

**AGENDA DESCRIPTION:**

Consideration and possible action to review the current status of Border Issues, and provide direction regarding the continuation of the Border Issues Status Report as a regular agenda item

**RECOMMENDED COUNCIL ACTION:**

- (1) Receive and file the current report on the status of Border Issues; and,
- (2) Provide direction to Staff regarding continuation of the Border Issues Status Report as a regular agenda item and revise City Council Policy No. 34 accordingly.

**FISCAL IMPACT:** None

<b>Amount Budgeted:</b>	N/A
<b>Additional Appropriation:</b>	N/A
<b>Account Number(s):</b>	N/A

**ORIGINATED BY:** Kit Fox, AICP, Senior Administrative Analyst 

**REVIEWED BY:** Gabriella Yap, Deputy City Manager 

**APPROVED BY:** Doug Willmore, City Manager 

**ATTACHED SUPPORTING DOCUMENTS:**

- A. September 13<sup>th</sup> and 27<sup>th</sup> RHE City Council Staff reports for Palos Verdes Pipeline Project (page A-1)
- B. PowerPoint slides for San Pedro Community Plan Update (page B-1)
- C. August 1<sup>st</sup> RHE Planning Commission Staff report for 5883 Crest Road project (page C-1)
- D. August 1<sup>st</sup> RHE Planning Commission Staff report for *The Village/Merrill Gardens* project (page D-1)
- E. September 27<sup>th</sup> RHE City Council Staff report for *The Village/Merrill Gardens* project (page E-1)
- F. Proposed revisions to City Council Policy No. 34 (page F-1)

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**EXECUTIVE SUMMARY:**

This month's report includes:

- A status update regarding CalWater's Palos Verdes Pipeline project in Rolling Hills Estates, unincorporated *Westfield/Academy Hills* and Rancho Palos Verdes;

- A status report on the San Pedro Community Plan Update in Los Angeles (San Pedro);
- An update on the proposed project at 5883 Crest Road in Rolling Hills Estates; and,
- An update on the proposed *The Village/Merrill Gardens* retail center and residential care facility for the elderly at 601 Silver Spur Road/600 Deep Valley Drive in Rolling Hills Estates.

In addition, given the reduced pace of development in surrounding communities and the availability of alternative means to provide more timely updates on the few remaining projects or issues of concern, Staff is seeking direction from the City Council on whether to continue the Border Issues Status Report as a regular, recurring agenda item, and revise City Council Policy No. 34 accordingly.

### **BACKGROUND AND DISCUSSION:**

The following is the regular bi-monthly report to the City Council on various “Border Issues” potentially affecting the residents of Rancho Palos Verdes. The complete text of the current status report is available for review on the City’s website at:

<http://www.rpvca.gov/781/Border-Issues-Status-Report>

#### Current Border Issues

*CalWater Palos Verdes Pipeline Project, Rolling Hills Estates/Los Angeles County/Rancho Palos Verdes*

In early 2012, Staff last reported on the California Water Service (CalWater) Palos Verdes Pipeline Project in the Border Issues Status Report. At that time, the purposes of the project were to “increase water system reliability, improve fire-fighting capability, and reduce the risk of property loss or damage on the Palos Verdes Peninsula.” The two-phase project proposed to replace an existing pipeline that traverses multiple private properties within Rolling Hills Estates with two (2) new pipelines to be located primarily within street and bridle trail rights-of-way. One of the new pipelines (the so-called “Crenshaw/Ridge Supply Project”) would extend southward along Crenshaw Boulevard to a new reservoir and pump station to be constructed at the northwest corner of Crenshaw Boulevard and Silver Spur Road in Rolling Hills Estates. This pipeline would then continue southward along Crenshaw Boulevard to tie into an existing pipeline in Crest Road that supplies CalWater’s reservoir near Crest and Highridge roads.

Staff last reported that CalWater was conducting engineering and technical studies for the project in late 2011. Recently, CalWater advised Staff that the preliminary pipeline alignment and conceptual project planning are complete, and that the public environmental review process should begin. After a delay of several years to address concerns about the pipeline alignment in the Palos Verdes Dr. N. right-of-way, CalWater

is now ramping up design and construction of this project. The revised alignment will take the buried water pipe along bridle trails in Rolling Hills Estates, between (roughly) the intersection of Palos Verdes Dr. E. and Palos Verdes Dr. N. and the intersection of Crenshaw Blvd. and Palos Verdes Dr. N. The pipe will then turn south and be installed under Crenshaw Blvd. from Palos Verdes Dr. N. to Crest Rd., where it will join an existing water main. CalWater has acquired a small property along Crenshaw Blvd. to build a small pump booster station, so the previous concept of a storage tank near Crenshaw Blvd. and Silver Spur Rd. has been abandoned. The project is about 30% designed and now is being advertised for further development under a design-build project delivery method, with construction expected to begin in early 2018. CalWater will be reaching out to Rancho Palos Verdes with more-frequent updates as the project nears its final design phase.

On September 13, 2016, the Rolling Hills Estates City Council considered a contract with an environmental consulting firm to prepare the environmental impact analysis for this project. For the purposes of the California Environmental Quality Act (CEQA), Rolling Hills Estates will be the lead agency, while Rancho Palos Verdes and the County will be responsible agencies. The Rolling Hills Estates City Council was expected to approve the contract on September 27, 2016 (Attachment A). Rolling Hills Estates Planning Staff will be working with the responsible agencies on the CEQA analysis for this project, and a draft Initial Study may be ready for public review and comment during the first quarter of 2017.

#### *San Pedro Community Plan Update, Los Angeles (San Pedro)*

On September 14, 2016, the City of Los Angeles Planning Department made a presentation on the status of the San Pedro Community Plan Update to a joint meeting of the Planning and Land Use Committees of the Northwest, Central and Coastal San Pedro Neighborhood Councils (Attachment B). Planning Staff provided updates about the plan since it had been last presented to the City Planning Commission (CPC) on October 2013. Plan updates incorporated since that time include:

- Elimination of a previous proposal for taller and higher-density commercial and mixed-use development in the neighborhood surrounding around 25<sup>th</sup> Street and Western Avenue; and,
- Incorporation of the recommendations of the Western Avenue Corridor Street Enhancement Strategy.

The updated plan is expected to return to CPC on October 13, 2016, before being presented to the City Council Planning and Land Use Management (PLUM) Committee and the full Los Angeles City Council. Adoption of the final plan is expected in 2017.

#### *5883 Crest Road Project, Rolling Hills Estates*

On August 1, 2016, the Rolling Hills Estates (RHE) Planning Commission indicated its support for a 2-lot parcel map and development of two (2) detached, single-family

homes, rather than the 4-unit, detached condominium project previously proposed (Attachment C). The revised project will be presented to the RHE Planning Commission at a future meeting, perhaps in October 2016.

### *The Village/Merrill Gardens Project, Rolling Hills Estates*

On August 1, 2016, the RHE Planning Commission conducted a public hearing to consider the project entitlements and the associated draft Mitigated Negative Declaration (MND) for this commercial/residential care facility for the elderly project (Attachment D). At the conclusion of the public hearing, the RHE Planning Commission adopted a resolution recommending approval of the project to the RHE City Council, which must review the project since it involves (among other things) a tentative parcel map. The RHE City Council was expected to review and approve the project on September 27, 2016 (Attachment E). It should be noted that Peninsula Seniors expect to relocate its facility at Point Vicente Park/Civic Center to the commercial portions of this project by July 2017.

### New Border Issues

There are no new Border Issues on which to report at this time.

### Future of the Border Issues Status Report

In April 2001, the City Council first considered a proposal to monitor so-called “border issues” in surrounding jurisdictions. The impetus was a request from the *Rolling Hills Riviera* homeowners’ association for the City to be more proactive about issues related to development proposals in the adjoining cities of Los Angeles and Lomita.

On September 4, 2001, the City Council adopted City Council Policy No. 34, which set forth the policy of presenting to the City Council as a regular agenda item a report on border issues that had “the potential to adversely impact residents of the City of Rancho Palos Verdes.” Initially, these reports were prepared in the City Manager’s Office, starting in October 2001. By February 2002, the Border Issues Status Report was re-assigned to the Planning Division of the Community Development Department. The report appeared on the agenda of the first City Council meeting of nearly every month until the end of 2009. With the economic slowdown and the reduction in regional development activity, the reports began to appear bi-monthly beginning in early 2010, a practice that has continued to this day. In a further response to changing City staffing levels in the Community Development Department, the report was transferred back to the City Manager’s Office in October 2011.

Currently, there are only five (5) projects on the Border Issues Status Report, and Staff anticipates that at least two (2) of these will be removed by the end of this year. As currently written, City Council Policy No. 34 calls for a standing City Council subcommittee on Border Issues and monthly reporting as a regular agenda item. In actual practice, however, there was only ever one (1) Border Issues project for which a

subcommittee was convened (the former *Ponte Vista* [now *Highpark*] project in San Pedro). Furthermore, as the Peninsula and surrounding communities near build-out, Staff does not expect there to be many new major Border Issues projects in the foreseeable future.

Based upon the changing circumstances and pace of new development since the Border Issues Status Report was initiated, Staff is seeking direction regarding City Council Policy No. 34 (Attachment F). Currently, Staff would review and comment upon Border Issues, usually as a part of the CEQA process. CEQA notices are typically provided to the City at least 20-30 days before comments are due, providing enough time for Staff to review a proposal and determine its likely level of impact upon City residents. Project updates and summaries of Staff comments would then be provided to the City Council and interested parties through the Weekly Administrative Report.

As proposed, Staff would continue to perform the process above and refer matters to the City Council for direction in instances where projects could have significant adverse impacts upon the City's residents. In addition, Staff would send out the project updates and summaries on the existing Border Issues Status Report e-mail listserv as they are occurring (currently, Staff provides updates between City Council meetings through the Weekly Administrative Report, but not on the listserv and only uses the listserv to post the approved bi-monthly report). These changes would eliminate the need for a bi-monthly Border Issues Status Report as a standing item on the agenda of the first meeting of even-numbered months, freeing up City resources to devote to other matters.

#### **ALTERNATIVES:**

In addition to the Staff recommendations, the following alternative actions are available for the City Council's consideration:

1. Provide direction to Staff to revise the proposed Border Issues process and/or the frequency of Border Issue Status Reports.
2. Make no changes to the current Border Issues process or the frequency of Border Issues Status Report.



# Staff Report

## City of Rolling Hills Estates

DATE: SEPTEMBER 13, 2016

TO: MAYOR AND CITY COUNCIL

FROM: JEANNIE NAUGHTON, AICP, SENIOR PLANNER

SUBJECT: PROPOSAL TO CONDUCT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PALOS VERDES PIPELINE PROJECT  
APPLICANT: CALIFORNIA WATER SERVICES COMPANY (CAL WATER)  
LOCATION: VARIOUS LOCATIONS CITYWIDE

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### OVERVIEW

Staff is requesting that the City Council authorize the execution of a contract between the City and ESA PCR for preparation of an Initial Study and the resulting, appropriate environmental determination (Mitigated Negative Declaration anticipated), for the Palos Verdes Pipeline Project.

### BACKGROUND AND DISCUSSION

Cal Water owns and operates the Palos Verdes (PV) water system, providing service to the entire Palos Verdes peninsula—covering approximately 26 square miles, with elevations ranging from sea level to 1,465 feet at its highest point. The PV water system distributes water to the peninsula through two distinct water distribution systems, commonly referred to as the D-500 and the Ridge systems. All of the supply to the PV system is purchased from the West Basin Municipal Water District (West Basin).

In 2002, Cal Water's consultant team developed a Water System Master Plan for its PV system; the two projects identified in the plan with the highest priority were the D-500 Distribution and Crenshaw/Ridge Supply projects. Cal Water is proposing the construction of additional transmission pipelines in the PV District, in an effort to improve capacity, to provide redundancy in distribution facilities in the service area, and to improve the overall reliability of the distribution system. These projects recommend transmission pipelines along a common alignment for the majority of their length, and have been combined and collectively referred to as the Palos Verdes Pipeline Project. These improvements are intended to increase the PV peninsula's supply reliability. The Palos Verdes Pipeline Project proposes the following improvements:

1. A new 27" and 24" pipeline along Palos Verdes Drive North from Palos Verdes Drive East to Crenshaw Boulevard, where the 24" pipeline will terminate at the existing 20" main;
2. A new 27" pipeline in Crenshaw Boulevard to Silver Spur Road where it will connect to a new booster station proposed for a residentially zoned property downhill from Levitt Park;
3. A new 24" pipeline in Crenshaw Boulevard from the booster station to Crest Road where it will tie into the existing 27" main.

In 2004, City staff and the City Council reviewed a Preliminary Design Report (PDR), prepared by AECOM, which analyzed the east-west alignment of the transmission pipelines located in Palos Verdes Drive North, as recommended in the Master Plan, and had serious concerns with traffic impacts, construction duration, and landscaping issues related to the alignment in Palos Verdes Drive North. In response to the City's concerns, AECOM prepared a subsequent PDR in 2010 that explored various alternative alignment options including routing a significant portion of the east-west alignment along the existing Bridle Trail that runs parallel to and approximately 1000' north of Palos Verdes Drive North. The proposed alignments to be evaluated under the proposed project, therefore, incorporate the alternate east-west pipeline alignment along the Bridle Trail as well as the original north-south pipeline alignment along Crenshaw Boulevard, as recommended in the 2002 Master Plan and the 2004 & 2010 PDRs.

While the Palos Verdes Pipeline Project will include sections within the County of Los Angeles and the City of Rancho Palos Verdes, the majority of the alignment will be within the jurisdictional boundary of the City of Rolling Hills Estates, and therefore, the City will act as Lead Agency in preparation of the appropriate CEQA documents for the project. Expected project entitlements include a Conditional Use Permit for the proposed booster station for a residentially zoned property downhill from Levitt Park, and certification of the resulting CEQA determination.

The Professional Services Agreement and the proposal prepared by ESA PCR are provided as Attachment 1. The City Attorney and ESA PCR have approved the Professional Services Agreement. The proposed cost to complete the Initial Study and resulting, appropriate environmental determination is \$93,230. This fee would be subject to the City's 21% administrative overhead fee and would be paid by the applicant, Cal Water.

It should be noted however, that due to the temporary nature of construction activities and localized nature of construction-related impacts, no project-specific traffic impact analysis (TIA) is currently included in the scope of work; should it be determined, based on discussions with Responsible Agencies (County of Los Angeles and City of Rancho Palos Verdes) that such a TIA is warranted, the City could request that ESA PCR work with a subcontractor to prepare the project-specific construction TIA to support the analysis in the Initial Study/MND under a separate scope of work. Alternatively, the City may allow Cal Water to hire a consultant team to prepare the respective TIA, with peer-review conducted by the City's Traffic Engineer.

### RECOMMENDATION

Staff recommends that the City Council authorize the contract with ESA PCR in the amount of \$93,230 to prepare the Initial Study and resulting, appropriate environmental determination for the Palos Verdes Pipeline Project.

### EXHIBITS

Attached

1. Professional Services Agreement



# Staff Report

## City of Rolling Hills Estates

DATE: SEPTEMBER 27, 2016

TO: MAYOR AND CITY COUNCIL

FROM: JEANNIE NAUGHTON, AICP, SENIOR PLANNER

SUBJECT: PROPOSAL TO CONDUCT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PALOS VERDES PIPELINE PROJECT  
APPLICANT: CALIFORNIA WATER SERVICES COMPANY (CAL WATER)  
LOCATION: VARIOUS LOCATIONS CITYWIDE

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### OVERVIEW

Staff is requesting that the City Council authorize the execution of a contract between the City and ESA PCR for preparation of an Initial Study and the resulting, appropriate environmental determination (Mitigated Negative Declaration anticipated), for the Palos Verdes Pipeline Project.

### BACKGROUND AND DISCUSSION

This item was reviewed by the City Council at their meeting of September 13, 2016. At that meeting, the City Council sought information regarding the consultant selection process, frequency of work conducted with ESA PCR on past projects, and the adequacy of a Mitigated Negative Declaration as opposed to an Environmental Impact Report for the respective project. The Council directed staff to ensure the scope of the work included assessments of the impacts to bridle trails and potential hazards related to the proximity of the alignment and construction to the South Coast Botanical Garden. The item was continued to the meeting of September 27, 2016.

Cal Water went out to competitive bid to two highly qualified firms which they have had positive results with, since initially vetted in 2006, including Chambers Group and PCR. The lowest bid was selected, as both firms were equally qualified. Cal Water has worked with PCR on various projects since 2006, including the Lucerne Tank, where PCR prepared the Air Quality, Cultural Resources and Biological Resources sections of the Initial Study. Cal Water found PCR to be responsive, professional and thorough in their work. PCR has, over the course of more than 40 years in the environmental consulting field, served numerous cities and clients, preparing CEQA review for complex projects in the South Bay and the greater LA area. ESA, founded in 1969, has evolved into a broad-service environmental science and planning firm; in 2000, ESA became 100% employee-owned and is now one of the largest independently-owned environmental consulting firms, headquartered on the west coast. PCR joined ESA in February 2016. ESA PCR related project experience has been added to the proposal for Council review.

There was discussion at the meeting regarding alternative alignments and the Council was concerned that the alignment in the travel lanes of Palos Verdes Drive North, previously discussed and denied, was going to be re-examined. There is only one alignment plan proposed to be examined in the Initial Study; the previous discussion regarding alignment alternatives had

been provided as background information only, to illustrate to the Council, how the current proposed alignment plan (Attachment 2) was developed.

The South Coast Botanical Garden is a former Class I Hazardous Landfill; the site is being remediated under an Operation and Maintenance Agreement regulated by the Department of Toxic Substance Control (DTSC). Based on Council direction regarding the proposed alignment on and adjacent to the South Coast Botanical Garden, the scope of services has been expanded to include discussion of coordination with DTSC for compliance with the O&M Agreement and DTSC regulations. Additionally, language has been included in the revised scope to address the analysis of impacts to the bridle trail system by the proposed work.

The purpose of an Initial Study is to determine, based on expert opinions supported by facts, technical studies or other substantial evidence to document its findings, whether any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial. If the Agency determines, based on the resulting analyses of the Initial Study that there is potential for significant impacts that cannot be mitigated, an EIR must be prepared; however, if the Initial Study indicates that the project would not have a significant impact on the environment, with proper mitigation, a Mitigated Negative Declaration (MND) may be prepared. While the anticipated preparation at this point is a MND, until the Initial Study is completed, the appropriate determination cannot be confirmed.

While the Palos Verdes Pipeline Project will include sections within the County of Los Angeles and the City of Rancho Palos Verdes, the majority of the alignment will be within the jurisdictional boundary of the City of Rolling Hills Estates, and therefore, the City will act as Lead Agency in preparation of the appropriate CEQA documents for the project. Expected project entitlements include a Conditional Use Permit for the proposed booster station for a residentially zoned property downhill from Levitt Park, and certification of the resulting CEQA determination.

The Professional Services Agreement and the proposal prepared by ESA PCR are provided as Attachment 1. The City Attorney and ESA PCR have approved the Professional Services Agreement. The proposed cost to complete the Initial Study and resulting, appropriate environmental determination, with the revised scope as outlined above, remains unchanged, at \$93,230. This fee would be subject to the City's 21% administrative overhead fee and would be paid by the applicant, Cal Water.

## RECOMMENDATION

Staff recommends that the City Council authorize the contract with ESA PCR in the amount of \$93,230 to prepare the Initial Study and resulting, appropriate environmental determination for the Palos Verdes Pipeline Project.

## EXHIBITS

### Attached

1. PVPL Alignment Exhibit
2. Professional Services Agreement

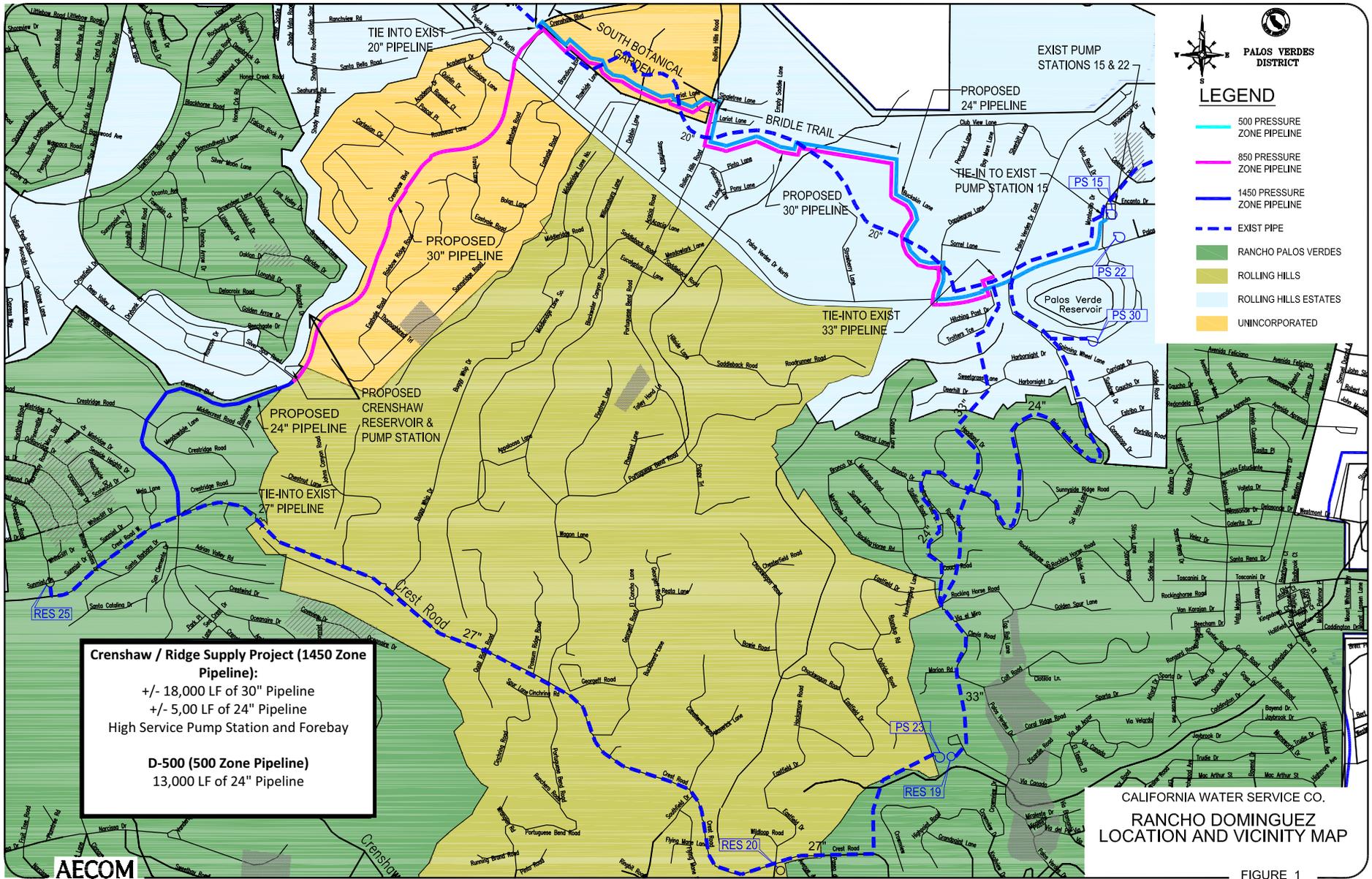


FIGURE 1

# San Pedro Community Plan

***Presentation to the Land Use Committees of the  
San Pedro Neighborhood Councils  
September 14, 2016***



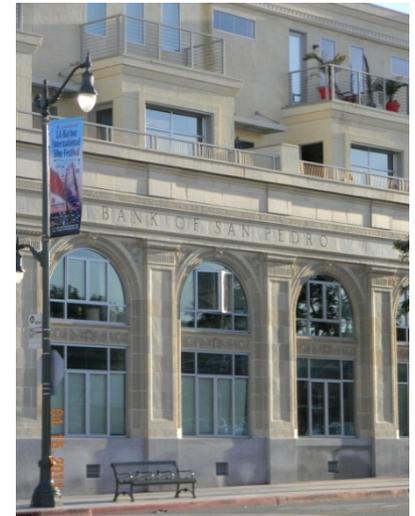
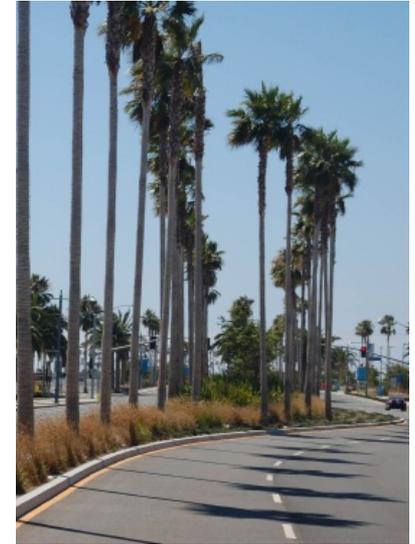
# San Pedro Community Plan

## Presentation Overview

- Community Planning
- Overview of the San Pedro Community Plan
  - Timeline and public participation
  - Goals and policies
- Implementation of the Plan
  - General Plan Designations and Zoning
  - CPIO
- Latest Work

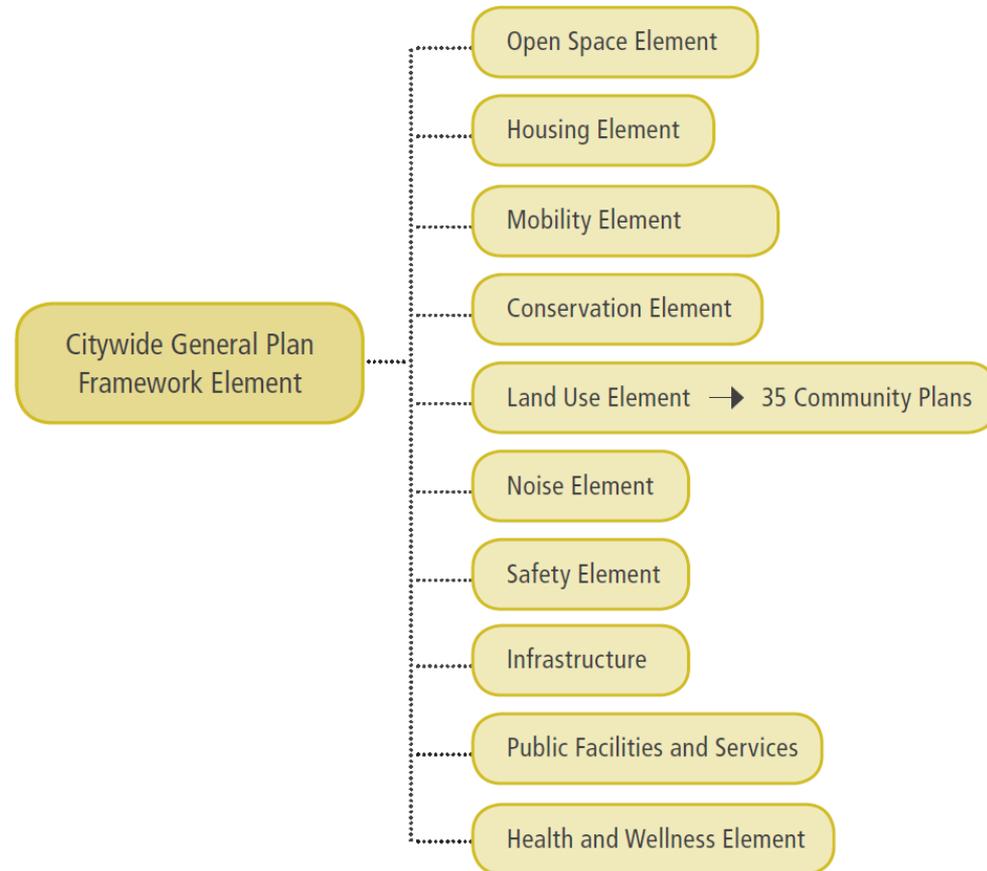


# COMMUNITY PLANNING



# The General Plan in California

- State Law: Each city or county must adopt a General Plan, address long-term growth
- Policy document to guide future land use decisions
- Comprehensive document, consistent across all elements



# Los Angeles Community Plans

35 Community Plans –  
**Land Use Element** of City's  
General Plan

Each plan is a blueprint to guide  
new development

Land Use Distribution

Development Intensity



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# Who uses the Community Plan?

City Planners

Business Interests/Developers

City Planning Commissions

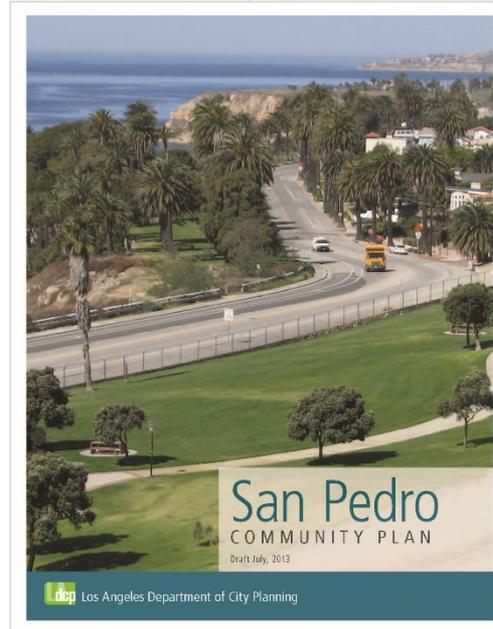
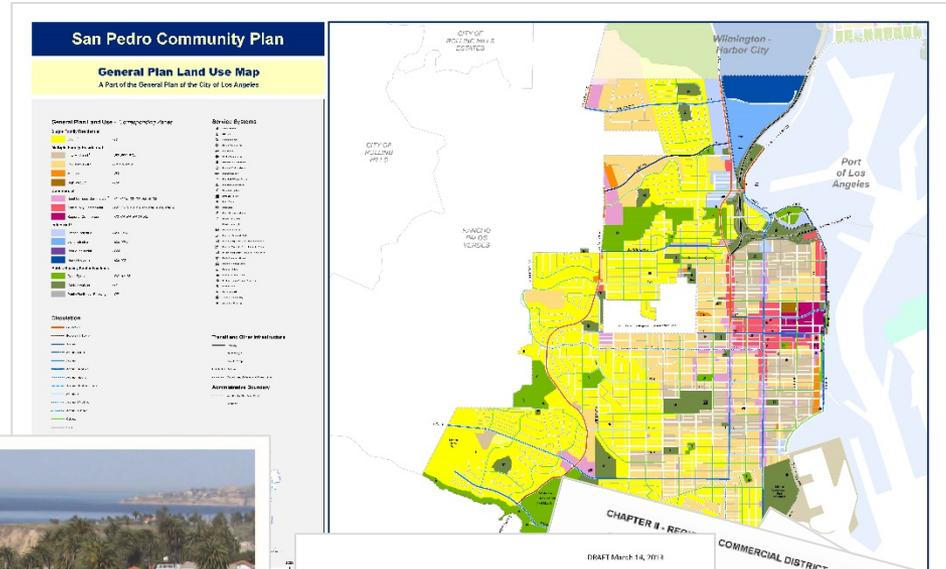
City Council and Mayor

City Departments

Community Residents and Stakeholders

# The Community Plan Components

- Community Plan text
- General Plan Land Use Map
- Implementing Tools
  - Zoning
  - Overlays/other tools



DRAFT March 14, 2013

### SAN PEDRO Community Plan Implementation Overlay

Ordinance No. 180, 2008  
Repealed Ordinance No. 180, 2008

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Chapter II	Regional Commercial District
Chapter III	Central Commercial District
Chapter IV	Coastal Commercial District
Chapter V	Industrial District

DRAFT March 14, 2013

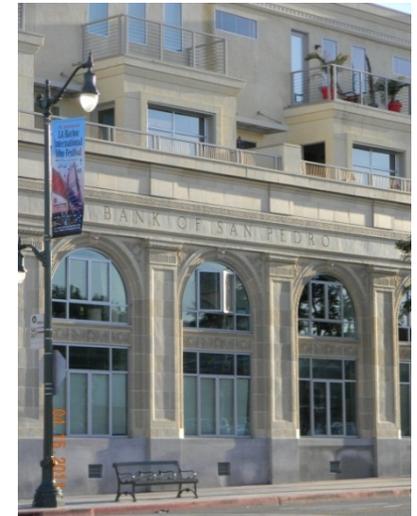
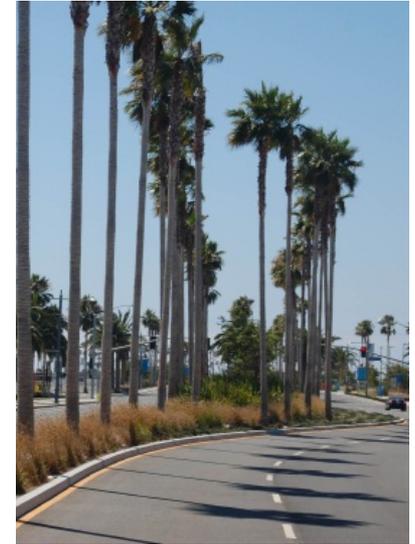
COMMERCIAL DISTRICT

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DRAFT March 14, 2013

# THE SAN PEDRO COMMUNITY PLAN UPDATE



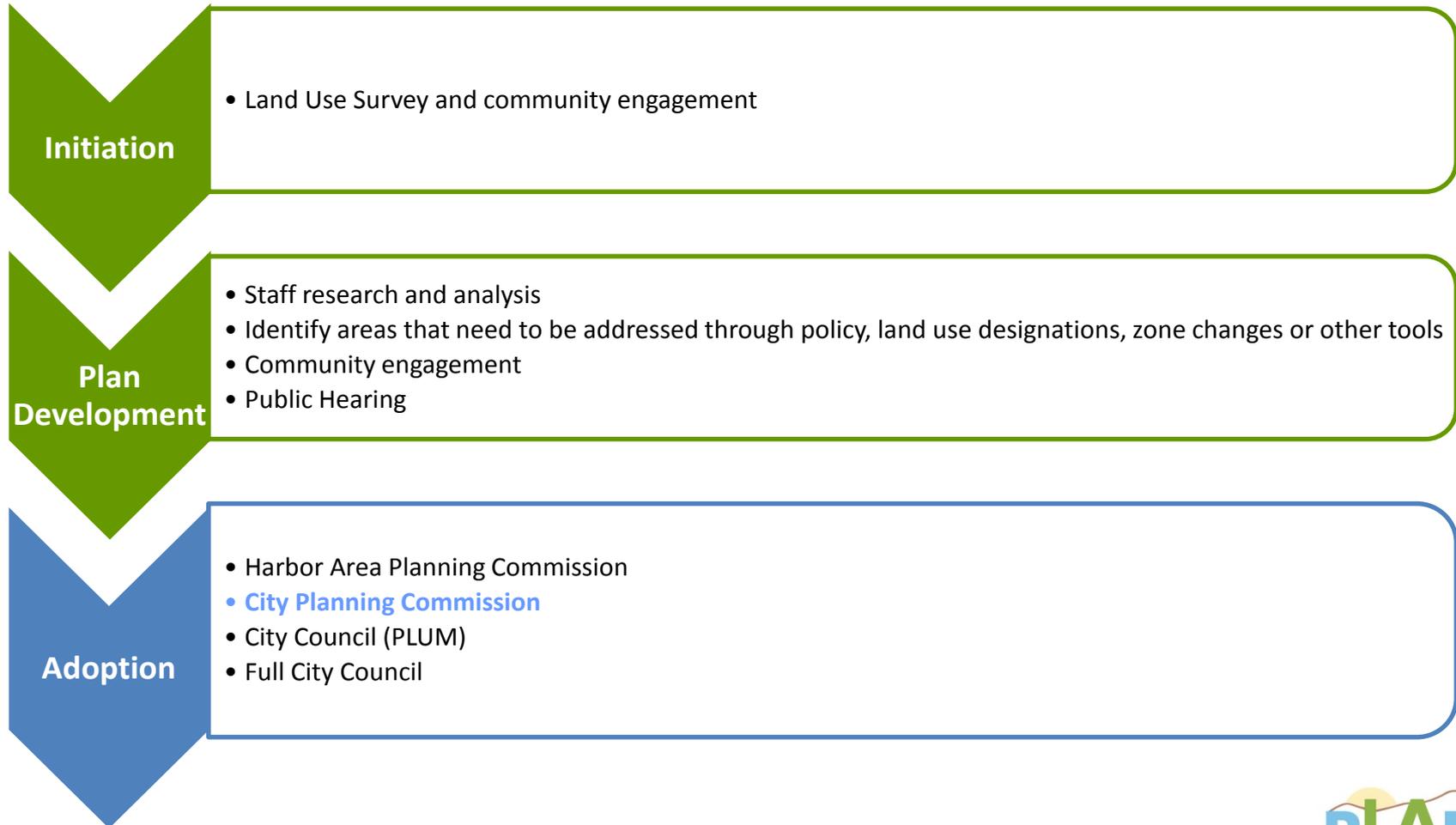
# Community Plan Update Program

## Why Update?

- Address changing land uses and emerging concerns
- Provide more clarity and guidance for applicants and community
- Make Community Plans consistent other General Plan Elements
  - Framework Element
  - Mobility Plan 2035

# San Pedro Community Plan: Process

## Community Plan Update Process: 3 Phases

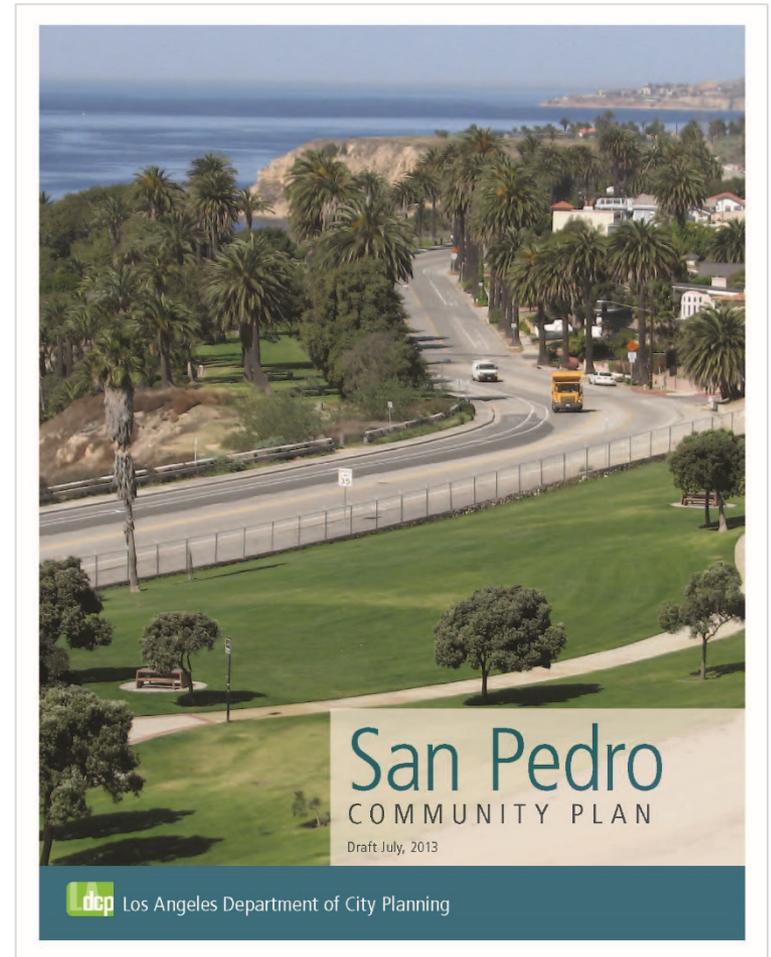


# San Pedro Community Plan: Background

- 1999: Last Plan Update
- 2006: Plan Update begins
- 30+ meetings in the community
- 2007 and 2008: Public workshops to review proposed changes
- 2008-2012: Neighborhood Council and CAC check-ins
- 2012: Open House and Public Hearing
- 2012: Harbor Area Planning Commission
- 2013: City Planning Commission

# The Community Plan – Contents of the Plan Text

- Plan text comprised of goals, policies, and programs
- **Goals** as an end state or desired outcome
- **Policies** provide important guidance for findings on discretionary projects
- **Programs** identify next steps and future work program items



# San Pedro Community Plan: Recommendations

## Major Themes:

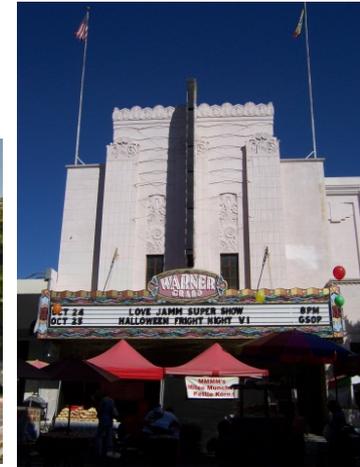
- Promote Downtown as San Pedro's commercial center
- Strengthen connection to the Waterfront
- Improve the local economy
- Enhance distinct neighborhoods and districts
- Expand and preserve housing



# San Pedro Community Plan: Recommendations

Promote Downtown as a Regional Center

Strengthen Connection to the Waterfront



# San Pedro Community Plan: Recommendations

## Improve the local economy: Industrial Districts



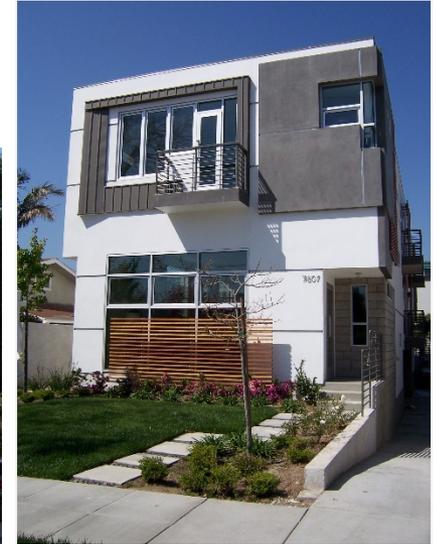
# San Pedro Community Plan: Recommendations

## Enhance Neighborhood Districts



# San Pedro Community Plan: Recommendations

## Expand and Preserve Housing



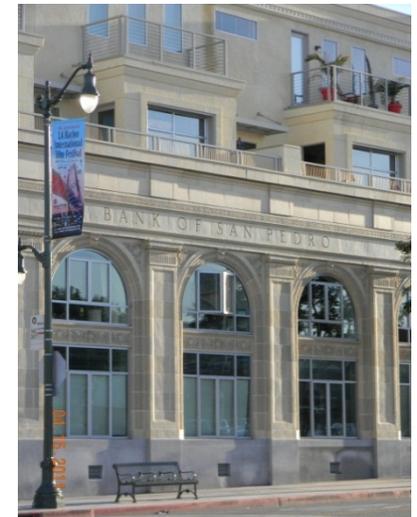
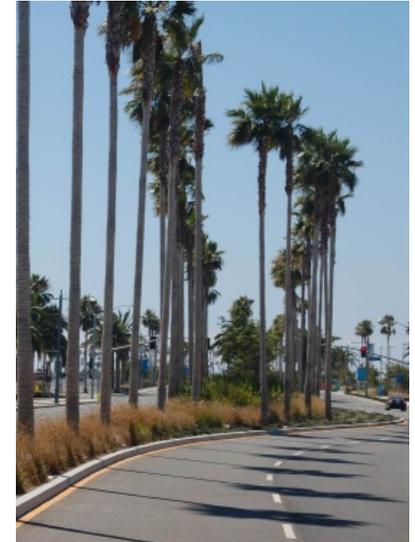
# IMPLEMENTING THE PLAN

## Concurrent with the Plan

- General Plan Designations and Zoning
- Community Plan Implementation Overlay (CPIO)
- Modified Street Designations

## Long Range

- Implementation programs

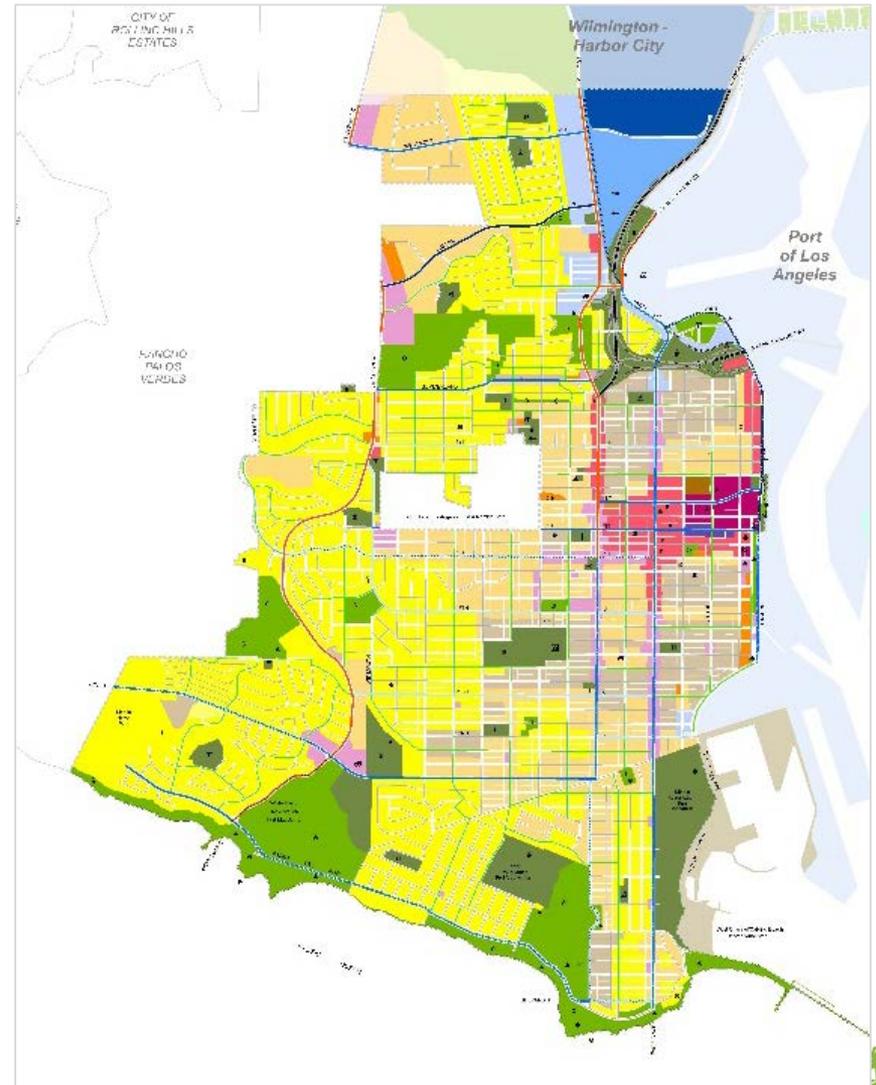


# The Community Plan Components

## Land Use Map with Corresponding Zones

- The plan regulates the zoning
- Underlying zoning must be consistent with the Community Plan
- Hierarchy of zones (R1, R2, R3, etc.)

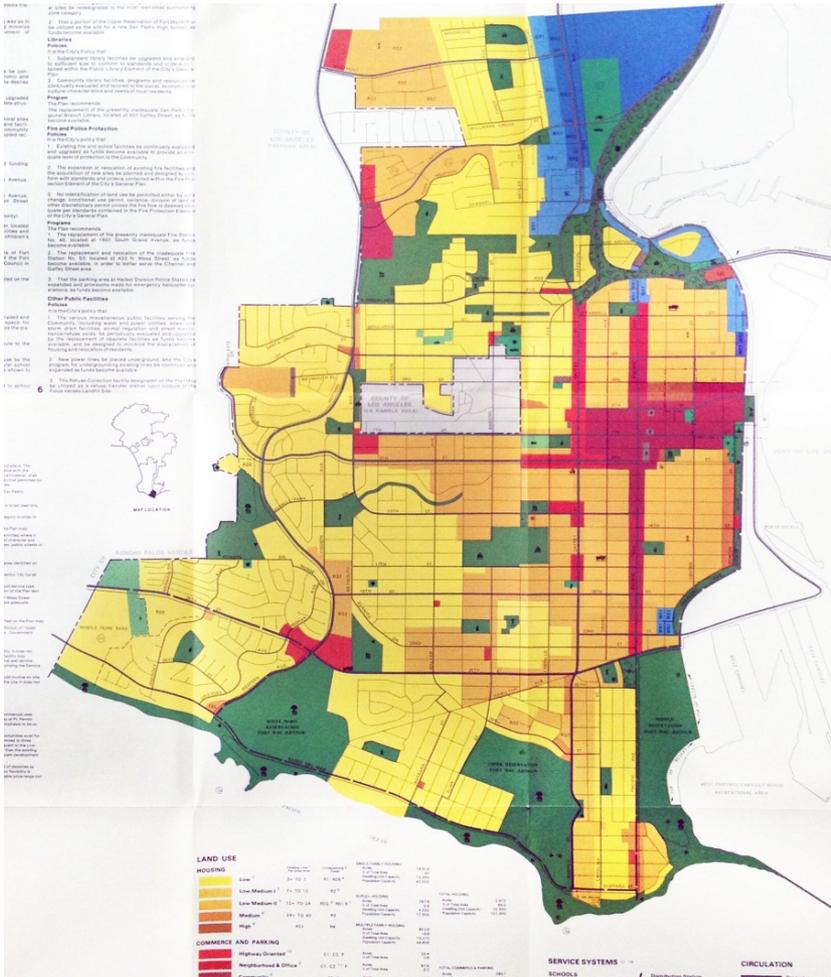
General Plan Land Use - Corresponding Zones		
<b>Single Family Residential</b>		
	Low II <sup>7</sup>	- R1
<b>Multiple Family Residential</b>		
	Low Medium I <sup>7</sup>	- R2, RD3, RD4
	Low Medium II <sup>7</sup>	- RD1.5, RD2
	Medium	- R3
	High Medium	- R4
<b>Commercial</b>		
	Neighborhood Commercial <sup>7</sup>	- C1, C1.5, C2, C4, R3, RAS3
	Community Commercial	- CR, C1.5, C2, C4, R3, RAS3, R4, RAS4
	Regional Commercial	- C2, C4, R4, RAS4, R5
<b>Industrial<sup>8</sup></b>		
	Limited Industrial	- M1, MR1
	Light Industrial	- M2, MR2
	Hybrid Industrial	- CM
	Heavy Industrial	- M2, M3
<b>Public Space; Public Facilities</b>		
	Open Space	- OS, A1, SL
	Public Facilities	- PF
	Public Facilities - Freeways	- PF



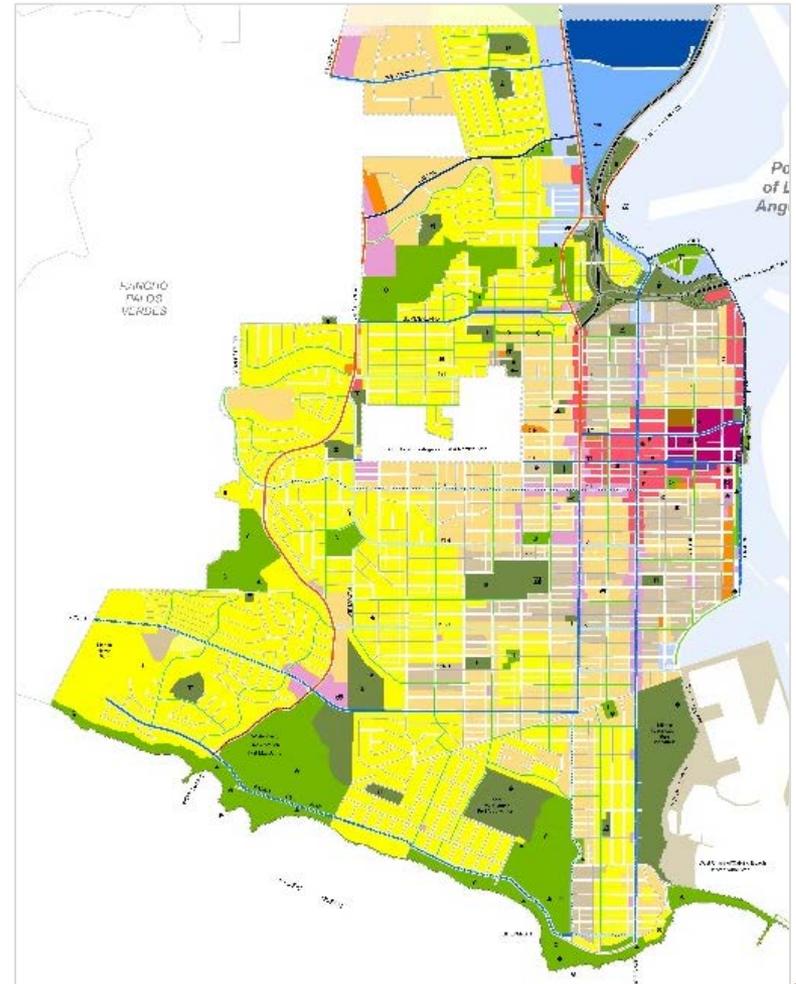


# San Pedro Community Plan: Then and Now

1980



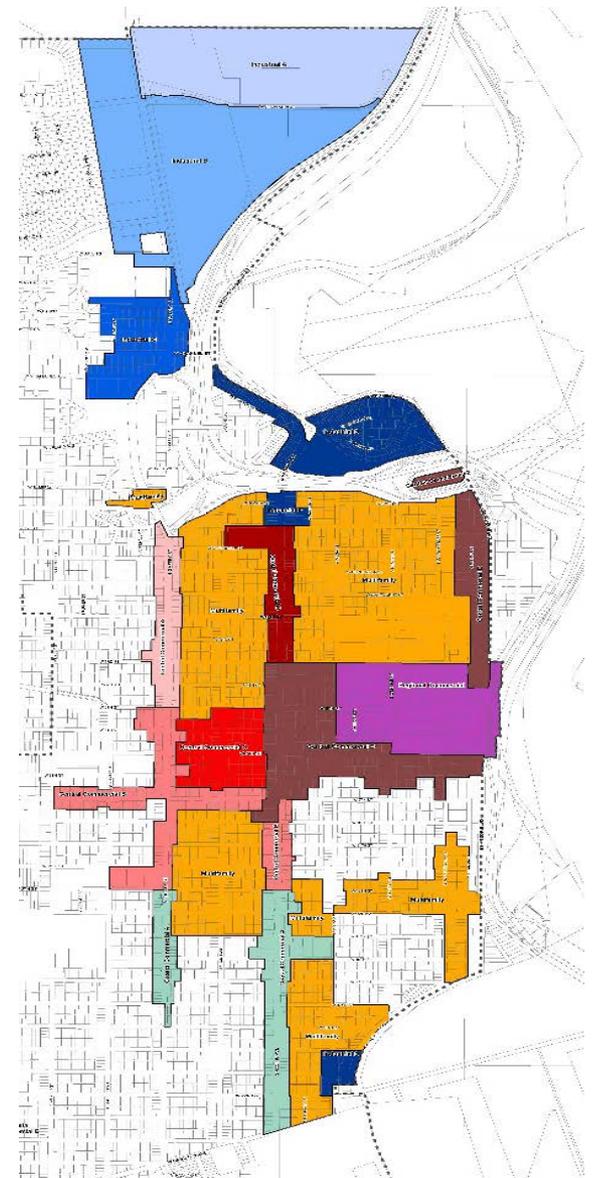
Proposed



# Implementation of the Community Plan

## Community Plan Implementation Overlay (CPIO)

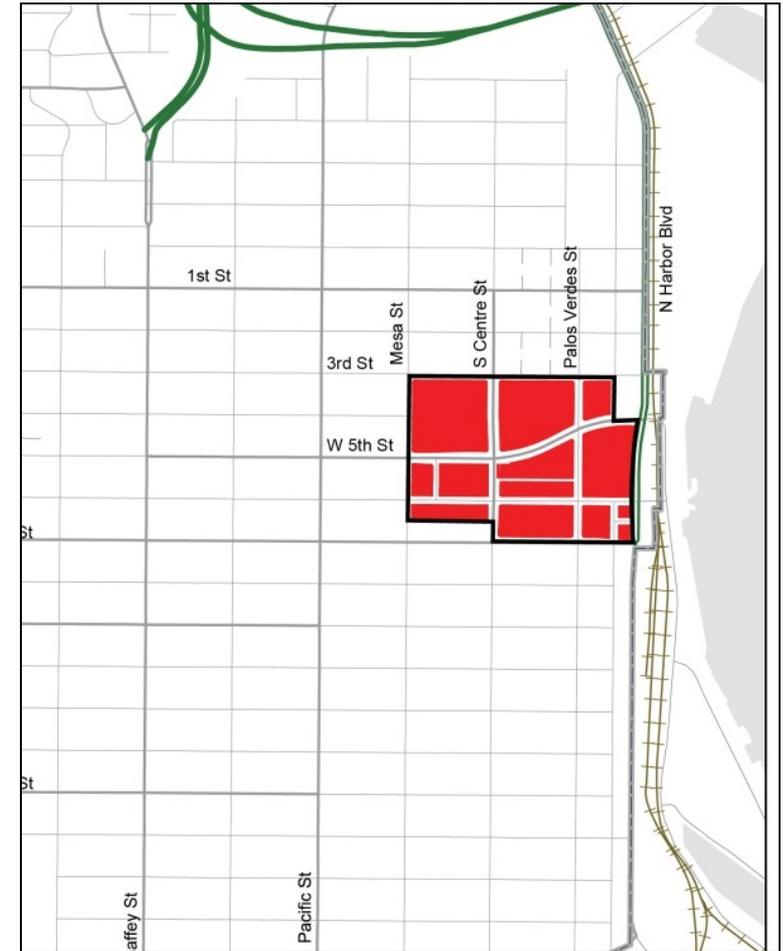
- **Generally addresses:**
  - Pedestrian-Orientation
  - Compatibility of Use and Design
  - Landscaping
  - Step backs
  - Parking
  - Signage
  - Utilities and mechanical equipment
  - Facades



# CPIO: Regional Commercial Subarea

*Support a compact, high-intensity center of employment, entertainment, civic and cultural activities, and promote waterfront tourism*

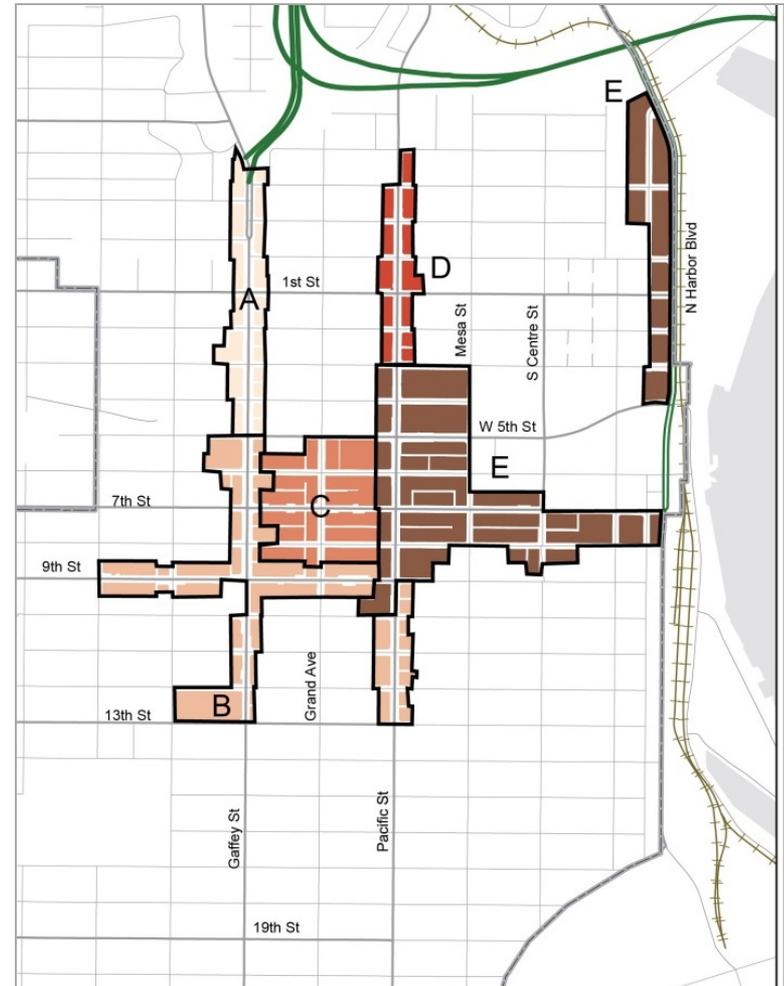
- Unlimited height replaced with a maximum height limit of 250 feet
- FAR 6.0:1
- No additional parking required for change of use in existing buildings
- Building scale and massing
- Pedestrian plazas and open space required for large projects



# CPIO: Central Commercial Subarea

*Gateways and neighborhoods that create transitions into the Downtown, serve local residents and regional visitors, and form an active, pedestrian-oriented district*

- Max 75 feet
- FAR 1.5 - 4.0
- Mixed use generally required throughout
- Automobile uses only allowed in Subarea A
- Pedestrian plazas and open space required for large projects
- Incorporated CDO Design Guidelines

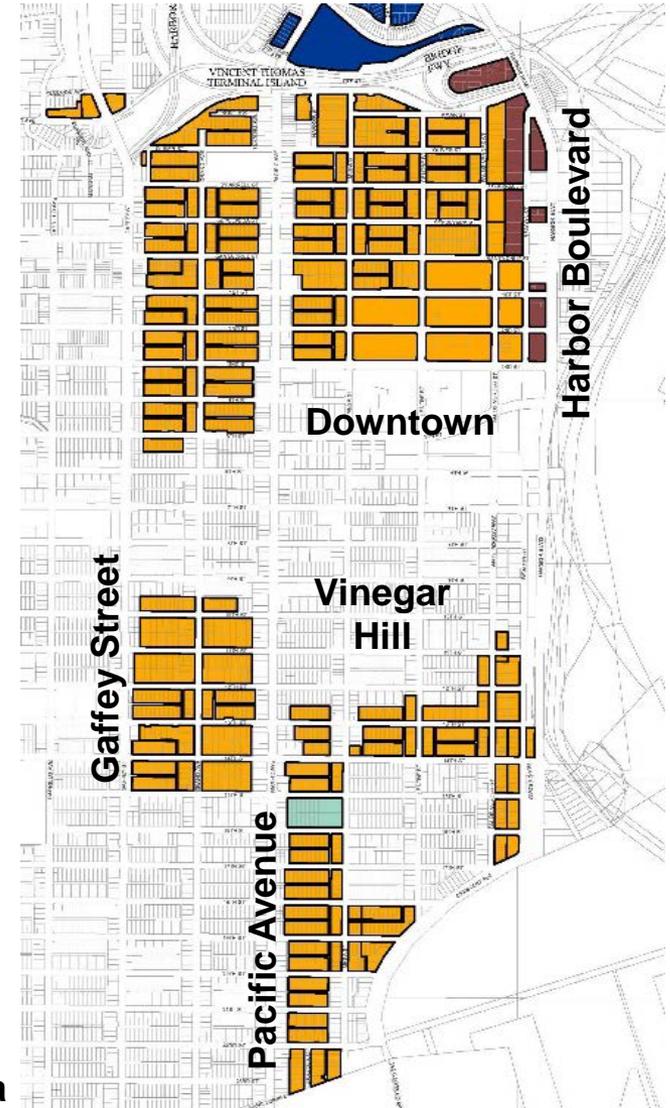


# CPIO: Multi-Family Residential Subarea

*Support housing for all income groups while providing convenient access to commercial districts*

- Retaining existing zoning
- Incorporate CRA Pacific Corridor design guidelines
- Added design standards
  - Articulation, form and facades
- Pedestrian and residential amenities

 Multifamily CPIO Subarea



# Implementation: Concurrent with the Plan

## Streets

- Modified street designations to mirror existing street dimensions
- Identified “Priority” streets to address needs for different users (pedestrians, bikes, cars.....)
- Studied potential for 6<sup>th</sup> Street



# Implementation: Concurrent with the Plan

## Implementation Programs

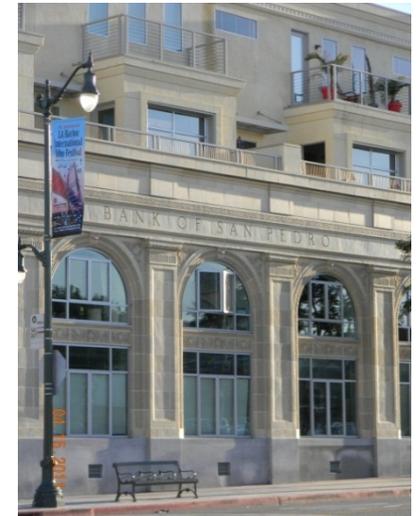
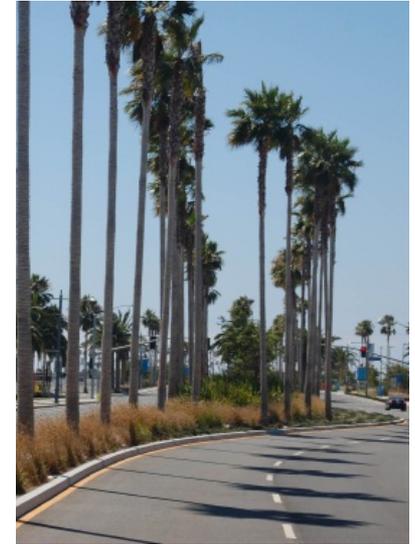
- Near- and long-term programs
- Land use, mobility, public facilities
- Directly related to Plan policies
- Identifies responsible or coordinating agencies

### Implementation Programs

Table 6-1:  
San Pedro Implementation Programs – Land Use and Urban Design

Program Number	Land Use and Urban Design Program Description	Policy/ Section Reference	Responsible or Coordinating Agency
<b>Near Term Programs</b>			
P1	<b>CPIO Design and Development Standards.</b> The Community Plan Implementation Overlay (CPIO) establishes and refines design and development standards for parcels within the Overlay. The following are regulated by the CPIO: land uses; zoning densities and intensities, mixed-use projects, commercial corridors, pedestrian access, ground floor retail, parking, alley access, setbacks, building height transitions, signage, and landscaping.	LU1.3,4,7,8; LU2.1,2; LU3.5,6,9; LU5.2-5.7; LU6.1,2,3,5; LU7.2,3,4,5; LU8.1; LU9.1,4; LU10.1,2,3,4,5; LU11.4,5,7,8,9; LU12.2,3; LU14.1,2,3,5,6; LU15.1,2,3; LU16.1,2,3,5,7; LU18.6	DCP, LADBS
P2	<b>Preserve Neighborhood Character, Small Lot Development.</b> Guidelines that encourage infill residential development to complement existing scale, massing, setbacks and character and are compatible with architectural styles in stable single-family neighborhood are included in community plan.	LU1.1, LU1.3, LU2.1, LU2.2, LU3.5, LU3.9	DCP, LADBS
P3	<b>Baseline Mansionsization Ordinance, Hillside Development and Slope Density.</b> Continue further implementation of a Citywide Baseline Mansionsization and Hillside Ordinance and implement conformance with any applicable Community Plan design guidelines. The Plan retains hillside areas in restrictive plan designations and zones due to topography.	LU1.1, LU1.4, LU1.5	DCP, LADBS
P4	<b>Build Green.</b> Technical assistance, information and guidelines are available to residential property owners and developers to encourage energy efficient residential building site and landscape design utilizing resources such as LEED, the California Green Building Code in addition to applicable City Municipal Code (LAMC) Green Building standards and guidelines.	LU1.7, LU5.10, LU14.6, LU16.5	LADWP, LADBS
P5	<b>Front Yard Character.</b> LAMC prohibits parking in front yard setback.	LU1.8	LADBS
P6	<b>Preserve Neighborhood Character.</b> The Plan Map identifies lands where only single-family residential development is permitted, it protects these areas from encroachment by designating them as Low Density Residential.	LU2.1	DCP, LADBS
P7	<b>Neighborhood Stability.</b> The Plan encourages such conversions within specific medium residential designated areas where increased homeownership and a mix of incomes will help foster safe, livable and sustainable neighborhoods.	LU3.1, LU3.3	DCP, LADBS
P8	<b>Neighborhood Stability and Housing.</b> Housing development programs provide financing for the construction of new, and the acquisition and rehabilitation of existing, multiple-family housing.	LU3.1, LU3.4	LAHD, DCP

# LATEST WORK



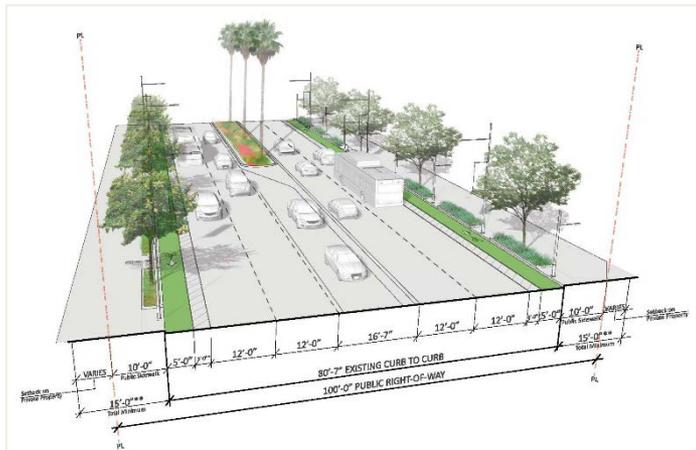
# Vinegar Hill HPOZ Expansion

- **Support Plan Goals:  
Preserve single family neighborhoods and protect historical assets**
- Preservation Plan
- Separately adopted February 24, 2015



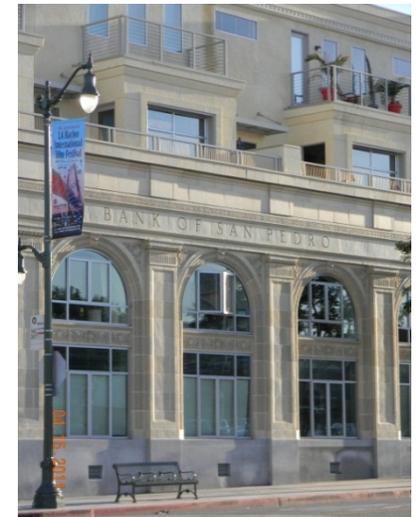
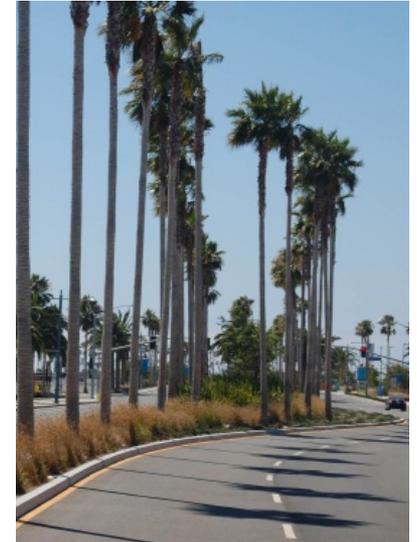
# Western Avenue Street Enhancement Strategy

- **Supports Plan Goals: Foster accessible communities**
- Vision for Western Avenue
- Coordination with the City of Rancho Palos Verdes, Caltrans, Southern California Association of Governments, and CD-15
- Goals for Streetscape and Private Development



## NEXT STEPS

- Return to CPC October 13, 2016
- Next: Consideration by City Council PLUM committee and full City Council
- Anticipated adoption 2017





# Staff Report

## City of Rolling Hills Estates

DATE: AUGUST 1, 2016

TO: PLANNING COMMISSION

FROM: DAVID WAHBA, PLANNING DIRECTOR  
KELLEY THOM, CBGB, ASSOCIATE PLANNER

SUBJECT: PLANNING APPLICATION NO: 20-16  
APPLICANT: MS. JUDY CHAI  
LOCATION: 5883 CREST ROAD

---

### OVERVIEW

The following is a request to approve:

1. A General Plan Amendment to change the land use designation from Neighborhood Commercial to Medium Density Residential;
2. A Zone Change from Commercial Limited (CL) to Medium Density Residential (RA-10);
3. A Tentative Parcel Map for a two-lot subdivision;
4. A Grading Application;
5. A Neighborhood Compatibility Determination for the construction of two single-family homes; and
6. A Mitigated Negative Declaration (IS/MND) under the California Environmental Quality Act (CEQA), finding that the project, with mitigation measures, will not have a significant impact on the environment.

### BACKGROUND

At the meeting of June 6th, the Commission 1) opened the public hearing; 2) took public testimony and discussed the issues; and 3) kept the public hearing open and continued the item to date uncertain to allow the applicant sufficient time to prepare revised plans for two single-family homes.

As proposed, the subject site would be rezoned from Commercial Limited (CL) to Medium Density Residential (RA-10) for a two-lot subdivision to construct two single-family homes. Since this is a new project, a new parcel map for a two-lot subdivision would need to be submitted. In addition, the grading plan and MND would need to be revised to reflect the new project.

The subject site is a corner lot located at Highridge Road and Crest Road. As proposed, the existing curb cuts along Highridge and Crest would be eliminated and a new curb cut would be installed along Highridge for a shared driveway. Although the proposed driveway is shown as 12' wide, the City's

traffic engineer recommends a minimum 18' wide shared driveway, based on the width of the garage openings. In addition, the driveway would be located approximately 95' from the intersection.

Proposed on the 11,250 sq. ft. northerly lot adjacent to Seaview Villas (Lot 1), a 3,000 sq. ft. two-story home would be constructed with a 586 sq. ft. two-car garage and four bedrooms (House 1). The first floor would be 2,310 sq. ft. and would include the garage, entrance, living room, dining room, kitchen, laundry, powder room, guest bedroom/bath, and master bedroom/bath. On the 690 sq. ft. second floor, there would be two bedrooms with a shared bath. The first floor plate height would be 9'-1" and the second floor plate height would be 8'-1", with an overall roof height of 21'-8".

Proposed on the 11,066 sq. ft. southerly lot adjacent to Crest Road (Lot 2), a 2,948 sq. ft. two-story home would be constructed with a 510 sq. ft. two-car garage and four bedrooms (House 2). The first floor would be 2,180 sq. ft. and would include the garage, entrance, powder room, laundry, dining room, family room, living room, kitchen, guest bedroom/bath, and master bedroom/bath. On the 768 sq. ft. second floor there would be two bedrooms with a shared bath and a hallway/alcove area. The first floor plate height would be mostly 9'-1", however the elevations appear to show a plate height for the master bedroom to be 3' higher. On the second floor plate height would be 8'-1", with an overall roof height of 21'-4".

Both of the homes have been designed in a Spanish Colonial Revival style, similar to what is found in the surrounding neighborhoods, and would incorporate smooth finish stucco with wood corbels, a low roof pitch with Spanish tile roofing, recessed windows and doors that are wood-clad, copper gutters and wrought-iron railings. Please see the preliminary drawings provided separately.

On Lot 1, the proposed front yard area is approximately 3,208 sq. ft. and 3,250 sq. ft. for Lot 2. Both lots have a 75' wide street frontage at Highridge. Given that the majority of the lot coverage for the shared driveway is located on Lot 1, staff calculated the front yard coverage as an average of both lots. As a result, the front yard coverage for each lot would be approximately 1,282 sq. ft. (39.7%). Since the maximum front yard coverage allowed is 35% for properties with a street frontage width between 75' and 99.99', the proposal exceeds the maximum allowed. As a result, the additional paving would need to be eliminated to comply with Code. In addition, the proposed lot coverage for Lot 1 would be approximately 28% and 29% for Lot 2 (35% maximum permitted), complying with Code. Please refer to the Project Statistics (attached).

It should be noted that there is a current proposal to build two new single-family homes at a nearby corner of Crest and Whitley Collins, in the City of Rancho Palos Verdes. Previously, the site was developed with a gas station which was a typical development pattern back when the neighborhoods were first developed.

Under the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (MND) was prepared for this project in 2014 when it included four patio homes and a one-lot subdivision. Staff is of the opinion that the project revisions do not require the IS/MND to be re-circulated, as the project revisions are essentially minimal and would not result in any new potential impacts that would require additional study for mitigation. Ultimately, the document will need to be revised to reflect the new project description and accompanying numbers, should the Commission wish to recommend approval of the project to the City Council.

Please note that when the project included three to four patio homes, the Commission felt that re-silhouetting the project was not necessary. However, since the current proposal is a new project and a significant departure from the previous project, staff recommends that silhouettes be installed to reflect the current massing of the two homes.

Therefore, staff recommends that PA-20-16 be continued to a date uncertain to allow the applicant sufficient time to prepare complete architectural drawings, revised grading plan, parcel map, update to the environmental document, and install silhouettes for each of the proposed homes.

### RECOMMENDATION

Staff recommends that the Planning Commission:

1. Take public testimony and discuss the project;
2. Close the Public Hearing; and
3. Continue PA-20-16 to a date uncertain.

### EXHIBITS

Attached

1. Minutes and Staff Reports dated June 6, 2016
2. Project Statistics Sheets

Separate

1. Preliminary drawings, dated July 18, 2016

Pa20-16 pm

COMMISSIONER YOO said that he would like to see a sample of the sign, and he agreed with the comments about the telephone number.

CHAIRMAN SCHACHTER stated that it would be better if the east driveway sign was moved further away from the street, and it was way too big. Director Wahba said if the phone number and website were removed that the sign could be made smaller.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER ZIGRANG,

THAT THEY CONTINUE THE HEARING TO A DATE UNCERTAIN AND HAVE THE APPLICANT WORK WITH STAFF TO COME UP WITH SOME SOLUTIONS TO THE CONCERNS RAISED BY THE COMMISSION.

AYES: Zigrang, Yoo, Thomas, Scott, Chairman Schachter

NOES:

ABSTAIN:

ABSENT: Conway, Medawar

## 8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 25-14; APPLICANT: Ms. Judy Chai; LOCATION: 5338 Crest Road. A continued Public Hearing from the Planning Commission meeting of 5/9/16 for the following: A request for a Grading Application, Zone Text Amendment, Tentative Parcel Map, Conditional Use Permit, General Plan Amendment, Zone Change, and a Neighborhood Compatibility Determination for the construction of four single-family patio homes on a .51-acre parcel. Approval of a Mitigated Negative Declaration has also been prepared under the California Environmental Quality Act (CEQA).

Associate Planner Thom summarized the Staff Report (as per written material).

COMMISSIONER SCOTT mentioned that the entrance to one of the driveways would be about 25' from the corner and asked if the City had standards because it was very tight and seemed unsafe. Director Wahba answered that this was provided to him at short notice and he didn't have time to go over it with the City's Traffic Engineer, but that staff didn't support it and the applicant needed to move the driveway back.

Director Wahba added that the intent of this night's meeting was to get a sense from the Commission whether this would be something worth pursuing in this fashion and if they were to pursue this they needed to have a shared driveway and push it far back from the corner.

CHAIRMAN SCHACHTER asked if there was a possibility of putting a driveway on Crest Road, to which Director Wahba replied that it is preferable to place a the driveway on a secondary arterial rather than on a major arterial.

CHAIRMAN SCHACHTER'S asked if there was an issue with the storm drain if the driveway goes into that area, and Director Wahba stated that the architect had mentioned it but it would involve quite a bit of cost, and it would be a lot less expensive to move the driveway north of the storm drain and come in that way. Director Wahba stated that another design would be to actually split the lot the other direction and to push the homes back from Crest Road to open up the corner and have a more aggressive setback.

CHAIRMAN SCHACHTER asked if there was a minimum requirement for a shared driveway width, to which Director Wahba replied he was not aware of a minimum width, but separate driveways would be preferable to the homeowners but given the unique corner and to improve the vehicular access it really should be served with one driveway.

COMMISSIONER THOMAS asked the Commissioners that before they discuss a detailed design of the driveway and storm drains, do they conceptually believe going from four units to two units has any merit at all.

COMMISSIONER SCOTT said that two units was an improvement and shared the concern of the driveway. He also said that if they had a small second story on House #1 it would open up the mass of the building and increase the rear yard setback.

Director Wahba discussed ideas of having two-car garages rather than three-car garages to help with the massing.

CHAIRMAN SCHACHTER said that the submittal was an improvement, and he preferred the one-story house closer to the street and having the larger house in the back of the lot because it would blend in with the trees and not be as close to the street frontage.

COMMISSIONER ZIGRANG said that they are headed in the right direction it just needed to be reoriented a bit so that they could have a shared driveway on Highridge. He felt that they should leave it to staff to work with the applicant and come in with an alternative.

COMMISSIONER SCOTT asked if a second story feature in House #2 was acceptable to the Commission and they discussed briefly that it was a good idea.

COMMISSIONER YOO asked Director Wahba if there was a restriction on where you can have a driveway after the corner, to which Director Wahba replied that he will speak with the Traffic Engineer and discuss the options, seeing as there is a storm drain there as well.

Gary Maxwell (Architect, Maxwell & Associates, Huntington Beach) said that they were trying to preserve the existing driveways and not mess with the Los Angeles County Flood Control District. He said he understood the concern of the proximity of the driveway to the corner, and he wanted the orientation of the homes to stay because that's where the view was. He said it would free them to do a limited second story on House #2 so they could shorten the home and still keep a back yard. He said if they did have a shared driveway he wanted to rotate the garage on House #2 so that it wasn't facing Highridge Road. He suggested a two-car garage

plus a small area where they could put bikes and things. He would like to open out the front but not to the detriment of having a back yard. He said that a sound wall would obstruct views and he preferred to soften the noise with triple glazed windows, and other materials.

COMMISSIONER SCOTT felt that it shouldn't be a three-car garage, but a two-plus garage.

Doug Maupin (Developer/Broker, 27591 Palos Verdes Drive East, Rancho Palos Verdes), said the value of two separate lots will help to make a profit on this lot, but he felt that the driveway issue was overstated because single family homes have only seven trips a day, and that this particular intersection didn't ever get crowded. He added that the drains are huge, with 24" wide pipes and felt that those drains handled the entire top of the hill. It would be preferable not to touch those drain pipes because it will become very expensive. The two-story idea is a good one and shrinking the footprint would give more open space.

COMMISSIONER THOMAS moved, seconded by COMMISSIONER YOO,

TO CLOSE THE PUBLIC HEARING AND CONTINUE TO A DATE UNCERTAIN.

AYES: Zigrang, Yoo, Thomas, Scott, Chairman Schachter

NOES:

ABSTAIN:

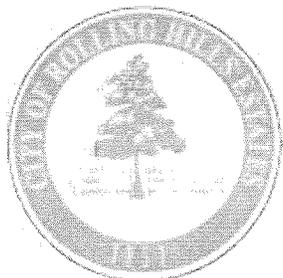
ABSENT: Conway, Medawar

Director Wahba stated that the public would be renotified prior to the project coming back to the Commission.

B. PLANNING APPLICATION 18-15; APPLICANT: Peninsula Pointe (Scott Darnell, SRE DCM PV, LLC); LOCATION: 27520 Hawthorne Blvd. Conversion of an existing office building into an 89-unit Residential Care Facility for the Elderly (RCFE) with the following entitlements: General Plan Amendment to change the land use designation from Commercial Office (C-O) to Commercial General (C-G); Zone Change from C-O to C-G; Conditional Use Permit for RCFE use within the C-G zone; Precise Plan of Design for exterior façade work; Variances for 1) existing surface parking spaces extending into the setback; and 2) parking stall dimension and aisle width.

Senior Planner Naughton summarized the Staff Report with a PowerPoint Presentation (as per written material) and introduced Scott Darnell (Darnell Capital Management, Applicant on behalf of the property owner) and Emily Tragish (Architectural Team Project Lead for Douglas Pancake Architects, Irvine). She asked if the Commission had any questions of staff.

COMMISSIONER SCOTT stated that the Commission had spent a lot of time when they adopted the standards for Elderly Care Units in 2014, on interior size, parking, code provisions and was not lightly undertaken and represented months of diligence.



# Staff Report

City of Rolling Hills Estates

DATE: JUNE 6, 2016

TO: PLANNING COMMISSION

FROM: DAVID WAHBA, PLANNING DIRECTOR  
KELLEY THOM, CBGB, ASSOCIATE PLANNER

SUBJECT: PLANNING APPLICATION NO: 25-14  
APPLICANT: MS. JUDY CHAI  
LOCATION: 5883 CREST ROAD

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## OVERVIEW

The following is a request to approve:

1. A General Plan Amendment to change the land use designation from Neighborhood Commercial to High Density Residential;
2. A Zone Change from Commercial Limited (CL) to Residential Planned Development (RPD);
3. A Zone Text Amendment for development standards for lot size in the RPD Zone;
4. A Tentative Parcel Map for a one-lot subdivision;
5. A Grading Application;
6. A Conditional Use Permit for a Residential Planned Development;
7. A Neighborhood Compatibility Determination for the construction of four single-family patio homes; and
8. A Mitigated Negative Declaration (IS/MND) under the California Environmental Quality Act (CEQA), finding that the project, with mitigation measures, will not have a significant impact on the environment.

## BACKGROUND

At the meeting of May 9<sup>th</sup>, the Commission 1) opened the public hearing; 2) took public testimony and discussed the issues; and 3) kept the public hearing open and continued the item to the meeting of June 6, 2016 to allow the applicant to work with staff on three different design options.

Since the May 9<sup>th</sup> meeting, staff has met with the applicant and architect a few times to discuss the guidance provided by the Commission as noted in the results letter (attached).

As a result, the applicant has indicated that a one-lot subdivision zoned RPD with three patio homes would not be economically viable for her. Of the three options suggested, the applicant believes that Option 3 would be the most feasible choice, a two-lot subdivision zoned RA-10, with a single-family home on each lot no greater than 3,000 sq. ft. In addition, the applicant's architect has prepared a

schematic site plan, floor plans and elevations showing how the two homes would be oriented on the site. The one-story home would be located towards Crest and the two-story home would be towards the rear of the lot, with each home having separate driveways along Highridge. With this design, staff feels that the open space of the corner has been diminished and that the building mass along Crest appears more visually prominent. In addition, due to the busy roadways at both Highridge and Crest, staff recommends a shared driveway along Highridge for the two single-family homes. However, the applicant believes separate driveways would be more consistent with single-family development. Staff suggests that additional studies be done on shared versus separate driveways, and that a more creative solution is needed to develop the corner lot with two single family homes. Please see the preliminary drawings for Option 3 (attached).

Therefore, staff recommends that PA-25-14 be continued to a date uncertain to allow the applicant sufficient time to develop a proposal for two single-family homes.

### RECOMMENDATION

Staff recommends that the Planning Commission:

1. Take public testimony and discuss the project;
2. Close the Public Hearing; and
3. Continue PA-25-14 to a date uncertain.

### EXHIBITS

Attached

1. Results letter dated May 10, 2016
2. Preliminary drawings (Option 3)

Pa25-14 pm5



CITY OF  
**ROLLING HILLS ESTATES**

4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274  
TELEPHONE 310.377-1577 • FAX 310.377-4468  
[www.RollingHillsEstates-ca.gov](http://www.RollingHillsEstates-ca.gov)

May 10, 2016

Judy Chai  
PO Box 2843  
Palos Verdes Peninsula, CA 90274

Re: PA-25-14

Dear Ms. Chai:

At the Planning Commission meeting of May 9, 2016, your application was continued to the Planning Commission meeting of June 6, 2016. The Commission provided the applicant the following project guidance, as follows:

Option 1 (RPD Zoning)

1. Eliminate the fourth home at the front corner
2. Include no more than three patio homes
3. Home adjacent to Crest road to be one-story and less than 2,000 sq. ft. in area
4. Total livable area of all three homes no more than 6,000 sq. ft.
5. Provide more open space area on the site closer to 70% as required by Code (exclusive of driveways and parking)
6. Variance for 10-acre RPD zone change requirement

Option 2 (RPD Zoning)

1. One single building with three or four units maximum
2. Portion of building adjacent to Crest Rd to be one-story and two-stories towards the rear with the front corner providing more open space area on the site
3. Total livable area no more than 8,000 sq. ft.
4. Provide more open space area on the site closer to 70% as required by Code (exclusive of driveways and parking)
5. Variance for 10-acre RPD zone change requirement

Option 3 (RA-10 Zoning)

1. Two-lot subdivision with one single family home on each lot
2. Home size no greater than 3,000 sq. ft. each
3. Maximum lot coverage 35%
4. Home along Crest Rd to be one-story
5. Both properties to comply with RA-10 zoning for setbacks, etc.

C9LE

Please note, in order to make the June 6th meeting, please resubmit all plans no later than **Monday, May 23rd**.

Should you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelley Thom".

Kelley Thom  
Associate Planner

cc: Gary Maxwell

5.10.16 results ltr



**PROJECT STATISTICS SHEET**

PROJECT ADDRESS: House 1 (5883 Crest Rd)

	EXISTING	PROPOSED	PERMITTED
<b>SETBACKS</b>			
<b>First Story</b>			
Front:		25'	25' min. Req'd.
Sides:	North South	10' 10'	10' min. Req'd. 10' min. Req'd.
Rear:		41'	25' min. Req'd.
<b>Second Story</b>			
Front:			
Sides:	North South	18'± 34'±	Height-to-Setback Ratio
Rear:		63'±	25' min. Req'd.
<b>BUILDING HEIGHT:</b>		22'±	27' max.
<b>LIVING SPACE SQ.FT.</b>			
1 <sup>st</sup> floor:		2310	
2 <sup>nd</sup> floor:		690	
Garage:		586	
<b>TOTAL:</b>			

Front yard area sq.ft. (Refer to code for definition of front yard area)			75' street front width
Front yard coverage sq.ft. (All hardscape and structures' square footage must be included to determine front yard coverage)			(75' x 99.99')
Total front yard coverage %: (total front yard coverage ÷ front yard area = total front yard coverage %)			35% max

	EXISTING SQ.FT.	+ PROPOSED SQ.FT.	= TOTAL SQ.FT.	X FACTOR SQ.FT.	= RESULT SQ.FT.
<b>LOT COVERAGE</b>					
Lot Size <u>11,250</u> sq.ft. <u>2310 + 586 = 2896</u>			<u>11250 x 0.35 = 3938 SF</u>		
Residence + garage:		2896	2896	1.00	2896
Pool:				.75	
Patios & other decks				.75	
≤ 1' high:				1.00	
> 1' high: <u>covered patios</u>		276	276	1.00	276
Barn:				1.00	
Utility Sheds ≥ 64 sq.ft.:				1.00	
Permanent accessory structures:				1.00	
Eaves ≥ 4' wide:				1.00	
Walkways > 4' wide:				.75	
Turfblock & grasscrete:				.50	
Secondary driveway:			180	.75	135
<b>TOTALS:</b>					<u>3307</u>
Lot Coverage %:					
(Total ÷ Lot Size = Lot Coverage Percentage)					

$$\frac{3307}{11250} = 29.4\% < 35\% \text{ OK}$$

35% max  
(C-11)



**PROJECT STATISTICS SHEET**

PROJECT ADDRESS: House 2 (5883 Crest Rd)

	EXISTING	PROPOSED	PERMITTED
<b>SETBACKS</b>			
<b>First Story</b>			
Front:		25'	25' min. Req'd.
Sides:	North South	10' 15'	10' min. Req'd. 15' min. Req'd.
Rear:			25' min. Req'd.
<b>Second Story</b>			
Front:		51' ±	Height-to-Setback Ratio
Sides:	North South	15' ± 37' ±	
Rear:		51' ±	
<b>BUILDING HEIGHT:</b>		21' ±	25' min. Req'd. 27' max.
<b>LIVING SPACE SQ.FT.</b>			
1 <sup>st</sup> floor:		2180	
2 <sup>nd</sup> floor:		768	
Garage:		510	
<b>TOTAL:</b>			

Front yard area sq.ft. (Refer to code for definition of front yard area)			75' street front width
Front yard coverage sq.ft. (All hardscape and structures' square footage must be included to determine front yard coverage)			(75' to 99.99')
Total front yard coverage %: (total front yard coverage ÷ front yard area = total front yard coverage %)			35% max

	EXISTING SQ.FT.	+ PROPOSED SQ.FT.	= TOTAL SQ.FT.	X FACTOR SQ.FT.	= RESULT SQ.FT.
<b>LOT COVERAGE</b>					
Lot Size <u>11,066</u> sq.ft. <u>2180 + 510</u>			<u>11066 x 0.35 = 3873 SF</u>		
Residence + garage:		2690	2690	1.00	2690
Pool:				.75	
Patios & other decks ≤ 1' high:				.75	
> 1' high: <u>covered patio</u>		263	263	1.00	263
Barn:				1.00	
Utility Sheds ≥ 64 sq.ft.:				1.00	
Permanent accessory structures:				1.00	
Eaves ≥ 4' wide:				1.00	
Walkways > 4' wide:				.75	
Turfblock & grasscrete:				.50	
Secondary driveway:		176	176	.75	132
<b>TOTALS:</b>					<u>3085</u>
Lot Coverage %:					
(Total ÷ Lot Size = Lot Coverage Percentage)					

3085 / 11066 = 27.9% < 35%  
OK (C-12) 35% max  
RATIO



# Staff Report

City of Rolling Hills Estates

AGENDA  
AUG 1 2016  
ITEM NO.  
8-B

DATE: AUGUST 1, 2016

TO: PLANNING COMMISSION

FROM: JEANNIE NAUGHTON, SENIOR PLANNER

SUBJECT: PLANNING APPLICATION 05-16 (VILLAGE/MERRILL GARDENS)  
APPLICANT: TONI REINA, ON BEHALF OF CONTINENTAL DEVELOPMENT CORPORATION  
LOCATION: 601 SILVER SPUR DRIVE AND 600 DEEP VALLEY DRIVE (APNS 7589-002-010, -011, -012).

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## OVERVIEW

The following is a request for approval of a series of entitlements to allow a two-lot subdivision, for the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on one lot, the new construction of a two-level parking structure on the second lot, and adoption of a Mitigated Negative Declaration, finding that the project, with mitigation measures, will not have a significant impact on the environment.

## BACKGROUND

Application Filed:	12.18.14
Application Deemed Complete:	03.03.16
Public Notices Mailed:	07.01.16
Public Notices Posted:	07.01.16
Public Notices Published:	07.01.16

On September 23, 2014, the City Council adopted Ordinance 694, to allow a variety of senior-type housing needs to locate within the Mixed-Use Overlay District of the C-G zone. New development standards were adopted for independent senior housing, assisted living, memory care, and skilled nursing; all of which are intended to provide for a complete continuum of care.

The applicable Rolling Hills Estates Municipal Code Sections are Chapter 16.16 Minor Land Subdivisions, Chapter 17.30 (C-G District), Chapter 17.37 (Mixed Use Overlay District), Chapter 17.58 (Precise Plan of Design), Chapter 17.66 (Variances), and Chapter 17.68 (Conditional Use Permits).

The 3.13 acre subject property is located in Planning Area No. 6, zoned C-G/Mixed Use Overlay District, has a General Plan Land Use designation of Commercial General (Mixed Use), and is located in Hazards Management Overlay.

The adjacent properties are located in the City stated and have the following designations:

North: City of Rancho Palos Verdes; Commercial Professional (c-p)

South: City of Rolling Hills Estates; Commercial General/Mixed Use Overlay District

East: City of Rolling Hills Estates; Commercial General/Mixed Use Overlay District

West: City of Rolling Hills Estates; Commercial General/Mixed Use Overlay District

Acting as lead agency, in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.: "CEQA"), an Initial Study was prepared by Michael Baker International, to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary, to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance. Based on the Initial Study (IS) prepared for the proposed project, the City has prepared a Mitigated Negative Declaration (MND), in conformance with Section 15080(b) of the State CEQA guidelines.

### Outside Agencies Consultation and Review

The Development Review Division of the County of Los Angeles Fire Department conducted access review and approved the project for this purpose on June 3, 2016. Detailed plan check will be required by the Engineering Division of the County of Los Angeles Fire Department. Staff also conducted preliminary review with the County of Los Angeles Building and Safety Division and received no conditions of approval for this project, but it will be subject to all Building Code requirements. In compliance with Assembly Bill (AB) 52 and Section 21080.3.1 of CEQA, the City of Rolling Hills Estates conducted early consultation with the Gabrieleño Band of Mission Indians – Kizh Nation and agreed upon four mitigation measures to be implemented during ground disturbance and construction activities. A more detailed discussion may be found in the Cultural Resources section of the Initial Study, with mitigation measures found in the conditions of approval as well as in the Mitigation Monitoring and Reporting Program.

## DISCUSSION

### Project Overview

The 3.13 acre subject property is currently improved with The Village shopping center, which consists of four multi-tenant buildings on three parcels, bounded by Silver Spur Drive, Dry Bank Drive, and Deep Valley Drive. The buildings range in size from 4,200 SF to 20,800 SF, with a total of 46,230 SF of retail and office space.

Building A, located at 601 Silver Spur Road, at the northwest corner of the project site, is a one-story, 4,200 SF, vacant building, not part of the original Village Shopping center; it resides on a separate parcel and will be demolished as part of the project.

Building B, located at 627 Silver Spur Road, located in the western portion of the project site, is a two-story, +/- 11,500 SF building, currently occupied by a variety of commercial and office uses; +/- 10,000 SF of occupied space contains storefronts facing Deep Valley Drive, while +/- 1,000 SF of space contains storefronts facing Dry Bank Drive, including Yummy Yogurt. Building B contains parking on the lower level, accessed via Drybank Drive; this building will be retained as part of the project.

Building C, located at 600 Deep Valley Drive, at the corner of Deep Valley Drive and Drybank Drive, is a one-story, +/- 9,600 SF building occupied by a commercial real estate brokerage firm and a dry cleaning business; Building C would be retained as part of the project.

Building D, located at 626 Silver Spur Road, is a two-story, split-level building located on the eastern side of the project site, adjacent to the existing library, containing +/- 20,800 SF of commercial floor space; +/- 10,400 SF of lower level retail faces north, toward the existing parking lot along Silver Spur Road, while the upper-level retail faces south, toward the existing parking lot along Deep Valley Drive. Building D would be demolished as part of the project.

The proposed project consists of subdividing the 3.13 acre site into two parcels; Parcel 1 would result in a 1.48 acre site, to accommodate the new construction of a four-story, +/- 135,852 SF, 114-unit Residential Care Facility for the Elderly (RCFE). Parcel 2 would result in a 1.65 acre site, retention of +/- 21,000 SF of existing commercial development, and the new construction of a two-level, 169-space parking structure to serve both the commercial uses, as well as the adjacent library.

### Parcel 1

As defined by the State of California Health and Human Services Agency, Department of Social Services, "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75% of the residents are 60 years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents. "Memory care" is a specific type of facility for persons with a mental impairment such as dementia or Alzheimer's disease. RCFE typically provides both assisted living and memory care units in each facility.

The property, as well as the RCFE would be owned and operated by Merrill Gardens; a privately owned, family run company, that owns and operates senior living communities, with a focus on lifestyle, in six states. Building A would be demolished, to accommodate the new construction of the +/-135,000 SF facility. A partially subterranean parking structure, the entry of which is located at grade, off Silver Spur Road, will be located under the building footprint at the southwesterly portion of the site, and will contain 63 parking spaces, including three accessible parking spaces (ADA compliant). The main entry to the facility will be off Silver Spur Road, into the same level of the building as the parking facilities. The parking level will contain the lobby/reception area, a wellness center, salon, activity room, theater, offices, and a kitchen. The first level will be divided into two wings—assisted living and memory care. Both wings will provide dining and living areas, with one kitchen serving both wings. The first level will contain all 20 Memory Care units (studio) and 12 Assisted Living units, including eight 1br/1bth and four 2br/2bth, many of which will have patios. There will be a dedicated Memory Care landscaped courtyard, as well as a landscaped courtyard for the Assisted Living residents. The second level will contain 14 studio units, 23 1br/1bth units, and 4 2br/2bth units, a majority of which, will have private or shared decks. Level three will contain 14 studio units, 24 1br/1bth units, and three 2br/2bth units, most of which will have private or shared decks.

The site has a significant grade change, descending from the southern portion of the site to the northern portion, along Silver Spur Road. There is an existing 8' high retaining wall along Silver Spur Road, adjacent to the existing surface parking lot. The new Merrill Gardens building will remove this retaining wall, to allow for an at-grade resident loading zone, as well as access to the parking structure, along Silver Spur Road. The overall perceived height of the building along Silver Spur Road is 44' (maximum allowed) to the top of the fascia trim, and 32' from the southern elevation; however, there will be architectural projections that reach 54' in height, as measured from lowest adjacent grade, along Silver Spur Drive. The projections will accommodate mechanical, electrical, and plumbing infrastructure to run above finished ceilings on levels containing resident amenity spaces.

## Parcel 2

Buildings B and C underwent seismic, cosmetic, and lighting upgrades and renovation during 2013/2014, as well as adoption of a Master Sign Program for the shopping center. Both buildings will be retained as part of the project, resulting in +/-21,000 SF of leasable commercial area. The 2-lot subdivision includes the recordation of airspace rights for condominium purposes on Parcel 2, as well as the new construction of a new, two-level, 169-space parking structure, which will serve the adjacent library as well as the commercial uses on the site. The Peninsula Seniors have signed a lease to occupy +/-3,800 SF in Building B and will occupy the suite following completion of the new parking structure. A Master Conditional Use Permit is being requested to allow medical/dental uses in the remaining +/- 7,750 SF of floor area in Building B.

The two-level parking structure will have two access points off Deep Valley Drive; the easternmost driveway will provide access to the upper level of the parking structure, at grade with the library entrance, while the westernmost driveway will provide access to the lower level of the parking structure, at grade with Buildings B & C and the surface parking stalls. The structure will provide 169 parking stalls, Building B contains 26 parking stalls, accessed off Dry Bank Drive, and the surface lot adjacent to Buildings B & C will provide 26 parking stalls.

An existing 1978 Construction, Operation and Reciprocal Easement Agreement between the Village, the Palos Verdes Library District, and the City of Rolling Hills Estates, which allows reciprocal ingress, egress, and parking rights on/over each owner's property, as well as a landscape and access easement on Parcel 1, will be dissolved to release Parcel 1 (Merrill Gardens) and the City of RHE from the agreement, and a new agreement executed between the Palos Verdes Library District and The Village ownership, to retain reciprocal ingress, egress, and parking rights on/over Parcel 2 and the library site. As a result of the new agreement, the Peninsula Center Library and The Village would be served by a total of 386 parking stalls—221 stalls on Parcel 2 and 165 stalls on the library property. The Village and the library would benefit from excess parking capacity with construction of the proposed parking structure as currently designed, as both properties would be served by a total of 386 parking stalls.

## Overall Project Entitlements Applicable to Both Parcels

Because both resulting parcels will operate under separate ownership, and function as two separate and distinct projects, it is necessary to separate out the specific entitlements that will apply to each specific parcel, as well as the overall entitlements that apply to both.

### *Subdivision*

The existing 3.13 acre project site consists of three parcels; the proposed Tentative Parcel Map No. 72398 proposes a two-lot subdivision, resulting in two parcels; a 1.48 acre parcel (Parcel 1) and a 1.65 acre parcel (Parcel 2) with airspace condominiums for commercial condominium purposes on Parcel 2. This particular proposal does include as part of the entitlements, several Variance requests. The resulting lot sizes are in compliance with minimum lot sizes in the Commercial General/Mixed-Use Overlay District and the action of the subdivision does not create a situation where development would be impossible without benefit of a Variance. The City Engineer has reviewed the Tentative Parcel Map and found it to be in conformance with the Subdivision Map Act and the requirements of RHEMC Chapter 16.16 Minor Land Subdivisions.

Staff is able to make the findings for the Minor Subdivision, as stated below:

1. That the granting of the permit will not be materially detrimental to the public welfare, injurious to the property or improvements in the vicinity and zone in which the land is

located, will not be contrary to or adversely affect the general comprehensive zoning plan for the city;

This finding has been met because the proposed 2-Lot Tentative Parcel Map No. 72398 meets all applicable lot size and configuration requirements in the Commercial General/Mixed-Use Overlay District.

2. That proper and adequate provisions have been made for access to the land to be divided and also to the portion of the land remaining, or that access to the land is by means of dedicated streets of a sufficient width and state of improvement to serve adequately the land described in the application in a safe manner;

This finding has been met because the proposed 2-Lot Tentative Parcel Map No. 72398 contains land that has access by means of dedicated streets and will continue to provide access to said land by means of dedicated streets.

3. That proper and adequate provisions have been made for all public utilities and public services including, but not limited to, sewers, fire flow, etc.;

This finding has been met because adequate provisions have been made for public utilities and public services; the proposed development will obtain will-serve letters from all public utilities and pay appropriate connection fees.

4. That such land described in the permit will not be divided or sold off in portions having an area less than that required by the zone in which it is located or less than the average of the area of single parcels of land in the surrounding vicinity;

This finding has been met because the proposed 2-Lot Tentative Parcel Map No. 72398 will subdivide the existing 3.13-acre site into two parcels— 1.48-acre (Parcel 1) and 1.65-acre (Parcel 2), consistent with the 1-acre minimum site size in the Commercial General/Mixed-Use Overlay District.

5. That the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, environmental protection, and other requirements of the Map Act or laws enacted pursuant thereto;

This finding has been met because the proposed project was reviewed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.: "CEQA"), an Initial Study was prepared by Michael Baker International, to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary, to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance. Based on the Initial Study (IS) prepared for the proposed project, the City has prepared a Mitigated Negative Declaration (MND), in conformance with Section 15080(b) of the State CEQA guidelines.

6. That no variances from existing development standards as specified in the city zoning ordinance (Title 17 of this code), will be necessary for development of any lot created by the proposed minor land subdivision;

This finding has been met because the resulting lots will be consistent with lot sizes required in the Commercial General/Mixed-Use District and no Variances would be required to develop either of the lots, due to irregular size, shape or topography.;

7. That all lots resulting from a division shall be of a size and configuration sufficient to permit all uses allowable under the existing zoning. Private streets or easements for street purposes shall not be included in making such calculation;

This finding has been met because the resulting lots will exceed the minimum lot size of 1-acre in the Commercial General/Mixed-Use Overlay District.

8. That the slopes on minimum yard areas required by applicable zoning for each lot shall not exceed a ratio of four to one (a one foot rise in elevation for every four feet of corresponding horizontal distance).

This finding has been met because the resulting lot configurations will not contain sloped areas in minimum yard areas required by the Commercial General/Mixed Use Overlay District that exceed a ratio of four to one.

### *Precise Plan of Design*

Approval of a Precise Plan of Design (PPD) is required under RHEMC Section 17.58.020 prior to the issuance of a building permit for exterior façade improvements and the corresponding exterior improvements. The purpose of the Precise Plan of Design is to ensure that the proposed site improvements on commercially-zoned properties do not result in any detrimental impacts to the surrounding community and to protect the public peace, health, safety, and welfare.

Parcel 1 will be developed with a +/-135,000 SF RCFE, fronting Silver Spur Road, where there exists a diverse range of architectural styles. The proposed RCFE will utilize a contemporary style, drawing on residential craftsman detailing; depth and dimension to the façade are achieved through the utilization of balconies, patios, varied setbacks, modulated roofline, and a substantial stone base. High quality, textural materials, such as stacked stone, stucco and fiber cement shingles, and decorative lighting, add detail and richness to the building, and reduce the perceived scale of the building. More than 17,000 SF of landscaped courtyards will be provided at the rear of the project. The dedicated Memory Care courtyard will contain landscaping, outdoor seating, a water feature, a rain garden and a dog play area. The Main Courtyard will feature landscaping, raised garden beds, outdoor seating with a fire table, barbeques for outdoor cooking, dining tables and chairs, rain garden, a water feature, and a private dining area.

Due to the significant grade changes between Parcel 1 and Parcel 2, there will be a series of retaining walls at the rear of Parcel 1; along the Memory Care Courtyard, the retaining walls will be approximately 12' high, while along the Main Courtyard, the retaining walls will be approximately 15' high. Evergreen screening trees and significant landscaping will soften the appearance of the walls, and help them blend into the landscaped areas. Surrounding the project site will be additional landscaping along Drybank Drive and Silver Spur Road, including rain gardens and decorative trees.

Site signage will include building-mounted signs along Silver Spur Road and Dry Bank Drive, and a monument sign along Silver Spur Road, adjacent to the project entry. The combination of building-mounted and monument signage along Silver Spur Road will facilitate both a vehicular as well as a pedestrian scale presence for the project.

Parcel 2 will retain both Buildings B & C; the new two-level, partially subterranean parking structure will be constructed to serve both the Peninsula Center Library, as well as the remaining commercial tenant spaces in Buildings B & C. The 169-space parking structure will combine cool-colored concrete with brick accents, to blend with the existing commercial

development. As the site contains a descending slope from the eastern to western side, the relocated access driveway at the easternmost corner of the structure will be at grade with the main library entrance, on the top deck of the structure. All five ADA-compliant spaces will be located at this level, and serve as the most appropriate level of parking for library visitors utilizing the structure; 26 spaces will be exclusively dedicated for Library use. The new, westernmost access to Parcel 2 will provide the most appropriate level of parking for the commercial uses in Buildings B & C, as the basement level of the structure will be at grade with these buildings, as well as the additional 26 surface stall parking spaces that will be retained. Egress from the lower portion of parking structure may be accomplished via Deep Valley Drive or Dry Bank Drive. There are an additional 26 parking stalls in the basement of Building B.

Staff is concerned about the lack of an elevator between levels of the parking structure; as this structure is intended to serve both the library, as well as the commercial services, and the +/- 3,800 SF space leased by the Peninsula Seniors. An elevator would provide connectivity without having to utilize the stairs or leave the site to walk to/from the respective Village and Library sites. While there is more than sufficient parking to serve all of the intended uses, as well as adequate ADA-compliant spaces in both the upper level of the parking deck, and the surface stalls, there are people that will have difficulties negotiating stairs that may not have ADA placards and thus unable to utilize those spaces. The addition of an elevator to the structure would be a significant cost for the applicant and there would most likely be several parking stalls that would be lost; therefore, staff is seeking direction from the Planning Commission as to whether they view an elevator as being a necessary addition to the structure or if they view the sites as being adequately served with connectivity between the levels exclusively via the stairs.

Existing landscaping will be enhanced along Deep Valley Drive, and new landscaping added adjacent to the parking structure, and Building B, resulting in only 12% landscaping coverage, where 20% is required. This will be further discussed in the Variance section for Parcel 2.

RHEMC Chapter 17.58 indicates that the purpose of a PPD is to ensure that the following are designed and/or arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are provided, and no adverse effect on surrounding property will result:

1. Buildings, structures, and improvements;
2. Vehicular ingress, egress and internal circulation;
3. Setbacks;
4. Height of buildings;
5. Location of services;
6. Walls and fences;
7. Landscaping;
8. Lighting; and
9. Signing.

The redevelopment of Parcel 1 will balance the complexity and interest of a residential craftsman project with the programming requirements for assisted living to enhance the character of the neighborhood and provide much needed housing and services for seniors in Rolling Hills Estates. The redevelopment of Parcel 2 will provide a solution to the dissolution of the existing 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District, and the City of Rolling Hills Estates, and the execution of the new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District, in that it will provide more than sufficient parking for both the intended uses in Buildings B & C, and the adjacent Peninsula Center Library. The project meets all of the above criteria and therefore, staff is able to support the PPD as proposed.

## Grading

A total of approximately 23,770 cubic yards of grading is proposed to accommodate the proposed project. The proposed grading activity involves cut and export of earth material, whereby approximately 15,500 cubic yards of grading would be conducted on Parcel 1 to accommodate the RCFE and approximately 8,220 cubic yards would be conducted on Parcel 2 to accommodate the new parking structure. The grading activities would be governed by RHEMC Section 17.07.080 and all applicable standards set out in the Building Code.

### *Traffic Impact Analysis*

Fehr & Peers prepared, *Traffic Impact Analysis for The Village/Merrill Gardens at Rolling Hills Estates*, to identify and evaluate the potential traffic impacts of the proposed project on the surrounding street system. Upon coordination with City staff, and direction given by the City Council, eight study intersections were identified for evaluation during the weekday morning and afternoon peak hours. The eight study intersections included:

- Hawthorne Boulevard/Palos Verdes Drive North
- Crenshaw Boulevard/Palos Verdes Drive North
- Hawthorne Boulevard/Silver Spur Road
- Silver Arrow Drive/Silver Spur Road
- Norris Center Drive/Silver Spur Road
- Drybank Drive/Silver Spur Road
- Beachgate Drive/Silver Spur Road
- Crenshaw Boulevard/Silver Spur Road

All of the study intersections are signal-controlled. *Traffic Impact Analysis for The Village/Merrill Gardens at Rolling Hills Estates* states that based on application of the City's threshold criteria to the "Existing Plus Project Impact Analysis" scenario, it was determined that the proposed project would not result in significant impacts at any of the eight study intersections. Because there are no significant impacts, no traffic mitigation measures are required or recommended for the study intersections under the "Cumulative plus Project" conditions.

Based on existing trip generation rates for the 46,075 SF of commercial and retail use, and the trip generation rates for the proposed assisted living use, the proposed project is expected to result in a net increase of 32 vehicle trips (29 additional inbound trips and three additional outbound trips) during the AM peak hour, when compared with the existing site use trip generation, and a net decrease of 24 vehicle trips (12 inbound trips and 12 fewer outbound trips) during the PM peak hour, when compared to the existing uses. This incremental increase in the morning peak hour is due to the nature of the existing service commercial uses, which typically would open for operation later in the morning, e.g. 9-10 AM. The average daily traffic on Silver Spur Road, based on 2013 counts, over a 24-hour period is +/-15,000 vehicles/day; the addition of 32 additional vehicle trips in the morning peak hour is not considered to be significant. Over a 24-hour period, the proposed project is forecast to result in a net decrease of 740 daily trips.

Staff was concerned about signal timing at the intersection of Silver Spur Road and Dry Bank Drive, as it is anticipated that residents of the new facility will utilize this crossing to visit the Promenade shopping center. *Traffic Impact Analysis for The Village/Merrill Gardens at Rolling Hills Estates* analyzed existing pedestrian signal timing and compared it with the established

pedestrian signal timing in the California Manual on Uniform Traffic Control Devices (MUTCD), which allows a speed of 2.8 feet per second for locations routinely used by older or disabled pedestrians. Using a walking speed of 2.8 feet per second, Drybank Drive could be crossed in 21.4 seconds and Silver Spur Road could be crossed in 32.1 seconds; the current signal timing allows pedestrians 19 seconds to cross Drybank Drive and 23 seconds to cross Silver Spur Road. Based on these calculations, the existing signal timing plans do not provide adequate time for disabled or elderly persons to cross Drybank Drive or Silver Spur Road. Therefore, staff has added a condition of approval that the applicant work with the City Engineer to revise signal timing at this intersection to allow adequate time for crossing both intersections, in accordance with California MUTCD speed for older or disabled persons.

### Entitlements Specific to Parcel 1

#### *Conditional Use Permit*

RCFE use is conditionally permitted with the C-G/Mixed-Use Overlay District, with specific development standards outlined in RHEMC Section 17.37.040. The development standards include provisions for spacing, open space, parking, and minimum room size requirements.

The proposed project meets the spacing requirements, as there are no RCFE facilities within 1,500 FT of the proposed project site.

The open space requirements are 200 SF per licensed bed, resulting in a total requirement of 25,000 SF for the proposed project, which may be provided as private patios/balconies or common areas, and where up to 50% of this requirement may be provided as indoor common recreational and social area (12,500 SF). The proposed project will exceed the minimum requirements by 13,384 SF; this will be accomplished by providing 17,103 SF of outdoor open space, 12,500 SF of countable common open space indoors (a total of 18,397 SF is being provided but only a portion may be counted toward the requirement), and 8,781 SF of private patios and balconies.

RCFE use requires one parking space per two licensed beds, plus one space per two employees on the largest shift, resulting in a total parking requirement of 63 parking stalls for the proposed project. A total of 63 parking stalls will be provided on-site, including 60 standard parking stalls, and three accessible spaces (ADA-compliant). Based on information from the applicant, and the experience of other assisted living/memory care operators, the majority of the residents do not own/operate personal vehicles. It is anticipated that only 10-15% of the residents are anticipated to own/park vehicles on-site. At the time of adoption of the development standards for RCFE uses in 2014, staff, in conjunction with consultants and direction from the City Council, did substantial research to develop the existing standards as being in line with industry standards. The parking standards that were ultimately adopted into the RHEMC are conservative, in comparison to surrounding jurisdictions. For example, the City of Torrance requires one space/three beds, which would result in a parking requirement of 42 parking spaces for this project; the City of Rancho Palos Verdes requires one space/four beds, which would result in a parking requirement of 32 spaces for this project.

Per RHEMC Section 17.37.040.M.4, a parking management plan is required, that demonstrates how peak period demand (holidays) will be accommodated, as well as a plan for shuttle transportation to local shopping services. Merrill Gardens provided a summary of transportation arrangements as part of their operating plan as well as further refinement in their memo dated January 25, 2016 (Separate Attachment 2). Merrill Gardens will provide a community shuttle bus, which will be parked on-site, for scheduled transportation to doctor appointments, shopping trips, banks, post office, and various recreational activities. Alternatively, residents may coordinate with Merrill Gardens staff to arrange transportation reservations for demand-based

services, such as Cityride, Access Paratransit, City Cab Taxi Service, private companion/escort service and private limousine (town car), as well as emergency transportation services. During high traffic days such as holiday, Merrill Gardens intends to employ strategies such as employee carpooling/public transportation, valet parking onsite or off-site, arrangement for staff/visitor parking with neighboring parking garages, and the arrangement for additional staff/visitor parking at another off-site location with 5 minutes shuttle time. Staff has added a condition of approval to expand the parking management plan to be consistent with recommendations from the Planning Commission and City Council, on a recently approved assisted living project, which includes provisions for "Visitor Only" stalls; a maximum number of parking stalls available for resident use and a corresponding procedure for implementation of a waiting list to be provided, should the maximum number of resident vehicles be reached; and the periodic review of the parking management plan, to reduce or avoid parking-related impacts from the project.

State law does not define minimum room size for RCFE use; as a result, jurisdictions have varying room size limitations, if at all, for assisted living units and memory care units. During the development of the standards adopted in the RHEMC in 2014, staff focused their research on the correlation between room size and parking requirements. RHEMC Section 17.37.040.M.2.b requires a minimum room size of 400 SF per licensed bed for assisted living rooms, and 300 SF per licensed bed for memory care facilities. The proposed project exceeds the minimum room size per licensed bed for both assisted living and memory care rooms, with room sizes ranging between 390 SF-1000 SF.

According to the *City of Rolling Hills Estates Housing Element 2013-2021*, the City's population is significantly older than Los Angeles County as a whole, and over the next 40 years the City's senior population is projected to grow by 174% compared to just 30% for the County's total population. The provision of the RCFE facility in the City of Rolling Hills Estates, contributes to a continuum of care, allowing people to age in place, in their home community or near family that lives in this community, when they are no longer able to age in place in their own home.

#### *Variances*

The applicant is requesting approval of three Variances for 52.56 % lot coverage, where 45% is allowed, building projections of 54' in height, where 44' is the maximum allowable building height, and nonconforming aisle width and stall dimension in the parking structure.

The proposed RCFE has a building footprint 52.56%, which has been reduced slightly since the original submittal, to accommodate Fire Department access requirements. The existing property is currently developed as The Village shopping center, and therefore encumbered by the original 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Peninsula Center Library and the City of Rolling Hills Estates; following the recordation of the Tentative Parcel Map, the site will be released from this agreement and it will be dissolved. However, the new agreement between The Village and the Palos Verdes Library District necessitate the construction of a parking structure on the resulting Village parcel to provide the required parking under the original agreement. Therefore, the proposed parcel configuration is the only feasible configuration that would support both the assisted living use on Parcel 1 and the retention of commercial uses and related parking for both the Village and the Peninsula Library on Parcel 2. Reduction of the building footprint would result in inadequate parking, reduced outdoor space, or reduced unit count, while increasing the lot area of Parcel 1 would result in reduced commercial square footage and or required parking for the commercial uses on Parcel 2 and adjacent library use.

The topography of the site has a 27' fall from the south property line to the north along Silver Spur Road. The removal of the 8' high retaining wall along Silver Spur Road to allow for an at-

grade resident loading zone to access the building, exposes a portion of the basement level as four stories and up to 56' in height to the highest architectural projection. There are 12' and 10' floor to floor heights but approximately 1' must be subtracted from these numbers for the depth of the structure. Furthermore, a 12' floor to floor height is the minimum necessary to allow for the mechanical, electrical, and plumbing infrastructure to run above finished ceilings on levels containing resident amenity spaces to maintain 9' ceiling heights for the comfort of residents in central gathering spaces. The unit ceilings are 9' clear, which is a standard ceiling height which allows smaller units to feel larger. The overall height of the building perceived from the Silver Spur Road elevation is a conforming 44', meaning finished grade to top of the fascia trim. The perceived height from the south elevation is only 32' as Parking Level is below grade.

Stall dimensions are required to be 9' by 20', with 25' wide aisles for 90 degree parking configurations. The RHEMC parking section has not been updated to adjust for current industry standards, and there are no provisions in the Code for compact stalls. The proposed stall dimensions are 9' by +/-19'-10", with aisle widths of approximately 23'. The proposed reductions in the parking stall dimensions and reduced aisle widths are necessary to reduce shade and massing impacts to the assisted living outdoor courtyard, and address lot coverage issues related to the resulting lot configuration and necessity to provide a parking structure on Parcel 2 to fulfill the terms of the new Reciprocal Easement Agreement between the Village and The Palos Verdes Library District..

Staff is able to make the findings for the Variances, as stated below:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use, which do not apply generally to other properties in the same zoning district and neighborhood.

This finding has been met for the Variances because the subject property contains a significant descending slope toward Silver Spur Road, resulting exposure of a portion of the basement level as four stories and up to 56' in height to the highest architectural projection. The overall perceived building height from Silver Spur Road is a Code-complying 44' and 32' from the southern elevation; the projections are necessary to accommodate mechanical, electrical, and plumbing infrastructure. The proposed lot is currently configured to maintain existing commercial space on Parcel 2, while providing required parking for commercial uses and the adjacent library, per an amended agreement; there is no other location on the resulting site that could support an expanded parking structure to meet the Code compliant aisle width and stall dimensions, nor is there opportunity to provide a smaller footprint that would have the ability to provide the Code-required number of parking spaces for the intended use. This property is unique in that it must fulfill these requirements on adjacent Parcel 2, in order to be released from the original 1978 Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District and the City of Rolling Hills Estates.

2. That such Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood.

This finding has been met for the Variances because the size, shape and topography of the site present significant challenges in providing the required parking, lot coverage, and building height, while meeting the conditions of the new agreement between The Village and the Peninsula Center Library for provision of parking on Parcel 2. Adjacent sites are relatively flat and are not encumbered by reciprocal easement agreements that require provision of +/- 200 parking spaces. If the building footprint were to be expanded to allow for additional dimension in the parking structure, the nonconformity of lot coverage would be increased, as well as potentially the building height nonconformity. The granting of the Variances for building height

projections, lot coverage, and provision of structured parking that contains nonconforming stall and aisle width dimensions is necessary for the enjoyment of a substantial property right, possessed by other property owners under like conditions in the same zoning district.

3. That the granting of these Variances will not be materially detrimental to the public welfare or injurious to property improvements in the zoning district and neighborhood in which the property is located.

This finding has been met for the Variances because the proposed improvements would meet PPD criteria, provide the required parking for the intended use, and the proposed improvements would require all necessary Building and Safety permits to be constructed, thereby not being detrimental to the public welfare and neighborhood.

4. That the granting of such Variances will not be contrary to the objectives of the General Plan.

This finding has been met for the Variance because Goal 2 of the Housing Element of the General Plan states that the City shall promote new housing opportunities to meet the needs of existing and future residents while preserving the City's rural character. The City's population is significantly older than Los Angeles County as a whole, and over the next 40 years the City's senior population is projected to grow by 174% compared to just 30% for the County's total population. The City has little vacant land for development, and by developing the assisted living facility, while preserving commercial development and providing parking to the adjacent library, the project will meet the needs of existing and future residents, the existing rural character will be further preserved, while providing a significant benefit to the community.

5. That the granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of the property.

This finding has been met because a Residential Care Facility for the Elderly is a conditionally permitted use in the C-G zoning/Mixed-Use Overlay district and the granting of the Variances would result in providing the Code-complying number of parking stalls (63) for the intended use, while fulfilling parking requirements of the new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

### Entitlements Specific to Parcel 2

#### *Subdivision*

The proposed Tentative Parcel Map No. 72398 includes airspace rights for commercial condominium purposes on Parcel 2. The recordation of airspace rights for commercial condominiums will give the tenants of the commercial spaces the ability to purchase their space, giving the property owner greater flexibility in attracting long-term business owners.

#### *Master Conditional Use Permit for Medical Office Use*

The applicant is requesting a Master Conditional Use Permit (MCUP) for medical office use in Building B, in order to enhance opportunities to respond to the marketplace. Yummy Yogurt occupies approximately 1,035 SF of retail space at the lower level of Building B, facing Drybank Drive. The remaining 10,523 SF of commercial space on the upper level of Building B, facing Deep Valley Drive, will be partially allocated to the Peninsula Seniors, who have executed a lease, with the intention of eventually purchasing, a 3,813 SF space. The applicants are requesting a MCUP for medical office for the remaining +/-7,745 SF of Building B.

The Peninsula Seniors have provided a floor plan for the 3,813 SF space for which they've signed a lease in Building B (Attachment 1 – Sheet SP-A-1); the functional layout provides for two exercise rooms, a conference room, offices and small library area. The layout does not fit into what would traditionally be viewed as assembly use (church, concert hall, etc.), but functions more closely to an office type use, with the exception of the two exercise rooms. Staff has determined therefore, that the most appropriate parking ratio to apply in this case would be the same the ratio that the RHE Code applies for medical office (1/200 SF), which is slightly more restrictive than commercial office or retail, yet less restrictive than assembly use. When applying a ratio of 1/200 for Building B and 1/300 for commercial office use in Building C, the total parking requirement for Parcel 2 results in the provision of 90 spaces. The proposed redevelopment of Parcel 2 results in the provision of a total of 221 spaces (26 spaces in the basement level of Building B, 26 surface parking stalls, and 169 spaces in the parking structure), providing more than sufficient parking for existing and proposed uses.

### *Variances*

The applicant is requesting approval of four Variances for provision of landscaping at 12%, where 20% is required; nonconforming parking stall and aisle width dimensions in the parking structure; existing setback of Building C of 3' and the new parking structure setback of 3.5' where at least 5' is required; and parking structure lot coverage of 35%, where 25% is maximum allowed..

The construction of a 169-stall parking deck would provide continued reciprocal/shared parking with the Palos Verdes Library District to serve the Peninsula Center Library (via the new Reciprocal Easement Agreement). The topography of The Village site features a substantial grade change from the south to the north. The site topography creates challenges for reparcelization and redevelopment of the property in a manner that meets development standards. The parcel configuration as proposed is the only configuration that feasibly supports both the assisted living use and the commercial uses in the two remaining buildings on The Village parcel (21,075 sf of gross leasable area in Buildings B and C). If more land were to be allocated to The Village parcel in order to meet the parking structure 25% lot coverage standard, the area of the assisted living parcel would be reduced, resulting in constraints that would make the assisted living facility infeasible.

Additional landscaping area will be added adjacent to Building B and adjacent to the parking structure and the rear lot line of Parcel 1. Enhanced landscaping will also be required along Deep Valley Drive, adjacent to the parking structure and Building C.

Staff is able to make the findings for the Variances, as stated below:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use, which do not apply generally to other properties in the same zoning district and neighborhood.

This finding has been met for the Variances because the subject property topography creates challenges for reparcelization and redevelopment of the property in a manner that meets development standards. The parcel configuration as proposed is the only configuration that feasibly supports both the assisted living use and the commercial uses in the two remaining buildings on The Village parcel (21,075 SF of gross leasable area in Buildings B and C). If more land were to be allocated to The Village parcel in order to meet the parking structure 25% lot coverage standard, that would reduce the area of the assisted living parcel resulting in constraints that would make the assisted living facility infeasible.

2. That such Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood.

This finding has been met for the Variances because parking structures are an allowable use in the CG/MU zone. Granting of the variances will allow the applicant to construct a parking structure on proposed Parcel 2 that will provide satisfactory parking for onsite commercial uses and also serve parking needs of the Peninsula Center Library via a new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

3. That the granting of these Variances will not be materially detrimental to the public welfare or injurious to property improvements in the zoning district and neighborhood in which the property is located.

This finding has been met for the Variances because Building C is existing and as no changes are proposed to this building, it will continue to function cohesively with the redevelopment of the site. The proposed parking structure is in scale with adjacent development (one above ground level); the design will be attractive and will incorporate appropriate landscaping. The parking structure will provide a public benefit because in addition to providing parking for The Village commercial uses, this parking facility will serve parking needs of the Peninsula Center Library via a modified reciprocal easement/shared parking arrangement.

4. That the granting of such Variances will not be contrary to the objectives of the General Plan.

This finding has been met because the proposed uses for the overall project (21,075 SF of commercial use and a new parking structure) are in accordance with the Master Plan Land Use Policy for Planning Area 6, the C-G zone and the Mixed-Use Development Overlay.

5. That the granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of the property.

This finding has been met because the use and activities of the proposed project and the associated parking structure are provided for in the zoning regulations governing the CG/MU zone.

## CONCLUSION

Staff has worked closely with the applicant to address the requirements of the Municipal Code, including the Variance requests. Additionally, staff has worked closely with the Palos Verdes Library District and The Village ownership for more than a year, during the discussions to dissolve the 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District, and the City of Rolling Hills Estates (which allows reciprocal ingress, egress, and parking rights on/over each owner's property, as well as a landscape and access easement on Parcel 1), releasing Parcel 1 (Merrill Gardens) and the City of RHE from the agreement, and execute a new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

As summarized in the staff report, staff is able to support the series of entitlements required to allow a two-lot subdivision, for the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on one lot, the new construction of a two-level parking structure on the second lot, and adoption of a Mitigated Negative Declaration, finding that the project, with mitigation measures, will not have a significant impact on the environment.

Staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the issues;
4. Close the Public Hearing; and
5. Adopt Resolution No. PA-05-16, recommending approval to the City Council.

### EXHIBITS

#### Attached

1. Resolution No. PA-18-15

#### Separate

1. Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
2. Plans
3. Merrill Gardens Operating and Parking Management Plans

**PLANNING COMMISSION**  
**CITY OF ROLLING HILLS ESTATES**  
**LOS ANGELES COUNTY, CALIFORNIA**  
**RESOLUTION NO. PA-05-16**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE PARCEL MAP NO.72398—A TWO LOT SUBDIVISION WITH COMMERCIAL CONDOMINIUMS ON PARCEL 2, CONDITIONAL USE PERMITS, A PRECISE PLAN OF DESIGN, VARIANCES, AND A MITIGATED NEGATIVE DECLARATION FOR THE NEW CONSTRUCTION OF A 114-UNIT RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) ON ONE LOT, AND A NEW 2-LEVEL PARKING STRUCTURE ON PARCEL 2. APPLICANT: TONI REINA ON BEHALF OF CONTINENTAL DEVELOPMENT CORPORATION; LOCATION: 601 SILVER SPUR ROAD AND 600 DEEP VALLEY DRIVE (APNS 7589-002-010, -011, -012)**

WHEREAS, Ms. Toni Reina, on behalf of Continental Development Corporation, filed an application with the Planning Department requesting permission for a Tentative Parcel Map No. 72398—a 2-lot subdivision, for the purposes of the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and the new construction of a two-level parking structure on Parcel 2; such an application as required by Chapters 16.16, 17.30, 17.37, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code; and

WHEREAS, Section 17.30.020(D)(30) of the Rolling Hills Estates Municipal Code requires approval of a Conditional Use Permit for a Residential Care Facility for the Elderly (RCFE) to locate within the C-G Zone and for medical office use within the C-G Zone; and

WHEREAS, an Initial Study was prepared by the City in conformance with the requirements of the California Environmental Quality Act (CEQA). It was found that the project would not have a significant impact on the environment with proper mitigation. As such, a Mitigated Negative Declaration was prepared; and

WHEREAS, in accordance with Section 65033 of the Government Code, the public, abutting cities, affected agencies and districts were notified of the availability of the Initial Study and Mitigated Negative Declaration and were given an opportunity to review and comment; and

WHEREAS, upon giving the required notice the Planning Commission conducted a Public Hearing on the 1st day of August, 2016. All interested parties were given full opportunity to be heard and to present evidence; and

WHEREAS, as a result of studies and investigations made by the Planning Commission and on its behalf, including the facts as set forth in the Initial Study and Mitigated Negative Declaration, and those discussed during the public hearing, the Planning Commission finds as follows:

That the granting of this application will not be materially detrimental to the public welfare or injurious to property and improvements in the Zoning District and neighborhood in which

the property is located because the proposed improvements will be regulated via a Conditional Use Permit (Section 17.30.020.D.30) of the Rolling Hills Estates Municipal Code) and a Precise Plan of Design (Section 17.37.020.C), to mitigate project impacts.

That the granting of this application will not be contrary to the objectives of the General Plan because the development is consistent with the General Plan's Goals and Policies and the Mixed-Use overlay zone.

That the granting of this application will not constitute the granting of a use variance within the meaning of the California State Government Code, Section 65906 because a Residential Care Facility for the Elderly (RCFE) project is a use conditionally permitted by Rolling Hills Estates Municipal Code Chapters 17.30 and 17.37.

#### Mitigated Negative Declaration Findings

Based upon its consideration of the Initial Study and Mitigated Negative Declaration and all public testimony, the Planning Commission finds that there is no substantial evidence that the project as described herein will have a significant effect on the environment subject to the incorporation of mitigation measures described in the Mitigation Monitoring Program attached hereto as Exhibit B.

#### Subdivision Findings

WHEREAS, as a result of studies and investigations made by the Planning Commission and on its behalf, hereby finds:

That the granting of the permit will not be materially detrimental to the public welfare, injurious to the property or improvements in the vicinity and zone in which the land is located, will not be contrary to or adversely affect the general comprehensive zoning plan for the city because the proposed 2-Lot Tentative Parcel Map No. 72398 meets all applicable lot size and configuration requirements in the Commercial General/Mixed-Use Overlay District;

That proper and adequate provisions have been made for access to the land to be divided and also to the portion of the land remaining, or that access to the land is by means of dedicated streets of a sufficient width and state of improvement to serve adequately the land described in the application in a safe manner because the proposed 2-Lot Tentative Parcel Map No. 72398 contains land that has access by means of dedicated streets and will continue to provide access to said land by means of dedicated streets;

That proper and adequate provisions have been made for all public utilities and public services including, but not limited to, sewers, fire flow, etc. because adequate provisions have been made for public utilities and public services; the proposed development will obtain will-serve letters from all public utilities and pay appropriate connection fees;

That such land described in the permit will not be divided or sold off in portions having an area less than that required by the zone in which it is located or less than the average of the area of single parcels of land in the surrounding vicinity because the proposed 2-Lot Tentative Parcel Map No. 72398 will subdivide the existing 3.13-acre site into two

parcels— 1.48-acre (Parcel 1) and 1.65-acre (Parcel 2), consistent with the 1-acre minimum site size in the Commercial General/Mixed-Use Overlay District;

That the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, environmental protection, and other requirements of the Map Act or laws enacted pursuant thereto because the proposed project was reviewed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.: “CEQA”), an Initial Study was prepared by Michael Baker International, to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary, to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance. Based on the Initial Study (IS) prepared for the proposed project, the City has prepared a Mitigated Negative Declaration (MND), in conformance with Section 15080(b) of the State CEQA guidelines;

That no variances from existing development standards as specified in the city zoning ordinance (Title 17 of this code), will be necessary for development of any lot created by the proposed minor land subdivision because the resulting lots will be consistent with lot sizes required in the Commercial General and no Variances would be required to develop either of the lots, due to irregular size, shape or topography;

That all lots resulting from a division shall be of a size and configuration sufficient to permit all uses allowable under the existing zoning. Private streets or easements for street purposes shall not be included in making such calculation because the resulting lots will exceed the minimum lot size of 1-acre in the Commercial General/Mixed-Use Overlay District;

That the slopes on minimum yard areas required by applicable zoning for each lot shall not exceed a ratio of four to one (a one foot rise in elevation for every four feet of corresponding horizontal distance) because the resulting lot configurations will not contain sloped areas in minimum yard areas required by the Commercial General/Mixed Use Overlay District that exceed a ratio of four to one.

### Variance Findings

#### *Parcel 1*

That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other property in the same zoning district and neighborhood because the subject property contains a significant descending slope toward Silver Spur Road, resulting exposure of a portion of the basement level as four stories and up to 56’ in height to the highest architectural projection. The overall perceived building height from Silver Spur Road is a Code-complying 44’ and 32’ from the southern elevation; the projections are necessary to accommodate mechanical, electrical, and plumbing infrastructure. The proposed lot is currently configured to maintain existing commercial space on Parcel 2, while providing required parking for commercial uses and the adjacent library, per an amended agreement; there is no other location on the resulting site that could support an expanded parking structure to meet the Code compliant aisle width and stall dimensions, nor is there

opportunity to provide a smaller footprint that would have the ability to provide the Code-required number of parking spaces for the intended use. This property is unique in that it must fulfill these requirements on adjacent Parcel 2, in order to be released from the original 1978 Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District and the City of Rolling Hills Estates.

That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood because the size, shape and topography of the site present significant challenges in providing the required parking, lot coverage, and building height, while meeting the conditions of the new agreement between The Village and the Peninsula Center Library for provision of parking on Parcel 2. Adjacent sites are relatively flat and are not encumbered by reciprocal easement agreements that require provision of +- 200 parking spaces. If the building footprint were to be expanded to allow for additional dimension in the parking structure, the nonconformity of lot coverage would be increased, as well as potentially the building height nonconformity. The granting of the Variances for building height projections, lot coverage, and provision of structured parking that contains nonconforming stall and aisle width dimensions is necessary for the enjoyment of a substantial property right, possessed by other property owners under like conditions in the same zoning district.

That the granting of the Variance will not be materially detrimental to the public welfare of injurious to property and improvements in the zoning district and neighborhood in which the property is located because the proposed improvements would meet PPD criteria, provide the required parking for the intended use, and the proposed improvements would require all necessary Building and Safety permits to be constructed, thereby not being detrimental to the public welfare and neighborhood.

That the granting of the Variance will not be contrary to the objectives of the General Plan because Goal 2 of the Housing Element of the General Plan states that the City shall promote new housing opportunities to meet the needs of existing and future residents while preserving the City's rural character. The City's population is significantly older than Los Angeles County as a whole, and over the next 40 years the City's senior population is projected to grow by 174% compared to just 30% for the County's total population. The City has little vacant land for development, and by developing the assisted living facility, while preserving commercial development and providing parking to the adjacent library, the project will meet the needs of existing and future residents, the existing rural character will be further preserved, while providing a significant benefit to the community.

That the granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of the property because a Residential Care Facility for the Elderly is a conditionally permitted use in the C-G zoning/Mixed-Use Overlay district and the granting of the Variances would result in providing the Code-complying number of parking stalls (63) for the intended use, while fulfilling parking requirements of the new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

#### *Parcel 2*

That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other property in

the same zoning district and neighborhood because the subject property topography creates challenges for reparcelization and redevelopment of the property in a manner that meets development standards. The parcel configuration as proposed is the only configuration that feasibly supports both the assisted living use and the commercial uses in the two remaining buildings on The Village parcel (21,075 SF of gross leasable area in Buildings B and C). If more land were to be allocated to The Village parcel in order to meet the parking structure 25% lot coverage standard, that would reduce the area of the assisted living parcel resulting in constraints that would make the assisted living facility infeasible.

That the granting of the Variance will not be materially detrimental to the public welfare of injurious to property and improvements in the zoning district and neighborhood in which the property is located because parking structures are an allowable use in the CG/MU zone. Granting of the variances will allow the applicant to construct a parking structure on proposed Parcel 2 that will provide satisfactory parking for onsite commercial uses and also serve parking needs of the Peninsula Center Library via a new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

That the granting of the Variance will not be materially detrimental to the public welfare of injurious to property and improvements in the zoning district and neighborhood in which the property is located because Building C is existing and as no changes are proposed to this building, it will continue to function cohesively with the redevelopment of the site. The proposed parking structure is in scale with adjacent development (one above ground level); the design will be attractive and will incorporate appropriate landscaping. The parking structure will provide a public benefit because in addition to providing parking for The Village commercial uses, this parking facility will serve parking needs of the Peninsula Center Library via a modified reciprocal easement/shared parking arrangement.

That the granting of the Variance will not be contrary to the objectives of the General Plan because the proposed uses for the overall project (21,075 SF of commercial use and a new parking structure) are in accordance with the Master Plan Land Use Policy for Planning Area 6, the C-G zone and the Mixed-Use Development Overlay.

That the granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of the property because the use and activities of the proposed project and the associated parking structure are provided for in the zoning regulations governing the CG/MU zone.

WHEREAS, final Parcel Maps require approval of the City Council; and

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills Estates does hereby resolve as follows:

SECTION 1. That the foregoing facts constitute conditions necessary to recommend approval of Tentative Parcel Map No. 72398—a 2-lot subdivision, for the purposes of the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and the new construction of a two-level parking structure on Parcel 2; such an application as required by Chapters 16.16, 17.30, 17.37, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code, and that said Permits be granted subject to the following conditions which are recommended by the Planning Commission, which must be met at all times by the applicant, unless otherwise

stated, in order to enjoy the use of the subject property for any and all uses permitted by the granting of the subject permits.

### General Conditions

1. That all improvements hereafter constructed or installed on land which is the subject of this approval shall be located substantially as shown on Exhibit A and constructed of materials indicated on the materials and color board, and/or as required under the Municipal Code and/or as required in these conditions.
2. The conditional use permits are being granted for a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and 7,745 SF of medical office use in Building B on Parcel 2. The RCFE project requires 63 parking spaces, with a maximum of 20 employees on the greatest shift. Any minor changes in the operational characteristics, including e.g., a change in occupancy configuration that does not increase the total number of licensed beds, may be approved by the Planning Director, while major modifications will require review and approval by the Planning Commission.
3. That all applicable requirements of the State, County, City, and other governmental entities shall be met, and that prior to commencing any work and prior to applying for a building or grading permit, a zone clearance shall be obtained from the Planning Department.
4. That any substantial modification including, but not limited to, exterior building elevations, site plan design, and landscaping, shall receive prior approval of the Planning Commission; minor modifications may be approved by the Planning Director.
5. That in the event of one or more violations of these conditions, the City Manager shall have enforcement capability to remedy such violations and/or revoke said approvals.
6. That the applicant shall submit plans for approval by the City Manager for all improvements required herein.
7. That, unless the use is inaugurated or construction of the project is commenced and being diligently pursued not later than one year after the date that all required approvals are granted by the City Council, and subject to extension for any legal challenges to the approvals initiated by third parties, the approvals will automatically expire on that date. However, if there have been no changes in the proposed plans or adjacent areas, the Planning Commission may grant a time extension for use inauguration up to an additional one year period.
8. The applicant shall defend, hold harmless and indemnify at his own expense the City, its agents, officers and employees, from any claim, action, or proceeding, to attack, set aside, void or annul the approval granted in this resolution and shall reimburse the City, its agents, officers and employees for any damages, court costs and attorney's fees incurred as a result of such action. The City at its sole discretion may participate in the defense of any such action but such participation shall not relieve applicant of his obligation under this condition.

### Planning

9. The applicant shall submit a more detailed parking management plan to include, but not limited to: expanded provisions for off-site parking arrangements, determine appropriate parking stalls to be designated as "Visitor Only". The parking management plan shall include a maximum number of parking stalls available for resident use; a corresponding procedure for implementation of a waiting list shall be provided, should the maximum number of resident vehicles be reached. The parking management plan shall be subject to approval by the Planning Director prior to issuance of building permit. The Planning Department will conduct periodic reviews of the parking management plan, and may require revisions to the plan to reduce or avoid parking-related impacts from the project.
10. Prior to issuance of building permits, the project applicant shall provide a final landscape plan that illustrates compliance with RHEMC Chapter 17.59 Water Efficient Landscapes. The landscape plan shall be subject to third party review and approval, and an installation inspection shall be conducted to ensure the landscaping areas have been installed according to plan, prior to issuance of Certificate of Occupancy.
11. A maintenance plan for on-site litter control shall be submitted by the applicant and approved by the Planning Director prior to issuance of Certificate of Occupancy. The litter control maintenance plan shall include provision for on-going maintenance required by the project use. The maintenance plan shall include the following standards: the entire development area shall be maintained in a neat, safe, and healthful condition. The applicant shall prepare an agreement to implement a weekly litter cleanup plan for all open areas, planters, and public sidewalks adjacent to site. This plan shall include the coordination of disposal of waste and recycling in receptacles to be located in common open space areas. All waste materials generated by the development, such as cardboard, skids, garbage, litter, etc., must be stored in private receptacles for disposal. No waste material shall be visible at any time. All common area receptacles shall be kept clean and free of odors at all times.
12. A detailed site lighting plan shall be submitted for review and approval by the Planning Director, and shall meet City standards. Site lighting shall be directed downward to protect adjacent residential neighborhoods from glare, yet provide safety for residents utilizing common walkways and open space areas.
13. The applicant shall propose a complementary color palette for all site retaining walls, fences, gates, and trellis structures, that is compatible with the natural topography of the site, as well as the proposed improvements, subject to review and approval by the Planning Director.
14. The applicant shall be subject to full compliance with Order No. R4-2012-0175, Municipal Separate Storm Sewer System (MS4) NPDES Permit for Coastal Watershed of Los Angeles County.
15. That any roof-mounted equipment shall be screened from view to the satisfaction of the Planning Director.
16. Parcel 2 shall be equipped with proper infrastructure to accommodate two (2) Electric Vehicle (EV) charging stations in the parking structure. Applicant shall work with Planning Director staff to determine appropriate location.

17. All deliveries of commercial goods and supplies; trash pick-up (including the use of parking lot trash sweepers); and the operation of machinery or mechanical equipment that emits noise levels in excess of 65dBA shall only be allowed between the hours of 7:00 AM and 7:00 PM daily.

#### Public Works

18. ADA compliant ramps and truncated domes will be required at the Drybank and Silver Spur and Deep Valley Drive intersections.
19. Any damage to sidewalks, curbs, gutters and/or streets as a result of construction will need to be repaired or replaced. The brick sidewalk on the Silver Spur/Drybank corner shall be replaced with concrete and a street overlay to the satisfaction of the Public Works Director.
20. Landscaping improvements in the Public Right of Way will be required on the perimeter of the project, subject to review and approval by the Park and Activities Commission.
21. Street overlay will be required for length of project on the south side of Silver Spur Road, subject to approval by the Assistant City Manager/Public Works Director.
22. The applicant shall work with the City Engineer to revise signal timing at the intersection of Silver Spur Road and Drybank Drive to allow adequate time for crossing both intersections, in accordance with California MUTCD speed for older or disabled persons.

#### Fire

23. Access shall comply with Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
24. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
25. This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact the Fuel Modification unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205, for details)
26. Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

#### County Sanitation Districts of Los Angeles County

27. The applicant shall obtain a Will Serve letter from the County Sanitation Districts of Los Angeles County prior to issuance of building permits.
28. A sewer connection fee will be required prior to issuance of a permit to connect to the sewer, by the County Sanitation Districts of Los Angeles County.

## Noise

29. During construction activities, a temporary noise barrier (e.g., construction curtain) shall be installed along the eastern property line to screen the Peninsula Center Library from construction noise. The project applicant shall demonstrate that the temporary noise barrier/construction curtain will achieve a noise reduction of at least 10 decibels by specifying the exact STC (sound transmission class) rating that would achieve this reduction, as determined by an acoustical engineer.

## Cultural Resources

30. A qualified archaeologist approved by the Planning Director of the City of Rolling Hills Estates shall be present for all initial ground-disturbing activities associated with the project. The archaeological monitor shall be responsible for the identification of cultural resources that may be impacted by project activities. The monitor may stop ground-disturbing activities in order to assess any discoveries in the field. Archaeological monitoring may be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits or when the qualified project archaeologist determines that monitoring is no longer warranted. The project archaeologist shall be responsible for determining the duration and frequency of monitoring.
31. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section 21082), the archaeologist may exhaust the data potential of the find through the process of field-level recordation and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.
32. If any paleontological resources are found during future development of the project site, all work in the immediate vicinity of the find must stop and the Rolling Hills Estates Planning Department shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate handling and recovery methods. Construction in the vicinity of the find(s) shall not resume until deemed appropriate by the qualified site paleontologist.
33. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would

then determine, in consultation with the property owner, the disposition of the human remains.

#### Hazards and Hazardous Materials

34. The project applicant shall be required to retain an EPA-Certified Asbestos Professional and EPA Lead-Safe Certified contractor to prepare an Asbestos/Lead Paint Management Plan that includes lead and asbestos inspection notes and sampling results, as well as a Respiratory Protection Program, Medical Surveillance Requirements, an Injury and Illness Program, asbestos-containing building materials disposal requirements, and a Periodic [Asbestos] Surveillance Schedule. All asbestos-containing building materials and lead paint identified in the Asbestos/Lead Paint Management Plan shall be removed and disposed of by an EPA-Certified Asbestos Professional and EPA Lead-Safe Certified contractor, as appropriate, in accordance with all state and federal regulations.
35. The project applicant shall be required to complete all site remediation actions contained in the Remedial Action Plan prepared for the project site by Bowyer Environmental Consulting in March 2014 (see Appendix D of the IS/MND).
36. That all project Mitigation Measures, as identified in the attached Mitigation Monitoring Program (Exhibit B), shall be completed to the satisfaction of the responsible Department/agency.

SECTION 2. That the Planning Commission hereby recommends that the City Council find that the Initial Study and Mitigated Negative Declaration have been completed in compliance with CEQA and the State Guidelines, and recommends approval of the Mitigated Negative Declaration.

SECTION 3. That the Planning Commission recommends approval to the City Council of all project entitlements (Tentative Parcel Map No. 72398—a 2-lot subdivision, for the purposes of the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and the new construction of a two-level parking structure on Parcel 2; Conditional Use Permits, a Precise Plan of Design, and Variances).

SECTION 4. If any portion of this approval is violated or held to be invalid or if any law, statute, or ordinance is violated by the issuance of this approval or by any one or more of the requirements thereof, said use shall be void and privileges herewith shall lapse and such use shall thereupon cease.

SECTION 5. That the City Clerk shall certify to the adoption of this Resolution and shall keep a copy of same to be submitted to the City Council with such other documents and records of proceedings as may be designated by the Chairman and Planning Commission.

ADOPTED this 1st day of August, 2016.

\_\_\_\_\_  
ROBERT SCHACHTER, CHAIRMAN

ATTEST:

\_\_\_\_\_  
DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. PA-05-16 was adopted by the Planning Commission of the City of Rolling Hills Estates at a regular meeting held thereof on the 1st day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
DOUGLAS R. PRICHARD, CITY CLERK

October 26, 2015

Mr. David Wahba  
Principal Planner  
CITY OF ROLLING HILLS ESTATES  
4045 Palos Verdes Drive North  
Rolling Hills Estates, CA 90274

Per your request please see the provided letter of operation below for Merrill Gardens Rolling Hills which includes staffing levels for all shifts.

**Staffing**

*Administrator*

There will be one administrator (General Manager) for the facility. (On salary)

*Business Office Manager*

There will be one business office manager (BOM) for the facility. (40 hours per week)

*Receptionist*

There will be one receptionist for the facility. (40 hours per week)

There will also be evening and weekend receptionist coverage. (37 hours per week)

*Active Living Director*

There will be one active living (activity) director for the facility (40 hours per week) and an Activity Assistant (16 hours) to provide activities leadership 7 days per week.

*Personal Pathways Coordinator*

There will be one personal pathways (activity) coordinator for the memory care unit (28+ hours per week)

*Dining Services Manager*

There will be one dining services manager for the facility. (40 hours per week/salaried) The food service manager will prepare meals, supervise food service staff, and manage food supplies.

*Food Service*

When full, there will be at least 2 cooks in addition to the food service manager. (80 hours per week when at full occupancy) The cooks prepare the meals for the residents.

There will be 10 wait-staff, mostly part time. (380 hours per week). The wait-staff will take meal orders, serve beverages, deliver the prepared food, assist the residents with set up, and clean up.

There will be 2 dishwashers. (77 hours per week).

*Licensed Nurse*

There will be one, full time, licensed nurse (Assisted Living Supervisor) for the facility. (salaried plus on call) The licensed nurse will oversee the care of the residents, evaluate and respond to changes in condition, communicate with physicians and other health care professionals, and supervise the caregiving staff.

*Caregivers*

P 206.676.5300 F 206.601.0001

1938 Fairview Ave E, Suite 300, Seattle, WA 98102



There will be at least 1 trained caregiver on duty in the community around the clock during initial opening of the community. There will also be another staff member in the building at all times, trained to provide back up for emergencies. There will be a 1:6 ratio of staff during the day shift, a 1:10 ratio in the evening and a 1:15 ratio at night in the memory care unit. Caregivers are responsible for the direct day to day care of the residents. Caregiving hours will be increased according to the number of assisted living residents and the amount of service they require.

#### *Night Monitor*

There will be one night monitor per 24-hour period during the night shift. Night monitors are responsible for monitoring the facility during the night, providing for security, cleaning of common areas and back-up for caregiver in case of emergency.

#### *Housekeeper*

There will be 2 housekeeping positions for the facility when fully occupied. (80 hours per week)

#### *Maintenance*

There will be one maintenance supervisor position for the facility. (40 hours per week).

#### *Community Relations Director*

There will be at least 1 marketing person for the facility. (40 hours per week)

#### **Initial Staffing Structure:**

##### **Shifts**

##### *Day Shift*

1	General Manager	(8am-6pm M-F)
1	Business Office Manager	(8am-5pm M-F)
1	Receptionist	(8am-4:30pm Su-Sa)
1	Active Living Director or Asst.	(8:30am-5pm Su-Sa)
1	Dining Service Manager	(10:30am-7:00pm Su-Th)
1	Cooks	(6am-2pm Su-Sa)
1	Wait staff	(7am-2pm Su-Sa)
2	Wait staff	(11am-2pm Su-Sa)
1	Licensed Nurse	(varying day and evening shifts)
1	Caregiver	(7am-3pm, Su-Sa) more caregivers as occupancy increases
1	Maintenance Supervisor	(8am-4:30 pm M-F)
1	Housekeeper	(8am-4:30pm Su-Sa) more as occupancy increases
1	Community Relations Director	(9am-6pm Tu-Sa)
1	Personal Pathways Coordinator	(2pm-6pm M-F)
1	Memory care activities asst	(2pm-6pm Sa-Su)
2	Memory care caregivers	(7am-3pm Sa-Su) more as occupancy increases

##### *Evening Shift*

1	Cook	(10:30-7pm Th-Sa)
1	Wait staff	(2pm-7:30pm Su-Sa)
2	Wait staff	(4pm-7pm Su-Sa)
1	Dishwasher	(11am-7:30pm Su-Sa) position added as occupancy increases
1	Caregiver	(3pm-11pm Su-Sa) more caregivers as occupancy increases
1	Receptionist	(4:30pm-7:30pm Su-Sa) position added as occupancy increases
2	Memory care caregivers	(3pm-11pm Sa-Su) more as occupancy increases

*Night Shift*

- 1 Night Monitor (11pm-7am Su-Sa)
- 1 Caregiver (11pm-7am Su-Sa)
- 2 Memory care caregivers (11pm-7am Sa-Su) more as occupancy increases

**Transportation Arrangements:**

Residents will have the freedom to have their own personal transportation. All residents will have access to the community shuttle bus. The shuttle bus will provide scheduled transportation to doctor appointments, shopping trips, banks, post office, and various recreational activities. There will be one shuttle bus and it will park onsite, see site plan for location of parking. If the resident is unable to utilize the scheduled transportation, the community will help arrange for alternate transportation. The community will work with the resident to find one that meets their requirements. This could be a simple call for a cab to take the resident to a local restaurant, an airport shuttle or limousine to the airport, City Van and/or by Paratransit.



January 25, 2016

City of Rolling Hills Estates  
Jeannie Naughton, AICP  
4045 Palos Verdes Drive North  
Rolling Hills Estates, CA 90274

Dear Ms. Naughton:

As the owner and operator of the planned retirement community, Merrill Gardens at Rolling Hills Estates, we understand your concerns regarding the parking for our project will comply with the parking requirements as defined by RHEMC Section 17.37.040.M.4. The purpose of this letter is demonstrate that we have identified a parking management plan for high traffic days (holidays, special events, etc.) at our Community which may exceed the designed parking count.

During high traffic days we propose to manage our parking demand by employing one of the following strategies:

- 1) Additional carpooling/public transit by employees
- 2) Valet parking onsite or off-site
- 3) Arrangement for some staff/visitor parking with neighboring parking garages
- 4) Arrangement for additional staff/visitor parking at another off-site location within 5 min shuttle time

In addition to the parking requirements, our community provides for its residents, a shuttle van for group events and a town car for personal errands, appointments, etc. within the local community.

Thank you for your consideration, we are excited to become a part of the Rolling Hills Estates Community.

Respectfully,

William D. Pettit Jr.  
Chief Operating Officer  
Merrill Gardens



# Staff Report

City of Rolling Hills Estates

DATE: SEPTEMBER 27, 2016

TO: MAYOR AND CITY COUNCIL

FROM: JEANNIE NAUGHTON, SENIOR PLANNER

SUBJECT: PLANNING APPLICATION 05-16 (THE VILLAGE/MERRILL GARDENS)  
APPLICANT: CONTINENTAL DEVELOPMENT CORPORATION  
LOCATION: 601 SILVER SPUR ROAD AND 600 DEEP VALLEY DRIVE (APNS  
7589-002-010, -011, -012.

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## OVERVIEW

The following is a request for approval of a series of entitlements to allow a two-lot subdivision, for the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on one lot, the new construction of a two-level parking structure on the second lot, and adoption of a Mitigated Negative Declaration, finding that the project, with mitigation measures, will not have a significant impact on the environment.

## BACKGROUND

Public Notices Published on 09.15.16, Posted and Mailed on 09.17.16.

On September 23, 2014, the City Council adopted Ordinance 694, to allow a variety of senior-type housing needs to locate within the Mixed-Use Overlay District of the C-G zone. New development standards were adopted for independent senior housing, assisted living, memory care, and skilled nursing; all of which are intended to provide for a complete continuum of care.

The applicable Rolling Hills Estates Municipal Code Sections are Chapter 16.16 Minor Land Subdivisions, Chapter 17.30 (C-G District), Chapter 17.37 (Mixed Use Overlay District), Chapter 17.58 (Precise Plan of Design), Chapter 17.66 (Variances), and Chapter 17.68 (Conditional Use Permits).

The 3.13 acre subject property is located in Planning Area No. 6, zoned C-G/Mixed Use Overlay District, has a General Plan Land Use designation of Commercial General (Mixed Use), and is located in Hazards Management Overlay.

The adjacent properties are located in the City stated and have the following designations:

North: City of Rancho Palos Verdes; Commercial Professional (c-p)  
South: City of Rolling Hills Estates; Commercial General/Mixed Use Overlay District  
East: City of Rolling Hills Estates; Commercial General/Mixed Use Overlay District  
West: City of Rolling Hills Estates; Commercial General/Mixed Use Overlay District

Acting as lead agency, in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.: “CEQA”), an Initial Study was prepared by Michael Baker International, to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary, to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance. Based on the Initial Study (IS) prepared for the proposed project, the City has prepared a Mitigated Negative Declaration (MND), in conformance with Section 15080(b) of the State CEQA guidelines.

On August 1, 2016, the Planning Commission reviewed the proposed project and recommended that additional language be added in the findings to emphasize the public benefit of the additional 169 parking spaces being provided in the parking structure on Parcel 2 through the new reciprocal parking agreement between the Palos Verdes Library District and Continental Development Corporation. The Commission also recommended the creation of additional conditions of approval that would ensure that the development proposed for both Parcel 1 and Parcel 2 will be completed (Attachment 2). Staff discussed this issue with the City Attorney, and concluded that there are no conditions of approval that could satisfy the direction given by the Planning Commission. The City may regulate the approval of entitlements and permits, oversee that the development is constructed properly, and that all of the conditions of approval are satisfied, however the City is limited in its ability to ensure that a development proposal will be completed, as there are factors that are out of the City’s control—such as market forces, funding, and private agreements. The Planning Commission adopted Resolution No. PA-05-16, recommending approval to the City Council, by unanimous vote of 7-0.

#### Outside Agencies Consultation and Review

The Development Review Division of the County of Los Angeles Fire Department conducted access review and approved the project for this purpose on June 3, 2016. Detailed plan check will be required by the Engineering Division of the County of Los Angeles Fire Department. Staff also conducted preliminary review with the County of Los Angeles Building and Safety Division and received no conditions of approval for this project, but it will be subject to all Building Code requirements. In compliance with Assembly Bill (AB) 52 and Section 21080.3.1 of CEQA, the City of Rolling Hills Estates conducted early consultation with the Gabrieleño Band of Mission Indians – Kizh Nation and agreed upon four mitigation measures to be implemented during ground disturbance and construction activities. A more detailed discussion may be found in the Cultural Resources section of the Initial Study, with mitigation measures found in the conditions of approval as well as in the Mitigation Monitoring and Reporting Program.

### DISCUSSION

#### Project Overview

The 3.13 acre subject property is currently improved with The Village Shopping Center, which consists of four multi-tenant buildings on three parcels, bounded by Silver Spur Drive, Drybank Drive, and Deep Valley Drive. The buildings range in size from 4,200 SF to 20,800 SF, with a total of 46,230 SF of retail and office space.

Building A, located at 601 Silver Spur Road, at the northwest corner of the project site, is a one-story, 4,200 SF, vacant building, not part of the original Village Shopping Center; it resides on a separate parcel and will be demolished as part of the project.

Building B, located at 627 Silver Spur Road, located in the western portion of the project site, is a two-story, +/- 11,500 SF building, currently occupied by a variety of commercial and office uses; +/- 10,000 SF of occupied space contains storefronts facing Deep Valley Drive, while +/-

1,000 SF of space contains storefronts facing Drybank Drive, including Yummy Yogurt. Building B contains parking on the lower level, accessed via Drybank Drive; this building will be retained as part of the project.

Building C, located at 600 Deep Valley Drive, at the corner of Deep Valley Drive and Drybank Drive, is a one-story, +/- 9,600 SF building occupied by a commercial real estate brokerage firm and a dry cleaning business; Building C would be retained as part of the project.

Building D, located at 626 Silver Spur Road, is a two-story, split-level building located on the eastern side of the project site, adjacent to the existing library, containing +/- 20,800 SF of commercial floor space; +/- 10,400 SF of lower level retail faces north, toward the existing parking lot along Silver Spur Road, while the upper-level retail faces south, toward the existing parking lot along Deep Valley Drive. Building D would be demolished as part of the project.

The proposed project consists of subdividing the 3.13 acre site into two parcels; Parcel 1 would result in a 1.48 acre site, to accommodate the new construction of a four-story, +/- 135,852 SF, 114-unit RCFE. Parcel 2 would result in a 1.65 acre site, retention of +/- 21,000 SF of existing commercial development, and the new construction of a two-level, 169-space parking structure to serve both the commercial uses, as well as the adjacent library.

### Parcel 1

As defined by the State of California Health and Human Services Agency, Department of Social Services, "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75% of the residents are 60 years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents. "Memory care" is a specific type of facility for persons with a mental impairment such as dementia or Alzheimer's disease. RCFE typically provides both assisted living and memory care units in each facility.

The property, as well as the RCFE would be owned and operated by Merrill Gardens; a privately owned, family run company, that owns and operates senior living communities, with a focus on lifestyle, in six states. Building A would be demolished, to accommodate the new construction of the +/-135,000 SF facility. A partially subterranean parking structure, the entry of which is located at grade, off Silver Spur Road, will be located under the building footprint at the southwesterly portion of the site, and will contain 63 parking spaces, including three accessible parking spaces (ADA compliant). The main entry to the facility will be off Silver Spur Road, into the same level of the building as the parking facilities. The parking level will contain the lobby/reception area, a wellness center, salon, activity room, theater, offices, and a kitchen. The first level will be divided into two wings—assisted living and memory care. Both wings will provide dining and living areas, with one kitchen serving both wings. The first level will contain all 20 Memory Care units (studio) and 12 Assisted Living units, including eight 1br/1bth and four 2br/2bth, many of which will have patios. There will be a dedicated Memory Care landscaped courtyard, as well as a landscaped courtyard for the Assisted Living residents. The second level will contain 14 studio units, 23 1br/1bth units, and four 2br/2bth units, a majority of which, will have private or shared decks. Level three will contain 14 studio units, 24 1br/1bth units, and three 2br/2bth units, most of which will have private or shared decks.

The site has a significant grade change, descending from the southern portion of the site to the northern portion, along Silver Spur Road. There is an existing 8' high retaining wall along Silver Spur Road, adjacent to the existing surface parking lot. The new Merrill Gardens building will remove this retaining wall, to allow for an at-grade resident loading zone, as well as access to

the parking structure, along Silver Spur Road. The overall perceived height of the building along Silver Spur Road is 44' (maximum allowed) to the top of the fascia trim, and 32' from the southern elevation; however, due to the descending grade, the building will be four stories at the northeast portion of the project, and there will be architectural projections that reach 56' in height, as measured from lowest adjacent grade, along Silver Spur Road. The proposed building will be well below the height of adjacent buildings—the Peninsula Center Library is 63'-4" high, while the adjacent Promenade Shopping Center building is 94' high along Silver Spur Road.

## Parcel 2

Buildings B and C underwent seismic, cosmetic, and lighting upgrades and renovation during 2013/2014, as well as adoption of a Master Sign Program for the shopping center. Both buildings will be retained as part of the project, resulting in +/-21,000 SF of leasable commercial area. The two-lot subdivision includes the recordation of airspace rights for condominium purposes on Parcel 2, as well as the new construction of a new, two-level, 169-space parking structure, which will serve the adjacent library as well as the commercial uses on the site. The Peninsula Seniors have signed a lease to occupy +/-3,800 SF in Building B and will occupy the suite following completion of the new parking structure. A Master Conditional Use Permit is being requested to allow medical/dental uses in the remaining +/- 7,750 SF of floor area in Building B.

The two-level parking structure will have two access points off Deep Valley Drive; the easternmost driveway will provide access to the upper level of the parking structure, at grade with the library entrance, while the westernmost driveway will provide access to the lower level of the parking structure, at grade with Buildings B & C and the surface parking stalls. The structure will provide 169 parking stalls, Building B contains 26 parking stalls, accessed off Drybank Drive, and the surface lot adjacent to Buildings B & C will provide 26 parking stalls.

An existing 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District, and the City of Rolling Hills Estates, which allows reciprocal ingress, egress, and parking rights on/over each owner's property, as well as a landscape and access easement on Parcel 1, will be dissolved to release Parcel 1 (Merrill Gardens) and the City of RHE from the agreement, and a new agreement executed between the Palos Verdes Library District and The Village ownership, to retain reciprocal ingress, egress, and parking rights on/over Parcel 2 and the library site. As a result of the new agreement, the Peninsula Center Library and The Village would be served by a total of 386 parking stalls—221 stalls on Parcel 2 and 165 stalls on the library property. The Village and the library would benefit from excess parking capacity with construction of the proposed parking structure as currently designed, as both properties would be served by a total of 386 parking stalls.

## Overall Project Entitlements Applicable to Both Parcels

Because both resulting parcels will operate under separate ownership, and function as two separate and distinct projects, it is necessary to separate out the specific entitlements that will apply to each specific parcel, as well as the overall entitlements that apply to both.

### *Subdivision*

The existing 3.13 acre project site consists of three parcels; the proposed Tentative Parcel Map No. 72398 proposes a two-lot subdivision, resulting in two parcels; a 1.48 acre parcel (Parcel 1) and a 1.65 acre parcel (Parcel 2) with airspace condominiums for commercial condominium purposes on Parcel 2. This particular proposal does include as part of the entitlements, several Variance requests. The resulting lot sizes are in compliance with minimum lot sizes in the

Commercial General/Mixed-Use Overlay District and the action of the subdivision does not create a situation where development would be impossible without benefit of a Variance. The City Engineer has reviewed the Tentative Parcel Map and found it to be in conformance with the Subdivision Map Act and the requirements of RHEMC Chapter 16.16 Minor Land Subdivisions.

The Planning Commission is able to make the findings for the Minor Subdivision, as stated below:

1. That the proposed subdivision is consistent with general and applicable specific plans for the area.

This finding has been met because the subject site is zoned Commercial General/Mixed-Use Overlay District, with a General Plan Land Use Designation of Commercial General. The proposed subdivision would result in the continuation of permitted and conditionally permitted uses consistent with the respective zone and designation.

2. That the approval of the subdivision will not likely cause serious public health problems or be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the land is located.

This finding has been met because the improvements related to the subdivision are subject to Precise Plan of Design criteria, provide the required parking for the intended uses, and will require all necessary Building and Safety permits, as well as meet other City and State regulations to be constructed, thereby not being detrimental to the public welfare and neighborhood.

3. That proper and adequate provisions have been made for access to the land to be divided and also to the portion of the land remaining, or that access to the land is by means of dedicated streets of a sufficient width and state of improvement to serve adequately the land described in the application in a safe manner.

This finding has been met because the Project site is currently developed with the Village Shopping Center and maintains access from publicly dedicated streets on Silver Spur Road, Drybank Drive, and Deep Valley Drive. The proposed Project will maintain said access to, and be adequately served by these dedicated streets.

4. That proper and adequate provisions have been made for all public utilities and public services including, but not limited to, sewers, fire flow, etc.

This finding has been met because the proposed project consists of Tentative Parcel Map No. 72398—a two lot subdivision, consisting of a 1.48-acre parcel (Parcel 1) and a 1.65-acre parcel (Parcel 2), with commercial condominiums on Parcel 2; Conditional Use Permits, Precise Plan of Design, Grading, and Variances, for the new construction of a 114-unit RCFE on Parcel 1, and a new two-level parking structure on Parcel 2. Based on reviews by the respective public utilities, there are adequate provisions to serve the Project. The applicant will be required to pay applicable connection fees and any upgrades as deemed necessary.

5. That the resulting subdivided land will not have an area less than that required by the zone in which it is located or less than the average of the area of single parcels of land in the surrounding vicinity.

This finding has been met because minimum lot size in the Commercial General/Mixed Use Overlay District is one acre. The proposed Tentative Parcel Map No. 72398 consists of subdividing a 3.13-acre site into two parcels, consisting of a 1.48-acre parcel (Parcel 1) and a

1.65-acre parcel (Parcel 2). Both resulting parcels exceed the minimum lot size within the respective zoning designation.

6. That the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, environmental protection, and other requirements of the Map Act or laws enacted pursuant thereto.

This finding has been met because the proposed Tentative Parcel Map No. 72398 results in two parcels of conforming size and design and will maintain access to appropriately improved public roads. The proposed physical improvements to Parcel 1 and Parcel 2 are subject to the requirements of Order No. R4-2012-0175, Municipal Separate Storm Sewer System (MS4) NPDES Permit for Coastal Watershed of Los Angeles County and all applicable local and State regulations. Under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study ("IS") was prepared by the City to assess the potential environmental impacts of the Project. The IS indicated that the proposed Project would not have a significant impact on the environment with proper mitigation. As such, a Mitigated Negative Declaration ("MND") was prepared.

7. That the site is physically suitable for the type of development proposed. The subject site is located in a fully urbanized area, on a previously developed site, and is surrounded by commercial development.

This finding has been met because given the size and shape of the subject property, together with adjacent land uses, the proposed Project is consistent with development in the vicinity.

8. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This finding has been met because under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study ("IS") was prepared by the City to assess the potential environmental impacts of the Project. The IS indicated that the proposed Project would not have a significant impact on the environment with proper mitigation. As such, a Mitigated Negative Declaration ("MND") was prepared.

#### *Precise Plan of Design*

Approval of a Precise Plan of Design (PPD) is required under RHEMC Section 17.58.020 prior to the issuance of a building permit for exterior façade improvements and the corresponding exterior improvements. The purpose of the Precise Plan of Design is to ensure that the proposed site improvements on commercially-zoned properties do not result in any detrimental impacts to the surrounding community and to protect the public peace, health, safety, and welfare.

Parcel 1 will be developed with a +/-135,000 SF RCFE, fronting Silver Spur Road, where there exists a diverse range of architectural styles. The proposed RCFE will utilize a contemporary style, drawing on residential Craftsman detailing; depth and dimension to the façade are achieved through the utilization of balconies, patios, varied setbacks, modulated roofline, and a substantial stone base. High quality, textural materials, such as stacked stone, stucco and fiber cement shingles, and decorative lighting, add detail and richness to the building, and reduce the perceived scale of the building. More than 17,000 SF of landscaped courtyards will be provided at the rear of the project. The dedicated Memory Care courtyard will contain landscaping, outdoor seating, a water feature, a rain garden and a dog play area. The Main Courtyard will

feature landscaping, raised garden beds, outdoor seating with a fire table, barbecues for outdoor cooking, dining tables and chairs, rain garden, a water feature, and a private dining area.

Due to the significant grade changes between Parcel 1 and Parcel 2, there will be a series of retaining walls at the rear of Parcel 1; along the Memory Care Courtyard, the retaining walls will be approximately 12' high, while along the Main Courtyard, the retaining walls will be approximately 15' high. Evergreen screening trees and significant landscaping will soften the appearance of the walls, and help them blend into the landscaped areas. Surrounding the project site will be additional landscaping along Drybank Drive and Silver Spur Road, including rain gardens and decorative trees.

Site signage will include building-mounted signs along Silver Spur Road and Dry Bank Drive, and a monument sign along Silver Spur Road, adjacent to the project entry. The combination of building-mounted and monument signage along Silver Spur Road will facilitate both a vehicular as well as a pedestrian scale presence for the project.

Parcel 2 will retain both Buildings B & C; the new two-level, partially subterranean parking structure will be constructed to serve both the Peninsula Center Library, as well as the remaining commercial tenant spaces in Buildings B & C. The 169-space parking structure will combine cool-colored concrete with brick accents, to blend with the existing commercial development. As the site contains a descending slope from the eastern to western side, the relocated access driveway at the easternmost corner of the structure will be at grade with the main library entrance, on the top deck of the structure. All five ADA-compliant spaces will be located at this level, and serve as the most appropriate level of parking for library visitors utilizing the structure; 26 spaces will be exclusively dedicated for Library use. The new, westernmost access to Parcel 2 will provide the most appropriate level of parking for the commercial uses in Buildings B & C, as the basement level of the structure will be at grade with these buildings, as well as the additional 26 surface stall parking spaces that will be retained. Egress from the lower portion of parking structure may be accomplished via Deep Valley Drive or Dry Bank Drive. There are an additional 26 parking stalls in the basement of Building B.

Existing landscaping will be enhanced along Deep Valley Drive, and new landscaping added adjacent to the parking structure, and Building B, resulting in only 10% landscaping coverage, where 20% is required. This will be further discussed in the Variance section for Parcel 2.

RHEMC Chapter 17.58 indicates that the purpose of a PPD is to ensure that the following are designed and/or arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are provided, and no adverse effect on surrounding property will result:

1. Buildings, structures, and improvements;
2. Vehicular ingress, egress and internal circulation;
3. Setbacks;
4. Height of buildings;
5. Location of services;
6. Walls and fences;
7. Landscaping;
8. Lighting; and
9. Signing.

The redevelopment of Parcel 1 will balance the complexity and interest of a residential Craftsman project with the programming requirements for assisted living to enhance the character of the neighborhood and provide much needed housing and services for seniors in Rolling Hills Estates. The redevelopment of Parcel 2 will provide a solution to the dissolution of

the existing 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District, and the City of Rolling Hills Estates, and the execution of the new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District, in that it will provide more than sufficient parking for both the intended uses in Buildings B & C, and the adjacent Peninsula Center Library. The project meets all of the above criteria and therefore, staff is able to support the PPD as proposed.

### *Grading*

A total of approximately 23,770 cubic yards of grading is proposed to accommodate the proposed project. The proposed grading activity involves cut and export of earth material, whereby approximately 15,500 cubic yards of grading would be conducted on Parcel 1 to accommodate the RCFE and approximately 8,220 cubic yards would be conducted on Parcel 2 to accommodate the new parking structure. The grading activities would be governed by RHEMC Section 17.07.080 and all applicable standards set out in the Building Code.

### *Traffic Impact Analysis*

Fehr & Peers prepared, *Traffic Impact Analysis for The Village/Merrill Gardens at Rolling Hills Estates*, to identify and evaluate the potential traffic impacts of the proposed project on the surrounding street system. Upon coordination with City staff, and direction given by the City Council, eight study intersections were identified for evaluation during the weekday morning and afternoon peak hours. The eight study intersections included:

- Hawthorne Boulevard/Palos Verdes Drive North
- Crenshaw Boulevard/Palos Verdes Drive North
- Hawthorne Boulevard/Silver Spur Road
- Silver Arrow Drive/Silver Spur Road
- Norris Center Drive/Silver Spur Road
- Drybank Drive/Silver Spur Road
- Beachgate Drive/Silver Spur Road
- Crenshaw Boulevard/Silver Spur Road

All of the study intersections are signal-controlled. *Traffic Impact Analysis for The Village/Merrill Gardens at Rolling Hills Estates* states that based on application of the City's threshold criteria to the "Existing Plus Project Impact Analysis" scenario, it was determined that the proposed project would not result in significant impacts at any of the eight study intersections. Because there are no significant impacts, no traffic mitigation measures are required or recommended for the study intersections under the "Cumulative Plus Project" conditions.

Based on existing trip generation rates for the 46,075 SF of commercial and retail use, and the trip generation rates for the proposed assisted living use, the proposed project is expected to result in a net increase of 32 vehicle trips (29 additional inbound trips and three additional outbound trips) during the AM peak hour, when compared with the existing site use trip generation, and a net decrease of 24 vehicle trips (12 inbound trips and 12 fewer outbound trips) during the PM peak hour, when compared to the existing uses. This incremental increase in the morning peak hour is due to the nature of the existing service commercial uses, which typically would open for operation later in the morning, e.g. 9-10 AM. The average daily traffic on Silver Spur Road, based on 2013 counts, over a 24-hour period is +/-15,000 vehicles/day; the addition of 32 additional vehicle trips in the morning peak hour is not considered to be significant. Over a 24-hour period, the proposed project is forecast to result in a net decrease of 740 daily trips.

Staff was concerned about signal timing at the intersection of Silver Spur Road and Drybank Drive, as it is anticipated that residents of the new facility will utilize this crossing to visit the Promenade shopping center. *Traffic Impact Analysis for The Village/Merrill Gardens at Rolling Hills Estates* analyzed existing pedestrian signal timing and compared it with the established pedestrian signal timing in the California Manual on Uniform Traffic Control Devices (MUTCD), which allows a speed of 2.8 feet per second for locations routinely used by older or disabled pedestrians. Using a walking speed of 2.8 feet per second, Drybank Drive could be crossed in 21.4 seconds and Silver Spur Road could be crossed in 32.1 seconds; the current signal timing allows pedestrians 19 seconds to cross Drybank Drive and 23 seconds to cross Silver Spur Road. Based on these calculations, the existing signal timing plans do not provide adequate time for disabled or elderly persons to cross Drybank Drive or Silver Spur Road. Therefore, staff has added a condition of approval that the applicant work with the City Engineer to revise signal timing at this intersection to allow adequate time for crossing both intersections, in accordance with California MUTCD speed for older or disabled persons.

### Entitlements Specific to Parcel 1

#### *Conditional Use Permit*

RCFE use is conditionally permitted with the C-G/Mixed-Use Overlay District, with specific development standards outlined in RHEMC Section 17.37.040. The development standards include provisions for spacing, open space, parking, and minimum room size requirements.

The proposed project meets the spacing requirements, as there are no RCFE facilities within 1,500 FT of the proposed project site.

The open space requirements are 200 SF per licensed bed, resulting in a total requirement of 25,000 SF for the proposed project, which may be provided as private patios/balconies or common areas, and where up to 50% of this requirement may be provided as indoor common recreational and social area (12,500 SF). The proposed project will exceed the minimum requirements by 13,384 SF; this will be accomplished by providing 17,103 SF of outdoor open space, 12,500 SF of countable common open space indoors (a total of 18,397 SF is being provided but only a portion may be counted toward the requirement), and 8,781 SF of private patios and balconies.

RCFE use requires one parking space per two licensed beds, plus one space per two employees on the largest shift, resulting in a total parking requirement of 63 parking stalls for the proposed project. A total of 63 parking stalls will be provided on-site, including 60 standard parking stalls, and three accessible spaces (ADA-compliant). Based on information from the applicant, and the experience of other assisted living/memory care operators, the majority of the residents do not own/operate personal vehicles. It is anticipated that only 10-15% of the residents are anticipated to own/park vehicles on-site. At the time of adoption of the development standards for RCFE uses in 2014, staff, in conjunction with consultants and direction from the City Council, did substantial research to develop the existing standards as being in line with industry standards. The parking standards that were ultimately adopted into the RHEMC are conservative, in comparison to surrounding jurisdictions. For example, the City of Torrance requires one space/three beds, which would result in a parking requirement of 42 parking spaces for this project; the City of Rancho Palos Verdes requires one space/four beds, which would result in a parking requirement of 32 spaces for this project.

Staff is recommending modified language in the condition of approval related to parking requirements for the RCFE portion of the project so that the requirement is tied to the specific Municipal Code section governing RCFE use. This will ensure that should there be any

operational changes in the future, the project will remain in compliance with parking requirements. The proposed modified condition, found in Resolution No. 2384 is as follows:

The conditional use permit is being granted for a 114-unit Residential Care Facility for the Elderly (RCFE). ~~The RCFE project requires 63 parking spaces, with a maximum of 20 employees on the greatest shift.~~ The project shall at all times comply with RHEMC Chapter 17.37.040(M)(b), including with respect to employee parking spaces. Any minor changes in the operational characteristics, including e.g., a change in occupancy configuration that does not increase the total number of licensed beds, may be approved by the Planning Director, while major modifications will require review and approval by the Planning Commission.

Per RHEMC Section 17.37.040.M.4, a parking management plan is required, that demonstrates how peak period demand (holidays) will be accommodated, as well as a plan for shuttle transportation to local shopping services. Merrill Gardens provided a summary of transportation arrangements as part of their operating plan as well as further refinement in their memo dated January 25, 2016 (Separate Attachment 2). Merrill Gardens will provide a community shuttle bus, which will be parked on-site, for scheduled transportation to doctor appointments, shopping trips, banks, post office, and various recreational activities. Alternatively, residents may coordinate with Merrill Gardens staff to arrange transportation reservations for demand-based services, such as Cityride, Access Paratransit, City Cab Taxi Service, private companion/escort service and private limousine (town car), as well as emergency transportation services. During high traffic days such as holiday, Merrill Gardens intends to employ strategies such as employee carpooling/public transportation, valet parking onsite or off-site, arrangement for staff/visitor parking with neighboring parking garages, and the arrangement for additional staff/visitor parking at another off-site location with 5 minutes shuttle time. Staff has added a condition of approval to expand the parking management plan to be consistent with recommendations from the Planning Commission and City Council, on a recently approved assisted living project, which includes provisions for "Visitor Only" stalls; a maximum number of parking stalls available for resident use and a corresponding procedure for implementation of a waiting list to be provided, should the maximum number of resident vehicles be reached; and the periodic review of the parking management plan, to reduce or avoid parking-related impacts from the project.

State law does not define minimum room size for RCFE use; as a result, jurisdictions have varying room size limitations, if at all, for assisted living units and memory care units. During the development of the standards adopted in the RHEMC in 2014, staff focused their research on the correlation between room size and parking requirements. RHEMC Section 17.37.040.M.2.b requires a minimum room size of 400 SF per licensed bed for assisted living rooms, and 300 SF per licensed bed for memory care facilities. The proposed project exceeds the minimum room size per licensed bed for both assisted living and memory care rooms, with room sizes ranging between 390 SF-1000 SF.

According to the *City of Rolling Hills Estates Housing Element 2013-2021*, the City's population is significantly older than Los Angeles County as a whole, and over the next 40 years the City's senior population is projected to grow by 174% compared to just 30% for the County's total population. The provision of the RCFE facility in the City of Rolling Hills Estates, contributes to a continuum of care, allowing people to age in place, in their home community or near family that lives in this community, when they are no longer able to age in place in their own home.

#### *Variances*

The applicant is requesting approval of three Variances for 52.56 % lot coverage, where 45% is

allowed, building projections of 56' in height, where 44' is the maximum allowable building height, and nonconforming parking stall dimensions in the parking structure.

The proposed RCFE has a building footprint 52.56%, which has been reduced slightly since the original submittal, to accommodate Fire Department access requirements. The existing property is currently developed as The Village shopping center, and therefore encumbered by the original 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Peninsula Center Library and the City of Rolling Hills Estates; following the recordation of the Tentative Parcel Map, the site will be released from this agreement and it will be dissolved. However, the new agreement between The Village and the Palos Verdes Library District necessitate the construction of a parking structure on the resulting Village parcel to provide the required parking under the original agreement. Therefore, the proposed parcel configuration is the only feasible configuration that would support both the assisted living use on Parcel 1 and the retention of commercial uses and related parking for both the Village and the Peninsula Library on Parcel 2. Reduction of the building footprint would result in inadequate parking, reduced outdoor space, or reduced unit count, while increasing the lot area of Parcel 1 would result in reduced commercial square footage and or required parking for the commercial uses on Parcel 2 and adjacent library use.

The topography of the site has a 27' fall from the south property line to the north along Silver Spur Road. The removal of the 8' high retaining wall along Silver Spur Road to allow for an at-grade resident loading zone to access the building, exposes a portion of the basement level as four stories and up to 56' in height to the highest architectural projection. There are 12' and 10' floor to floor heights but approximately 1' must be subtracted from these numbers for the depth of the structure. Furthermore, a 12' floor to floor height is the minimum necessary to allow for the mechanical, electrical, and plumbing infrastructure to run above finished ceilings on levels containing resident amenity spaces to maintain 9' ceiling heights for the comfort of residents in central gathering spaces. The unit ceilings are 9' clear, which is a standard ceiling height which allows smaller units to feel larger. The overall height of the building perceived from the Silver Spur Road elevation is a conforming 44', meaning finished grade to top of the fascia trim. The perceived height from the south elevation is only 32' as Parking Level is below grade.

Stall dimensions are required to be 9' by 20', with 25' wide aisles for 90 degree parking configurations. The RHEMC parking section has not been updated to adjust for current industry standards, and there are no provisions in the Code for compact stalls. The proposed stall dimensions are 9' by +/-19'-10", with conforming aisle widths of 25'. The proposed reductions in the parking stall dimensions are necessary to reduce shade and massing impacts to the assisted living outdoor courtyard, and address lot coverage issues related to the resulting lot configuration and necessity to provide a parking structure on Parcel 2 to fulfill the terms of the new Reciprocal Easement Agreement between the Village and The Palos Verdes Library District..

The Planning Commission is able to make the findings for the Variances, as stated below:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other properties in the same zoning district and neighborhood.

This finding has been met because the subject property contains a significant descending slope toward Silver Spur Road, resulting in exposure of a portion of the basement level as four stories and up to 56' in height to the highest architectural projection. The overall perceived building height from Silver Spur Road is a Code-complying 44' and 32' from the southern elevation; the projections are necessary to accommodate mechanical, electrical, and plumbing infrastructure. The proposed lot is currently configured to maintain existing commercial space on Parcel 2,

while providing required parking for commercial uses and the adjacent library, per an amended agreement, resulting in lot coverage of 52.56%, where only 45% is permitted. There is no other location on the resulting site that could support an expanded parking structure to meet the Code compliant stall dimensions, nor is there opportunity to provide a smaller footprint that would have the ability to provide the Code-required number of parking spaces for the intended use. This property is unique in that it must fulfill these requirements on adjacent Parcel 2, in order to be released from the original 1978 Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District and the City of Rolling Hills Estates.

2. The Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood.

This finding has been met because the size, shape and topography of the site present significant challenges in providing the required parking stall dimension, lot coverage, and building height, while meeting the conditions of the new agreement between The Village and the Peninsula Center Library for provision of parking on Parcel 2. Adjacent sites are relatively flat and are not encumbered by reciprocal easement agreements that require provision of +/- 200 parking spaces. If the building footprint were to be expanded to allow for additional dimension in the parking structure, the nonconformity of lot coverage would be increased, as well as potentially the building height nonconformity. The granting of the Variances for a four story structure that exceeds permitted building height, lot coverage, and provision of structured parking that contains nonconforming stall dimensions is necessary for the enjoyment of a substantial property right, possessed by other property owners under like conditions in the same zoning district.

3. The granting of the Variances will not be materially detrimental to the public welfare of injurious to property and improvements in the zoning district and neighborhood in which the property is located.

This finding has been met because the proposed improvements would meet PPD criteria, provide the required parking for the intended use, and the proposed improvements would require all necessary Building and Safety permits to be constructed, thereby not being detrimental to the public welfare and neighborhood.

4. The granting of the Variances will not be contrary to the objectives of the General Plan.

This finding has been met because Goal 2 of the Housing Element of the General Plan states that the City shall promote new housing opportunities to meet the needs of existing and future residents while preserving the City's rural character. The City's population is significantly older than Los Angeles County as a whole, and over the next 40 years the City's senior population is projected to grow by 174% compared to just 30% for the County's total population. The City has little vacant land for development, and by developing the assisted living facility, while preserving commercial development and providing parking to the adjacent library, the project will meet the needs of existing and future residents, the existing rural character will be further preserved, while providing a significant benefit to the community.

5. The granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the property.

This finding has been met because a Residential Care Facility for the Elderly is a conditionally permitted use in the C-G zoning/Mixed-Use Overlay district and the granting of the Variances would result in providing the Code-complying number of parking stalls (63) for the intended use,

while fulfilling parking requirements of the new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

## Entitlements Specific to Parcel 2

### *Subdivision*

The proposed Tentative Parcel Map No. 72398 includes airspace rights for commercial condominium purposes on Parcel 2. The recordation of airspace rights for commercial condominiums will give the tenants of the commercial spaces the ability to purchase their space, giving the property owner greater flexibility in attracting long-term business owners.

### *Master Conditional Use Permit for Medical Office Use*

The applicant is requesting a Master Conditional Use Permit (MCUP) for medical office use in Building B, in order to enhance opportunities to respond to the marketplace. Yummy Yogurt occupies approximately 1,035 SF of retail space at the lower level of Building B, facing Drybank Drive. The remaining 10,523 SF of commercial space on the upper level of Building B, facing Deep Valley Drive, will be partially allocated to the Peninsula Seniors, who have executed a lease, with the intention of eventually purchasing, a 3,813 SF space. The applicants are requesting a MCUP for medical office for the remaining +/-7,745 SF of Building B.

The Peninsula Seniors have provided a floor plan for the 3,813 SF space for which they've signed a lease in Building B (Attachment 1 – Sheet SP-A-1); the functional layout provides for two exercise rooms, a conference room, offices and small library area. The layout does not fit into what would traditionally be viewed as assembly use (church, concert hall, etc.), but functions more closely to an office type use, with the exception of the two exercise rooms. Staff has determined therefore, that the most appropriate parking ratio to apply in this case would be the same the ratio that the RHE Code applies for medical office (1/200 SF), which is slightly more restrictive than commercial office or retail, yet less restrictive than assembly use. When applying a ratio of 1/200 for Building B and 1/300 for commercial office use in Building C, the total parking requirement for Parcel 2 results in the provision of 90 spaces. The proposed redevelopment of Parcel 2 results in the provision of a total of 221 spaces (26 spaces in the basement level of Building B, 26 surface parking stalls, and 169 spaces in the parking structure), providing more than sufficient parking for existing and proposed uses.

### *Variances*

The applicant is requesting approval of four Variances for provision of landscaping at 10%, where 20% is required; nonconforming parking stall and aisle width dimensions in the parking structure; existing setback of Building C of 3' and the new parking structure setback of 3.5' where at least 5' is required; and parking structure lot coverage of 35%, where 25% is maximum allowed.

The construction of a 169-stall parking deck would provide continued reciprocal/shared parking with the Palos Verdes Library District to serve the Peninsula Center Library (via the new Reciprocal Easement Agreement). The topography of The Village site features a substantial grade change from the south to the north. The site topography creates challenges for reparcelization and redevelopment of the property in a manner that meets development standards. The parcel configuration as proposed is the only configuration that feasibly supports both the assisted living use and the commercial uses in the two remaining buildings on The Village parcel (21,075 sf of gross leasable area in Buildings B and C). If more land were to be allocated to The Village parcel in order to meet the parking structure 25% lot coverage standard,

the area of the assisted living parcel would be reduced, resulting in constraints that would make the assisted living facility infeasible.

Additional landscaping area will be added adjacent to Building B and adjacent to the parking structure and the rear lot line of Parcel 1. Enhanced landscaping will also be required along Deep Valley Drive, adjacent to the parking structure and Building C.

The Planning Commission is able to make the findings for the Variances, as stated below:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other properties in the same zoning district and neighborhood.

This finding has been met because the subject property topography creates challenges for reparcelization and redevelopment of the property in a manner that meets development standards. The parcel configuration as proposed is the only configuration that feasibly supports both the assisted living use on Parcel 1 and the retention of commercial uses in the two remaining buildings on Parcel 2 (21,075 SF of gross leasable area in Buildings B and C), resulting in the provision of 10% landscaping, where 20% is required, less than required setbacks for existing Building C and the parking structure, and parking structure lot coverage of 35% where 25% is permitted. If more land were to be allocated to Parcel 2, in order to meet the required lot coverage standard for parking structures and landscaping minimums, the area of Parcel 1 would be reduced, resulting in constraints that would make the assisted living facility infeasible. This property is unique in that it must fulfill the provision of +/-200 parking spaces on Parcel 2, in order to be released from the original 1978 Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District and the City of Rolling Hills Estates.

2. The Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood.

This finding has been met because the size, shape and topography of the site present significant challenges in providing the required parking stall and aisle width dimensions, landscaping, lot coverage for parking structures, and building setbacks, while meeting the conditions of the new agreement between The Village and the Peninsula Center Library for provision of +/- 200 parking stalls on Parcel 2. Adjacent sites are relatively flat and are not encumbered by reciprocal parking/easement agreements that require provision of approximately 200 parking spaces. If the parking structure footprint were to be expanded to allow for additional dimension in the aisle width, the nonconformity of lot coverage would be further increased. The granting of the Variances for less than required landscaping, setbacks of the new parking structure and existing Building C, lot coverage of the parking structure, and provision of nonconforming stall and aisle width dimensions in the parking structure, are necessary for the enjoyment of a substantial property right, possessed by other property owners under like conditions in the same zoning district.

3. The granting of the Variances will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located.

This finding has been met because the proposed improvements would meet PPD criteria, provide the required parking for the intended use and the adjacent Peninsula Center Library, and the proposed improvements would require all necessary Building and Safety permits to be constructed, thereby not being detrimental to the public welfare and neighborhood.

4. The granting of the Variances will not be contrary to the objectives of the General Plan.

This finding has been met because the proposed uses for the overall project (21,075 SF of commercial use and a new parking structure) are in accordance with the Master Plan Land Use Policy for Planning Area 6, the C-G zone and the Mixed-Use Development Overlay.

5. The granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the property.

This finding has been met because the use and activities of the proposed project and the associated parking structure are provided for in the zoning regulations governing the CG/MU zone.

### CONCLUSION

Staff has worked closely with the applicant to address the requirements of the Municipal Code, including the Variance requests. Additionally, staff has worked closely with the Palos Verdes Library District and The Village ownership for more than a year, during the discussions to dissolve the 1978 Construction, Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District, and the City of Rolling Hills Estates (which allows reciprocal ingress, egress, and parking rights on/over each owner's property, as well as a landscape and access easement on Parcel 1), releasing Parcel 1 (Merrill Gardens) and the City of RHE from the agreement, and execute a new Reciprocal Easement Agreement between The Village and The Palos Verdes Library District.

As summarized in the staff report, the Planning Commission is able to support the series of entitlements required to allow a two-lot subdivision, for the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on one lot, the new construction of a two-level parking structure on the second lot, and adoption of a Mitigated Negative Declaration, finding that the project, with mitigation measures, will not have a significant impact on the environment.

The Planning Commission recommends that the City Council:

1. Open the Public Hearing on the Project approvals;
2. Take public testimony;
3. Discuss the issues;
4. Close the Public Hearing on the Project approvals;
5. Adopt Resolution No. 2382, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project;
6. Adopt Resolution No. 2383, approving Tentative Parcel Map No. 72398—a two-lot subdivision, consisting of a 1.48-acre parcel (Parcel 1) and a 1.65-acre parcel (Parcel 2), with commercial condominiums on Parcel 2 and Grading Permit for Project-related grading;
7. Adopt Resolution No. 2384, approving Variances, Conditional Use Permit, and a Precise Plan of Design for the Parcel 1 of Tentative Parcel Map No. 72398;
8. Adopt Resolution No. 2385, approving Variances, Conditional Use Permit, and a Precise Plan of Design for the Parcel 2 of Tentative Parcel Map No. 72398;

## EXHIBITS

### Attached

1. Resolution No. PA-05-16
2. Draft Planning Commission Minutes Excerpt August 1, 2016
3. Merrill Gardens Operating and Parking Management Plans

### Separate

1. Plans
2. Draft Initial Study/Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program, The Village/Merrill Gardens Project (PA-05-16)
3. Resolution No. 2382
4. Resolution No. 2383
5. Resolution No. 2384
6. Resolution No. 2385

**PLANNING COMMISSION**  
**CITY OF ROLLING HILLS ESTATES**  
**LOS ANGELES COUNTY, CALIFORNIA**  
**RESOLUTION NO. PA-05-16**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE PARCEL MAP NO.72398—A TWO LOT SUBDIVISION WITH COMMERCIAL CONDOMINIUMS ON PARCEL 2, CONDITIONAL USE PERMITS, A PRECISE PLAN OF DESIGN, VARIANCES, AND A MITIGATED NEGATIVE DECLARATION FOR THE NEW CONSTRUCTION OF A 114-UNIT RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) ON ONE LOT, AND A NEW 2-LEVEL PARKING STRUCTURE ON PARCEL 2. APPLICANT: TONI REINA ON BEHALF OF CONTINENTAL DEVELOPMENT CORPORATION; LOCATION: 601 SILVER SPUR ROAD AND 600 DEEP VALLEY DRIVE (APNS 7589-002-010, -011, -012)**

WHEREAS, Ms. Toni Reina, on behalf of Continental Development Corporation, filed an application with the Planning Department requesting permission for a Tentative Parcel Map No. 72398—a 2-lot subdivision, for the purposes of the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and the new construction of a two-level parking structure on Parcel 2; such an application as required by Chapters 16.16, 17.30, 17.37, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code; and

WHEREAS, Section 17.30.020(D)(30) of the Rolling Hills Estates Municipal Code requires approval of a Conditional Use Permit for a Residential Care Facility for the Elderly (RCFE) to locate within the C-G Zone and for medical office use within the C-G Zone; and

WHEREAS, an Initial Study was prepared by the City in conformance with the requirements of the California Environmental Quality Act (CEQA). It was found that the project would not have a significant impact on the environment with proper mitigation. As such, a Mitigated Negative Declaration was prepared; and

WHEREAS, in accordance with Section 65033 of the Government Code, the public, abutting cities, affected agencies and districts were notified of the availability of the Initial Study and Mitigated Negative Declaration and were given an opportunity to review and comment; and

WHEREAS, upon giving the required notice the Planning Commission conducted a Public Hearing on the 1st day of August, 2016. All interested parties were given full opportunity to be heard and to present evidence; and

WHEREAS, as a result of studies and investigations made by the Planning Commission and on its behalf, including the facts as set forth in the Initial Study and Mitigated Negative Declaration, and those discussed during the public hearing, the Planning Commission finds as follows:

That the granting of this application will not be materially detrimental to the public welfare or injurious to property and improvements in the Zoning District and neighborhood in which the property is located because the proposed improvements will be regulated via a Conditional Use Permit (Section 17.30.020.D.30) of the Rolling Hills Estates Municipal Code) and a Precise Plan of Design (Section 17.37.020.C), to mitigate project impacts.

That the granting of this application will not be contrary to the objectives of the General Plan because the development is consistent with the General Plan's Goals and Policies and the Mixed-Use overlay zone.

That the granting of this application will not constitute the granting of a use variance within the meaning of the California State Government Code, Section 65906 because a Residential Care Facility for the Elderly (RCFE) project is a use conditionally permitted by Rolling Hills Estates Municipal Code Chapters 17.30 and 17.37.

Mitigated Negative Declaration Findings

Based upon its consideration of the Initial Study and Mitigated Negative Declaration and all public testimony, the Planning Commission finds that there is no substantial evidence

that the project as described herein will have a significant effect on the environment subject to the incorporation of mitigation measures described in the Mitigation Monitoring Program attached hereto as Exhibit B.

Subdivision Findings

WHEREAS, as a result of studies and investigations made by the Planning Commission and on its behalf, hereby finds:

That the granting of the permit will not be materially detrimental to the public welfare, injurious to the property or improvements in the vicinity and zone in which the land is located, will not be contrary to or adversely affect the general comprehensive zoning plan for the city because the proposed 2-Lot Tentative Parcel Map No. 72398 meets all applicable lot size and configuration requirements in the Commercial General/Mixed-Use Overlay District;

That proper and adequate provisions have been made for access to the land to be divided and also to the portion of the land remaining, or that access to the land is by means of dedicated streets of a sufficient width and state of improvement to serve adequately the land described in the application in a safe manner because the proposed 2-Lot Tentative Parcel Map No. 72398 contains land that has access by means of dedicated streets and will continue to provide access to said land by means of dedicated streets;

That proper and adequate provisions have been made for all public utilities and public services including, but not limited to, sewers, fire flow, etc. because adequate provisions have been made for public utilities and public services; the proposed development will obtain will-serve letters from all public utilities and pay appropriate connection fees;

That such land described in the application will not be divided or sold off in portions having an area less than that required by the zone in which it is located or less than the average of the area of single parcels of land in the surrounding vicinity because the proposed 2-Lot Tentative Parcel Map No. 72398 will subdivide the existing 3.13-acre site into two parcels— 1.48-acre (Parcel 1) and 1.65-acre (Parcel 2), consistent with the 1-acre minimum site size in the Commercial General/Mixed-Use Overlay District;

That the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, environmental protection, and other requirements of the Map Act or laws enacted pursuant thereto because the proposed project was reviewed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.: "CEQA"), an Initial Study was prepared by Michael Baker International, to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary, to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance. Based on the Initial Study (IS) prepared for the proposed project, the City has prepared a Mitigated Negative Declaration (MND), in conformance with Section 15080(b) of the State CEQA guidelines;

That no variances from existing development standards as specified in the city zoning ordinance (Title 17 of this code), will be necessary for development of any lot created by the proposed minor land subdivision because the resulting lots will be consistent with lot sizes required in the Commercial General/Mixed-Use District and no variances would be required to develop either of the lots, due to irregular size, shape or topography;

That all lots resulting from a division shall be of a size and configuration sufficient to permit all uses allowable under the existing zoning. Private streets or easements for street purposes shall not be included in making such calculation because the resulting lots will exceed the minimum lot size of 1-acre in the Commercial General/Mixed-Use Overlay District;

That the slopes on minimum yard areas required by applicable zoning for each lot shall not exceed a ratio of four to one (a one foot rise in elevation for every four feet of corresponding horizontal distance) because the resulting lot configurations will not contain sloped areas in minimum yard areas required by the Commercial General/Mixed Use Overlay District that exceed a ratio of four to one.

## Variance Findings

### *Parcel 1*

That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other properties in the same zoning district and neighborhood because the subject property contains a significant descending slope both toward Silver Spur Road, from Deep Valley Drive and along Silver Spur Road from west to east, which will result in the exposure of a portion of the basement level as four stories and up to 56' in height to the highest architectural projection. The overall perceived building height from Silver Spur Road is a Code-complying 44' and 32' from the southern elevation; while the projections above such height are necessary to accommodate mechanical, electrical, and plumbing infrastructure, the building will be lower than adjacent buildings along Silver Spur Road. The proposed lot is currently configured to maintain existing commercial space on Parcel 2, while providing required parking for commercial uses and the adjacent library, per an amended agreement; there is no other location on the resulting site that could support an expanded parking structure to meet the Code compliant stall dimensions, nor is there opportunity to provide a smaller footprint that would have the ability to provide the Code-required number of parking spaces for the intended use. This property is unique in that it must fulfill these requirements on adjacent Parcel 2, in order to be released from the original 1978 Operation and Reciprocal Easement Agreement between The Village, the Palos Verdes Library District and the City of Rolling Hills Estates.

That such Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood because the size, shape and topography of the site, present significant challenges in providing the required parking stall dimension, lot coverage, and building height, while meeting the conditions of the new agreement between The Village and the Peninsula Center Library for provision of parking on Parcel 2. Adjacent sites are relatively flat and are not encumbered by reciprocal easement agreements that require provision of approximately 200 parking spaces. If the building footprint were to be expanded to allow for additional dimension in the parking structure, the nonconformity of lot coverage would be increased, as well as potentially the building height nonconformity. The granting of the Variances for building height projections, lot coverage, and provision of structured parking that contains nonconforming stall dimensions is necessary for the enjoyment of a substantial property right, possessed by other property owners under like conditions in the same zoning district.

That the granting of the Variances will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located because the proposed improvements would meet Precise Plan of Design criteria, provide the required parking for the intended use, and the proposed improvements would require all necessary Building and Safety permits to be constructed, thereby not being detrimental to the public welfare and neighborhood.

That the granting of the Variances will not be contrary to the objectives of the General Plan because Goal 2 of the Housing Element of the General Plan states that the City shall promote new housing opportunities to meet the needs of existing and future residents while preserving the City's rural character. The City's population is significantly older than Los Angeles County as a whole, and over the next 40 years the City's senior population is projected to grow by 174% compared to just 30% for the County's total population. The City has little vacant land for development, and by developing the assisted living facility, while preserving commercial development and providing parking to the adjacent library, the project will meet the needs of existing and future residents, the existing rural character will be further preserved, while providing significant benefits to the community.

That the granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of the property because a Residential Care Facility for the Elderly is a conditionally permitted use in the C-G zoning/Mixed-Use Overlay district and the granting of the Variances would result in providing the Code-complying number of parking stalls (63) for the intended use, while fulfilling parking requirements of the new Reciprocal Parking Easement Agreement between The Village and The Palos Verdes Library District.

*Parcel 2*

That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other properties in the same zoning district and neighborhood because the subject site topography creates challenges for reparcelization and redevelopment of the property in a manner that meets development standards. The parcel configuration as proposed is the only configuration that feasibly supports both the assisted living use, the commercial uses in the two remaining buildings on The Village parcel (21,075 SF of gross leasable area in Buildings B and C), and the required parking under the new Reciprocal Parking Easement Agreement, serving the adjacent library. If more land were to be allocated to The Village parcel in order to meet the lot coverage standard applicable to parking structures, the area of the Parcel 1 would be reduced, resulting in additional Variances for the proposed assisted living facility.

That such Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood because commercial uses, including the provision of structured parking are permitted uses within the Commercial General/Mixed-Use Overlay District; however, the site is unique in that it is encumbered by the original 1978 Operation and Reciprocal Easement Agreement to provide approximately 200 parking stalls for joint Peninsula Center Library and Village use, necessitating the construction of the two-level parking structure. Granting of the Variances will allow the applicant to construct the parking structure on Parcel 2 that will provide satisfactory parking for onsite commercial uses, while serving the parking needs of the Peninsula Center Library via the new Reciprocal Parking Easement Agreement between The Village and The Palos Verdes Library District.

That the granting of the Variances will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located because Building C is existing and as no changes are proposed to this building, and it will continue to function cohesively with the redevelopment of the site. The proposed parking structure is in scale with adjacent development (one above ground level); the design will be attractive and will incorporate appropriate landscaping. The parking structure will provide a public benefit because in addition to providing parking for The Village commercial uses, this parking facility will serve parking needs of the Peninsula Center Library via the new Reciprocal Parking Easement Agreement.

That the granting of the Variances will not be contrary to the objectives of the General Plan because the proposed uses for the overall project (21,075 SF of commercial and medical office use, commercial condominiums, and a new parking structure) are in accordance with the Master Plan Land Use Policy for Planning Area 6, the C-G zone and the Mixed-Use Development Overlay.

That the granting of the Variances will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of the property because the use and activities of the proposed project and the associated parking structure are provided for in the zoning regulations governing the CG/MU zone.

WHEREAS, final approval of Parcel Maps for properties with the City of Rolling Hills Estates requires approval of the City Council; and

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills Estates does hereby resolve as follows:

SECTION 1. That the foregoing facts constitute conditions necessary to recommend approval of Tentative Parcel Map No. 72398—a 2-lot subdivision, for the purposes of the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and the new construction of a two-level parking structure on Parcel 2; such an application as required by Chapters 16.16, 17.30, 17.37, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code, and that said Permits be granted subject to the following conditions which are recommended by the Planning Commission, which must be met at all times by the applicant, unless otherwise stated, in order to enjoy the use of the subject property for any and all uses permitted by the granting of the subject permits.

### General Conditions

1. That all improvements hereafter constructed or installed on land which is the subject of this approval shall be located substantially as shown on Exhibit A and constructed of materials indicated on the materials and color board, and/or as required under the Municipal Code and/or as required in these conditions.
2. The conditional use permits are being granted for a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and 7,745 SF of medical office use in Building B on Parcel 2. The RCFE project requires 63 parking spaces, with a maximum of 20 employees on the greatest shift. Any minor changes in the operational characteristics, including e.g., a change in occupancy configuration that does not increase the total number of licensed beds, may be approved by the Planning Director, while major modifications will require review and approval by the Planning Commission.
3. That all applicable requirements of the State, County, City, and other governmental entities shall be met, and that prior to commencing any work and prior to applying for a building or grading permit, a zone clearance shall be obtained from the Planning Department.
4. That any substantial modification including, but not limited to, exterior building elevations, site plan design, and landscaping, shall receive prior approval of the Planning Commission; minor modifications may be approved by the Planning Director.
5. That in the event of one or more violations of these conditions, the City Manager shall have enforcement capability to remedy such violations and/or revoke said approvals.
6. That the applicant shall submit plans for approval by the City Manager for all improvements required herein.
7. That, unless the use is inaugurated or construction of the project is commenced and being diligently pursued not later than one year after the date that all required approvals are granted by the City Council, and subject to extension for any legal challenges to the approvals initiated by third parties, the approvals will automatically expire on that date. However, if there have been no changes in the proposed plans or adjacent areas, the Planning Commission may grant a time extension for use inauguration up to an additional one year period.
8. The applicant shall defend, hold harmless and indemnify at his own expense the City, its agents, officers and employees, from any claim, action, or proceeding, to attack, set aside, void or annul the approval granted in this resolution and shall reimburse the City, its agents, officers and employees for any damages, court costs and attorney's fees incurred as a result of such action. The City at its sole discretion may participate in the defense of any such action but such participation shall not relieve applicant of his obligation under this condition.

### Planning

9. The applicant shall submit a more detailed parking management plan to include, but not limited to: expanded provisions for off-site parking arrangements, determine appropriate parking stalls to be designated as "Visitor Only". The parking management plan shall include a maximum number of parking stalls available for resident use; a corresponding procedure for implementation of a waiting list shall be provided, should the maximum number of resident vehicles be reached. The parking management plan shall be subject to approval by the Planning Director prior to issuance of building permit. The Planning Department will conduct periodic reviews of the parking management plan, and may require revisions to the plan to reduce or avoid parking-related impacts from the project.
10. Prior to issuance of building permits, the project applicant shall provide a final landscape plan that illustrates compliance with RHEMC Chapter 17.59 Water Efficient Landscapes. The landscape plan shall be subject to third party review and approval, and an installation inspection shall be conducted to ensure the landscaping areas have been installed according to plan, prior to issuance of Certificate of Occupancy.
11. A maintenance plan for on-site litter control shall be submitted by the applicant and approved by the Planning Director prior to issuance of Certificate of Occupancy. The litter control maintenance plan shall include provision for on-going maintenance required by the project use. The maintenance plan shall include the following standards: the entire

development area shall be maintained in a neat, safe, and healthful condition. The applicant shall prepare an agreement to implement a weekly litter cleanup plan for all open areas, planters, and public sidewalks adjacent to site. This plan shall include the coordination of disposal of waste and recycling in receptacles to be located in common open space areas. All waste materials generated by the development, such as cardboard, skids, garbage, litter, etc., must be stored in private receptacles for disposal. No waste material shall be visible at any time. All common area receptacles shall be kept clean and free of odors at all times.

12. A detailed site lighting plan shall be submitted for review and approval by the Planning Director, and shall meet City standards. Site lighting shall be directed downward to protect adjacent residential neighborhoods from glare, yet provide safety for residents utilizing common walkways and open space areas.
13. The applicant shall propose a complementary color palette for all site retaining walls, fences, gates, and trellis structures, that is compatible with the natural topography of the site, as well as the proposed improvements, subject to review and approval by the Planning Director.
14. The applicant shall be subject to full compliance with Order No. R4-2012-0175, Municipal Separate Storm Sewer System (MS4) NPDES Permit for Coastal Watershed of Los Angeles County.
15. That any roof-mounted equipment shall be screened from view to the satisfaction of the Planning Director.
16. Parcel 2 shall be equipped with proper infrastructure to accommodate two (2) Electric Vehicle (EV) charging stations in the parking structure. Applicant shall work with Planning Director staff to determine appropriate location.
17. All deliveries of commercial goods and supplies; trash pick-up (including the use of parking lot trash sweepers); and the operation of machinery or mechanical equipment that emits noise levels in excess of 65dBA shall only be allowed between the hours of 7:00 AM and 7:00 PM daily.

#### Public Works

18. ADA compliant ramps and truncated domes will be required at the Drybank and Silver Spur and Deep Valley Drive intersections.
19. Any damage to sidewalks, curbs, gutters and/or streets as a result of construction will need to be repaired or replaced. The brick sidewalk on the Silver Spur/Drybank corner shall be replaced with concrete and a street overlay to the satisfaction of the Public Works Director.
20. Landscaping improvements in the Public Right of Way will be required on the perimeter of the project, subject to review and approval by the Park and Activities Commission.
21. Street overlay will be required for length of project on the south side of Silver Spur Road, subject to approval by the Assistant City Manager/Public Works Director.
22. The applicant shall work with the City Engineer to revise signal timing at the intersection of Silver Spur Road and Drybank Drive to allow adequate time for crossing both intersections, in accordance with California MUTCD speed for older or disabled persons.

#### Fire

23. Access shall comply with Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
24. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
25. This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact the Fuel Modification unit,

Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205, for details)

26. Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

#### County Sanitation Districts of Los Angeles County

27. The applicant shall obtain a Will Serve letter from the County Sanitation Districts of Los Angeles County prior to issuance of building permits.
28. A sewer connection fee will be required prior to issuance of a permit to connect to the sewer, by the County Sanitation Districts of Los Angeles County.

#### Noise

29. During construction activities, a temporary noise barrier (e.g., construction curtain) shall be installed along the eastern property line to screen the Peninsula Center Library from construction noise. The project applicant shall demonstrate that the temporary noise barrier/construction curtain will achieve a noise reduction of at least 10 decibels by specifying the exact STC (sound transmission class) rating that would achieve this reduction, as determined by an acoustical engineer.

#### Cultural Resources

30. A qualified archaeologist approved by the Planning Director of the City of Rolling Hills Estates shall be present for all initial ground-disturbing activities associated with the project. The archaeological monitor shall be responsible for the identification of cultural resources that may be impacted by project activities. The monitor may stop ground-disturbing activities in order to assess any discoveries in the field. Archaeological monitoring may be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits or when the qualified project archaeologist determines that monitoring is no longer warranted. The project archaeologist shall be responsible for determining the duration and frequency of monitoring.
31. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section 21082), the archaeologist may exhaust the data potential of the find through the process of field-level recordation and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.
32. If any paleontological resources are found during future development of the project site, all work in the immediate vicinity of the find must stop and the Rolling Hills Estates Planning Department shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate handling and recovery methods. Construction in the vicinity of the find(s) shall not resume until deemed appropriate by the qualified site paleontologist.
33. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

Hazards and Hazardous Materials

- 34. The project applicant shall be required to retain an EPA-Certified Asbestos Professional and EPA Lead-Safe Certified contractor to prepare an Asbestos/Lead Paint Management Plan that includes lead and asbestos inspection notes and sampling results, as well as a Respiratory Protection Program, Medical Surveillance Requirements, an Injury and Illness Program, asbestos-containing building materials disposal requirements, and a Periodic [Asbestos] Surveillance Schedule. All asbestos-containing building materials and lead paint identified in the Asbestos/Lead Paint Management Plan shall be removed and disposed of by an EPA-Certified Asbestos Professional and EPA Lead-Safe Certified contractor, as appropriate, in accordance with all state and federal regulations.
- 35. The project applicant shall be required to complete all site remediation actions contained in the Remedial Action Plan prepared for the project site by Bowyer Environmental Consulting in March 2014 (see Appendix D of the IS/MND).
- 36. That all project Mitigation Measures, as identified in the attached Mitigation Monitoring Program (Exhibit B), shall be completed to the satisfaction of the responsible Department/agency.

SECTION 2. That the Planning Commission hereby recommends that the City Council find that the Initial Study and Mitigated Negative Declaration have been completed in compliance with CEQA and the State Guidelines, and recommends approval of the Mitigated Negative Declaration.

SECTION 3. That the Planning Commission recommends approval to the City Council of all project entitlements (Tentative Parcel Map No. 72398—a 2-lot subdivision, for the purposes of the new construction of a 114-unit Residential Care Facility for the Elderly (RCFE) on Parcel 1 and the new construction of a two-level parking structure on Parcel 2; Conditional Use Permits, a Precise Plan of Design, and Variances).

SECTION 4. If any portion of this approval is violated or held to be invalid or if any law, statute, or ordinance is violated by the issuance of this approval or by any one or more of the requirements thereof, said use shall be void and privileges herewith shall lapse and such use shall thereupon cease.

SECTION 5. That the City Clerk shall certify to the adoption of this Resolution and shall keep a copy of same to be submitted to the City Council with such other documents and records of proceedings as may be designated by the Chairman and Planning Commission.

ADOPTED this 1st day of August, 2016.

  
ROBERT SCHACHTER, CHAIRMAN

ATTEST:

  
DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. PA-05-16 was adopted by the Planning Commission of the City of Rolling Hills Estates at a regular meeting held thereof on the 1st day of August, 2016, by the following vote:

AYES: Conway, Medawar, Thomas, Zigrang, Yoo, Scott, Chairman Schachter

NOES:

ABSENT:

ABSTAIN:

  
DOUGLAS R. PRICHARD, CITY CLERK

## CITY COUNCIL POLICY

**NUMBER:** 34

**DATE ADOPTED:** 09/04/01 (Amended 10/##/16)

**SUBJECT:** Border Issues

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### **POLICY:**

It shall be the policy of the City Council that it shall be briefed from time to time regarding "Border Issues" that have the potential to adversely impact residents of the City of Rancho Palos Verdes. "Border Issues" consist of individual projects that are likely to have direct impacts on City residents on their own, as well as projects that, together with other projects, could create cumulative impacts to City residents. The procedure for addressing such issues shall be as follows:

- 1) When City Staff receives notices or other information regarding proposed projects that are located outside of the City's borders but with the potential to impact City residents, City Staff shall report such information to the City Council as described in Section 3 below. Such proposed projects shall include, but not be limited to, proposed land use development projects, events, or special uses in the neighboring cities and communities of Rolling Hills, Rolling Hills Estates, Palos Verdes Estates, San Pedro, Lomita and unincorporated Los Angeles County.
- 2) Reports to the City Council on any such "Border Issue" proposed project shall include a description of the proposed project and the current status of the proposed project.
- 3) Updates on Border Issues shall be provided to the City Council from time to time via the City's Weekly Administrative Report. These updates shall also be provided to the general public and interested parties via the City's Border Issues Status Report listserv and on the Border Issues Status Report page (<http://www.rpvca.gov/781/Border-Issues-Status-Report>) on the City's website.
- 4) Upon receipt of notices or other information regarding potential Border Issues, Staff may take one of the following actions:
  - A) Determine that no potential impacts would result to City residents and take no further action regarding the item;
  - B) Determine that potential impacts may result to City residents and coordinate with other City departments to identify what these impacts are, and to provide comments to the public agency, project proponent

**City Council Policy No. 34**

**Border Issues**

**Page 2**

and/or property owner regarding these impacts and Staff's recommendations to address them.

- C) Determine that significant adverse impacts may result to City residents and present the Border Issue to the City Council to possibly establish a City position on the proposed project and give specific direction to Staff.
- 5) Unless otherwise directed by the City Council, Staff will have the ability to take one or more of the following actions:
- A) Respond to any CEQA notices:
  - B) Draft a letter to the lead agency stating the City's position on the project;
  - C) Attend any public hearings, workshops or any other informational meetings on the proposed project;
  - D) Meet with representatives of the lead agency proposing the project.
- 6) Projects shall remain on the status report until the items are deemed closed.

DRAFT

## CITY COUNCIL POLICY

NUMBER: 34

DATE ADOPTED: 09/04/01 (Amended 10/##/16)

SUBJECT: Border Issues

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### POLICY:

It shall be the policy of the City Council that ~~it shall be briefed from time to time regarding at least once a month, the City Council agenda shall contain an item to discuss~~ "Border Issues" that have the potential to adversely impact residents of the City of Rancho Palos Verdes. "Border Issues" consist of individual projects that are likely to have direct impacts on City residents on their own, as well as projects that, together with other projects, could create cumulative impacts to City residents. The procedure for addressing such issues shall be as follows, ~~which is summarized in the attached flow chart:~~

- 1) When City Staff receives notices or other information regarding proposed projects that are located outside of the City's borders but with the potential to impact City residents, City Staff shall report such information to the City Council as ~~part of the Council's monthly "Border Issues" agenda item described in Section 3 below.~~ Such proposed projects shall include, but not be limited to, proposed land use development projects, events, or special uses in the neighboring cities and communities of Rolling Hills, Rolling Hills Estates, Palos Verdes Estates, San Pedro, Lomita and unincorporated Los Angeles County.
- 2) ~~The Staff Reports~~ to the City Council on any such "Border Issue" proposed project shall include a description of the proposed project and the current status of the proposed project.
- 3) ~~A copy of the Staff Report on such proposed projects shall be mailed to the Council of Homeowners Associations and any Homeowners Associations on file with the City that are located in the proximity of the proposed project.~~ Updates on Border Issues shall be provided to the City Council from time to time via the City's Weekly Administrative Report. These updates shall also be provided to the general public and interested parties via the City's Border Issues Status Report listserv and on the Border Issues Status Report page (<http://www.rpvca.gov/781/Border-Issues-Status-Report>) on the City's website.
- 4) Upon receipt of ~~the Staff Report notices or other information regarding potential Border Issues, the City Council shall consider any public testimony and~~ Staff may take one of the following actions:

**City Council Policy No. 34**  
**Border Issues**  
**Page 2**

- A) Determine that no potential ~~adverse~~ impacts would result to City residents and ~~direct that take~~ no further action ~~be taken on~~ regarding the item;
  - B) Determine that potential ~~adverse~~ impacts may result to City residents and coordinate with other City departments to identify what these impacts are, and to provide comments to the public agency, project proponent and/or property owner regarding these impacts and Staff's recommendations to address them ~~direct the Border Issues sub-committee to monitor the proposed project and make a recommendation to the City Council as to what, if any, position the City should take on the project.~~
  - C) Determine that significant adverse impacts ~~will~~ may result to City residents and present the Border Issue to the City Council to possibly establish a City position on the proposed project and give specific direction to ~~the sub-committee and/or~~ Staff.
- 5) Unless otherwise directed by the City Council, ~~when a project is referred to the sub-committee for monitoring, the sub-committee~~ Staff will have the ability to take one or more of the following actions:
- A) ~~Direct Staff to r~~ Respond to any CEQA notices;
  - B) ~~Direct Staff to d~~ Draft a letter to the lead agency stating the City's position on the project;
  - C) Attend ~~or direct Staff to attend~~ any public hearings, workshops or any other informational meetings on the proposed project;
  - D) Meet with representatives of the lead agency proposing the project.
- ~~6) The sub-committee shall monitor projects, when directed to do so by the City Council, until the City Council deems otherwise. Unless otherwise directed by the City Council, monitoring reports shall be submitted to the City Council as part of the monthly "Border Issues" agenda item and may be accompanied by oral reports from the sub-committee members.~~
- 7)6) Projects shall remain on the monthly status report ~~to the City Council~~ until the ~~City Council removes the items or are deems deemed~~ the item closed.