

CITY OF RANCHO PALOS VERDES  
PLANNING COMMISSION MINUTES  
REGULAR MEETING  
JULY 27, 2010

## **CALL TO ORDER**

The meeting was called to order by Chairman Gerstner at 7:04 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

## **FLAG SALUTE**

Commissioner Leon led the assembly in the Pledge of Allegiance.

## **ATTENDANCE**

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

Absent: Commissioner Tetreault was excused.

Also present were Community Development Director Rojas and Deputy Community Development Director Pfof.

## **APPROVAL OF AGENDA**

The Agenda was unanimously approved as presented.

## **COMMUNICATIONS**

Director Rojas reported that at the July 20<sup>th</sup> meeting the City Council adopted the amended View Restoration Guidelines, initiated a code amendment to clarify the current Development Code chapter that discusses specific plans, initiated a Conditional Use Permit amendment to modify conditions related to foliage and view restoration in the Lunada Pointe tract, and adopted a Resolution opposing the Marymount College initiative.

Director Rojas distributed two items of correspondence for agenda item No. 3, and a memorandum, Resolution, and letter for agenda item No. 4.

Commissioner Emenhiser reported a conversation with Councilman Campbell and Jon Cartwright regarding agenda item No. 4. Commissioner Knight reported a conversation with Dena Friedson regarding agenda item No. 3. Chairman Gerstner reported a conversation with Councilmen and Ken Dyda regarding agenda item No. 4.

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

None

## **CONSENT CALENDAR**

1. **Waiver – underground utilites (Case No. ZON2006-00491): 6913 Maycroft Drive**

**Commissioner Lewis moved to approve the Consent Calendar, seconded by Commissioner Knight. The Consent Calendar was approved without objection.**

## **CONTINUED BUSINESS**

2. **Height Variation & Grading Permit (Case No. ZON2009-00147): 27513 Longhill Drive**

Director Rojas presented the staff report, explaining the applicant is requesting more time to complete the requested redesign of the project. He noted that the applicant has requested more time than was requested in the staff report, therefore staff is recommending the item be continued to the September 14, 2010 meeting.

**Vice Chairman Tomblin moved to continue the public hearing to September 14, 2010, seconded by Commissioner Knight. Approved without objection.**

## **PUBLIC HEARINGS**

3. **General Plan Update – “Draft” Fiscal and Land Use Elements**

Deputy Director Pfoest presented the staff report, beginning with the Land Use Element. He reviewed the document and highlighted the changes proposed by staff.

Chairman Gerstner opened the public hearing.

Sunshine felt that the proposed General Plan update of the land use element is filled with statements based on development proposals as though they are done deals. She requested the Planning Commission ask staff to eliminate all of those references.

Commissioner Knight noted that the staff report has a statement regarding the Annenberg project that says that at the time of the preparation of the General Plan the proposed project is under review and a decision has not been made. He asked Sunshine if that language would suffice her concerns if it was applied to all of the proposed projects discussed in the General Plan.

Sunshine did not think there was any reason for the General Plan to have to say that. She felt that proposals should not be in the General Plan, as the General Plan should

say what the City and the residents have in mind for a particular site, not what current proposal is on the table.

Commissioner Knight asked staff to respond to Sunshine's request that the General Plan not include proposals that have not gone through the City process and been approved at a particular location.

Deputy Director Pfof explained that staff felt it was beneficial to include these types of projects in the General Plan, as they are somewhat significant projects that may have an impact upon the City in the future.

Chairman Gerstner agreed with Sunshine in that the General Plan is written every ten years or so and next year there may be significant projects proposed that will not be included in the general plan. He felt that the snapshot of what the City is considering today does not really bear a lot of weight over the life of the general plan. He understood listing the proposed projects, but did not think they should be detailed.

Deputy Director Pfof stated he would reduce the language by eliminating the description of the scope of the work on the projects.

Deputy Director Pfof continued to review the suggested changes and additions suggested by staff to the land use element.

Commissioner Leon questioned why the equestrian overlay district was not included in this element.

Deputy Director Pfof explained that the equestrian overlay district is not part of the general plan land use map, but rather it is on the zoning map. He stated that the equestrian overlay district can be added to the general plan land use map.

Deputy Director Pfof began a discussion on the fiscal element, briefly explaining there are several added text boxes for the Commission's review. He suggested that after these text boxes have been discussed the Commission can then look at any additional changes to policies and goals related to expenditures.

Commissioner Emenhiser referred to the first text boxes and felt that the language is a good compromise in that it preserves the original intent of the city founders but also acknowledges what the finance advisory committee and staff was saying that the city really isn't in control of their property taxes.

A discussion followed regarding taxes and assessments and it was agreed that the language would say that it is a goal of the city to hold local imposed taxes and assessments to the minimum necessary.

Commissioner Leon noted there are goals to keep taxes and assessments low as well as to have a balanced budget. He suggested that the first goal be that it shall be a goal

of the city to minimize the size of the city government and maintain low expenditure levels. He felt this was a positive statement in that this is how the city is trying to save money rather than how to raise money.

Commissioner Emenhiser felt that the first goal should remain to keep taxes and assessments to a minimum and add as a second goal that the city minimize the size of city government and maintain low expenditure levels.

Commissioner Leon suggested staff create and add language the fiscal element discussing expenditures.

The Commission reviewed the other proposed minor changes suggested by staff and agreed with the changes.

## **NEW BUSINESS**

### **4. Resolution opposing the Marymount College Initiative**

Director Rojas explained that this item came about when Commissioner Lewis raised the issue of whether or not the Planning Commission wanted to take a formal position on the Marymount College initiative. Director Rojas noted that at that time, the Planning Commission agreed with Director Rojas' suggestion to wait to see what the City Council does, and staff would then bring the City Council adopted Resolution to the Planning Commission to see if the Commission wanted to adopt that same Resolution. Thus, the City Council approved Resolution opposing the Marymount College Initiative is attached to the staff report. He clarified that in no way is staff recommending the Commission adopt a Resolution opposing the Marymount College Initiative, as this is strictly a Commission issue. He noted that the Commission had raised the question as to what the Commission's limitations are in this situation. He noted that the City Attorney drafted a staff report to the City Council on exactly that issue, and a copy of that report has been provided to the Commission.

Commissioner Lewis felt that the Planning Commission should weigh in on the Marymount College Initiative. He felt that this initiative, if it passes, will pave the way for other developers to use the same process to make an end run around the Planning Commission and City Council and develop whatever they want without the Commission or City Council having the ability to put reasonable limitations on the type of construction and manner of operation. Because this initiative directly implicates the City's planning powers in the future, he felt that the Commission should show some leadership on this point and weigh in on the initiative. He reminded the Commission that this discussion is not about whether or not Marymount should have dorms or athletic fields, but rather this discussion is about whether or not it is appropriate to use an initiative to make a complex land use issue.

Chairman Gerstner noted that Commissioner Tetreault has submitted a letter to the Commission stating that if the Planning Commission decides to vote on a Resolution the

same as or similar to the one adopted by the City Council, that he would be in favor of such a Resolution.

Commissioner Knight agreed that this is not an issue about Marymount itself, but rather a broader issue about what an initiative process can do to undermine an entire planning process. He explained that he appreciates the current Conditional Use Permit process which includes public input and public hearings and attempts to balance the request of the property owner and their rights with the neighboring property owners and the general welfare of the City. He noted that the Commission spent several hours in public hearings on the Marymount project in attempt to balance out the interest of the college and the neighbors. He felt that the Commission gave the college much of what they wanted, but with conditions to mitigate some of the impacts to the community. These mitigation measures can be completely thrown out through this initiative process.

Commissioner Leon felt that it would be inappropriate for the Planning Commission, as a quasi-judicial body, to make a motion on the initiative presented in the staff report as it deals with specifics that may well come before the Commission in the future. He felt that it would be more appropriate for the Planning Commission to discuss in general terms whether it was appropriate to have an initiative to change the general planning process.

Commissioner Emenhiser felt that Marymount College should have the same property rights as any other property owner in the City, however he shared with the City Council the concern that a successful initiative will short circuit the planning process and undermine the City's authority in the future.

Vice Chairman Tomblin was concerned about the way Marymount College has thrown out everything the City used as mitigation measures for the City and the immediate neighborhood. He very much liked the language included in the City Council Resolution which states that *whereas the city recognizes the right of the voters to use the initiative process when it is used to advance the public health, safety, and welfare.* He felt that the initiative by Marymount College clearly does not advance the public health, safety, and welfare.

Chairman Gerstner felt that the initiative process in land use, at the level of detail under which it is being offered to the voters in this instance, does not serve the community well. He felt the initiative effectively throws out the EIR, thereby eliminating the balance between the community and the proposed project. He stated that he was not in favor of supporting the City Council Resolution as written, not because he does not support the Resolution, but because he felt that the Planning Commission and City Council are two different bodies. He felt that if the Planning Commission should choose to have a Resolution concerning this initiative, it should be a different Resolution.

**Chairman Lewis moved to adopt a Resolution which states that *while the Planning Commission recognizes the right of the voters to use the initiative process when it is used to advance the public health, safety, and welfare, the***

***Planning Commission finds that the initiative process is not appropriate for resolving complex land use decisions such as the Marymount plan, seconded by Commissioner Leon.***

Chairman Gerstner suggested that the Commission give direction to staff to take the Resolution that will be written by a member of the Commission and properly format it and review and vote on the Resolution at the next meeting.

**Commissioner Lewis moved to amend the motion to add language to the motion that this draft Resolution will be written by Commissioner Lewis and given to staff to properly format, and brought back to the Commission at the next meeting, seconded by Commissioner Leon. Approved without objection.**

#### **APPROVAL OF MINUTES**

**5. Minutes for June 8, 2010**

Commissioner Knight moved to approve the minutes as presented, seconded by Commissioner Emenhiser. Approved, (5-0-1) with Chairman Gerstner abstaining since he was absent from the meeting.

**6. Minutes for June 22, 2010**

Commissioner Knight moved to approve the minutes as presented, seconded by Commissioner Leon. Approved, (6-0).

#### **ITEMS TO BE PLACED ON FUTURE AGENDAS**

**7. Pre-Agenda for the meeting on August 10, 2010**

The Commission reviewed and accepted the pre-agenda.

#### **ADJOURNMENT**

The meeting was adjourned at 9:09 p.m.