

MINUTES

REGULAR PLANNING COMMISSION MEETING

JULY 15, 2002

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:35 p.m. in the City Hall Council Chambers, 4045 Palos Verde's Drive North, by VICE-CHAIRMAN VULLO.

2. **PLEDGE OF ALLEGIANCE**

VICE-CHAIRMAN VULLO led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Rein, Killen, Somers, Conway, Bayer
Vice-Chairman Vullo

Commissioners Absent: Chairman Zerunyan

Staff Present: 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 JULY 1, 2002.

There being no objection, VICE-CHAIRMAN VULLO so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN

TO RECEIVE AND FILE ITEMS OF THE CONSENT CALENDAR.

There being no objection, VICE CHAIRMAN VULLO so ordered.

7. **BUSINESS ITEMS**

- A. PLANNING APPLICATION NO 20-02; APPLICANT: MR. & MRS. DAVID WENDORFF; LOCATION: 1 PONDEROSA LANE. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO DEMOLISH A HOME AND CONSTRUCT A NEW TWO-STORY HOME; AND A MINOR DEVIATION FOR ADDITIONS IN THE FRONT YARD WHICH ENCROACH AND DECREASE THE FRONT YARD AREA BY LESS THAN 10%.

Assistant Planner Wong gave a staff report (as per written material) and recommended the Planning Commission continue PA 20-02 to a date uncertain, to allow the applicant and staff to address neighborhood compatibility concerns as outlined in this report and as directed by the Planning Commission.

In response to a question from COMMISSIONER CONAY, Planner Wong responded that there was not a "true" form, or "pure" form of architectural style in the neighborhood.

The applicant's architect, Mr. Brad Dudley commented that the street is off to itself and does have a variety of styles, but there is primarily a "Spanish" style. At the last meeting, some changes were suggested, such as roof projections ranging from about 2

to 4 feet. The applicant continues to have the support of the neighborhood. The rendering was also revised to show the suggested changes.

The applicant, Mr. David Wendorff, informed the Commission, he had also included a letter of understanding to the Commissioners as an exhibit. He also discussed some of the styles of the other homes in his neighborhood. He included in his letter the changed elements that were also revised since the last meeting of July 1, 2002.

COMMISSIONER CONWAY asked the applicant about the unbroken wall treatment. Mr. Dudley responded that the ordinance states to "avoid" that condition, not that it cannot occur.

COMMISSIONER KILLEN asked about the use of materials on the exterior of the building. He stated he would be able to support this application if the applicant and the architect would consider using Palos Verdes stone in a pattern similar to that on the City Hall building.

COMMISSIONER SOMERS stated that Goal II of the General Plan in the staff report states a "rural" character. The question is, is the home incompatible? The type of stone is not a factor in his opinion.

VICE-CHAIRMAN VULLO asked if the stone was cultured or real.

The applicant, Christina Wendorff said that they will be using a cast concrete material with special grout to give the look of the Palos Verdes stone.

COMMISSIONER BAYER and COMMISSIONER CONWAY asked about the roof materials and composition.

Mrs. Wendorff, responded that they have selected a barrel tile roof that will give the definition they are trying to achieve with color and texture.

COMMISSIONER CONWAY commented that the neighborhood has no pure form of architectural style as stated by staff, and as such the applicant's home and style is a clear intent to conform to the general guidelines in the architectural styles of the neighborhood. There are no Variance applications in this application. One item that was brought up at the previous meeting was consideration of the "next, and the next" application. With the review of this application, and the scrutiny the Planning Commission is striving to maintain high standards for the community will prevent the proliferation of the architectural style. He stated he remains in support of this application.

COMMISSIONER REIN reiterated that although the original design is very attractive, staff was unable to find the design compatible. He commented that he did not see Spanish style homes in the applicant's area. This style of house does not match the style on the street and that is what neighborhood compatibility is all about. How does this house compare with the other houses on the street? The other homes are more like each other than this home.

COMMISSIONER BAYER stated the houses on Ponderosa Lane are very eclectic. The design of this home will enhance the properties on the street and encourage others at the time of their remodel. This is not a "pure" form and is not incompatible with the neighborhood.

VICE-CHAIRMAN VULLO stated that he liked the architecture, the balance and the tile roof and would be in favor of the project as it is at this time.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOMERS

TO APPROVE PLANNING APPLICATION NO. 20-02.

AYES: Conway, Somers, Bayer, Vice-Chairman Vullo

NOES: Rein, Killen

ABSTAIN:

ABSENT: Chairman Zerunyan

Senior Planner Wahba stated there is a 20-day appeal period.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 11-02; APPLICANT: MR. & MRS TOM FOURNIER; LOCATION: 38 ENCANTO DRIVE. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A SINGLE STORY ADDITION. APPROVAL OF THREE VARIANCE APPLICATIONS ARE REQUIRED TO REDUCE THE FRONT YARD AREA BY MORE THAN 10% TO EXCEED THE REQUIRED 30% FRONT YARD COVERAGE AND TO MAINTAIN A NON-CONFORMING FRONT YARD SETBACK.

Assistant Planner Tran gave a staff report (as per written material) and recommended that the Planning Commission Open the public hearing; Take public testimony; Discuss the issues; and Continue Planning Application No. 11-02 to a date uncertain to allow the applicant sufficient time to work with staff and eliminate the Variance applications.

In response to a question from COMMISSIONER CONWAY, Senior Planner Wahba responded that the existing setback is legal non-conforming and that since the remodel exceeds 50% of the home, a Variance is required for the front legal non-conforming setback .

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING FOR PLANNING APPLICATION NO. 11-02.

AYES: Conway, Somers, Bayer, Rein, Killen, Vice-Chairman Vullo

NOES:

ABSTAIN:

ABSENT: Chairman Zerunyan

There being no objection, VICE-CHAIRMAN VULLO so ordered.

The applicant, Mr. Tom Fournier, stated that he and his wife submitted a 15 page document describing why the variances should be approved. He went over each finding as follows:

In finding No.1, staff concluded there is nothing unique about the property to justify the variances. As seen in the plans, there is a hillside that renders about 1/3 of the lot unusable. This is not unusual, but the position of the garage is. The garage is further back on the property than the home, resulting in an unusually small backyard and unusually larger front yard. Complying with the code requirements will renders about 2/3 of the property unusable. They believe this makes the property unique and without the variances, they are being asked to forgo a substantial property right that others in the area already enjoy.

In finding No. 2, staff stated that the 19' setback is the shortest distance from the curb than of any house in the area. The actual setback is actually 19' 10" to the stone and a little over 20' to the wall; therefore, they don't have the shortest setback in the area. Setback violations are common in the area, according to the staff report. The method staff used to calculate the 44% is not a method described in the Municipal Code upon his research. Adherence to the method described in the code, results in the 22% coverage, which is within code compliance. Front yard coverage ratios in excess of 30% are common in the area, which is a right enjoyed by many others.

The property as it exists today already violates existing limits. The project actually rectifies the front yard coverage Variance by reducing the coverage to 22% and they ask to be allowed to maintain the setback Variance of 19' that may have been originally granted by the city.

In finding No. 3, the staff report stated that a significant reduction of front yard area is detrimental to the neighborhood. Page 5 of the staff report states that the average front yard area is 3,100 square feet and that the front yard area of 2,800 square feet, is not compatible. Staff failed to note that the neighbor's current front yard of 4,100 square feet is also not compatible with the surrounding area. The front yard is currently 33% larger than the average and if they were only allowed the 10% encroachment, their front yard will still remain 20% larger than the average.

He stated that in bringing the garage forward occupies 1,300 square feet of the old front yard, over half of this is a concrete driveway. Another 1/3 is replaced by space opened up when we remove the fence. The 200 feet of garden and greenery is being lost. The granting of a Variance of the 10 % rule is not unprecedented in the neighborhood. Such a Variance was granted to the neighbors at 41 Encanto Drive in April of last year.

In finding No. 4, staff stated that the project is consistent with the neighborhood in all ways, except for the front yard reduction and coverage variances. This project leaves them with a front yard coverage that is more consistent with the neighborhood than the yard they currently have.

Finally, they believe this project is compatible with the neighborhood and in compliance with the General Plan. They ask the Planning Commission to recognize that the properties topography severely restricts their ability to utilize their property without the variances, and bear in mind that their neighbors applaud and approve their plans to rejuvenate this older home and the neighborhood. They respectfully request the Planning Commission approve their variances.

COMMISSIONER KILLEN asked the applicant why they have not considered a second story. Mr. Fournier responded that they had neighbor expressing concern about privacy.

COMMISSIONER CONWAY questioned how staff addressed the non-conforming front yard setback? Senior Planner Wahba explained that if the remodel were less than 50%, the non-conforming front yard setback would not be a Variance. The 50% guidelines are a combination of added square footage and the demolition of the existing home. If the applicant is going to the extent of leaving one or two walls standing and the foundation and the floor, this is the opportunity to make it conform to today's standards.

COMMISSIONER CONWAY expressed that the applicant's home provided relief to a number of short setbacks on the street, some of which had very abrupt facades. He was of the opinion that the proposed application would be a disservice to the neighborhood by using up open space and generally would have a hard time supporting. In listening to the testimony he realized that he did not read the applicant's 15-page report. He would like a copy of the written testimony of the applicant and time to review it. He felt he did not give the applicant submittal adequate review. The application as presented appears to be an encumbrance of open space that he would not be able to support, but that is without the benefit of reviewing the applicant's submittal for Variance findings.

COMMISSIONER BAYER concurred with COMMISSIONER CONWAY to further review the applicant's testimony.

COMMISSIONER KILLEN commented that he would like staff to prepare potential front yard development of 34 & 35 Encanto to see if the applicant could sustain what they have right now if they were to demolish that. This may assist in the question of what is unique.

COMMISSIONER CONWAY responded to COMMISSIONER KILLEN that page four of the staff report indicates that the setbacks for 34 to 40 Encanto Drive are less than 25 feet.

Senior Planner Wahba stated that if they were to come straight across, one consideration would be the reduction of front yard area, which would be a Minor Deviation if it did not exceed 10% and the other item is neighborhood compatibility.

COMMISSIONER BAYER stated that she would like for the applicant to work more with staff to come up with a plan to eliminate one of the variances.

COMMISSIONER SOMERS agreed with COMMISSIONER CONWAY that he did not read the applicant's report. The applicant should be given fair consideration but he did not necessarily agree with the applicant in his comparison of the neighbors. He stated the Planning Commission is very careful about homes going in to the front yard.

Mr. Fournier stated that there is no new construction within the setback area, and the new additions as are set back 25'.

VICE-CHAIRMAN VULLO asked for clarification on the covered patio. The non-conforming setback in the staff report is 16 feet 2 inches to the face of the wall.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER BAYER

TO CONTINUE THE PUBLIC HEARING FOR PA 11-02 TO A DATE UNCERTAIN AND REQUEST A COPY OF THE APPLICANT'S VERBAL REPORT.

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

There being no objection, VICE-CHAIRMAN VULLO so ordered.

Senior Planner Wahba indicated that the application will be readvertised to the public 10 days prior to the public hearing.

B. PLANNING APPLICATION NO.19-02; APPLICANT: MR. AND MRS. RICHARD ACHATZ; LOCATION: 18 HARBOR SIGHT DRIVE. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO ALLOW THE CONSTRUCTION OF A FIRST STORY ADDITION IN THE FRONT OF THE HOME AND A SECOND STORY ADDITION IN THE REAR OF THE HOME, A MINOR DEVIATION APPLICATION IS REQUIRED TO DECREASE THE FRONT YARD BY 2%; AND A VARIANCE APPLICATION IS REQUIRED TO ALLOW AN ENCROACHMENT INTO A SUBSTANDARD REAR YARD SETBACK.

Assistant Planner Wong gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the issues and Direct staff to prepare a resolution approving PA-19-02.

In response to VICE-CHAIRMAN VULLO Senior Planner Wahba stated that there is minimal grading to accommodate the addition and no change in drainage requirements.

COMMISSIONER KILLEN asked staff about the overhead wires and the proximity to the proposed second story addition.

Senior Planner Wahba stated that they had received a letter from Pacific Bell stating no objections to the proposed improvements within the easement.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING FOR PA 19-02.

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

There being no objection, VICE-CHAIRMAN VULLO so ordered.

The applicant's designer, Sonja Rodriguez, discussed the various permits necessary for the non-permitted second story. The applicant is trying to get the proper permits for necessary repairs. The material to be used is the same that is to be used on the existing house to match. She discussed the details of the garage changes and the impact on the front yard. The rear setback is already a non-conforming setback; the variance is to keep what they already have. The applicant has discussed the plans with the neighbors.

VICE-CHAIRMAN VULLO asked about the drainage with the city Building and Safety Department. He then asked if they would be legalizing the existing non-conforming areas.

Ms. Rodriguez responded they had not been to Building and Safety as of this time. They do not intend to do any grading. She further discussed their plans for complying with the code.

VICE-CHAIRMAN VULLO stated he had a concern about the soil report.

Mr. William Canal, a neighbor, on Palos Verdes Drive East, he stated that the applicant's plans does not impact their view and are in support of the project.

COMMISSIONER KILLEN moved, and seconded by COMMISSIONER CONWAY

TO CLOSE THE PUBLIC HEARING FOR PA NO. 19-02.

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

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO DIRECT STAFF TO PREPARE A RESOLUTION TO APPROVE PA 19-02 AT THE NEXT MEETING.OF THE PLANNING COMMISSION WITH A SPECIAL CONDITION THAT THE PROJECT COME BACK TO THE COMMISSION IN THE EVENT THAT BUILDING AND SAFETY REQUIRES GRADING AND/OR DRAINAGE IMPROVEMENTS BEYOND THE EXISTING BUILDING FOOTPRINT.

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

Senior Planner Wahba stated that staff would bring back a resolution in favor of approving this application at the next Planning Commission meeting.

C. PLANNING APPLICATION NO. 23-02; APPLICANT: MR. BILL ALLEN; LOCATION 5 BUCKSKIN LANE. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO DEMOLISH AND CONSTRUCT A NEW TWO-STORY HOME. TWO VARIANCE APPLICATIONS ARE REQUIRED TO DECREASE AND ENCROACH INTO THE FRONT YARD AREA BY 16% AND TO EXTEND THE HOME BEYOND THE EXISTING FORWARDMOST BUILDING LINE IN THE FRONT YARD.

Assistant Planner Wong gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the issues and Direct staff to prepare a resolution approving PA-23-02. He also advised the Commission that staff had received a letter today in opposition to the application from the resident at #9 Dapplegray.

Senior Planner Wahba stated that the privacy concerns are generally from "inside the house".

The Planning Commission discussed with staff a clarification of the proximity of #9 Dapplegray to the applicant's and an overview of the plans.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER KILLEN

TO OPEN THE PUBLIC HEARING FOR PA NO. 23-02.

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

There being no objection, VICE-CHAIRMAN VULLO so ordered.

The applicant, Bill Allen, stated that they have been working extensively with staff. Because they are remodeling over 50% of the home, they are requesting a variance. He stated he was not aware until one hour ago, of the letter of objection from #9 Dapplegray. He further discussed the construction plans with the Planning Commission.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER BAYER

TO CLOSE THE PUBLIC HEARING FOR PA NO. 23-02.

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

There being no objection, VICE-CHAIRMAN VULLO so ordered.

COMMISSIONER KILLEN stated that the applicant addressed the concerns of the Planning Department.

COMMISSIONER CONWAY further stated that historically, privacy deals with the interior of the home and not the exterior of the home. He also said that the staff reports have been very well written and make for easy reading of the issues.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER KILLEN

TO DIRECT STAFF TO PREPARE A RESOLUTION APPROVING PA-23-02.

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

There being no objection, VICE-CHAIRMAN VULLO so ordered.

9. COMMISSION ITEMS

None

10. DIRECTOR'S ITEMS

The Planning Commission discussed the issue of which committee they were delegated to. COMMISSIONER BAYER and COMMISSIONER KILLEN volunteered for the Mixed-Use Committee, and COMMISSIONER KILLEN and COMMISSIONER SOMERS volunteered for the Lomita Reservoir Committee.

11. MATTERS OF INFORMATION

- A. Park and Activities Minutes (July 2,2002)
- B. City Council Actions (July 9, 2002)

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER BAYER

TO RECEIVE AND FILE ITEMS 11 A AND 11B.

There being no objection, VICE-CHAIRMAN VULLO so ordered.

12. ADJOURNMENT

At 9:10 p.m. VICE-CHAIRMAN VULLO adjourned the Planning Commission meeting to the meeting of August 5, 2002, at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk