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REGULAR PLANNING MINUTES

MARCH 02, 2009

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MINUTES

REGULAR PLANNING COMMISSION MEETING

MARCH 02, 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, Southwell, Rein, Conway, Chairwoman Bayer
Commissioners Absent: Scott
Staff Present: Planning Director Wahba

4. **APPROVAL OF MINUTES**

COMMISSIONER REIN moved, seconded by COMMISSIONER SOUTHWELL,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF FEBRUARY 17, 2009.

There being no objection, CHAIRWOMAN BAYER so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 02-09; APPLICANT: DR. & MRS. LEONARD GALE; LOCATION: 26 MONTECILLO DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO LEGALIZE AN EXISTING SOLAR-POWERED WATER HEATING ARRAY AND GAZEBO IN THE REAR YARD.

Planning Director Wahba gave a brief Staff Report, as per written material, and recommended continuing the item 30 days.

COMMISSIONER CONWAY and Planning Director Wahba discussed in what ways the city encourages solar power and alternative energy and whether the Environmental Committee should review this application.

At CHAIRWOMAN BAYER'S invitation, Dr. Leonard Gale (applicant) came forward. Dr. Gale explained how the solar array got put up without permits, why it is placed where it is and how to address the drainage. The structure has gone through a year's worth of storms, and there has been no fluctuation. It is an eyesore, but it will be camouflaged with landscaping. Mrs. Karen Gale then came forward and further

elaborated that it is an eyesore from the adjacent neighbor's below, but that they would improve the landscaping plans currently in place.

CHAIRMAN BAYER asked for Staff's input on using vegetation as a camouflage, and Planning Director Wahba responded that it ought to be discussed by the Commission and is used mainly to screen the underside of hillside decks to blend into the environment.

Nancy Scott (19 Aurora Drive) came forward in opposition to the application. Mrs. Scott advised the Commissioners that the applicants can see the array from their property, and it is hideous. The Scotts maintain the hillside, and landscaping is not a legitimate way around the problem. There were problems with the stability of the hill before, and this will add to those problems. It is an eyesore to the entire neighborhood, and if something were to go wrong with the landscaping or solar panel, the applicants wouldn't see it or be affected by it, but the Scotts would. Mrs. Scott proposed removing the solar array, which should have gone through the permit process.

Linda Cochrane (2 Aurora Drive) also came forward in opposition to the application. Ms. Cochrane expressed her shock when coming home from vacation a year ago and seeing the enormous eyesore. Ms. Cochrane also helps maintain the hillside. There was no soil report, and the integrity of the hill is a concern. If something were to break it would come onto Ms. Cochrane's property, as well as the Scotts'. Landscaping would just be a band-aid, and the array should be removed. It does not fall under Neighborhood Compatibility at all and looks industrial.

Mrs. Gale re-approached the Commission in an attempt to compromise. The array was a big expense and not attractive, but the plants will go up to 14 feet and hide it well. Mrs. Gale also suggested that she have an engineer come out to check the stability in order to ease concerns.

COMMISSIONER CONWAY asked whether the installer of the array was a licensed contractor, and there was some discussion among the Commission, Staff and applicant as to legal remedies against the contractor.

COMMISSIONER CONWAY stated that it is clear that more discussion is needed and is in support of Staff's recommendation.

COMMISSIONER REIN discussed Staff's difficulty in getting quantitative information from the contractor and the contractor's obligation to follow accepted practices.

COMMISSIONER SOUTHWELL stated that he supports solar panels in the city but doesn't support un-permitted panels or building them on a hillside and would lean toward recommending removal, but the applicant should be given more time to work out a compromise.

COMMISSIONER O'DAY advised that he is in support of the continuation and explained how the arrangement of the panels affects their output and made some suggestions for modifications. The array is not currently compatible with the neighborhood, has an industrial look and needs to be modified beyond planting vegetation.

CHAIRWOMAN BAYER stated that the Commission has offered valuable insight, and landscaping is not a viable solution. The city encourages solar energy and works very hard toward being a green city, but integrity of the hill and Neighborhood Compatibility are major concerns.

Planning Director Wahba suggested that the applicant retain an engineer to get necessary soils studies and look at the landscaping and irrigation further. The applicant should clearly demonstrate that there is absolutely no other way to achieve the solar capacities they desire. An engineer is needed to look at the location of placement of the array. It would be easy to solve the structural standpoint, but it would not be compatible with the neighborhood.

COMMISSIONER O'DAY added that a solar water heater is not the best value, so the installation of solar heating for a pool comes from an environmental concern, not a financial one.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOUTHWELL,

TO CONTINUE PA-02-09 FOR 30 DAYS TO ALLOW STAFF AND THE APPLICANT TO SEEK RESOLUTION ON THE FOLLOWING: REDUCING THE HEIGHT AND/OR APPROPRIATELY LANDSCAPING AND/OR RELOCATING THE SOLAR SYSTEM, INCLUDING ENHANCING THE FOOTINGS AND THE DRAINAGE PATTERN AND PREPARING A SOILS AND/OR STRUCTURAL REPORT.

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

- B. PLANNING APPLICATION NO. 07-09; APPLICANT: MR. & MRS. JOHN REYNOLDS; LOCATION: 4643 BROWND EER LANE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A PROPOSED ONE AND TWO-STORY ADDITION TO AN EXISTING TWO-STORY HOME, INCLUDING A NEW DETACHED DECK. MINOR DEVIATIONS ARE REQUIRED TO DECREASE THE FRONT YARD BY NO MORE THAN 10% AND FOR AN ENCROACHMENT INTO THE REQUIRED FRONT YARD WHICH DOES NOT PROJECT BEYOND THE FORWARDMOST BUILDING LINE. A GRADING APPLICATION IS REQUIRED TO CUT AND FILL APPROXIMATELY 14 CUBIC YARDS OF EARTH MATERIAL.

Planning Director Wahba gave a brief Staff Report, as per written material, and, having heard no feedback from neighbors, recommended approval.

At CHAIRWOMAN BAYER'S invitation, Don Thursby (777 Silver Spur Road, #232) came forward on behalf of the application and summarized the need for the remodel and additions. The applicant has worked closely with Staff to bring the project into compliance with city standards, and there are no adverse impacts to views or privacy.

CHAIRWOMAN BAYER asked whether any materials would be recycled from the existing deck, and Mr. Thursby confirmed that they would be.

COMMISSIONER CONWAY pointed out that this is a 46.3% addition to the existing property, and at some point it might be appropriate for Council to consider conditions that homes this close to the 50% threshold be prevented from future incremental approaches. Planning Director Wahba pointed out that square footage will always come into play under Neighborhood Compatibility and other property development standards to ultimately prevent the home from getting much larger.

COMMISSIONER REIN moved, seconded by COMMISSIONER O'DAY,

TO APPROVE PA-07-09 WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT.

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

8. PUBLIC HEARINGS

None.

9. COMMISSION ITEMS

CHAIRWOMAN BAYER presented COMMISSIONER CONWAY with a plaque in gratitude for his service to the city as Planning Commissioner Chairman.

10. DIRECTOR'S ITEMS

Planning Director Wahba advised that Frank Zerunyan, who is president of the California Contract Cities Association, will be hosting a dinner celebration on April 15th at 6:00 p.m. at the library rooftop and that all Commissioners are invited.

11. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (FEBRUARY 24, 2009).

COMMISSIONER CONWAY moved, and COMMISSIONER REIN seconded,

TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRWOMAN BAYER so ordered.

12. ADJOURNMENT

At 8:37 p.m. CHAIRWOMAN BAYER adjourned the Planning Commission meeting to March 16, 2009, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk