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

10. COMMISSION ITEMS

COMMISSIONER O'DAY asked about an automobile accident on PVDE and the smashed vehicle that still remains on a resident's property.

VICE CHAIRWOMAN BAYER also pointed out a property on Silver Spur who has an unapproved athletic court and screen netting.

11. DIRECTOR'S ITEMS

Planning Director Wahba congratulated COMMISSIONER O'DAY on receiving his plaque for his service as Chairman in the last year.

Planning Director Wahba again encouraged the Commissioners to attend the annual Planner's Institute, which Senior Planner Cutler and Assistant Planner Masters will be attending this year.

12. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES MINUTES (FEBRUARY 5, 2008).
- B. CITY COUNCIL ACTIONS (FEBRUARY 12, 2008).

COMMISSIONER O'DAY moved, and COMMISSIONER REIN seconded,

TO RECEIVE AND FILE ITEMS 11A AND 11B.

There being no objection, VICE CHAIRMAN BAYER so ordered.

13. ADJOURNMENT

At 9:20 p.m. VICE CHAIRMAN BAYER adjourned the Planning Commission meeting to March 3, 2008, at 7:30 p.m.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk