

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**OCTOBER 15, 2001**

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:30 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN BAYER.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Commissioners Present: Conway, Vullo, Zerunyan, Rein, Killen, Somers (arrived at 7:33 p.m.),  
Chairman Bayer

Commissioners Absent: None

Staff Present: Director Orci

Senior Planner Wahba

Assistant Planner Wong

4. APPROVAL OF MINUTES

COMMISSIONER ZERUNYAN moved, seconded by COMMISSIONER CONWAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION  
MEETING OF OCTOBER 1, 2001.

There being no objection, CHAIRMAN BAYER so ordered.

5. AUDIENCE ITEMS

None.

6. CONSENT CALENDAR

- A. PLANNING APPLICATION NO. 25-01; APPLICANT: CINGULAR WIRELESS; LOCATION: 46  
PENINSULA CENTER; A PRECISE PLAN OF DESIGN FOR A BUSINESS IDENTIFICATION SIGN  
WITH A LOGO AND WINDOW SIGN WITH LOGO.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER ZERUNYAN,

TO APPROVE PLANNING APPLICATION NO. 25-01.

AYES: Conway, Vullo, Zerunyan, Rein, Killen, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: Somers

Senior Planner Wahba explained the 20-day appeal period for Item 6A.

7. BUSINESS ITEMS

None.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 18-01; APPLICANT: MR. & MRS. ROBERT EHRlich; LOCATION: 42 SANTA BELLA ROAD; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR CONSTRUCTION OF A NEW SPLIT-LEVEL HOME ON A VACANT LOT; A GRADING PERMIT TO CREATE A BUILDING PAD AND TO FILL PORTIONS OF THE FRONT YARD FOR A DRIVEWAY; VARIANCES FOR A DRIVEWAY EXCEEDING 15% IN SLOPE AND FRONT YARD WALLS EXCEEDING 2' IN HEIGHT; AND A REVIEW OF A MITIGATED NEGATIVE DECLARATION.

Assistant Planner Wong gave a staff report and reviewed the proposal. He stated that staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the issues; and
4. Continue PA 18-01 and direct the applicant to address the concerns stated in the report on the Neighborhood Compatibility Determination.

In response to COMMISSIONER SOMERS, Senior Planner Wahba stated that a portion of the driveway slope is at 25 percent in the middle. He said the Code allows for a 15 percent driveway. Based on the topography, the Commission has discretion to consider the driveway slope. He also said that the applicant is trying to respect the topography as much as possible, and at the back of the house beyond the proposed building pad, there is essentially no grading.

In response to COMMISSIONER VULLO, Senior Planner Wahba explained that the cars would have to back out of the driveway. However, the location is in a cul-de-sac with little traffic, and the driveway drops to 15% at the front property line with a flat driveway apron.

In response to questions from COMMISSIONER CONWAY, Senior Planner Wahba informed that the geotechnical report has not been reviewed and approved by the County, there is not a 20-foot standing area in the driveway, and the heavy equipment will be parking closer to the front where it's not as steep.

COMMISSIONER CONWAY reviewed and commented on the following Environmental Impact Issues:

Geology and Soils

- d. A mitigation measure to be included that mirrors Item c.

Hydrology and Water Quality

- a. Should be less than significant impact.

Noise

- d. Should be less than significant impact. He further requested a mitigation measure be included that grading activities will stop during periods of sustained wind velocity over 25 mph.

f. Correction – The project is not located within the vicinity of a private airstrip.

In response to questions from COMMISSIONER CONWAY, Senior Planner Wahba explained the drainage configuration and stated that the facilities are under County jurisdiction. He also said there is a mitigation monitoring program. He also said there was a horsekeeping area identified in the plans towards the bottom of the site.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO OPEN THE PUBLIC HEARING.

AYES: Conway, Vullo, Zerunyan, Rein, Killen, Somers, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: None

Bob Ehrlich, 42 Santa Bella Road, stated he is available for questions.

In response to COMMISSIONER CONWAY, Mr. Ehrlich stated that he has been aware of having to back out of the garage per the design.

In response to COMMISSIONER SOMERS, Mr. Ehrlich informed that he has owned the property almost a year and does plan to reside there. He further informed that the 25 percent slope of the driveway is at a very short distance. He said that the majority of the homes in the area have driveways that require backing out.

Kurt Peters, designer of the project, stated their intention of the design is to preserve as much land as possible. He said the actual lot coverage is approximately 6% of the site, and the building fits nicely between the two buildings, preserving the character of the neighborhood. He said that the building is fairly low, sitting back approximately 20' to allow the design of the driveway. He also said they tried to break down the building to step down the hill, incorporating the ranch feel into the house while preserving the hillside character of the project. He also informed that the neighbors are in favor of the design.

In response to question from COMMISSIONER CONWAY, Mr. Peters explained that the roof runoff would be collected and dispersed in a french drainage system somewhere below the house and from there would sheet flow down the hill. He further informed that there would be a total of approximately 190 yards removed from the site. He also said that any structural slab on the site requires either recompaction or a structure underneath to hold it. He indicated that the house sits on a structural slab.

In response to COMMISSIONER VULLO, Senior Planner Wahba explained that the requirement for a drainage plan could be handled as a condition of approval.

In response to COMMISSIONER REIN, Mr. Peters stated that most of the homes are set back 15 feet which were based on the previous code. He said that they situated the building as close to the street as possible.

In response to COMMISSIONER SOMERS, Mr. Peters indicated that the County would review the driveway.

In response to CHAIRMAN BAYER, Mr. Peters stated that only the top part of the home would be viewed from the street.

COMMISSIONER KILLEN stated that the site is extremely difficult to design and he suggested that the garage be rotated 40 degrees bringing some structure over the top, softening the impact. He also suggested stair-stepping the retaining walls. He further expressed concern with the 25 percent driveway slope. Mr. Peters indicated that they explored this option but the driveway just became larger and the building lifted up higher.

COMMISSIONER VULLO suggested installing a stairway for access, due to the sloped condition. Mr. Peters indicated that they had to remove a walkway that was installed due to the front lot coverage. He said, however, that they would consider stepping stones within the landscape.

In response to COMMISSIONER REIN, Mr. Peters stated that the PV stone was removed from the front because it looked too heavy per staff recommendation. He further said that the current style of the home would be considered as a hillside country ranch home. He also explained that the house is set on a hill with various homes in the area having a view of the home.

In response to COMMISSIONER REIN, Senior Planner Wahba stated that the average size home of 2200 square feet was generated for the entire neighborhood from a Neighborhood Compatibility report prepared for the neighborhood.

Melissa Ehrlich stated that they explored all options and had no other choice but to go with the proposed design of the garage.

COMMISSIONER CONWAY expressed concern with the 25% grade on the driveway without a standing area.

COMMISSIONERS SOMERS AND REIN agreed and expressed concern with safety issues.

COMMISSIONER KILLEN suggested creating a turnaround and designing the driveway head first.

In response to COMMISSIONER KILLEN, Director Orci noted impacts to bringing the home higher or making the driveway flatter including higher retaining walls, additional front yard coverage, additional height and plate heights.

COMMISSIONER KILLEN suggested that at the point of 498.0 at the driveway be flattened out within the apron area and stretching the retaining walls in the front yard, separation between the garage and the entryway, and that the home have more overhangs with a more definitive ranch style.

Mr. Peters suggested making changes to address the safety concerns through additional variances.

COMMISSIONER VULLO moved, seconded by COMMISSIONER KILLEN,

TO CLOSE THE PUBLIC HEARING.

AYES: Conway, Vullo, Zerunyan, Rein, Killen, Somers, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: None

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO CONTINUE PA NO. 18-01 TO A DATE UNCERTAIN AND DIRECT THE APPLICANT AND STAFF TO WORK TOGETHER TO ADDRESS THE NEIGHBORHOOD COMPATIBILITY ISSUES AND ANY RESULTANT IMPACTS TO THE INITIAL STUDY.

AYES: Conway, Vullo, Zerunyan, Rein, Killen, Somers, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: None

B. PLANNING APPLICATION NO. 27-01; APPLICANT: SANITATION DISTRICTS; LOCATION: 25680 HAWTHORNE BLVD.; A REQUEST TO AMEND CONDITION NO. 28 OF CUP-107-85 TO IMPORT NATURAL GAS TO THE SITE TO SUPPLEMENT THE ON-SITE METHANE GAS. NO EXPANSION OR CONSTRUCTION IS PROPOSED.

Senior Planner Wahba gave a staff report and reviewed the site and location. He stated that there would be no environmental impacts generated. He also noted that the CUP does not include a "sunset clause" or hours of operations for the PVERG. He suggested that the Commission may wish to include a condition in the CUP Resolution that limits the facilities use of natural gas and/or the hours of operation in which the facility is allowed to operate at peak demand.

He stated that staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the matter; and
4. Direct staff to prepare an amendment to Resolution No. CUP-107-85, modifying Condition No. 28, as summarized in the "Findings" section of this report.

In response to COMMISSIONER ZERUNYAN, Director Orci stated that the facility is operated solely by the Sanitation District, separate from the County. However, the County is the lead agency from an environmental point of view.

In response to COMMISSIONER ZERUNYAN, Senior Planner Wahba stated there would be a fiscal benefit to the City at \$100,000 annually, running at full capacity. He also said that the natural gas would be coming from the existing gas lines that are in place and are sufficient to carry the natural gas to the site and not be hazardous to the City or surrounding residents.

In response to CHAIRMAN BAYER, Senior Planner Wahba stated that the facility generated 13 MW when it was first built which was its original design capacity. He also informed that the CUP has a condition that once the methane gas is depleted, the facility would be dismantled and returned back to natural conditions.

In response to COMMISSIONER VULLO, Senior Planner Wahba confirmed that the Initial Study was issued solely by the Sanitation District.

In response to COMMISSIONER SOMERS, Senior Planner Wahba stated that staff has not received any statistics to indicate the extent of State electrical shortages that still exist and their expected duration.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER SOMERS,

TO OPEN THE PUBLIC HEARING.

AYES: Conway, Vullo, Zerunyan, Rein, Killen, Somers, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: None

Don Nellor, LACSD, stated that there has been an energy crisis and this existing facility has capacity that could be utilized. He explained that they have a contract with SCE and the power goes into the grid. He said that the power is a very small increment and no construction of infrastructure would need to take place. He explained that during the summertime, all the legal arrangements took place to sell the excess power and it was requested that the City consider a waiver, which was granted for 90 days. For the months of August and September, full capacity was reached at 12 MW. Since October 1, the State has gone off the peak demand period and excess power has not been sold at the facility and now the facility is down to approximately 6 MW. The maximum level would be provided when needed only.

In response to COMMISSIONER ZERUNYAN, Mr. Nellor stated that they have been operating at approximately 6 MW for the last two years, except for August and September at 12 MW. He said their contract is with Edison and a certain amount of KW needs to be available for their purchase. He also said

they have an additional contract to sell the excess amount. He further said if they don't get the permission that they are seeking, then excess power will not be sold and they will continue to operate the facility as it was originally conceived. He said, however, there will come a time economically to be more cost effective to flare the gas rather than to continue to operate the facility. He believed that if they are allowed to burn natural gas, they will more than likely operate the facility longer. He further said that they will be operating the plant for at least five years under the current contract, if Edison doesn't file for bankruptcy.

In response to COMMISSIONER VULLO, Mr. Nellor stated that natural gas is the preferred way to create energy in the State of California. He also said that they are currently not flaring any gas at the present time, and all the gas is consumed. They do flare when the facility goes down for repairs. He said as long as the plant is operating, there is an incentive to use the landfill gas in the plant since it is free. He believed it is a benefit to the City to have the plant operating as the preferred way to manage the landfill gas.

In response to COMMISSIONER ZERUNYAN, Mr. Nellor stated that hours imposed by the City Manager is acceptable currently. He said that they would agree to not flare until they are done with the facility, if they are allowed the use of the natural gas.

In response to COMMISSIONER VULLO, Mr. Nellor explained that the County and Sanitation Districts have a joint power agreement that governs the maintenance of the site. He also informed that all of the revenues coming from the project have stayed at the site. He said if the plant were shut down, the land use would be turned over to the County for recreational use. The Sanitation District would still maintain the use of the land as long as the Sanitation District is maintaining the co-generation plant, and this would have no impact with the recreational use.

In response to COMMISSIONER CONWAY, Mr. Nellor said that there is a very detailed post closure monitoring and maintenance plan in place for the property. He said that the sanitary landfill is classified and monitoring is occurring at this time. He also said there is no methane off the site at all due to the collection system. He further informed that they will maintain control of the gas on the site, whether or not it is used for energy recovery or it is flared. He also said that they are under very restrictive control, with inspectors from AQMD walking the site and looking for methane emissions. He said they report to the Department of Health Services on all of the wells and monitoring probes on the site.

In response to COMMISSIONER SOMERS, Mr. Nellor said there would be no greater impacts than what was originally contemplated by the design of the project in the original approval. He also said there would be no greater noise generated by operating at full capacity with the natural gas as opposed to methane, and are consistent with the original approval.

In response to COMMISSIONER VULLO, Mr. Nellor explained that start up does have a noise impact but if they have to go off line in the evening, they typically start up the next morning.

In response to COMMISSIONER ZERUNYAN, Mr. Nellor said they are proposing to use natural gas and from an emissions standpoint, this would be a better situation than what was originally approved and there would be no compromise of safety with the proposal. He also said that the facility will operate as long as it can to manage the gas being created from the landfill.

Vince DiFiore, 16 Roanwood Drive, expressed concern with the operation ceasing and becoming a recovery plant and strictly a power plant. He said when methane gas is no longer being extracted in any appreciable amount, he believed it would be appropriate to close down the power plant, as it would no longer need to exist. He also believed that the power plant would not be needed to assist during shortages. He also believed that if a shortage wasn't occurring at the time the request for import of natural gas was made, the City would not have granted the request.

Paul Giliano, 27 Moccasin Lane, said it was specified that when the methane gas had exhausted, the site would be disabled. He said that the City is not in the business of generating electricity, and the site would be a natural site for the golf course, pro shop, etc.

Mr. Nellor clarified that the Sanitation District's Boards of Directors and Mayors of the Cities approved the Negative Declaration.

In response to CHAIRMAN BAYER, Mr. Nellor indicated that they are going through a process of refurbishing the gas collection system with a new series of wells installed along the northeast boundary of the property, which may help boost the amount of methane that is currently being collected.

In response to COMMISSIONER KILLEN, Mr. Nellor explained that the amount of methane varies over the day due to barometric pressure, air intrusion, etc. He said that 6 MW is an average produced within a day.

In response to COMMISSIONER CONWAY, Mr. Nellor explained that they control the level of suction on the subsurface system and they have to meet an AQMD requirement for surface emissions at the site. He said that the community would be protected in terms of emission and migration. He also said that even if the system became uneconomical, they would still be required to collect the methane and incinerate or flare it.

In response to COMMISSIONER SOMERS, Mr. Nellor believed that for the next five years, they would continue to operate the project on just landfill gas only, given the current energy contract that they have with Edison. If something should happen to Edison, then an economic decision would have to be made sooner.

COMMISSIONER VULLO moved, seconded by COMMISSIONER ZERUNYAN,

TO CLOSE THE PUBLIC HEARING.

AYES: Conway, Vullo, Zerunyan, Rein, Killen, Somers, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: None

COMMISSIONER CONWAY stated he is in support of this request to import natural gas until such a time there is virtually no methane gas. He also said he has no issue with a sunset clause.

COMMISSIONER VULLO agreed and said he would like to see the sunset clause in place.

COMMISSIONER ZERUNYAN stated he is in support of the request and that the natural gas will be safer. He would like to see all of the methane gas gone, and that a sunset clause is important.

COMMISSIONER REIN agreed with the COMMISSIONERS.

COMMISSIONER KILLEN stated that the facility should continue to sunset itself at 50 percent, and that the City should not be in the energy business.

COMMISSIONER SOMERS agreed with the request and pointed out that while they are utilizing natural gas, the maximum amount of methane would be obtained and there would be no flaring.

CHAIRMAN BAYER agreed with the COMMISSIONERS and said that the sunset clause is excellent.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER ZERUNYAN,

TO DIRECT STAFF TO PREPARE AN AMENDMENT TO RESOLUTION NO. CUP-107-85, MODIFYING CONDITION NO. 28, AS SUMMARIZED IN THE "FINDINGS" AND INCORPORATE A SUNSET CLAUSE EFFECTIVE DECEMBER 31, 2005 TO BRING BACK TO THE PLANNING COMMISSION FOR FURTHER REVIEW AT THAT TIME, AND INCORPORATE HOURS THAT ARE AMENABLE TO THE CITY AND THE SANITATION DISTRICT.

AYES: Conway, Vullo, Zerunyan, Rein, Somers, Chairman Bayer

NOES: Killen  
ABSTAIN: None  
ABSENT: None

Senior Planner Wahba stated that staff will bring back a Resolution for adoption at the meeting of November 5, 2001.

C. PLANNING APPLICATION NO. 3-01; APPLICANT: MICHAEL CONWAY; LOCATION: 27739 CONESTOGA DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR FIRST AND SECOND STORY ADDITIONS. A MINOR DEVIATION IS REQUIRED TO CONTINUE A LEGAL NON-CONFORMING SIDE YARD SETBACK INTO THE REAR YARD. A VARIANCE IS REQUIRED FOR A CHIMNEY TO ENCROACH INTO THE HEIGHT-TO-SETBACK RATIO.

Senior Planner Wahba gave a staff report and stated that the issues that staff have remain and that a Variance should not be granted, finding that it is a design hardship. He stated that staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the issues; and
4. Direct the applicant to redesign the project and eliminate the Variance application.

COMMISSIONER KILLEN reviewed a drawing that he submitted.

COMMISSIONER ZERUNYAN moved, seconded by COMMISSIONER REIN,

TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN BAYER so ordered.

Michael Conway, 27739 Conestoga Drive, stated he redesigned the entire project to comply with the Neighborhood Compatibility Ordinance regarding his second story and has not requested any Variance relative to the height-to-setback ratio. He also said he has offset the chimney at 30 degrees with a resulting encroachment now of only 3 square feet into the height setback ratio. He said he has letters of support from neighbors on the north and south and across the street on the east side of the property. He noted that his lot width is 68 feet and only 21 lots or 16 percent of the lots in Larga Vista have a lot width of 68 feet or less. He believed that the 68 feet width would not be a common attribute to the neighborhood and the lot is substandard.

Additionally, he pointed out that the other two-story homes that have fireplaces that comply to the height-to-setback ratio is because their existing structures allowed them to be in the height-to-setback ratio. There had been no previous fireplace structures that have been relocated as a requirement under the height-to-setback ratio.

He further noted that staff indicates in the Findings that the 3-foot encroachment does not provide the desired open space, yet on page 3 of the staff report, it is stated that the desired open space is now provided between the proposed second story and the neighboring structures in their Neighborhood Compatibility Analysis. He further noted that Finding No. 4 states that Neighborhood Compatibility encourages that modifications to existing structures respect the existing pattern of development within the neighborhood. He said he is trying to respect his existing pattern of development by keeping his wood burning fireplace in the living room.

He summarized the following findings:

- The property is substandard by definition at 68 feet



- Retain the tradition of a wood burning fireplace in the living room which is enjoyed throughout the neighborhood
- 3 square feet of the fireplace within the height to setback ratio will not have a materially detrimental effect to the open space requirement in his neighborhood
- A wood burning fireplace is an existing pattern of development in his neighborhood

He further said that a new manufacturer has indicated that there is a proportion of the vertical aspect that needs to be retained relative to the 30 degree length of offset of the chimney. The more the 30 degree angle is continued, the higher his chimney has to be, causing the condition of being either above the height-to-setback ratio or above the maximum height envelope. He also said he cannot reduce the width of his chimney because he has a three-sided fireplace which draws substantially more air.

In response to COMMISSIONER KILLEN, Mr. Conway stated that the flue has to be wider at approximately 30 inches in order to accommodate the draft of his fireplace.

Mr. Conway further informed that the adjoining neighbor to the east is substantially below grade and the 3-foot impact on the open space is unrecognizable.

In response to COMMISSIONER ZERUNYAN, Mr. Conway further explained that all of the homes in Larga Vista have wood burning fireplaces in their living rooms, and he would like to retain this right, and losing this amenity would put him at a disadvantage in the neighborhood. He further pointed out that the fireplace is existing.

In response to COMMISSIONER SOMERS, Mr. Conway stated that the lot is substandard by definition in the Code.

COMMISSIONER KILLEN believed that it can be construed as a substandard lot. Also, the encroachment is very nominal.

COMMISSIONER VULLO moved, seconded by COMMISSIONER KILLEN,

TO CLOSE THE PUBLIC HEARING.

There being no objection, CHAIRMAN BAYER so ordered.

COMMISSIONER ZERUNYAN moved, seconded by COMMISSIONER SOMERS,

TO GRANT THE VARIANCE FOR THE APPLICANT TO BE ABLE TO CONSTRUCT THE CHIMNEY AS STATED ON THE PLANS AND ADD A CONDITION OF APPROVAL TO MINIMIZE THE HEIGHT AND DEPTH OF THE ENCROACHMENT ON THE CHIMNEY STACK TO THE MINIMUM REQUIRED TO HOUSE THE FLUE.

AYES: Vullo, Zerunyan, Rein, Killen, Somers, Chairman Bayer

NOES: None

ABSTAIN: None

ABSENT: Conway

Senior Planner Wahba stated that staff will bring back a resolution for approval at the next Planning Commission meeting of November 11, 2001.

## 9. COMMISSION ITEMS

None.

## 10. UPCOMING PLANNING COMMISSION ITEMS (November 5, 2001)

a. PA-22-01; Peninsula Car Care; 627 Deep Valley Drive

11. DIRECTOR'S ITEMS

None.

12. MATTERS OF INFORMATION

a. City Council Actions (October 9, 2001).

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO RECEIVE AND FILE ITEM 12A.

There being no objection, CHAIRMAN BAYER so ordered.

13. ADJOURNMENT

At 10:56 p.m. CHAIRMAN BAYER adjourned the Planning Commission meeting to the regularly scheduled Planning Commission meeting of November 5, 2001.

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Diane Cleary EPA  
Minutes Secretary

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Douglas R. Prichard  
City Clerk