

INDEX
REGULAR PLANNING MINUTES
FEBRUARY 2, 2009

<u>PAGE</u>	<u>SUBJECT</u>
1	<u>CALL MEETING TO ORDER</u> <u>PLEDGE OF ALLEGIANCE</u> <u>ROLL CALL</u> <u>RE-ORGANIZATION OF PLANNING COMMISSION</u> <u>APPROVAL OF MINUTES (January 20, 2009)</u> <u>AUDIENCE ITEMS</u> <u>CONSENT CALENDAR</u> NONE.
1-2	<u>BUSINESS ITEMS</u> A. PLANNING APPLICATION NO. 02-09; APPLICANT: DR. & MRS. LEONARD GALE; LOCATION: 26 MONTECILLO DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO LEGALIZE AN EXISTING SOLAR-POWERED WATER HEATING ARRAY AND GAZEBO IN THE REAR YARD.
2-6	<u>PUBLIC HEARINGS</u> A. PLANNING APPLICATION NO. 35-08; APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE; A ZONE CHANGE AMENDING SPECIAL USE PERMIT REQUIREMENTS TO ALLOW COMMERCIAL HORSE USES IN RESIDENTIAL DISTRICTS.
6	<u>COMMISSION ITEMS</u> <u>DIRECTOR'S ITEMS</u>
7	<u>MATTERS OF INFORMATION</u> A. PARK AND ACTIVITIES MINUTES (JANUARY 20, 2009). B. CITY COUNCIL ACTIONS (JANUARY 27, 2009). <u>ADJOURNMENT</u>

MINUTES

REGULAR PLANNING COMMISSION MEETING

FEBRUARY 2, 2009

1. **CALL MEETING TO ORDER**

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:35 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by VICE CHAIRWOMAN BAYER.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Southwell, Rein, Scott, Vice Chairwoman Bayer
Commissioners Absent: O'Day, Chairman Conway
Staff Present: Planning Director Wahba, Assistant Planner Masters,
Zoning and Code Administrator Roy Beall

4. **RE-ORGANIZATION OF PLANNING COMMISSION**

CHAIRMAN CONWAY is absent, and this item has been postponed.

5. **APPROVAL OF MINUTES**

COMMISSIONER SCOTT moved, seconded by COMMISSIONER REIN,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 20, 2009, AS AMENDED.

There being no objection, VICE CHAIRWOMAN BAYER so ordered.

6. **AUDIENCE ITEMS**

None.

7. **CONSENT CALENDAR**

None.

8. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 02-09; APPLICANT: DR. & MRS. LEONARD GALE; LOCATION: 26 MONTECILLO DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO LEGALIZE AN EXISTING SOLAR-POWERED WATER HEATING ARRAY AND GAZEBO IN THE REAR YARD.

One of the Commissioners is a close neighbor and will have to recuse himself from this item, and the Commission did not have a quorum. It was decided to proceed with the public hearing item and wait for CHAIRMAN CONWAY'S arrival.

CHAIRMAN CONWAY did not arrive, and midway into the public hearing, VICE CHAIRWOMAN BAYER suggested continuing the item.

COMMISSIONER REIN moved, seconded by COMMISSIONER SOUTHWELL,

TO CONTINUE PA-02-09 TO A DATE UNCERTAIN.

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

9. PUBLIC HEARINGS

A. PLANNING APPLICATION NO. 35-08; APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE; A ZONE CHANGE AMENDING SPECIAL USE PERMIT REQUIREMENTS TO ALLOW COMMERCIAL HORSE USES IN RESIDENTIAL DISTRICTS.

Planning Director Wahba gave a brief Staff Report, as per written material.

COMMISSIONER SCOTT asked whether City Council provided policy direction on the nature of commercial businesses in residential zones, and Planning Director Wahba responded that there was little to no deliberation, other than to have the Planning Commission take a look at it using the Special Use Permit (SUP) process.

COMMISSIONER SCOTT asked whether the Equestrian Committee was generally in support of the Special Use Permit approach, and Planning Director Wahba responded that he can't speak on their behalf but believes that they are.

COMMISSIONER SOUTHWELL asked for the number of commercial horse boarding operations that are in the city on residential properties, and Planning Director Wahba responded that there are two he is aware of, which also conduct riding outside of the properties they board on.

COMMISSIONER SOUTHWELL asked how, compared to 5 or 10 years ago, the number of operations have changed, and Planning Director Wahba responded that prior to the business on Moccasin Lane, there have been no others that operated in a similar manner or size of impact to the neighborhood. The issues are increased traffic, parking, increased noise and the gathering of multiple horses in excess of the maximum permitted.

COMMISSIONER SOUTHWELL asked whether horses are currently licensed by the city or county, and Planning Director Wahba responded that they are not currently licensed. In the early 1990s, City Council legalized renting horse stalls and did not require a home occupation permit or business license. A more intense commercial operation was not contemplated at that time.

VICE CHAIRWOMAN BAYER asked whether PV Stables does trail rides, and the audience responded that they haven't for many years.

VICE CHAIRWOMAN BAYER and Planning Director Wahba then discussed the number of public and private stables and costs for boarding throughout the area.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER SOUTHWELL,

TO OPEN THE PUBLIC HEARING.

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

At VICE CHAIRWOMAN BAYER'S invitation, Len Pagarigan (District Commissioner for Boy Scouts of America) came forward in support of the zone change. Mr. Pagarigan pointed out the benefit that Pat Murnane and Wagon Wheel Ranch provides to Boy Scouts (the only good one in the Los Angeles area) and part of the reason why Mr. Pagarigan moved to the city. Mr. Pagarigan asked that the Commission maintain a level of control over this and similar operations on a case-by-case basis.

Lauren Perreault (9 Stallion Lane, RPV) came forward. Ms. Perreault is a real estate agent and boarder, is on the Las Amigas Charity Board and is a previous member of the ETI Board and a friend of Pat Murnane. She is also his quasi-business manager. The use of horses and horse properties makes Rolling Hills Estates unique and raises the property values by \$200,000 to \$300,000. The equestrian nature of the city needs to be maintained. It is essentially impossible to get into the big commercial boarding facilities, and if you're not training with one of the trainers, it is impossible to get in. There is no other place in the area for Mr. Murnane to board multiple horses. The local boarding and training facilities send their students to Mr. Murnane when they want to learn how to trail ride. Mr. Murnane has complied with all regulations, keeps the noise down, put up dust fencing and does not stage more than one horse for longer than 5 or 10 minutes, except when doing charity work, which is not a commercial use, or when friends come to ride. This is a valuable business to the hill and brings people to horseback riding and to the Avenue of the Peninsula, where they spend their tax dollars.

Tiffany Chiu (26730 Eastvale Road, PVP) came forward and stated that she lives locally, and the horses are shrinking and horse keeping facilities being turned into guest houses. The Wagon Wheel Ranch is a great asset to the community. Mr. Murnane does fundraising and community work and brings the equestrian world to people who could not otherwise have that experience. It is a great therapy, and it is important to keep the access to horses, the fundraising and the benefit to the community without making it detrimental to the people.

Albert Udero (585 West 19th Street, #2, Los Angeles) commented that he gets to ride the trails with Mr. Murnane and see the beautiful hills. Mr. Udero pointed out the benefit to families and special children. There is a school across the street that impacts traffic, parking and noise more than the Wagon Wheel Ranch does.

Holly Starr (5 Buckskin Lane) stated that she boarded her horse for 10 years before she was able to come to the hill. Ms. Starr has had an application in to board at a commercial stable facility for more than a decade. Mr. Murnane has mitigated the noise and dust effects. There must be a compromise that could be reached. Mr. Murnane provides a valuable asset to the area. Horses are disappearing in the area, and Mr. Murnane has not brought in more than have been lost.

Ray Lewis (1249 Via Landeta, PVE) has done a lot of riding with Mr. Murnane over the summer. Families who have never ridden before have been extremely complimentary about their experiences with Mr. Murnane. If not for Mr. Murnane's operation, a lot of people would never have access to equestrian experiences.

Cat Spydell (50 Ranchview) grew up on the hill and has a history on the hill. Her father used to be Mayor and City Manager. It is difficult when there are neighbors who don't get along, and there are some specific points that need to be addressed. There is no other place to put these horses. Times are tough, and Mr. Murnane is not in a position to go out and renovate stalls and fit within the confines of a commercial business. People driving by get a thrill when they see horses on the trail. His operation brings people into the community, where they will spend money at the mall and elsewhere. It would be a loss to the community if he was not able to continue his operation, and the city has a responsibility to make this work and preserve the horse community.

Paul Farbman (635 S. Prospect Avenue, #206, Redondo Beach) has been a Scout Leader for 17 years. Mr. Murnane's operation cares about horses and youth and enlightening people about horses and horse culture, far beyond the money and the ride. They give willingly, and Mr. Farbman endorses them.

William Bordland (2369 W. 230th Place, Torrance) read a letter written to Andy Clark written in July 2007. Mr. Murnane is extremely caring, knowledgeable and accommodating.

Mary Hamilton (5107 Lillian Street, Torrance) is a retired pediatric nurse. Her horses reside on the hill. It is difficult to get into the public stables. Ms. Hamilton is proud of what Mr. Murnane has to offer for tourism and what he gives back to the community. It is a blessing to see his horses go by and the smiles on faces of people who would never be able to be on the hill. These are public trails and should not be shut out for people to enjoy the community.

Bill Kemp (a Peninsula resident) came forward. His daughter spent a year taking lessons at PV Stables, and circling a ring became a little bit boring, so she has been riding on the trails with Mr. Murnane, which has been very valuable to her.

Melody Colbert (4604 Rockbluff Drive) lives within an eighth of a mile from the Wagon Wheel Ranch. Ms. Colbert is also on the Equestrian Committee. The Committee was concerned with safety issues and the city's liability. However, individual horse owners and riders on the trails are irresponsible and unsafe, which has not been observed with Mr. Murnane's operation. If the properties leasing to Mr. Murnane had individual borders on them, there would be no fewer horses or riders than there are with Mr. Murnane's operation. There were previously no horses on the properties, so the neighbors were used to having no traffic and no noise. Sometimes residents outgrow the things that brought them to the equestrian community. However, the community around them should not be asked to change.

Kurt Hay (58 Hidden Valley Road) lives in a home that borders Ernie Howlett Park. The only horseback riding opportunities in the Los Angeles area are Wagon Wheel Ranch or some place in Pacific Palisades. It is a joy to live in the community and have the opportunity to ride at Wagon Wheel Ranch.

Darril Franklin (420 S. Catalina Avenue, #209, Redondo Beach) brings his children to ride with Mr. Murnane on a regular basis, one of whom has mild autism. The City has an obligation to balance the needs of private property owners and the commercial business in the residential area. The community should look at the real impact of the Wagon Wheel Ranch. Parking and traffic impacts are very minimal, and noise is relatively minimal. The riders that go out are four or six, maybe eight, at a time. There are not 25 horses charging through the back country. This is a unique area and a unique challenge to the Commission, and it requires unique consideration.

Dale Allen (39 Buckskin Lane) moved here in 1964. He is the President of the Palos Verdes Horseman's Association. These commercial operations furnish a very special need to an equestrian community. Forty-four years ago there were horses on every lot and never a problem. Some of the people with complaints had horses but now don't. Mr. Murnane's areas are clean and professionally managed. There will be 130 stalls in the public stables. There are currently no commercial areas in Rolling Hills Estates that can accommodate Mr. Murnane's operation. Mr. Allen recommended taking the issue back to the Equestrian Committee to look at how to solve the problems with commercial operations that furnish rides.

COMMISSIONER SCOTT asked whether there are any other commercial trail riding ventures operated on the hill and what the circumstances of their horse keeping are. Mr. Dale responded that there was one on Westfield that is not there now. There may be a couple of small ones that aren't organized. Mr. Dale encouraged the Commission to not rush into something, as this is an important issue that should be studied.

Robert Chase (9 Moccasin Lane) is a property owner who rents to Mr. Murnane. He has lived in the city for 35 years, and the stalls have never been cleaner since he has rented to Mr. Murnane, and Mr. Chase is glad to have Mr. Murnane there.

Pat Murnane (Redondo Beach) grew up in Rolling Hills Estates in Larga Vista. His father was the third person to buy in the neighborhood in the 1950s. Everybody had horses and could go anywhere they wanted. There were no rules. The traffic on Hawthorne creates more noise than his operation does. Mr. Murnane has put sprinklers in, planted trees, took the sand out of the stalls because the neighbors felt it was too dusty. Everything started with dust and worked up to this. If decomposed granite was put on the trails, it would take care of most of the problem.

Barbara Epstein (21 Moccasin Lane) came forward in opposition to the zone change. Ms. Epstein has lived in her home for 36½ years and came to the hill in order to have horses. She is the founder of Palos Verdes Peninsula Horseman's Association and spent years riding on the trails and fought to preserve the horse keeping and trails. However, the Association never intended to encourage violation of City Codes by supporting equestrian businesses. Ms. Epstein has taught children with special needs and taught horsemanship through the Peninsula Education Foundation at her home. She was a Girl Scout herself and has helped Scouts get their badges. The value of horses in the community is not in debate. The problem is with the City engaging selective nonenforcement of its own codes by licensing this business in a residential zone. The effect is stressful to the neighboring residents. Wagon Wheel Ranch

conducts a full-blown commercial enterprise with several noisy employees, creating a public nuisance adjacent to private homes across private neighboring property. There has been a marked loss of privacy with riders and employees peering into the yards, exposing the neighbors to shouting, unwelcome conversation directed toward the neighbors, vulgarity, libellous comments by City Staff and Mr. Murnane, a large number of the general public brought into the backyards, threatening wellbeing, unnecessary conflict and chaos between homeowners, unsightly manure dumpsters in the trail easement and truck traffic up and down the trail. Street parking is not the issue. Ms. Epstein has stopped using her backyard due to the stress over the last 2½ years, in spite of continuing requests for relief. Reduction in the primary home-based hobby has reduced physical activity, which is essential to maintaining health. The precedent established by this ill-advised Special Use Permit will violate all established paradigms for residential zoning. Ms. Epstein demanded a complete, detailed written report from the City explaining the overriding urgency to consider Mr. Murnane's business so essentially to give an illegal business special treatment. This enterprise is a public nuisance, and this conversation has been going on far too long. The City should reject the idea of any Special Use Permit, limit the boarding of horses and other animals to recreational purposes only and question the necessity for any property to stable more than two to four horses. The City must limit equestrian riding business licensing to the specific zones for that use, never in residential zones. The City is responsible to its citizens, not to random businesses owned by nonresidents. Ms. Epstein then outlined the specific violations by the City of the City Code.

Praxid Perera (15 Moccasin Lane) also came forward in opposition to the zoning change. Wagon Wheel Ranch has put her family in a terrible situation for the last 2½ years. It has interrupted the privacy and quality of life. The business has become a threat. Mr. Murnane has pushed Ms. Perera's husband. Ms. Perera does not agree with the Special Use Permit and allowing the commercial operation to continue, which has more customers on the weekends, when City Staff are not working. Ms. Perera has worked hard to move to the neighborhood, and now her family's lives are sad. The backyard is full of fruit tress, and the fruit cannot be eaten because of the dust. Mr. Murnane threatened to sue because the Perera family is interrupting his business with complaints. Mr. Murnane has threatened Ms. Perera's husband. Neighborhood violence is being created, and Ms. Perera's 97-year-old father is getting more sick because of the dust.

Lauren Perreault re-approached the Commission and stated that nobody is questioning the strict rules of the current Code, but the Commission is being asked to consider amending the Code to enable the trail rides to take place in the community. The Epsteins and Pereras live in horse property, and if it wasn't Mr. Murnane's horses, it would be somebody's, and they probably wouldn't be taken care of as well. If the trail is graded with decomposed granite or other material or city sprinklers, the neighbors could coexist peacefully.

Jim Moore (4 Sunnyfield Drive) came forward in support of the zoning change. Mr. Moore is on the Equestrian Committee, is a resident and operates the other commercial trail riding business. Mr. Moore stated that 90% of his business is local. An article in the *Los Angeles Times* discussed how the equestrian culture in Los Angeles is fading into the sunset. The city was built around the trails, and there are residents who don't have horses and want to ride on these trails.

Bea Osborne (37 Moccasin Lane) came forward in opposition to the change. Ms. Osborne agrees with the value of the business and horses in the community and accepts everything that comes with owning horse property. However, she is concerned with the commercial use of residential property. The noise comes with the territory, but the commercial business will increase traffic.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER SOUTHWELL,

TO CLOSE THE PUBLIC HEARING.

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

VICE CHAIRWOMAN BAYER thanked the audience for coming out and assured them that the issues will be dealt with.

COMMISSIONER SCOTT commented that he uses the trails but not with horses. They are an important part of the community, as are the horses. It is curious that there is so little in terms of commercial opportunity in the community. Twelve horses on three lots on one street is a high number. It is reasonable to hope that this operation can be accommodated, and Equestrian Committee input would be valuable in terms of mitigating and accommodating this sort of operation. There are clearly Code sections that would need to be amended, and because of the nature of the intensity, COMMISSIONER SCOTT would support making all commercial business subject to a Special Use Permit for this type of operation. COMMISSIONER SCOTT is sensitive to the concerns of the residents who are impacted and thinks the City should be looking to manage and mitigate the impacts of remaining a horse community. A joint Planning Commission and Equestrian Committee meeting would be worthwhile.

COMMISSIONER REIN pointed out that if this were a different neighborhood, the operation wouldn't be at issue, and the City wouldn't know about it. The City does not want to discourage the equestrian nature of the city, but there are some corrective actions that need to be taken to deal with the complaints. A training permit has been issued for a trail riding business, making due with what is available.

COMMISSIONER SOUTHWELL commented that the equestrian nature of the city is important. There are very few parts of California or even the American west anymore that make much of an effort. It is fortunate to live in a community that still has public riding trails and has horse keeping areas on residential properties. This is an obvious commercial use of residential horse keeping. If the horses kept on the property were strictly for residential enjoyment, each horse might be ridden once or twice a day, but in a commercial operation the intensity would be much greater on weekends, which is what the residents did complain about and did not get what they considered to be an effective response from the City. It is legitimate for the neighbors to have their complaints heard.

VICE CHAIRWOMAN BAYER agreed with the comments. If a Special Use Permit is issued, and the operation fails to comply, they would lose their commercial license. The Commission cannot come up with language for conditions right now, but it is headed in the right direction. The residents have their backyards and don't need to be disturbed by anybody on their private property.

Planning Director Wahba suggested either that the Staff take a stab at coming up with draft language or take the issue back to City Council so that the Equestrian Committee can provide input to City Council.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER REIN,

TO TAKE PA-35-08 BACK TO CITY COUNCIL AND RECOMMEND THAT THEY TAKE THIS TO THE EQUESTRIAN COMMITTEE FOR A JOINT MEETING WITH THE PLANNING COMMISSION AND HAVE STAFF PROCEED WITH PROPOSED LANGUAGE ALONG THE LINES THAT THE COMMISSION IS THINKING.

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

10. COMMISSION ITEMS

None.

11. DIRECTOR'S ITEMS

CHAIRMAN CONWAY will be presented with his plaque at the March 2 meeting (as he is typically absent at Tuesday meetings), and VICE CHAIRWOMAN BAYER will preside as Chairwoman beginning at the February 17 meeting.

12. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES (JANUARY 20, 2009).

B. CITY COUNCIL ACTIONS (JANUARY 27, 2009).

COMMISSIONER REIN moved, and COMMISSIONER SOUTHWELL seconded,

TO RECEIVE AND FILE ITEMS 11A and 11B.

There being no objection, VICE CHAIRWOMAN BAYER so ordered.

12. ADJOURNMENT

At 9:50 p.m. CHAIRMAN CONWAY adjourned the Planning Commission meeting to February 17, 2009, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk