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REGULAR PLANNING MINUTES

JULY 6, 2009

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MINUTES

REGULAR PLANNING COMMISSION MEETING

JULY 6, 2009

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 CHAIRWOMAN BAYER.

2. **PLEDGE OF ALLEGIANCE**

COMMISSIONER CONWAY led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: O'Day, Conway, Southwell, Rein, Scott, Huff, Chairwoman Bayer
Commissioners Absent: None
Staff Present: Planning Director Wahba, Assistant Planner Masters

4. **APPROVAL OF MINUTES**

CHAIRWOMAN BAYER commented that at the top of page 2, it does not accurately reflect the response by CHAIRMAN ZUCKERMAN to COMMISSIONER SCOTT'S request for clarification on the direction given by City Council. It was agreed that the minutes would reflect that CHAIRMAN ZUCKERMAN clarified that the members of the Planning Commission and Equestrian Committee would not make recommendations as to whether the Code should be changed but give their input as to what had been articulated and outlined as proposed changes.

COMMISSIONER SOUTHWELL moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE JOINT REGULAR PLANNING COMMISSION MEETING & SPECIAL EQUESTRIAN COMMITTEE MEETING OF JUNE 15, 2009, AS AMENDED.

There being no objection, CHAIRWOMAN BAYER so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 18-09; APPLICANT: CVS PHARMACY/BEAUTY 360; LOCATION: 901 SILVER SPUR ROAD; A PRECISE PLAN OF DESIGN TO AMEND THE MASTER SIGN PLAN TO INCLUDE SIGNAGE FOR "BEAUTY 360", AS ASSOCIATED WITH CVS/PHARMACY.

Planning Director Wahba gave a brief Staff Report, as per written material, and pointed out that in the near future the Commission will see more changes to the master sign plan to allow more customization for the inline tenants.

COMMISSIONER HUFF and Planning Director Wahba discussed the sign type and quality.

COMMISSIONER SCOTT asked whether Staff is supportive of variations from the plain white background and whether having three signs would cause problems anywhere else, and Planning Director Wahba responded that this is different than inline tenants and is in a unique location and that Bristol Café also has three signs.

COMMISSIONER O'DAY asked what beauty/360 is, and Planning Director Wahba responded that it is a high-end cosmetic store inside some select CVS Pharmacy locations. The store will be accessible from within the pharmacy and via a separate entrance.

At CHAIRWOMAN BAYER'S invitation, Sue Modereger (7218 Piute Creek Drive, Corona) came forward on behalf of the applicant. Ms. Modereger stated that CVS owns beauty/360, and there are three locations in Southern California and a couple in the New England states. The store will open in September or October.

COMMISSIONER REIN and Planning Director Wahba briefly discussed the departure in style from the old Longs Drugs sign.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER SOUTHWELL,

TO APPROVE PA-18-09 FOR THREE SIGNS WITH CONDITIONS OUTLINED IN THE STAFF REPORT.

AYES: O'Day, Conway, Southwell, Rein, Scott, Huff, Chairwoman Bayer
NOES: None
ABSTAIN: None
ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 20-09; APPLICANT: KAPLAN TUTORING; LOCATION: 21-C PENINSULA CENTER; A PRECISE PLAN OF DESIGN FOR A BUSINESS IDENTIFICATION SIGN WITH A LOGO.

Assistant Planner Masters gave a brief Staff Report, as per written material, and recommended approval.

COMMISSIONER O'DAY asked whether Kaplan Tutoring had acquired SCORE! and Planning Director Wahba responded affirmatively.

COMMISSIONER BAYER asked that in the future Staff provide an updated map to reflect new businesses within the Peninsula Center.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO APPROVE PA-20-09.

AYES: O'Day, Conway, Southwell, Rein, Scott, Duff, Chairwoman Bayer
NOES: None
ABSTAIN: None
ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

C. PLANNING APPLICATION NO. 21-09; APPLICANT: MR. & MRS. EDDIE CHEN; LOCATION: 19 SANTA ROSA; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR FIRST AND SECOND STORY ADDITIONS TO AN EXISTING TWO-STORY HOME AND A MINOR DEVIATION TO DECREASE THE REQUIRED FRONT YARD AREA BY LESS THAN 10%.

Assistant Planner Masters gave a brief Staff Report, as per written material, and recommend approval with conditions.

COMMISSIONER REIN asked whether the HOA has veto power over the Commission's approval, and Planning Director Wahba explained that the HOA is governed by CC&Rs with an Architectural Review Committee independent of the City's Municipal Code. The City is not required to approve based on the CC&Rs but tries to respect the CC&Rs and likes to get input from the Architectural Review Committee prior to coming before the Planning Commission.

COMMISSION SCOTT stated that if the community is one community developed under a single plan with a binding set of CC&Rs, they are the more local authority, and their view of neighborhood compatibility is important to the Commission's consideration. Planning Director Wahba agreed and suggested that the Commission get the HOA's input before proceeding.

COMMISSIONER O'DAY asked when this house was built and when the development was completed, and Planning Director Wahba gave a brief history of the development, explaining that it was a complicated Master Plan that was careful to address massing, elevations and variation of floor plan. This is only a small bedroom addition on the second floor, and the applicant has done a good job of respecting the design and integrity of this model throughout the tract.

At CHAIRWOMAN BAYER'S invitation, Frank Politeo (architect at 1300 S. Beacon Street, San Pedro) came forward and explained that the footprint of the house was not changed, but the garage had to be changed due to a 4' overhang. The door of the garage was moved forward into the courtyard. The room above the garage was built into an empty space and does not encroach into anything or look detrimental to the neighborhood. Mr. Chen collected seven neighbored signatures, and those neighbors had no objections.

CHAIRWOMAN BAYER asked for further clarification of the addition of 109 feet to the garage to accommodate overhang requirements, and Planning Director Wahba explained that it was Staff's recommendation to soften that elevation. A Minor Deviation is required because the Code includes the courtyard within the front yard.

Rena Nash (7 Santa Rosa) came forward and thanked the Commissioners for hearing her concerns, which she states are a matter of law. Ms. Nash pointed out that this is a planned development, which functions under a Master Plan, and throughout California homeowners cannot deviate from the Master Plans. Homeowners are told this when they purchase the properties, and this is the reason the neighborhood has not seen Minor Deviations in the last ten years. This project attempts to deviate from what the builder proposed and creates an odd property that no longer appraises with the other properties and does not conform, opening a Pandora's box to others throughout the state of California because it would become law. This project may not be a view issue now, but other applicants would come forward, inside and outside the development, where view would become a concern.

Lawrence Rubin (92 Santa Cruz) came forward as Chairman of the HOA's Architectural Review Committee. Mr. Rubin stated that the Committee has not yet reviewed this project and won't get together until July 15. The Committee needs to review the plans and make a report to the Board, which meets at the end of July, and give recommendations for the Board to vote. Compatibility is the biggest concern. What it looks like is of more significance than the footprint. The precedent that this would set for changing the front of the home is vital to the Committee, and it needs to be looked at carefully.

COMMISSIONER SOUTHWELL asked about the approved plan of development for this RPD-zoned property, and Planning Director Wahba explained that the neighborhood was modeled after an RA-20 zone, and CC&Rs are binding into an RPD only if it is written into the CC&Rs.

Planning Director Wahba recommended holding this over to the first meeting in August. COMMISSIONER REIN asked that the Commission get input from the City Attorney at that point also.

Planning Director Wahba further explained that view preservation and the size of the homes, along with compatibility of adjacent neighborhoods, were the main points of discussion in planning this development. The neighborhood was to function as a neighborhood unto itself but was to preserve ocean views and limit tree heights. This home doesn't go over the largest home in the neighborhood and stays within the

massing and style of the houses in the area. However, it is a big home, and the City should be careful not to send the wrong message to other homes in the neighborhood.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER REIN,

TO CONTINUE PA-21-09 TO THE AUGUST 3 PLANNING COMMISSION MEETING TO ALLOW STAFF TO PROVIDE FEEDBACK REGARDING THE LEGAL EFFECTS AND TO ALLOW THE HOA TO WEIGH IN ON THE PROPOSED PROJECT.

AYES: O'Day, Conway, Southwell, Rein, Scott, Huff, Chairwoman Bayer
NOES: None
ABSTAIN: None
ABSENT: None

8. PUBLIC HEARINGS

None.

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES COMMISSION MINUTES (JUNE 16, 2009).
- B. CITY COUNCIL ACTIONS (JUNE 23, 2009).
- C. EQUESTRIAN COMMITTEE MINUTES (JUNE 8, 2009).

COMMISSIONER CONWAY moved, and COMMISSIONER O'DAY seconded,

TO RECEIVE AND FILE ITEMS 11A through 11C.

There being no objection, CHAIRWOMAN BAYER so ordered.

12. ADJOURNMENT

At 8:25 p.m. CHAIRWOMAN BAYER adjourned the Planning Commission meeting to July 20, 2009, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk