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REGULAR PLANNING MINUTES

JANUARY 14, 2008

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MINUTES

REGULAR PLANNING COMMISSION MEETING

JANUARY 14, 2008

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 O'DAY.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN O'DAY led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Southwell, Conway, Vanden Bos, Bayer, Rein, Golida,
Chairman O'Day

Commissioners Absent: None

Staff Present: Planning Director Wahba, Associate Planner Thom

4. **APPROVAL OF MINUTES**

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER BAYER,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF DECEMBER 17, 2007.

There being no objection, CHAIRMAN O'DAY so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. WAIVE READING IN FULL OF ALL RESOLUTIONS THAT ARE PRESENTED FOR PLANNING COMMISSION CONSIDERATION ON TONIGHT'S AGENDA AND ALL SUCH RESOLUTIONS SHALL BE READ BY TITLE ONLY.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS,

TO APPROVE THE CONSENT CALENDAR.

There being no objection, CHAIRMAN O'DAY so ordered.

7. **BUSINESS ITEMS**

A. A RESOLUTION (PA-36-07) OF THE PLANNING COMMISSION APPROVING A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR ONE- AND TWO-STORY ADDITIONS EXCEEDING MORE THAN 50% OF THE EXISTING SQUARE FOOTAGE OF THE HOME. MINOR DEVIATIONS ARE REQUESTED 1) FOR THE EXISTING SINGLE STORY TO ENCROACH INTO THE REQUIRED SIDE SETBACK AND 2) FOR ENCROACHMENT INTO THE REQUIRED FRONT YARD WHICH DOES NOT PROJECT CLOSER TO THE PROPERTY LINE THAN THE FORWARDMOST BUILDING LINE AND TO DECREASE THE FRONT YARD AREA BY NOT MORE THAN 10%. A VARIANCE IS REQUESTED FOR THE EXISTING RESIDENCE TO ENCROACH INTO THE REQUIRED HEIGHT-TO-SETBACK RATIO.

APPLICANT: MR. & MRS. ANDREW POWER; LOCATION: 77 DAPPLEGRAY LANE.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER BAYER,
TO ADOPT RESOLUTION PA-36-07.

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

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

A. PLANNING APPLICATION NO. 33-07; APPLICANT: MR. & MRS. WARREN ARATA; LOCATION: 5185 BLUEMOUND ROAD; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A ONE-STORY ADDITION TO A SINGLE-STORY RESIDENCE. A MINOR DEVIATION IS REQUESTED TO CONTINUE A LEGAL NON-CONFORMING SIDE YARD SETBACK. VARIANCES ARE REQUESTED TO 1) DECREASE THE FRONT YARD AREA BY GREATER THAN 10%; AND 2) ENCROACH INTO THE REQUIRED HEIGHT-TO-SETBACK RATIO.

Associate Planner Thom gave a brief Staff Report, as per written material, and advised that Staff is not able to support the Variance applications.

COMMISSIONER BAYER asked whether there have been other homes along that side of Bluemound that have built into the backyard and performed all necessary reinforcements. Planning Director Wahba responded that there have been some additions off the rear of their homes, but many yards on the north side of Bluemound don't have large usable yard area.

COMMISSIONER GOLIDA referred back to the November 5, 2007, Staff Report and asked whether Staff was still focusing on the scale criteria under Neighborhood Compatibility. Associate Planner Thom responded that there are still concerns about the scale.

COMMISSIONER CONWAY asked whether the eaves are included in impacts on side yards on height-to-setback ratios. Associate Planner Thom responded that eaves can project 3 feet into a setback. COMMISSIONER CONWAY then asked approximately how many square feet is involved in the encroachment on a plan view perspective, and Planning Director Wahba responded it would be less than 2 feet.

CHAIRMAN O'DAY asked whether Staff has asked the applicant to look at a hip roof or something else that might remove that Variance, and Associate Planner Thom responded that revisions were discussed, but the applicant wanted to move forward at this time.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS,
TO OPEN THE PUBLIC HEARING.

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

At CHAIRMAN O'DAY's invitation, Tom Blair (architect at 2785 Pacific Coast Highway, Torrance) came forward and summarized the revisions to the project and explained that the applicant has done its due diligence with the neighbors and city. The applicant is in discussion with the Mayor and others about coming up with some applicable planning standards and design guidelines that would be helpful in the Rollingwood neighborhood. The neighbors and geologists do not recommend building in the back. In weighing the issues there are findings to support the addition in the front, and it will be a good project for the neighborhood.

COMMISSIONER VANDEN BOS asked Mr. Blair for an estimate of how many homes are similarly situated to this house, in terms of having a slope in the back with an instability question. Mr. Blair estimated somewhere between 16 and 30.

COMMISSIONER CONWAY asked Mr. Blair to walk through the Variance findings, as they relate to the front yard Variance, and Mr. Blair reviewed each with COMMISSIONER CONWAY.

Mr. Blair then summarized by stating that typically the owner has a right to use and enjoyment and improvement of their property, as long it doesn't negatively impact the community, and this is such a small addition in comparison with others with more mass.

Richard Harriett (5206 Bluemound) came forward and gave his opinion that this addition will affect him more than anybody, and he does not have a problem with it and believes it will improve the neighborhood.

Roxanne Ellison (5121 Bluemound) came forward on behalf of herself and her husband, Bruce Ellison, both realtors. Mrs. Ellison expressed her views of the substandard 1950's houses in the neighborhood. What affects Rollingwood needs to be revised to allow the property owners to have more living space, and the property owners can build and get along.

COMMISSIONER CONWAY pointed out to Mrs. Ellison that her passion would be better directed to City Council, as the Planning Commission only enforces City Council's policies, and the comments tonight should speak to the findings. COMMISSIONER VANDEN BOS agreed and suggested that the applicant ask City Council whether some of the zoning laws can be modified better suited to the neighborhood.

Don Harris (2634 Dunwood) came forward to emphasize his opposition to the applicant building onto the back of the house.

David Breeding (5159 Bluemound Road) came forward and stated that he looked over the plans, and he and his wife are in favor of the project, as it will improve the neighborhood.

Sibylle Roessler (5167 Bluemound) came forward and advised the Commission that the original homes in Rollingwood were between 1380 and 1580 square feet, which is small by today's standards. This project would not be a massive intrusion and makes a much better environment for living. The slopes are not stable and must be treated with respect.

Warren Arata (applicant) came forward and suggested that the Commission look at the project as a whole, rather than each line in the code, as to what best serves the community. The Variance is intended to give the Commission the option to say that a project does not comply with the rules but overall does the community good and doesn't hinder the property of others.

COMMISSIONER BAYER again stated that as a matter of law, the five findings have to be met.

Mike Monsalve (5179 Bluemound Road) came forward in opposition to the project, expressing his agreement with his neighbors that a change needs to be made, and City Council should be approached. However, the value of the property needs to be preserved, and this addition would be too close to the street, and that precedent should not be set.

Tom Blair re-approached the Commission and clarified some specifics raised by other audience members.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER BAYER

TO CLOSE THE PUBLIC HEARING.

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

COMMISSIONER GOLIDA commented that he was impressed with the feedback, and those in opposition are not opposed to whether to build, but where to build. He can find extraordinary circumstances in this case, and along with the reduction in scale can support the project.

COMMISSIONER REIN commented that this is the first Variance before him with such a compelling case for special circumstances. The consensus of the professional community is persuasive. The slopes have been unstable, and the new renderings show a modest project.

COMMISSIONER BAYER agreed that all the Neighborhood Compatibility findings had previously been met, except for the scale, and that has been taken care of. As far as findings for a Variance, these are definitely exceptional circumstances. The property owner has the right to increase the size of his small home as planned, as there is no other way to do it.

COMMISSIONER VANDEN BOS expressed his surprise with the neighbors supporting a Variance this much closer to the front yard, when the homeowner does have a design option without going backwards. If the Commission approves this Variance a dangerous precedent is being set. Absent different design criteria for this neighborhood, this same situation applies to other properties, so this is not a special circumstance to this property.

COMMISSIONER CONWAY agreed, stating that he cannot follow the logic to build out front because building on back is not an option. Neighborhood Compatibility has to be met, and the codes and regulations of the city have to be met, and the front yard cannot be swapped for the back yard. Regarding the Variance, the Commission does not have enough direction from the policy makers on how to address this particular issue. If given the situation where the back yard cannot be built into and a second story can't be built, then it should be assumed that an addition cannot be accommodated, not an automatic approval to go into the front yard. Maybe this Variance is necessary for the preservation and enjoyment of substantial property rights, but under like conditions. Front yard open space is being lost, which is a public asset, which could be considered materially detrimental to the public welfare. The Master Plan includes an open space element, so the Variance could be contrary to the objectives of the Master Plan. This Variance would also authorize a use that is not otherwise unauthorized, as front yards cannot be built into.

COMMISSIONER SOUTHWELL agreed with the engineering findings regarding slope instability and also agreed that having a constraint on the back yard does not grant the right to shift from the back to the front. There is too much open space that would be reduced, so Variance finding 3 could not be met.

CHAIRMAN O'DAY and COMMISSIONER BAYER discussed previous projects with Staff and the limitations if this was an open lot with new construction and whether that would require a Variance if this were not already a fully developed neighborhood.

CHAIRMAN O'DAY agreed with the slope concerns. This lot presents a problem with the right of property enjoyment to get to a size for more modern living. This project is characteristic with other homes, and the applicant should not be penalized, and the findings can be met for the Variance.

COMMISSIONER BAYER moved, seconded by COMMISSIONER GOLIDA,

TO DIRECT STAFF TO BRING BACK A RESOLUTION APPROVING PA-33-07

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

9. COMMISSION ITEMS

Commissioner Bayer commented on the RV that is still parked in the same spot, and Planning Director Wahba stated that he would mention it to the City Attorney.

10. DIRECTOR'S ITEMS

A. PLANNING COMMISSION REORGANIZATION.

Planning Director Wahba advised the Commission that there will be a Planning Commission reorganization at the next meeting on February 4. The City Council designated Commissioner Vanden Bos to move up temporarily to the Chairman position, Commissioner Conway to move to Vice Chairman, and Commissioner Bayer would then follow.

B. 2008 COMMITTEE ASSIGNMENTS (TRAFFIC & SAFETY), EQUESTRIAN COMMITTEE).

Commissioner Vanden Bos asked to remain on the Traffic & Safety Commission. CHAIRMAN O'DAY also expressed that he would be happy to go back on the Committee if needed.

COMMISSIONER REIN agreed to remain on the Equestrian Committee.

C. 2008 PLANNER'S INSTITUTE.

Planning Director Wahba encouraged the Commissioners to attend the annual Planner's Institute March 26 through 28 in Sacramento.

11. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (DECEMBER 11, 2007)

B. CITY COUNCIL ACTIONS (JANUARY 8, 2008).

COMMISSIONER CONWAY moved, and COMMISSIONER VANDEN BOS seconded,
TO RECEIVE AND FILE ITEMS 11A AND 11B.

There being no objection, CHAIRMAN O'DAY so ordered.

12. ADJOURNMENT

At 9:00 p.m. CHAIRMAN O'DAY adjourned the Planning Commission meeting to February 4, 2007, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk