

MINUTES

SPECIAL PLANNING COMMISSION MEETING

JUNE 21, 2004

A special meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:00 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN KILLEN.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN KILLEN led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Conway, Vanden Bos, Bayer, Rein, O'Day, Chairman Killen

Commissioners Absent: Somers

Staff Present: Planning Director Wahba, Senior Planner Cutler, Assistant Planner Wong, City Attorney Steve Pfahler

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF MAY 17, 2004.

There being no objection, CHAIRMAN KILLEN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

The following routine matters will be approved in a single motion with the unanimous consent of the Planning Commission. There will be no separate discussion of these items unless good cause is shown by a member of the Commission or the public expressed under audience items prior to the roll call vote.

- A. PLANNING APPLICATION NO. 16-04; APPLICANT: TSUNAMI COFFEE & TEA; LOCATION: 50A PENINSULA CENTER, A PRECISE PLAN OF DESIGN FOR A NEW LOGO ON A WALL SIGN.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS

TO APPROVE PA-16-04.

There being no objections, CHAIRMAN KILLEN so ordered.

7. BUSINESS ITEMS

- A. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF VESTING TENTATIVE TRACT MAP NO. 060832, A CONDITIONAL USE PERMIT, A PRECISE PLAN OF DESIGN, A VARIANCE APPLICATION FOR SMALLER PARKING SPACE DIMENSIONS THAN REQUIRED BY CODE, A VARIANCE APPLICATION FOR FEWER PARKING SPACES THAN REQUIRED BY CODE, AND A MITIGATED NEGATIVE DECLARATION FOR A MIXED USE PROJECT FOR 41 ACTIVE SENIOR (55 AND OLDER) CONDOMINIUM UNITS IN CONJUNCTION WITH AN EXISTING OFFICE BUILDING ON A 3.36 ACRE PARCEL. APPLICANT: TED WYNNE, PALOS VERDES PROFESSIONAL CENTER; LOCATION: SOUTH SIDE OF DEEP VALLEY DRIVE BETWEEN 827 AND 927 DEEP VALLEY DRIVE.

Senior Planner Cutler, summarized the Planning Department Memorandum (as per written material).

COMMISSIONER CONWAY asked if Special Condition No. 53, "shall consider" was a requirement or what the intended status was. DIRECTOR WAHBA stated that that was a Staff suggestion to City Council in the resolution and that the City Council could mandate Special Condition No. 53.

COMMISSIONER BAYER asked about the concurrent plan to improve the medical building. DIRECTOR WAHBA confirmed that on the Project Layout and Design Condition No. 22, was intended to meet that requirement. He confirmed that they would also include the landscaping improvements for the office building in the resolution.

COMMISSIONER O'DAY suggested that for Special Condition No. 53, that it was not much of a resolution if the language was "shall consider". COMMISSIONERS BAYER and VANDEN BOS concurred.

DIRECTOR WAHBA suggested that the Special Condition could be changed to "that the applicant shall provide at least three below-market units".

COMMISSIONER CONWAY asked for clarification of "below-market". DIRECTOR WAHBA stated that it was based on the median income for L.A. County. He stated that they are required by SCAG to provide a fair share of below-market-share housing. He stated that the median is what establishes the three categories of below-market housing. He further suggested that they could add the information to the CC&Rs in the resolution to run with the property.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE PA-15-03 AS MODIFIED BY COMMISSION COMMENTS, CONDITION NO. 22 AND 53.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen

NOES:

ABSTAIN:

ABSENT: Somers

Director Wahba stated they would bring this application before City Council on July 13, 2004.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 17-04; APPLICANT: DR. MARY L. DIMYAN, DDS; LOCATION: 43B PENINSULA CENTER #2. THE APPLICANT IS REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT FOR A DENTAL CLINIC.

Planner Wong gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the Issues; and adopt Resolution No. PA-17-04 including the special conditions as listed.

COMMISSIONER O'DAY asked about the number of patients and employees. DIRECTOR

WAHBA stated that they had discussed this with the applicant and this was their choice.

COMMISSIONER CONWAY asked about Special Conditions No. 2 and indicated he felt this was not consistent proportionately with the increase of employees and office staff.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING FOR PA-17-04.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

The applicant, Dr. Dimyan, discussed her plans, the number of patients she could see and some alternatives. She agreed with the COMMISSIONERS on six staff and 18 patients per day.

CHAIRMAN KILLEN asked the audience if there was anyone else wishing to speak on this matter.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY TO

CLOSE THE PUBLIC HEARING FOR PA-17-04.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY TO

ADOPT RESOLUTION PA-17-04 WITH THE SPECIAL CONDITIONS AS AMENDED AND LISTED ABOVE , ALLOWING 18 PATIENTS PER DAY MAXIMUM, WITH SIX EMPLOYEES MAXIMUM.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

Director Wahba stated there is a 20-day appeal period.

B. PLANNING APPLICATION NO. 18-04; APPLICANT: HOWARD FEIN, MD INC.; LOCATION: 500 DEEP VALLEY DRIVE #287. THE APPLICANT IS APPROVAL OF CONDITIONAL USE PERMIT FOR A DERMATOLOGY MEDICAL USE IN THE COMMERCIAL GENERAL ZONE.

Planner Wong gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the issues; and adopt Resolution No. PA-18-04 including the special conditions as listed.

COMMISSIONER VANDEN BOS had a concern about Condition No. 4. Planner Wong stated that this condition was in the letter and agreed to by the applicant.

COMMISSIONER BAYER asked if the practice should be limited to just Condition No. 4 or include other major surgery.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING FOR PA-17-04.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

The applicant, Dr. Howard Fein stated that he was present to answer any questions.

COMMISSIONER VANDEN BOS asked if there would be any major surgical procedures performed at the site. Dr. Fein stated that he was planning to do only minor surgical procedures and that the State imposes other restrictions. He discussed the issue of a proportionate numbers of patients and staff.

COMMISSIONER O'DAY asked about the allocation of square footage and the number of patients to be seen daily. DIRECTOR WAHBA responded that there was not an allocation, but that the typical retail have the same parking requirements of 1 to 220 sq. ft., or 4.5 parking spaces per 1,000 sq.ft. He stated that the primary concern would be to have 20 patients at a time, for example, rather than staggered throughout the day.

COMMISSIONER VANDEN BOS suggested 80 patients per day to eight staff.

COMMISSIONER CONWAY asked about the use of "excessive parking spaces" on page 1, paragraph 6, parking and excessive, and suggested they use "excess" instead.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER to

CLOSE THE PUBLIC HEARING FOR PA-18-04.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

COMMISSIONER O'DAY asked why they would have separate hours of operation for this business and not the Avenue of the Peninsula. DIRECTOR WAHBA stated that they could extend the hours of operation and include Saturdays. He stated that the hours were self-imposed by the applicant.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY

TO ADOPT RESOLUTION NO. PA-18-04 WITH THE CORRECTIONS MADE TO INCREASE THE NUMBER OF PATIENTS TO 80-PER DAY WITH EIGHT EMPLOYEES AND INCREASING THE HOURS OF OPERATIONS FROM 8:00 A.M. TO 8:00 P.M. MONDAY THROUGH FRIDAY AND 8:00 A.M. TO 6:00 P.M. ON SATURDAYS; AND CHANGING NO. 4 TO READ "TREATMENTS TO BE LIMITED TO MINOR SURGICAL PROCEDURES" AND THE OTHER SPECIAL CONDITIONS AS ITEMIZED.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

Director Wahba stated there is a 20-day appeal period.

C. PLANNING APPLICATION NO. 14-04; APPLICANT: GREG BROWN; LOCATION: 981 SILVER SPUR ROAD AT THE SOUTHWEST CORNER OF SILVER SPUR ROAD AND CRENSHAW BOULEVARD (FORMER McDONALD'S SITE). THE APPLICANT IS REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN 18

UNIT CONDOMINIUM PROJECT INCLUDING THREE LIVE/WORK UNITS IN THE COMMERCIAL GENERAL MIXED-USE OVERLAY ZONE; A PRECISE PLAN OF DESIGN FOR SITE AND BUILDING IMPROVEMENTS INCLUDING DEMOLITION OF EXISTING ON SITE IMPROVEMENTS (BUILDING, PARKING LOT AND LANDSCAPING) AND CONSTRUCTION OF THE CONDOMINIUM BUILDING; VARIANCES TO 1) EXCEED THE MAXIMUM PERMITTED BUILDING HEIGHT; AND 2) PERMIT SMALLER PARKING SPACE DIMENSIONS THAT ARE REQUIRED BY CODE; A TENTATIVE TRACT MAP FOR A ONE LOT SUBDIVISION FOR THE SALE OF CONDOMINIUMS AND; A MITIGATED NEGATIVE DECLARATION UNDER 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 staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the issues; and direct staff to prepare a Resolution No. PA-14-04 recommending that the City Council approve the proposed project as well as adoption of the associated Negative Declaration, subject to the conditions of approval identified in this report and as directed by the Planning Commission related to potential relocations of the Peninsula monument sign, for the next Planning Commission meeting of July 6, 2004.

COMMISSIONER O'DAY asked about the profile flags for this project and the height Variance issue. DIRECTOR WAHBA stated that this practice is not done for Commercial or Institutional projects or the Mixed-Use Overlay Zone.

COMMISSIONER CONWAY asked about the tentative tract map, specifically that the applicant proposes to abandon the landscape easement, and if this is a choice of the applicant. He also asked about the easement notes, No. 5 that is not shown on the tract map; and the legal description of the northeast corner of the property. He stated that there appears to be a line cutting off the curve and asked if the corner is a part of this project and suggested that it could be a potential location for the monument sign. He also had one additional question, regarding the possible U-turn on Silver Spur turning onto Crenshaw Boulevard, asking why not cut through the Post Office.

DIRECTOR WAHBA stated that this is an issue they would need to check into through the title report and that they would check the easement notes and any other issues and report back to the Planning Commission with this information.

COMMISSIONER VANDEN BOS asked about the discrepancy between the tract map and the calculation in the staff report and the issue of lot coverage and how they calculate the coverage of the building on the lot. DIRECTOR WAHBA stated they would check on this and that this was a non-conforming lot and the issue of lot coverage calculation was the intent of the code. He added that an aerial view could change this issue with the Master Plan to address lot coverage for these unique projects. He suggested a couple of options for lot coverage interpretation but ultimately it is only a recommendation to the City Council who will set policy.

COMMISSIONER O'DAY asked about the lot coverage issue and his concern with the Variance findings. DIRECTOR WAHBA stated that this applies to the Mixed-Use Overlay Zone and they are in the process of amending the zoning standards for Mixed-Use projects. He added that these are pilot projects and they could gage these projects with visual open space mixed with landscaping.

COMMISSIONER VANDEN BOS suggested that there is a difference between open space, planted grass and concrete and finishing materials.

CHAIRMAN KILLEN commented that he and COMMISSIONER BAYER had been involved for over two years in the Mixed-Use Subcommittee and are familiar with projects of this type, which are complicated. He added that they have been working on redefining this area of the community to look at a way to invigorate it and get people to live there to utilize the commercial

area. He stated that comments about the footprint of the building, the actual livable, heated space is what is calculated into the numbers for lot coverage. He stated that the landscape plan for this project, Mixed-Use and residential was to try to come up with live/work facilities and try to change the zoning regulations to encourage a turn around in this area.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY

TO OPEN THE PUBLIC HEARING FOR PA-14-04.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

The applicant and owner of the property, Greg Brown of BH Investments, presented the Silver Spur Court project. He described their project as unique and said that it will reset the design standards for courtyard housing in the Southern California marketplace. He said the life style was an appropriate project for the Peninsula and is compatible with the area and the new Master Plan for the City.

Mr. Stefanos Polyzoides, architect for the project, presented their plans with visual boards. He discussed the residential units, the public area, tower and landscaping. He described the Mediterranean style and various views from Crenshaw Boulevard and Silver Spur to control the urban behavior and elevate the making of dense and complex housing to the level of appropriate urban behavior without sacrificing the amenities, with direct access housing.

COMMISSIONER O'DAY asked about the height of the Post Office and the tower. Mr. Polyzoides, stated that it was 44 ft and the tower element was 20' x 20' and at 53 ft. high and one-story above the Post Office and added that an area does not want to have one style to generate a beautiful and harmonious project.

Mr. David Snyder discussed the landscape plans of the project for the Commission.

COMMISSIONER BAYER asked about the landscaping for Silver Spur Road. Mr. Snyder discussed the landscaping for Silver Spur Road the courtyard and the lighting for the fountain area.

DIRECTOR WAHBA commented that the Planning Department reviews plans from a conceptual standpoint and that Park & Activities Commission reviews the landscaping, irrigation and the water conservation requirements as a condition of approval.

COMMISSIONER REIN asked about the potential traffic noise issue with the large windows and asked if they would work for residential as well as on the ground floor. Mr. Polyzoides commented that they have a project in Pasadena that is very similar and they have had no problems with the noise. He stated they even have one near a railroad and the noise was not a problem, as they are using insulated-type windows.

COMMISSIONER O'DAY asked about the windows and kitchen on the first floor. Mr. Polyzoides responded that all live/work units are on the first floor and the second floor is usually the bedroom due to privacy and their designs. He responded that the homes they are selling in Pasadena are for live/live or work/work and even families have purchased the homes.

COMMISSIONER CONWAY asked about lighting for the tower. Mr. Polyzoides responded that they could light the tower. DIRECTOR WAHBA stated that exterior lighting is restricted by code and that staff will review lighting as a condition of approval in the resolution such that lighting be subtle and indirect for the tower.

COMMISSIONER REIN asked about traffic problems and the Post Office business traffic access. He also asked about the exit. Mr. Brown stated that they have no use for the easement and there are no problems with the Post Office trucks as discussed with the Postmaster General. He added that the traffic studies conducted were favorable. In response to the exiting, Mr. Brown discussed the issue and potential options.

CHAIRMAN KILLEN asked the audience if there were any others wishing to speak either for or against the application.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS TO

CLOSE THE PUBLIC HEARING FOR PA-14-04

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen

NOES:

ABSTAIN:

ABSENT: Somers

CHAIRMAN KILLEN asked the COMMISSIONERS for their comments.

COMMISSIONER O'DAY asked the City Attorney, Steve Pfahler about the lot coverage and Variance issue. City Attorney, Steve Pfahler suggested they analyze both alternatives and see what the results are.

DIRECTOR WAHBA commented to the COMMISSIONERS that their decision is a recommendation to City Council to interpret the code for lot coverage.

COMMISSIONER O'DAY expressed his concern for a Variance due to the definition of lot coverage and that it is used for so many different zoning designations.

COMMISSIONER CONWAY commented that he was in concurrence with Director Wahba due to the Mixed-Use Overlay Zone and the Deep Valley master plan.

DIRECTOR WAHBA and the COMMISSIONERS discussed the issues of Variance findings and Mixed-Use Overlay, and why this project would have different requirements.

COMMISSIONER REIN commented that the staff report does not address the Variance to lot coverage and addresses it as a Mixed-Use Overlay interpretation by staff.

COMMISSIONER BAYER stated that the applicant and staff were following the Mixed-Use Committee recommendations. She stated that the West Hollywood and Pasadena Mixed-Use concepts were "right on" to what they have been envisioning for their area.

COMMISSIONER CONWAY asked about the monument sign status. DIRECTOR WAHBA suggested that City Council will ultimately further study design and location alternatives.

COMMISSIONER BAYER asked about the Mitigated Negative Declaration and the interspersal of "should" and suggested "shall" were intermixed. Sr. Planner Cutler stated that the terminology used was from the Geo-technical report; however, staff will change the language to "shall".

CONWAY commented that the concept of separate buildings as opposed to a single building is a wise approach development on this property and site planning, that leads to his support the concept that we should take the plan view in determining the coverage of this lot in context with the Mixed-Use zoning area. He stated that he is also guided by the overwhelming presence of the wall of the Post Office and leads to his support for the Variance for the height limit of the tower element recognizing that the majority of the building is only 3 ft above the height limit. He stated that he was impressed by the multi-level open space, landscaping and well balanced and fit in with the Deep Valley Master Plan and require special attention and consideration. He stated that he is cognizant that the tower element does not affect any views and is an aesthetic improvement. He added that the height Variance is supportable due to the dramatic elevation changes on Crenshaw Blvd. He stated that the smaller parking space is supportable as they are following the same guidelines in their approval of a prior development.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS

TO DIRECT STAFF TO PREPARE A RESOLUTION RECOMMENDING TO CITY COUNCIL APPROVAL OF THE PROPOSED PROJECT AS WELL AS THE

ADOPTION OF THE ASSOCIATED NEGATIVE DECLARATION SUBJECT TO THE CONDITIONS OF APPROVAL, IDENTIFIED IN THIS REPORT AND AS DIRECTED BY THE PLANNING COMMISSION RELATING TO THE POTENTIAL RELOCATION OF THE PENINSULA MONUMENT SIGN FOR THE NEXT PLANNING COMMISSION MEETING OF JULY 6, 2004.

AYES: Rein, O'Day, Conway, Vanden Bos, Bayer, Chairman Killen
NOES:
ABSTAIN:
ABSENT: Somers

Director Wahba stated that they would bring back the Resolution on July 6, 2004.

9. COMMISSION ITEMS

COMMISSIONER O'DAY stated that he had seen some signs posted illegally. DIRECTOR WAHBA stated they were Code Enforcement items and that staff would investigate.

10. DIRECTOR'S ITEMS

DIRECTOR WAHBA advised the COMMISSIONERS the next Planning Commission meeting would be on Tuesday, July 6, 2004. COMMISSIONER O'DAY indicated he would not be present.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES MINUTES, MAY 18, 2004.
- B. PARK AND ACTIVITIES MINUTES, JUNE 15, 2004.
- C. CITY COUNCIL ACTIONS, MAY 24, 2004.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO RECEIVE AND FILE ITEMS 11A THROUGH 11C.

There being no objection, CHAIRMAN KILLEN so ordered.

12. ADJOURNMENT

At 8:50 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to July 6, 2004, at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk