

**INDEX**  
**REGULAR PLANNING MINUTES**  
**MAY 1, 2006**

<b><u>PAGE</u></b>	<b><u>SUBJECT</u></b>
1	<u>CALL MEETING TO ORDER</u> <u>PLEDGE OF ALLEGIANCE</u> <u>ROLL CALL</u> <u>APPROVAL OF MINUTES (APRIL 17, 2006)</u> <u>AUDIENCE ITEMS</u> <u>CONSENT CALENDAR</u> <u>BUSINESS ITEMS</u>
1-2	A. PLANNING APPLICATION NO. 07-06; APPLICANT: MR. MANSOUR BIGDELI; LOCATION: 14 SEAHURST ROAD; A VARIANCE FOR RETAINING WALLS THAT EXCEED 5' IN HEIGHT AND 2' IN HEIGHT IN THE FRONT YARD. A GRADING APPLICATION IS REQUIRED TO REGRADE PORTIONS OF AN ADJACENT SLOPE AND REPLACE AN EXISTING RETAINING WALL ADJACENT TO THE DRIVEWAY WITH A NEW MASONRY BLOCK RETAINING WALL.
3	B. PLANNING APPLICATION NO. 05-06; APPLICANT: MR. & MRS. ROBERT DASILVA; LOCATION: 5166 WILLOW WOOD ROAD; A NEIGHBORHOOD COMPATIBILITY FOR SINGLE AND SECOND STORY ADDITIONS INCLUDING A DECK ON A SINGLE STORY HOME.
	<u>PUBLIC HEARINGS</u>
3-4	A. PLANNING APPLICATION NO. 09-06; APPLICANT: KAMBIZ BASET VAT AND HOURI TALEBI; LOCATION: 27647 SADDLE ROAD. A NEIGHBORHOOD COMPATIBILITY FOR A FIRST STORY ADDITION, REORIENTATION OF THE FRONT YARD AREA AND DRIVEWAY ACCESS. A VARIANCE IS REQUIRED FOR AN ENTRY WAY PROJECTING BEYOND THE FORWARDMOST BUILDING LINE.
4	<u>COMMISSION ITEMS</u> A. CONTRACT CITIES ATTENDANCE FOR UPCOMING MAY 18TH CONFERENCE. <u>DIRECTOR'S ITEMS</u> <u>MATTERS OF INFORMATION</u> A. PARK AND ACTIVITIES MINUTES (APRIL 18, 2006) B. CITY COUNCIL ACTIONS (APRIL 25, 2006). <u>ADJOURNMENT</u>

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**MAY 1, 2006**

1. **CALL MEETING TO ORDER**

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 REIN.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Southwell, Vanden Bos, Bayer, Chairman Rein  
Commissioners Absent: Conway, O'Day, Killen  
Staff Present: Planning Director Wahba, Assistant Planner Wong and Associate Planner Thom

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION  
MEETING OF APRIL 17, 2006.

There being no objection, CHAIRMAN REIN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 07-06; APPLICANT: MR. MANSOUR BIGDELI; LOCATION: 14 SEAHURST ROAD; A VARIANCE FOR RETAINING WALLS THAT EXCEED 5' IN HEIGHT AND 2' IN HEIGHT IN THE FRONT YARD. A GRADING APPLICATION IS REQUIRED TO REGRADE PORTIONS OF AN ADJACENT SLOPE AND REPLACE AN EXISTING RETAINING WALL ADJACENT TO THE DRIVEWAY WITH A NEW MASONRY BLOCK RETAINING WALL.

Planning Director Wahba updated the Commission on this matter. The resolution requested at the last meeting was not prepared. The City received letters from Mr. Troy Donaldson, the neighbor at 51 Shady Vista, and from his attorney. The City Attorney recommended that the case be held and that the Planning Department meet with the neighbors for a resolution. Planning Director Wahba met with Mr. Donaldson, who is doing a survey and has retained a landscape architect to look at the plan and is considering firming up the language within the easement area. Mr. Donaldson is not opposed to the project but wants to have a clear understanding of the locations of the retaining wall and the easement to protect his fruit tree orchard. Planning Director

Wahba would like to meet with the applicant and the neighbor once the survey and plan review is complete, re-advertise the item and come back to the Commission and bring back a resolution. Therefore, Staff recommends that the Commission take no action on this item.

COMMISSIONER BAYER asked whether this was advertised as a public hearing tonight. Planning Director Wahba responded that it was a business item because it was continued with a resolution for approval. Planning Director Wahba added that he was out that Monday, and there was a voice mail message from Mr. Donaldson's attorney that wasn't heard until the next day. Therefore, there were events after the Commission directed Staff to prepare a resolution for the project's approval, and it was best for the City to take a step back and try to work with the neighbors and come to a resolution.

COMMISSIONER VANDEN BOS stated that he wasn't questioning the legitimacy of Staff's position and asked about the voice mail from the neighbor's attorney before the meeting and whether a fax had been received before the meeting. Planning Director Wahba responded that the voice mail was received on the day that he was not in the office, and he did not personally see a fax. COMMISSIONER VANDEN BOS summarized that there was an initial public hearing on March 17, a hearing on April 3, which was continued to a date certain, a hearing on April 17, and now a business item, and Mr. Donaldson was not present at any of the four meetings. COMMISSIONER VANDEN BOS then commented that by directing Staff to prepare a resolution and then not having a resolution prepared, the Commission doesn't have an opportunity to approve the project.

CHAIRMAN REIN concurred with the observation that the neighbor has missed all four meetings, and the Planning Department can easily be reached daily. CHAIRMAN REIN then added that there was a final drawing of the project, the Planning Department and Planning Commission have concluded that the project complies with all statutory requirements of the City, and the Commission has requested a resolution to approve the project; and the Commission cannot proceed any further because now the attorneys are involved. The project has the Commission's approval, and the resolution is a legality.

COMMISSIONER BAYER added that what needs to be done is clear-cut, and the Commission's hands are tied until the attorneys get together and the issue is resolved legally.

Mr. Bigdeli came forward and agreed and stated that he has attended each meeting for two months now, and the scope of the Commission is to approve or deny the project and let the attorneys resolve the rest outside of the City, and Mr. Donaldson or his attorney should be at the meeting to comment. COMMISSIONER REIN responded that it is up to the neighbors to resolve their differences. This is a land-use panel, not a panel of judges. Mr. Bigdeli agreed, reminding the Commission that they decided at the last meeting to proceed with the project with Mr. Bigdeli holding the City harmless and expressed his frustration with the change in the City Attorney's position. Planning Director Wahba responded that the City Attorney's change in position was in light of the additional information.

COMMISSIONER VANDEN BOS stated that he is sympathetic to the applicant, but the Commission doesn't have the ability to do anything, and the approach that Staff is taking the correct approach by attempting to work it out amicably. Planning Director Wahba suggested setting the next public hearing for the first meeting in June. COMMISSIONER VANDEN BOS agreed that one month is not an unreasonable time to wait, and Mr. Bigdeli agreed, satisfied that a date will be set. CHAIRMAN REIN added that it's fortunate that Planning Director Wahba has taken the role of mediator.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO CONTINUE PLANNING APPLICATION NO. 07-06 TO JUNE 5, 2006 TO ALLOW READVERTISING OF THE HEARING AND A RESOLUTION OF THE ISSUES.

AYES: Southwell, Vanden Bos, Bayer, Chairman Rein  
NOES: None  
ABSTAIN: None  
ABSENT: Conway, O'Day, Killen

- B. PLANNING APPLICATION NO. 05-06; APPLICANT: MR. & MRS. ROBERT DASILVA; LOCATION: 5166 WILLOW WOOD ROAD; A NEIGHBORHOOD COMPATIBILITY FOR SINGLE AND SECOND STORY ADDITIONS INCLUDING A DECK ON A SINGLE STORY HOME.

Assistant Planner Wong gave a brief Staff Report (as per written material) and recommended approval of the application.

COMMISSIONER BAYER asked about the silhouette coming out 2 or 3 feet in the front. Planning Director Wahba responded that it is about 4 feet, and although it helps articulate the elevation, ideally, it probably should be pushed back a little bit. COMMISSIONER BAYER then added that it is a definite improvement, but it is still a significant sight coming around the other street. Planning Director Wahba commented that would exist with any second story.

COMMISSIONERS VANDEN BOS and BAYER and Planning Director Wahba discussed the walkway up to the door and the tunnel effect.

At CHAIRMAN REIN's invitation, John Peterkovich (PO Box 6744, San Pedro), the designer of the project, came forward and reviewed the changes made since the last meeting and responded to the discussions about the tunnel effect and the possibility of putting a gate there.

COMMISSIONERS BAYER and VANDEN BOS again stated that the plans are a great improvement, and the applicant and Staff have done a good job.

Robert DaSilva (applicant) came forward and showed the Commission samples of materials being used.

Robert Rotledge (5143 Willow Wood) came forward and asked how the compatibility issue was raised, whether it was by a neighbor or by the Commission. CHAIRMAN REIN explained the Neighborhood Compatibility section of the Municipal Code and the criteria that each project needs to meet.

COMMISSIONER BAYER moved, and COMMISSIONER VANDEN BOS seconded,

TO APPROVE PLANNING APPLICATION NO. 05-06 WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT.

AYES: Southwell, Vanden Bos, Bayer  
NOES: None  
ABSTAIN: Chairman Rein  
ABSENT: Conway, O'Day, Killen

Planning Director Wahba explained the 20-day appeal period.

## 8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 09-06; APPLICANT: KAMBIZ Basetvat and Hour Talebi; LOCATION: 27647 SADDLE ROAD. A NEIGHBORHOOD COMPATIBILITY FOR A FIRST STORY ADDITION, REORIENTATION OF THE FRONT YARD AREA AND DRIVEWAY ACCESS. A VARIANCE IS REQUIRED FOR AN ENTRY WAY PROJECTING BEYOND THE FORWARDMOST BUILDING LINE.

CHAIRMAN REIN explained that the applicant has requested another continuance of this hearing.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO OPEN THE PUBLIC HEARING.

AYES: Southwell, Vanden Bos, Bayer, Chairman Rein  
NOES: None  
ABSTAIN: None  
ABSENT: Conway, O'Day, Killen

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,  
TO CONTINUE THE PUBLIC HEARING TO A DATE UNCERTAIN.

AYES: Southwell, Vanden Bos, Bayer, Chairman Rein  
NOES: None  
ABSTAIN: None  
ABSENT: Conway, O'Day, Killen

9. COMMISSION ITEMS

A. CONTRACT CITIES ATTENDANCE FOR UPCOMING MAY 18TH  
CONFERENCE.

Planning Director Wahba stated that he hasn't heard back from COMMISSIONERS BAYER or VANDEN BOS about their attendance. COMMISSIONERS BAYER and VANDEN BOS advised that they will not be going.

10. DIRECTOR'S ITEMS

Planning Director Wahba introduced Kelly Thom, the new Associate Planner, and the Commission welcomed her. Assistant Planner Wong's last day will be May 3, 2006.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES (APRIL 18, 2006).

B. CITY COUNCIL ACTIONS (APRIL 25, 2006).

COMMISSIONER VANDEN BOS moved, and COMMISSIONER BAYER seconded,

TO RECEIVE AND FILE ITEMS 11A and 11B.

There being no objection, CHAIRMAN REIN so ordered.

12. ADJOURNMENT

At 8:17 p.m. CHAIRMAN REIN adjourned the Planning Commission meeting to May 15, 2006, at 7:30 p.m.

---

Julie Cremeans  
Minutes Secretary

---

Douglas R. Prichard  
City Clerk