

CITY OF RANCHO PALOS VERDES
PLANNING COMMISSION MINUTES
REGULAR MEETING
FEBRUARY 23, 2010

CALL TO ORDER

The meeting was called to order by Chairman Lewis at 7:15 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

FLAG SALUTE

Commissioner Emenhiser led the assembly in the Pledge of Allegiance.

ATTENDANCE

Present: Commissioners Emenhiser, Knight, Leon, Tetreault, Tomblin, Vice Chairman Gerstner, and Chairman Lewis.

Absent: None

Also present were Community Development Director Rojas, Deputy Community Development Director Pfof, Principal Planner Mihranian, Assistant City Attorney Snow, and City EIR Consultants Abe Lieder and Matthew Maddox from Rincon.

APPROVAL OF AGENDA

The agenda was revised to hear item No. 3 before item No. 1.

COMMUNICATIONS

Director Rojas distributed 22 items of correspondence for agenda item No. 3 and an archived staff report related to agenda item No. 4.

COMMENTS FROM THE AUDIENCE (regarding non-agenda items):

None

PUBLIC HEARINGS

3. Annenberg project at Lower Point Vicente EIR Scoping Meeting (Case No. ZON2009-00442): 31501 Palos Verdes Drive West

Director Rojas began by explaining the Annenberg Foundation approached the City Council and asked permission to submit applications for a project on City property at the

September 2, 2008 Council meeting. The City Council, at this public meeting, agreed to let them submit the applications to the Planning Department for processing. He explained that part of the City's Vision Plan includes an animal education facility concept at Lower Point Vicente. The City Council also has as one of its tactical goals for this project to move forward. He explained that this hearing is concentrated on the environmental issues identified in the Initial Study pursuant to CEQA and the public hearings on the merits of the project will be dealt with much later in the year.

Chairman Lewis clarified that this hearing is to identify issues that should be included in the EIR and the Commission is not going to deliberate or discuss the merits of the project.

Director Rojas confirmed that was correct, noting that no deliberations or decisions will be made at this meeting in regards to the project.

Principal Planner Mihranian then gave an overview of the project, beginning with the different components of the project. He showed an illustration of the proposed project and where it relates on the property to PVIC. He gave a brief overview of the educational building, including a floor plan and explanation of what is proposed in the building. He explained there will be a 900 square foot outpost building with an information and interpretive station as well as public restrooms, and also explained the three components of the outdoor exhibit areas. With respect to the entitlements, he explained that there are three Planning applications submitted for this project: a revision to the existing Conditional Use Permit, a Grading Permit, and a Coastal Development Permit. He gave an estimated timeline for the processing and public hearings for the proposed project.

The City Consultant, Mr. Leider, explained CEQA and its purposes as well as the purposes of tonight's scoping meeting. He explained that at this point the City is asking for input on the contents of the draft EIR, and that initial study is available for public review. He discussed issues that were identified as less than significant in the Initial Study, as well as the identified issues to be analyzed in the EIR and gave a potential timeline for this process.

Mr. Mihranian stated that the Initial Study and the Notice of Preparation are available on the City's website and encouraged everyone who has not subscribed to the listserve to do so in order to receive electronic announcements on the project.

Director Rojas reiterated that what is before the Commission is not a request for a zone change or a use interpretation, but rather for the project itself. In allowing the project to move forward to this point in the process, the City Council actions take into account that the proposed project is consistent with the zoning, General Plan, and Coastal Specific Plan uses for the site.

Commissioner Tomblin recalled a time when this site was being considered for active recreation, including softball, and questioned if that was still a viable option.

Director Rojas explained that at one time this site was considered for active recreation and softball, however after some discussion and consideration the City Council concluded that the site was not appropriate for that use. He added that the City Council has set aside land for preserve and areas for active recreation including future ball fields. This area at lower Point Vicente fits into neither of these categories and the City Council approved, in the Vision Plan, this type of public use facility.

Commissioner Tomblin stated that he was not able to determine or could see anywhere a discussion on the number of employees, the number of available classrooms, classes, and students. He also did not see anything in reference to the hours of operation or any restrictions on buses. He questioned what type of activities would be included in the auditorium and if there are anticipated to be special events held and how this would interact with PVIC in terms of timing issues. He also questioned the seating capacity of the auditorium. In regards to the animal care, he questioned if this was a research area, a training area, or local animal care.

Commissioner Tetreault needed clarification on the Planning Commission's roll in this project, given that the City Council has already determined the project is consistent with the zoning and the General Plan. He asked where it is that the Planning Commission has discretion.

Director Rojas explained that the City Council has approved a document which identifies the City's vision for this site. However, any new project on the site must still go through the entitlement process for compliance with the Municipal Code. It is the Commission's role to ensure that the project meets the zoning requirements for the site. If the Commission cannot make the findings for the forthcoming planning applications, then they can recommend modification or deny the project.

Leonard Aube (representing the Annenberg Foundation) felt that City Staff has done a very good job in framing the overall issues for the Commission. He stated that during the entitlement process the project will be boiled down to a conversation around bricks and mortar, infrastructure, and landscaping but he felt this project is really about an investment in community life and an educational experience. He stated that their goal, through the interpretation of the infrastructure, is to begin the process at the point at which family arrives at the property. He felt that is significantly different from what currently happens at the site. He stated that the ultimate objective is to create a place that is unlike any other place, noting that there is no one place that he can point to that exists today that will be quite like this proposal. He explained that the Annenberg Foundation has pledged to the City that this project is considered a gesture of a charitable commitment from the Annenberg Foundation to the community. The capital expense to do this project will be fully funded by the Annenberg Foundation, as well as the establishment of a separate special fund in the form of an endowment that will provide the revenues and the financial resources to operate and maintain this facility at a world class level.

Yvonne Goppert questioned the scope and meaning of “companion animals”. She discussed the picnic area, noting it is a very well used area and was hoping that the picnic area could be expanded. She objected to the idea that the Annenberg Foundation was going to spend their money at this City site and do what they want to do at the site.

Rollin Sturgeon agreed with Mr. Aube that this area at Lower Point Vicente is a unique and beautiful site, however he did not think that dogs and cats would get the same enjoyment out of it as the community does. He objected to the proposed height of the building, as he felt it was much too high. He did not understand why the City, who has such a beautiful piece of land, would want to sell it.

Robert Critelli did not think this was a project that should be rammed down the throat’s of the community. He questioned why the elected City Council would try to start moving something of this magnitude ahead without a vote. He felt that the Palos Verdes Peninsula was one of the last beautiful places in the world and every inch of the Peninsula does not have to be developed. He felt this is a dangerous project and was confident that a city wide vote would never approve such a project.

Ken Dyda stated that nowhere in the landscape palette did he see green trees. He would like to see that included in the landscape palette for this project. He also discussed the lighting at the site and asked that the lighting plan be looked at very carefully to ensure that the lights do not create any glare and shine downward rather than out or up.

Jerry Sicherman stated it was his understanding that this facility would house 25 to 30 dogs and stated that he objected to animals being housed in this most prime, beautiful area of the City. He felt the architecture was insensitive and had nothing to do with any other architecture in the area. He questioned the 6,000 square foot medical facility and why it hasn’t been elaborated on, and questioned the implications and impacts of this medical facility. He also questioned the possible negative publicity this center may received because of the underground housing of the animals.

Lorraine O’Grady stated she was in favor of the proposed project. She felt that the applicant and staff have gone to great lengths to ensure that every concern has been or will be addressed. She stated that Lower Point Vicente Park is designed for public recreation and is not just an open space area. She felt that the area will be developed one way or the other, but did not think any other organization would have the integrity, history, or financial backing that the Annenberg Foundation brings to the site.

Jacob Gutierrez stated he is a member of the Gabrailano band of Indians and that this is their ancestral land. He stated that his concern is with the Tongva village. He stated that the chief of Los Angeles basin area has asked him to represent them in this matter. He asked that he and his son be allowed to act as monitors and work closely with the archeologists to ensure that the historical meaning of the area is maintained.

He stated that the significance of the area is extremely important to his community and tribe.

Barbara Dye stated that she felt what is being proposed is an extraordinary educational facility that will greatly benefit the people of the community. She stated that she would like the EIR to analyze the possibility of habitat restoration as well as having some land added to the preserve. She felt the Annenberg staff have been very good listeners and have tried to modify the project to address the concerns of the docents and the neighbors and various other interest groups and persons.

Michael Gill voiced his opinions that the project is much too large for the area and will have too much of an impact on the environment. He felt that the project be put to a general vote by the residents.

Pam Crane felt the Annenberg project will be wonderful gift to the City. She understood the worries of too much building along the coastline, but noted that the way it is designed and the landscaping involved will fit well into the area. She voiced her support for the project.

Sandra Jaffe questioned how this project is an educational facility and did not think people need to be educated about companion animals. She did not understand what the project is supposed to do, who it is supposed to appeal to, and who will be using the facility. She felt this project would be a waste of money and cause the destruction of the City's natural vistas.

Lenee Bilski stated that care must be taken with such a rare piece of land because once it's developed, it's gone forever. She noted that the area is zoned Open Space Recreation, and questioned the definition of "Open Space" in terms of zoning. She was concerned about the size of the structure. She noted that the Coastal Specific Plan states there should be a low level of development in this area, providing primarily picnic areas and parking to accommodate that demand. She was also concerned about chemical hazards from the military. She asked if soil samples have been taken from all areas where building is proposed to take place. She was also concerned about geology and the addition of extra water. She noted that socialization of dogs is included on the Annenberg flyer, however she stated there is no dog park on the property. She felt traffic hazards will be a concern at the intersection as well as parking at the site. She stated there are three residential areas that should be taken into consideration for noise, lighting, and the adverse physical effects on the area with the large amount of grading.

Ann Shaw stated that as a founding member of this City she knows a lot of time and money were spent to incorporate this area. She stated incorporation was all about preserving open space and controlling density. She felt that this project is too large for the area and is inappropriately focused on domestic animals. She stated that several years ago girl's softball approached the City Council to use this area for four softball fields. At that time the City Council decided that this is such a pristine area that even this low level of activity was too much and too disruptive. She agreed.

Barbara Satler stated she would like to see in the EIR a very careful consideration of alternative sites for this project, including sites that are not public park land. She asked to see a study on the reality of the Annenberg proposals for the rooftops. She questioned how deep of a layer of soil will be on the rooftops, what kind of root system will there be, how much water will these plants need, and is it realistic that any native plant will thrive under these conditions. Furthermore, she noted that these structures are quite large and there will have to be adjustments in the landscaping for fire safety. She asked what that will mean in terms of irrigation, plant species, water, and runoff.

Rosemary Campbell (12 Calle Viento) felt this project is much too big for the area. She questioned if an area is zoned recreational does that encompass an animal housing center. She stated that certain aspects of the project are quite nice, but did not think that overall it was serving a community purpose. She was very concerned about the traffic, noise, and crowds this project may generate. She questioned the geology of the area and noted that with these rooftop decks people will be able to look directly into her backyard.

Commissioner Knight stated he had some items he would like clarified in the EIR. He asked for a clarification of the Table on page 3 in regards to employees, patrons, and visitors to better understand the traffic impacts. He also asked for a better description of what the adoption services are and how that can impact the uses of the area. He noted that page 4 states there are up to 100 parking spaces at PVIC that can be utilized, yet in the presentation it was said there are 66 existing spaces. He questioned if the 100 spaces includes the Conditional Use Permit Revision recently before the Commission, and if so he cautioned that there could be a situation where the City is not in compliance with CEQA laws. He felt a discussion was needed in regards to the relationship between Annenberg and the City in terms of the use of the land. Is there a lease agreement, and if so, for how long? In terms of noise impact, he felt the EIR should look at the housing of dogs on this property. Further, he noted that the General Plan states that is a light passive recreational use of this site would be of compatible nature to the community's desire to maintain open spaces uses along the coastal area. He questioned staff's analysis in terms of how this project would impact that particular part of the urban element, and felt this should be addressed. He stated there are overlay control districts in the area that the EIR should analyze, specifically how this project impacts these control districts. He stated there is a Coastal Specific Plan environmental element, noting policy No. 1 allows only low intensity activity in the coastal resources management district and policy No. 5 ensures that noise and lighting impacts are mitigated at the point of origin, and asked that this be addressed in the EIR. Commissioner Knight also noted that there are other jurisdictions that have land use policies that affect this area. He stated that the California Coastal National Monument Act lists Lower Point Vicente as one of the five gateways along the California coast, and felt this should be addressed in the EIR. He stated the Coastal Conservancy has certain goals set out that should be addressed. He also discussed the NCCP and noted that there is a habitat linkage that runs through this part of Lower Point Vicente, and did not see this addressed.

Commissioner Leon asked staff if the size and scope of this proposed project will be addressed in the EIR.

Director Rojas answered that the EIR will identify and address impacts of the project. The Planning Commission will address the size of the building and the scope of the project through the applications and hearing process.

Mr. Leider added that the size of the proposed building factors into a lot of the issue areas looked at in the EIR. These issues range from the amount of energy consumed, the amount of lighting required to light the site, the emissions from visitorship, to aesthetic and visual impacts, views, and compatibility of the proposed project.

Commissioner Tomblin addressed the solar panels, and questioned how the public will view these solar panels when looking down on them from Palos Verdes Drive West. He felt there should be some discussion on the types of materials used for the solar panels and the visual impact when looking down on them. Secondly, he asked if there will be a legal opinion from the City Attorney that this project does meet recreational passive and open space recreation criteria and if this is an appropriate use for this zoning.

Deputy City Attorney Snow stated that if the Planning Commission requests, the City Attorney's office can provide some guidance. He explained that this is not really a legal determination but rather a determination that the Commission and City Council will have to make as to whether or not the project is consistent with the General Plan.

There being no other comments from the Commission, Director Rojas stated that the consultants will be preparing a draft EIR that should be ready for circulation in May.

1. Conditional Use Permit Revision (Case No. ZON2009-00368): 29000 Western Avenue

Commissioner Emenhiser stated that because he works for a competing company he will recuse himself from this agenda item and he left the dais.

Deputy Director Pfof presented the staff report explaining the scope of the project, noting all of the proposed antennas will be located behind the existing parapet and will not be visible. He stated that for the reasons discussed in the staff report, staff felt that the Commission can make the required findings which warrant approval of the revision to the Conditional Use Permit.

Commissioner Knight asked staff if any existing antennas will become obsolete and removed with this new installation.

Deputy Director Pfof was not aware of any antennas being removed.

Commissioner Leon asked staff if this installation will be in compliance with safety standards associated with microwaves.

Deputy Director Pfof was not able to answer that question, but noted the applicant was available for questions.

Chairman Lewis opened the public hearing.

Davina Felix (applicant) stated she was also not able to answer the question, but could get further clarification from the RF engineers if requested. She noted that an FCC compliance letter was submitted with the application.

Deputy City Attorney Snow explained that this is a type of application that has certain elements that are preempted from local considerations. He noted that the Telecommunications Act reserves some degree of local authority over determining locations but does not allow local agencies to make those determinations based on certain factors, including the RF or frequency of the communication devices.

Commissioner Tetreault asked if any antennas not being used will be removed.

Ms. Felix answered that the panel antenna will be removed and replaced, but all existing ground equipment will remain.

Commissioner Tetreault moved to adopt PC Resolution 2010-06 thereby approving the revision to the Conditional Use Permit as recommended by staff, seconded by Commissioner Leon. Approved, (6-0) with Commissioner Emenhiser recused.

2. General Plan Update (Case No. ZON2008-00160) – Sub-committee assignment and review of draft schedule

Deputy Director Pfof presented the staff report, explaining that there are now vacancies on the various sub-committees that need filling.

After a brief discussion it was decided Vice Chairman Gerstner, Commissioner Emenhiser, and Commissioner Tomblin on the sub-committee for the fiscal element; Vice Chairman Gerstner and Commissioner Leon on the sub-committee for the noise element; Commissioner Tomblin and Chairman Lewis on the sub-committee for the circulation element; and Commissioner Emenhiser joining sub-committee for the land use element.

The Commissioners then reviewed and approved the proposed schedule.

NEW BUSINESS

4. Vote options for Resolutions on Consent Calendar

Deputy Director Pfof presented the staff report, explaining that at an earlier meeting the Commission had expressed concerns and opinions on what they felt should be included in a procedure in regards to voting options for resolutions on the consent calendar, and noted that this was included in the staff report.

Deputy City Attorney Snow explained that the City Attorney's office is concerned about introducing some lack of clarity in the decisions that might result from two different votes on a single matter. He understood that the concern of the Commission may be to have the Consent Calendar items go more quickly without having to do roll call votes on each item.

Chairman Lewis clarified that the Commission questioned how they should vote when an item was heard at the public hearing they voted against the item, however when the Resolution is brought back on the Consent Calendar should they still vote no or should they vote yes to affirm the Resolution reflects the prior decision of the Commission.

Deputy City Attorney Snow explained that the final vote or final action on an item is the adoption of the Resolution. Therefore, if a Resolution reflects an approval and a particular Commissioner felt the project should have been denied, a vote against the Resolution on the Consent Calendar will then accurately reflect the intention of the Commission. He also explained that if that Commissioner voted yes on the Resolution that can be interpreted as approval of the project when that wasn't the intent.

Vice Chairman Gerstner stated by following the City Attorney's advice the vote would no longer be a vote to approve the Consent Calendar, and therefore the purpose of the Consent Calendar has been defeated. He asked how the City Council votes on Consent Calendar items.

Deputy City Attorney Snow explained that the City Council has a number of things on their Consent Calendar that the Planning Commission doesn't deal with, and therefore is a bit different. If there were a Resolution on the Consent Calendar, he would advise City Council to treat it the same way he is advising the Planning Commission.

Chairman Lewis felt it was important to have a rule on file, however he also felt that this situation is quite rare.

Chairman Lewis moved to direct staff to return with a draft rule which reflects the City Attorney's recommendation that a vote on a Consent Calendar item is not an affirmation of the prior vote but rather a vote on the merits of that particular Planning Commissioner's views on the item, seconded by Commissioner Emenhiser.

Commissioner Leon felt that if the situation is so rare and unique, he was not sure a rule was needed for it because if the situation does arise it will probably be discussed whether or not there is a rule.

Chairman Lewis agreed, however he stated that the few times it has come up the Commission has looked to staff for clarification as to what their vote will be reflecting, and he felt there should be a rule that staff can then relay to the Commission.

The Commission approved the motion (6-1) with Commissioner Leon dissenting.

APPROVAL OF MINUTES

5. Minutes of January 26, 2010

Vice Chairman Gerstner moved to approve the minutes as presented, seconded by Commissioner Tetreault. Approved, (5-0) with Commissioners Leon and Emenhiser recused.

ITEMS TO BE PLACED ON FUTURE AGENDAS

6. Pre-agenda for the meeting on March 9, 2010

Chairman Lewis noted that at the next City Council meeting a new Planning Commission Chairman will be selected. He suggested that at the next Planning Commission meeting an item be added to the Agenda for the selection of a Vice Chairman.

ADJOURNMENT

The meeting was adjourned at 10:10 p.m.