

MINUTES

REGULAR PLANNING COMMISSION MEETING

JUNE 3, 2002

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 ZERUNYAN.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Rein, Vullo, Somers, Bayer, Conway
Chairman Zerunyan

Commissioners Absent: Killen

Staff Present: Director Orci, Senior Planner Wahba, Assistant Planner Wong, Assistant Planner Tran

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOMERS

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF May 20, 2002.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. PLANNING APPLICATION NO. 16-02; APPLICANT: Famous Footwear; LOCATION: 35 Peninsula Center. A request to approve a Precise Plan of Design application to allow a logo on two-business identification signs.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOMERS

TO RECEIVE AND FILE ITEM 6A OF THE CONSENT CALENDAR.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

Director Orci advised of the 20-day appeal period for item 6A.

7. **BUSINESS ITEMS**

None.

8. **PUBLIC HEARINGS**

A. PLANNING APPLICATION NO. 26-01 APPLICANT: MR. AND MRS. PAUL MOSHER; LOCATION 5020 ROLLING MEADOWS ROAD. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION APPLICATION FOR CONSTRUCTION OF A NEW SPLIT-LEVEL HOME WITH A GARAGE, A MASTER BEDROOM AND AN OUTDOOR DECK TO AN EXISTING SINGLE STORY HOME IN THE RA-20 ZONE. APPROVAL OF TWO VARIANCE APPLICATIONS ARE REQUIRED TO ALLOW THE ADDITION TO ENCROACH WITHIN THE REQUIRED FRONT YARD AREA BEYOND THE

FORWARDMOST BUILDING LINE; AND TO REDUCE THE FRONT YARD AREA FROM 4728 SQ.FT. TO 4,1998 SQ. FT. THUS DECREASING THE FRONT YARD AREA BY 11%. A GRADING PERMIT IS REQUIRED FOR GRADING ON A 27% SLOPE IN THE FRONT YARD AREA BY CUTTING 8½ ' IN DEPTH AND 50' IN WIDTH, AND EXCAVATING APPROXIMATELY 232 CUBIC YARDS OF MATERIAL.

Assistant Planner Tran gave a staff report (as per written material) and recommends the the Planning Commission: Continue to take Public Testimony; discuss the issue; Close the the Public Hearing; Adopt Resolution No. PA-26-01(A) approving the Mitigated Negative Declaration with the Mitigation Monitoring Program; and Adopt Resolution No. PA-26-01(B) approving Planning Application No. 26-01 with conditions.

COMMISSIONER CONWAY asked for a clarification of Page 2, last paragraph, last sentence, the word "on". Director Orci responded stated the word should be "no".

COMMISSIONER CONWAY inquired about the bottom of page 2, section 5, where it said "effective 20 days from the date of adoption." He asked for clarification of the 30 day appeal period and how it relates to the adoption of the Mitigated Negative Declaration Deck on any notice of determination.

Director Orci responded that the 30 days appeal applies when contested in a court of law, not an appeal to City Council. He also requested to add a motion to the staff recommendation, to waive reading of the resolutions PA -26-01A and PA-26-01B.

COMMISSIONER VULLO asked for clarification on the grading plan and retaining wall, and the drainage.

Planner Wahba stated that Building and Safety has reviewed the grading plan. Director Orci stated that this is the second round of reviews for the drainage and geology/hydrology. The County review is running concurrently with the Planning Commission's review. The applicant has responded to all the concerns of the County.

CHAIRMAN ZERUNYAN stated this is a continued Public Hearing.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

COMMISSIONER VULLO moved, seconded by COMMISSIONER BAYER

TO CLOSE THE PUBIC HEARING.

AYES: Conway, Rein, Somers, Vullo, Bayer and Chairman Zerunyan
NOES:
ABSTAIN:
ABSENT: Killen

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO ADOPT RESOLUTION PA-26-01 (A) FOR MITIGATED NEGATIVE DECLARATION; ADOPT RESOLUTION P.A. 26-01 (B) APPROVING APPLICATION 26-01 AND WAIVE READING OF THE RESOLUTIONS.

AYES: Conway, Rein, Somers, Vullo, Bayer and Chairman Zerunyan
NOES:
ABSTAIN:
ABSENT: Killen

There being no objection, CHAIRMAN ZERUNYAN so ordered.

Director Orci stated there is a 20-day appeal period.

B. PLANNING APPLICATION 15-02 APPLICANT; MR. & MRS. EDISON MERA; LOCATION: 2721 PALOS VERDES DRIVE NORTH. REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR DRIVEWAY AND WALKWAY ADDITIONS. A VARIANCE APLICATION IS ALSO REQUIRED TO EXCEED THE MAXIMUM FRONT YARD COVERAGE OF 30%.

Assistant Planner Wong gave a staff report (as per written material). He indicated the Staff recommendation to (1) Open the Public Hearing; (2) Take Public Testimonies; (3) Close the Public Hearing; (4) Discuss the issues and (5) Direct Staff to prepare a resolution approving PA-15-02 with the condition that the applicant file a pilaster permit application for the two lamp posts installed within the front yard without City approval.

Mr. Wong clarified the proposed improvements (using the drawing) on the bulletin board.

In response to a question from COMMISSIONER BAYER Assistant Planner Wong indicated that staff worked with the applicant to develop project alternatives that would eliminate the need for a variance.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER TO

OPEN THE PUBLIC HEARING.

The applicant, Mr. Edison Mera discussed the driveway issue and the city requirements for compliance. The remodel was done about a year ago and they have tried to deal with the difficulty of maneuvering the driveway.

COMMISSIONER SOMERS asked the applicant if he had signed any affidavit of acceptance to agree to comply with the plans and specifications and Mr. Mera responded that he had not signed or did not remember signing any documents. He believed the architect, Charles, had taken care of that.

COMMISSIONER SOMERS asked who was responsible for compliance with the plans and specifications and who was in the field during construction? Discussion ensued between Mr. Mera and COMMISSIONER SOMERS with regard to responsibility for compliance with plans and specifications. Mr. Mera stated that he did not realize there was a problem with the front yard coverage.

COMMISSIONER SOMERS expressed his concern with the issues in this matter. He asked Staff about the timing of discovery with the issues. Director Orci responded that they became aware of this issue at the time of final inspection.

COMMISSIONER VULLO asked about working off the stamped plans. There is a signature area to verify compliance with the requirements. Director Orci indicated that minor changes are approved by Staff, otherwise the applicant is required to obtain approval for additional improvements. There was some discussion on the front yard area and attempt to reduce the paved area.

COMMISSIONER BAYER asked if the contractor or the applicant went to the Traffic Engineer to review any statistics, prior to widening the driveway. Mr. Mera stated he was not aware of the process. Whatever needed to be done, he was relying on his contractor.

COMMISSIONER CONWAY commented that it was difficult to believe that the applicant in earnest was not involved with the decision making, that a contractor would not include an additional 900 sq. ft. of paving without getting approval of the check writer. He believes the applicant was well aware of the changes being made and approved them.

CHAIRMAN ZERUNYAN stated that they would discuss those specific issues with the contractor.

Mr. Charles Bellberger, the architect and contractor for the applicant, indicated that they were continuously trying to reduce the amount of front yard for the driveway. He discussed the various potential options for design.

CHAIRMAN ZERUNYAN requested Mr. Bellberger to respond to COMMISSIONER CONWAY'S question.

Mr. Bellberger responded that he was not sure how the 900 sq. ft., was measured. He is also unsure of how the measurement of 30% of the front yard was established. He indicated there were some erroneous measurements and that the primary concern was to keep concrete to a minimum. The project had numerous obstacles and he did consult with various L.A. County officials.

COMMISSIONER BAYER asked him if he was familiar with the procedures in Rolling Hills Estates and the requirements for permits and complying with them. Mr. Bellberger stated he felt he was within the boundaries.

COMMISSIONER BAYER stated that he in fact was not in within the boundaries of what had been approved and was way over the front-yard coverage requirements. She has not heard a reason for going forward without asking permission.

Mr. Bellberger stated that the review should be lot by lot situation. This is an unusual lot.

COMMISSIONER BAYER stated that he should not have gone forward without the required permits.

COMMISSIONER CONWAY commented that previously the front yard coverage was within the permit and now, if they had come forward with 43% coverage, the entire original design would have been different and there would have been information available to Planning Department. He further told Mr. Bellberger that he should have designed the front yard coverage, which puts him under the requirement for a variance, and then when he was done with the construction of the home, he could go to the Planning Commission and request a variance. Essentially, he was usurping the City's ability to review the project as a whole. Mr. Bellberger stated he completely disagreed with COMMISSIONER CONWAY and tried to explain the situation further with the driveway issue.

COMMISSIONER CONWAY responded that the ability to handle the project was in a design and build situation and not a part of the planning. Mr. Bellberger responded that he could have done a better job in planning and does not believe there is a big discrepancy. COMMISSIONER CONWAY responded the difference of 27% to 43% in the front yard coverage is a large discrepancy.

Director Orci summarized the Planning Commissions concerns, which were to have safe and adequate access to the driveway. If the Planning Commission concurs, then the Commission can direct the applicant to prepare the appropriate traffic studies, and allow the Traffic Engineer to review to ascertain the best layout for traffic design of ingress and egress.

COMMISSIONER SOMERS stated his concern was with people doing whatever they want to do, and then coming to the Commission after the fact. They know we would not require them to rip it out.

COMMISSIONER BAYER stated that she may not concur, but part of the driveway (on the right) was not necessary as a parking area could be removed.

Discussion ensued among the Commission with other related and similar situations, and the option of traffic studies or architectural review.

Director Orci stated that code requirements are for two cars. All cars parked in the driveway are also counted as areas for off street parking. If an abnormal ratio of cars to drivers on any property exist, then you are allowed to have parking permits to park in the street. Permits are only for cars to be parked on the street.

CHAIRMAN ZERUNYAN advised Mr. Bellberger that the concerns of the Commission are not the design issues, but the timing of his request. Every other citizen that has come before us is held to the standard of 30% and he agreed to remain within those guidelines, just as well when he signed the declaration. He has not said a word as to why this has happened and what it is that he is expecting us to say about it.

Mr. Bellberger responded that he felt he had. He made a mathematical mistake, it was not willful. He was not asking for anything unreasonable.

CHAIRMAN ZERUNYAN responded that the mistake was huge. What do we say to the next person who comes to the Commission and says, "I made a mistake". How many mistakes should we permit in Rolling Hills Estates to occur, when the Commission approved certain plans and specifications two years ago and expect that professional to withhold those standards and abides by those plans and specifications. This is not just about one person or situation, it is about others who come after later.

Mr. Bellberger stated that he needs to analyze the lot and review his procedures.

CHAIRMAN ZERUNYAN asked him "what do we do about the violation of the specs?" Mr. Bellberger responded that he was not aware of the infringement until he had staked it out and poured the concrete. He did not revise plans at that time. He thought he was following the plans he had designed.

CHAIRMAN ZERUNYAN asked Mr. Bellberger if there were any way to add some softscape to mitigate or help with respect to the front yard, in any shape or form, that is not cost prohibitive? Mr. Bellberger responded that he felt there were some possibilities. His primary concern was for safety in terms of ingress and egress.

CHAIRMAN ZERUNYAN asked if there were any other questions of the applicant.

COMMISSIONER REIN stated that he was unclear of the relationship of the drawing he had been given and the drawing on the bulletin board. The driveway appears to be superimposed. Is the drawing on the bulletin board the one previously approved by the Planning Commission? Mr. Bellberger stated that it was very close. Planner Wahba also confirmed.

COMMISSIONER REIN stated that he could not tell what was there before this whole thing started. Mr. Bellberger discussed the drawing on the bulletin board, with the Commission.

COMMISSIONER REIN asked about the concrete beyond the property line and who was responsible. Director Orci stated it is in the public right of way and that the maintenance is the responsibility of the homeowner. It is not part of the 30% front yard coverage.

Ms. Cindy Martin, resident on Ponderosa Lane, stated that she also had done a remodel and the 30% lot coverage does not work. There is concrete on the lower yard and she would have to take out a portion, because the 30% does not work. She suggested that the 30% lot coverage should be changed over the next few years.

CHAIRMAN ZERUNYAN responded that our responsibility is to enforce the existing statutory laws and not to legislate the law. Her comments were appreciated and we can take them to the legislative body for consideration. Our existing law is what we are trying to enforce.

COMMISSIONER SOMERS stated that he had no serious objection but is upset. To simply fine the applicant is expensive for the City. This is a significant addition, and the penalty is insignificant. My suggestion is that any significant deviation, the contractor or subcontractor should be prohibited from working in our City for one year. The people who come out ahead are the ones that do the work and then worry about it later. Nobody is going to have you rip it up. This should not happen.

CHAIRMAN ZERUNYAN specifically asked Staff if our current existing law has any teeth. He was further surprised to be getting this type of issue. Director Orci stated that they are required to allow the applicant requests for improvements. It is part of their due process. In most cases, which you don't see, we do take care of things. There have been situations where we have corrected the issue when not in compliance. They have the same opportunity, come before the Planning Commission and apply for a variance or offer other resolutions for compliance.

CHAIRMAN ZERUNYAN asked what had happened here. Director Orci stated that the applicant chose to come before the Commission and apply for a variance. He stated that they had suggested some mitigating factors.

CHAIRMAN ZERUNYAN suggested that this situation is a clear model of how to circumvent law. That is a primary concern of the Commission. How can we prevent this? Director Orci stated that they could deny the variance and not grant the final occupancy until the driveway is in consonance with the drawing.

COMMISSIONER BAYER stated that she would prefer to have a traffic study and safety first.

Director Orci had not heard from the applicant or Staff if this is the proposed solution to make the ingress and egress safe. If that is the concern, I suggest we work with the architect and our Traffic Engineers and evaluate the appropriate safety issues.

COMMISSIONER BAYER agreed with Director Orci's suggestion for a study. Give a report back to the Commission.

Director Orci clarified that the Traffic Engineers also conduct other "studies".

COMMISSIONER CONWAY in support of the Commission direction. He also believes that to approve as is, is to condone this action. The applicant has indicated a willingness to work this problem and an opportunity to resubmit his request and redesign.

COMMISSIONER REIN concurred and believes there is some mitigation that could be done to get to the 30%. In the future, it is possible to stake the driveway more accurately. He was surprised a registered professional could make a mistake like that.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CLOSE THE PUBLIC HEARING.

AYES: Conway, Rein, Somers, Vullo, Bayer and Chairman Zerunyan
NOES:
ABSTAIN:
ABSENT: Killen

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO DIRECT STAFF TO WORK WITH APPLICANT TO REDESIGN THE FRONT DRIVEWAY TO THE SATISFACTION OF THE CITY ENGINEER TO MAXIMIZE THE OPEN SPACE IN THE FRONT YARD.

AYES: Conway, Rein, Somers, Vullo, Bayer and Chairman Zerunyan
NOES:
ABSTAIN:
ABSENT: Killen

9. COMMISSION ITEMS

COMMISSIONER CONWAY wanted to compliment the contractor at the Larga Vista. They did a great job controlling traffic, cleaning up after themselves, work with the neighbors.

COMMISSIONER CONWAY asked about the Lomita Reservoir meeting. Director Orci stated there is a scoping meeting. There was a lack of information on this meeting. No response to date but will advise.

10. DIRECTOR'S ITEMS

Director Orci thanked the Commission for appointing a committee for the Lomita Reservoir.

He stated that they needed two members of the Planning Commission for a Chandler Reuse Committee. CHAIRMAN ZERUNYAN stated that he had also been asked, and to also invite presidents of homeowners associations nearby. He asked for volunteers.

The Commission nominated Commissioner Somers and Commissioner Killen.

11. MATTERS OF INFORMATION

A. City Council Actions (May 28, 2002)

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO RECEIVE AND FILE ITEM 11 A.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

12. ADJOURNMENT

At 9:00 p.m. CHAIRMAN ZERUNYAN adjourned the Planning Commission meeting to the meeting of June 17, 2002, at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk