

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**MAY 20, 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: Conway, Killen, Rein, Vullo, Somers,  
Chairman Zerunyan

Commissioners Absent: Bayer

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

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VULLO

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF APRIL 1, 2002.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. Waive reading in full all resolutions that are presented for Planning Commission consideration on tonight's agenda and all such resolutions shall be read by title only.

B. PLANNING APPLICATION NO. 13-02; APPLICANT: Palos Verdes Bridal & Invitations; LOCATION: 30 Peninsula Center. A request to approve a Precise Plan of Design application for a logo on a business identification sign.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN

TO RECEIVE AND FILE ITEMS A AND B OF THE CONSENT CALENDAR.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

Director Orci indicated a 20-day appeal for item 6B.

7. BUSINESS ITEMS

- A. PLANNING APPLICATION NO.10-02. APPLICANT: MR. & MRS. JENS DIMMICK LOCATION: 88 BUCKSKIN LANE. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO ALLOW FRONT AND REAR YARD ADDITIONS ON A SPLIT LEVEL HOME. TWO MINOR DEVIATIONS APPLICATIONS ARE REQUIRED TO ENCROACH INTO THE REQUIRED FRONT YARD AND TO REDUCE THE FRONT YARD AREA BY NOT MORE THAN 10% OF THE TOTAL FRONT YARD AREA.

Assistant Planner Wong gave a staff report (as per written material). He recommended that the Planning Commission approve PA-10-02.

COMMISSIONER VULLO moved, and seconded by COMMISSIONER CONWAY

TO APPROVE PLANNING APPLICATION NO. 10-02.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

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

- B. PLANNING APPLICATION NO. 12-02; APPLICANT: TAPIOCA EXPRESS; LOCATION 50-A PENINSULA CENTER. A REQUEST TO APPROVE A PRECISE PLAN OF DESIGN APPLICATION FOR A LOGO ADJACENT TO BUSINESS IDENTIFICATION SIGN.

Assistant Planner Hahn Tran gave a staff report (as per written material).

Staff recommends that the Planning Commission approve PA 12-02, with the condition that the words "Coffee, Tea, Juice and Snow Bubble" be removed from the logo.

CHAIRMAN ZERUNYAN indicated he was "troubled" by existing law allows someone to circumvent the law by filing a "Fictitious Business Name Statement.

Senior Planner Wahba responded that the sign can display the "Doing Business As" (DBA).

CHAIRMAN ZERUNYAN stated that the "DBA" is a "non-selective" process that allows anybody to obtain one; whereas a trademark is a more selective process that allows a more critical review.

Director Orci stated the staff is preparing revisions to the sign code and is planning to study that provision regarding "DBA". He further stated that the logo design guidelines, discourage advertisement.

COMMISSIONER CONWAY commented that the definition of advertisement in their logo is an interpretation, whereas if they had a "fictitious name" it would not be defined as advertisement.

Director Orci, responded in the affirmative.

COMMISSIONER CONWAY, asked if they could hear from the applicant.

Nate Feliciano, applicant, advised the Commission, he was very proud to have his franchise in this area. He indicated he had bought the franchise and trademark and it was approved in Washington, D.C., and if he is required to alter the trademark, then he is in violation of the trademark. Mr. Feliciano further stated that his sign is not offensive. Other companies, such as Starbucks, La Salsa says "best Mexican grill", why shouldn't he be allowed to do this?

CHAIRMAN ZERUNYAN advised Mr. Feliciano, that he hoped he had heard his comments and all of the signs mentioned by Mr. Feliciano, they all have a "DBA Statement" they filed with the county. CHAIRMAN ZERUNYAN asked Mr. Feliciano if he could file such a document?

COMMISSIONER CONWAY commented that he would have a problem if someone just filed a "DBA" and then listed their products. He concurred with CHAIRMAN ZERUNYAN's concerns.

Discussion ensued among the Commission in regard to this issue.

COMMISSIONER SOMERS stated that the staff report had a good suggestion, to place the words in question, in the window.

COMMISSIONER VULLO asked if the logo could also be in the window.

CHAIRMAN ZERUNYAN indicated the logo and the trademark could both be in the window.

Senior Planner Wahba indicated that staff would work with the applicant on the window.

CHAIRMAN ZERUNYAN advised the Mr. Feliciano he could have the logo on the window and his alternatives and options.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOMERS

TO APPROVE PA 12-02 AS RECOMMENDED BY STAFF

There being no objection, CHAIRMAN ZERUNYAN so ordered.

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

- C. PLANNING APPLICATION NO. 06-02; APPLICANT: MR. & MRS. SCOTT WADE; LOCATION: 37 COUNTRY MEADOW ROAD. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A FIRST AND SECOND STORY ADDITION AT THE FRONT, SIDE AND REAR OF A TWO STORY HOME AND A MINOR DEVIATION FOR A DECREASE IN THE FRONT YARD AREA BY 0.5%.

Assistant Planner Tran gave a staff report (as per written material). She indicated that staff recommends the Planning Commission approve the PA No. 06-02 with the condition that not more than 50% of the existing home be demolished.

COMMISSIONER CONWAY requested a clarification of the calculations for the front yard, the balcony and the walkway.

There was much discussion in regard to the calculations and the Minor Deviation request with the Commission and the staff.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER VULLO

TO APPROVE PA NO- 06-02 WITH THE CONDITION THAT NOT MORE THAN 50% OF THE EXISTING HOME BE DEMOLISHED.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

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

8. PUBLIC HEARING

- A. PLANNING APPLICATION NO. 26-01; APPLICANT: MR. & MRS. PAUL MOSHER; LOCATION: 5020 ROLLING MEADOWS ROAD.

Assistant Planner Tran gave a staff report (as per written material). She indicated that staff recommends that the Planning Commission; Open the Public Hearing; take Public Testimony; Close the Public Hearing; discuss the issues, continue the Public Hearing and direct staff to prepare a resolution approving the Mitigated Negative Declaration PA-26-01.

There was discussion regarding the order of resolutions, and mitigation measures.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER KILLEN

TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

Mr. Paul Mosher, the applicant, wanted to thank the Planning staff for their assistance and agreed with the staff report. He indicated that the architect was there to answer any questions.

Sean Bennett, 4941 Rolling Meadows Road, President of the HOA, found the remodel to be very desirable for the street. He indicated that his own remodel was simple and hopes for some expedience with Mr. Mosher's application.

CHAIRMAN ZERUNYAN asked if there was anyone wanting to speak against this application.

Mr. Herman Hitt, 5039 Range Horse Lane, commented he lived immediately behind the Mosher home. He indicated that he had a concern about the stability of the slope. The soil is considered to be unstable as identified in the Soil/Land reports and that there could be an erosion potential. He also indicated a concern of the proposed vegetation (bamboo).

COMMISSIONER SOMERS asked the architect about the concerns Mr. Hitt expressed and the proposed deck plans. He also asked about the distance between the street and the entrance to the garage. The architect, Mr. Bob Garsten, discussed with the Commission, the deck plans and the distance of the garage to the street.

Director Orci stated that prior to zone clearance, a third party would review the proposed improvements.

COMMISSIONER VULLO asked about the deck not being shown on the grading plan. He asked about the drainage around the deck.

Director Orci suggested to the Commission that Building and Safety could review the plan concurrently with the Planning Commission review.

COMMISSIONER KILLEN suggested that they represent the deck on the grading plan.

Mr. Mosher stated that the deck plans were on the site plan.

Director Orci discussed the erosion control options.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER KILLEN

TO CONTINUE THE PUBLIC HEARING TO THE JUNE 3, 2002 MEETING.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

Director Orci requested with the Commission's approval to take the application to Building and Safety in order to evaluate the hydrology and soil issues. This item will be brought back to the next Planning Commission meeting.

## 8. COMMISSION ITEMS

COMMISSIONER SOMERS advised Director Orci that a bus is being stored on the Butcher property. They seem to be doing mechanical work on the bus.

COMMISSIONER VULLO advised about the "car sales" that take place next to the Nature Center on Palos Verdes Drive North and Palos Verdes Drive East, near the real estate office.

Director Orci stated he would advise the Enforcement Officer.

COMMISSIONER CONWAY asked Director Orci about the staff reports. He indicated that they are periodically including "deemed complete dates" though there was not one in the Mosher property. Director Orci indicated that staff will be revising the format that will include "Action Dates".

COMMISSIONER CONWAY asked Director Orci about the new Federal Law that affects religious structures impacting the city. Director Orci stated that they have already discussed this issue with the City Attorney's office. He is aware of the "strengths" and "weaknesses" found under the "R.A.L.U.P.A" law. CHAIRMAN ZERUNYAN discussed an article on a back east court action, which found the R.A.L.U.P.A constitutional.

Director Orci discussed the numerous projects on P.V.D.N.

COMMISSIONER SOMERS asked about the City Attorneys review and analysis of the new law affecting churches. Director Orci stated the City Attorney's office prepared an analysis of the R.A.L.U.P.A., law. CHAIRMAN ZERUNYAN stated that in light of the newly amended R.A.L.U.P.A., law, the cases have not come out of California.

CHAIRMAN ZERUNYAN suggested the Commission members take a look at vacation plans for future meetings in the summer.

CHAIRMAN ZERUNYAN commented his street has deteriorated due to the high volume of construction traffic.

9. DIRECTOR'S ITEMS

A. Lomita Reservoir.

CHAIRMAN ZERUNYAN wanted to thank his colleagues, COMMISSIONER SOMERS and COMMISSIONER CONWAY for volunteering to be on the Lomita Reservoir Subcommittee.

Director Orci wanted to present documentation from the City of Lomita to the Planning Commission; however, to date, no documentation has been received. There is a tentative meeting scheduled for June 7, 2002.

COMMISSIONER KILLEN asked if the City Attorney had reviewed the reservoir situation. Director Orci discussed several of the issues of the Lomita Reservoir.

10. MATTERS OF INFORMATION

- A. Park and Activities Minutes (April 2, 2002)
- B. Park and Activities Minutes (April 16, 2002)
- C. Park and Activities Minutes (May 7, 2002)
- D. City Council Actions (April 9, 2002)
- E. City Council Actions (May 14, 2002)
- F. Joint City Council/Planning Commission Minutes (May 6, 2002)

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER SOMERS

TO RECEIVE INTO FILE DIRECTOR'S MATTERS OF INFORMATION ITEMS.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

10. ADJOURNMENT

At 8:30 p.m. CHAIRMAN ZERUNYAN adjourned the Planning Commission to meeting to the meeting of June 3, 2002.

---

Judith Trujillo  
Minutes Secretary

---

Douglas R. Prichard  
City Clerk