

MINUTES

REGULAR PLANNING COMMISSION MEETING

SEPTEMBER 30, 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, Conway, Killen, Somers, Bayer,
Chairman Zerunyan

Commissioners Absent: None

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

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER, seconded by COMMISSIONER CONWAY

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF SEPTEMBER 16, 2002.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

- A. PLANNING APPLICATION NO 35-02; APPLICANT: MR. SPENCER YI
LOCATION: 9 SAN MIGUEL. A REQUEST FOR APPROVAL OF A GRADING
PERMIT TO EXTEND A BUILDING PAD ONTO AN EXISTING SLOPE FOR THE
CONSTRUCTION OF A SWIMMING POOL AND SPA IN THE REAR YARD.

Planner Wong gave a staff report (as per written material) and recommended the Planning Commission deny PA-35-02.

In response to a question from COMMISSIONER KILLEN, Senior Planner Wahba stated that there are four homes on San Miguel, two of which back up to Santa Cruz and two that back up to Santa Rosa.

In response to a question from COMMISSIONER CONWAY, Senior Planner Wahba stated that the slopes behind #1 and #3 San Miguel are not commonly maintained. The commonly maintained slopes are only located on the rear of the lots at 5, 7, 9, & 11, which abut Santa Rosa.

In response to a question from CHAIRMAN ZERUNYAN, Assistant Planner Wong stated that it would be difficult but not impossible for a swimming pool and spa to be located in the existing rear yard.

In response to a question from CHAIRMAN ZERUNYAN, Senior Planner Wahba responded that there would be only three properties affected by the proposed Homeowners Association CC&R amendment.

In response to a question from CHAIRMAN ZERUNYAN, Planning Director Orci stated that due to a grading problem in the subdivision, the City had allowed for eight retaining walls to be built to enlarge the building pads to accommodate the homes. The City was advised that the homes were too big for the lots such that the developer was required to advise potential homeowners that some of the lots were near the maximum limit of front yard and/or overall lot coverage.

COMMISSIONER BAYER questioned whether there were any plans to accommodate the potential for home additions or rear yard improvements such as pools with respect to the common areas located on many of the lots. Planning Director Orci explained that there were over six months of discussions with the developer and the City Council, Planning Commission and staff in regard to this issue and it was acknowledged by the City that several lots would only be provided with small rear yards due to the size of the homes in relation to the building pads.

Mr. Spencer Yi, the applicant, stated that as a result of the City approving a retaining wall at #11 San Miguel which extends out beyond the top of the slope, the neighbor at #11 now has a vantage point into his rear yard and home that would be avoided if he were allowed to extend his rear yard out in line with the existing wall at #11 San Miguel, thereby maintaining his privacy.

Mr. Jim Weir, pool contractor for the applicant, advised the Commission that Mr. Yi's lot is one of the smallest and that it would be difficult but not impossible to put a pool in his rear yard.

COMMISSIONER CONWAY asked about fitting a pool in the applicant's lot in relation to the close proximity of the pool and the slope. Mr. Weir stated that the pool incorporates a "freestanding design" such that it would not impact the slope.

COMMISSIONER SOMERS commented that they are just relocating the fence to be in line with the adjacent neighbor's fence and this should be approved.

COMMISSIONER BAYER commented that there is not enough open space and common area, and by approving this case it would further decrease the open space of the development.

COMMISSIONER CONWAY stated that the major concern was for the preservation of the slopes on the surrounding developments which abut the project and that the City also wanted to protect against encroachment into the slope area on Crest Road. He added that the application is a controlled encroachment and that the applicant is trying to realign his yard consistent with the adjacent neighbor's conditions. He stated that what is being proposed is reasonable but the reasons to justify support for it are not; but that he could concur with the request to protect the privacy and view issues.

COMMISSIONER KILLEN discussed his concerns about the wall and the size of the buildings on small parcels. He suggested some options and his rationale for future requests that are similar to the applicants. He further discussed various lots and their configurations and the potential options available.

CHAIRMAN ZERUNYAN and COMMISSIONER KILLEN stated that the issue is to correct a design error and asked Director Orci how many more potential applicants there could be. Director Orci stated that there are two other pending applications which are similar to this application.

COMMISSIONER REIN commented that there are numerous letters of correspondence between the City and the HOA. He asked Director Orci if he would discuss this issue. Director Orci that the City Manager deferred the application to the Planning Commission for final determination.

COMMISSIONER CONWAY stated that the retaining walls were approved after the topography errors and that the applicant is rectifying the errors. He feels this is an aesthetic issue because continuing the retaining wall from #11 San Miguel to #7 San Miguel (across the rear slope of the applicant's property) would improve the aesthetic appearance of the slope when viewed from Santa Rosa.

Ms. Donna Benveniste, of the Vantage Point HOA, assured the Commission that the HOA Board reviews and approves all property improvements prior their coming to the City and that it is in their best interest not to allow future improvements (with the exception of the three that have already been recommended for approval) on the common area slopes.

COMMISSIONER SOMERS moved, seconded by COMMISSIONER CONWAY

TO APPROVE PA 35-02 WITH THE CONDITION THAT THE CC&R AMENDMENT BE REVISED TO ONLY INCLUDE #9 SAN MIGUEL AND THAT THE CITY ATTORNEY REVIEW AND APPROVE THE AMENDMENT PRIOR TO IT BEING RECORDED.

AYES: Rein, Conway, Somers, CHAIRMAN ZERUNYAN
NOES: Killen, Bayer
ABSTAIN:
ABSENT:

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

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO.11-02; APPLICANT: MR. AND MRS. TOM FOURNIER LOCATION: 38 ENCANTO DRIVE. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION APPLICATION FOR A SINGLE STORY ADDITION LOCATED AT THE FRONT, SIDES AND REAR OF A SINGLE STORY HOME. APPROVAL OF A MINOR DEVIATION APPLICATION IS REQUIRED TO DECREASE THE FRONT YARD AREA BY 10%. APPROVAL OF TWO VARIANCE APPLICATIONS ARE ALSO REQUIRED TO EXCEED THE REQUIRED 30% FRONT YARD COVERAGE AND TO MAINTAIN A NON-CONFORMING FRONT YARD SETBACK.

Planner Tran gave a staff report (as per written material) and recommended that the Planning Commission take public testimony; discuss the issues; and direct staff to prepare a Resolution denying Planning Application No. 11-02.

CHAIRMAN ZERUNYAN opened the public hearing (continued from July 15, 2002) for PA-11-02.

COMMISSIONER CONWAY questioned if the Variance to maintain the nonconforming front yard setback of 20' is required if the applicant's 50% additions and remodel are all located toward rear of the home. Planner Tran confirmed that the applicant would still need a Variance to maintain the nonconforming front yard setback regardless of where the addition is located because the project constitutes more than 50% of the existing floor area of the home and garage.

In response to a question from COMMISSIONER KILLEN, Senior Planner Wahba explained how the project exceeds the 50% demolition rule because staff evaluates the demolition and/or changes, including but not limited to the following elements: interior walls, roof, windows, etc.

Director Orci responded that at the recent joint meeting, the Commission and Council directed staff that remodels with existing nonconforming situations be allowed to be remodeled and/or expanded no to exceed 50% of the existing building.

Discussion ensued among the Commission on various modifications and potential changes that would reduce the number of variances and potentially void the 50% Rule. The 50% Rule requires clarification of what constitutes portion of the applicable percentages. There were Numerous comments regarding the issues and how to determine what constitutes a portion of the percentage of the 50% Rule.

COMMISSIONER KILLEN suggested that the City consider using linear footage of walls within the building as a method to determine the 50% Rule such that if the applicant were to remove less than 50% of the existing walls then the home would be exempt from complying with the present code requirements.

Director Orci requested and encouraged the Commission to give direction and suggestions to assist in determining the 50% Rule and its applicability to the roof, the interior walls and windows.

COMMISSIONER KILLEN commented that the applicant has worked extensively with staff to bring their application to below the 50% Rule. He concurs that this is an extremely difficult item to determine and he further stated that this is not a problem unique to this City.

COMMISSIONER SOMERS stated that they are there to help the homeowners, the applicant and staff have worked extensively to comply with the requirements.

Mr. Martin Adler, a neighbor of the applicant, Mr. Tom Fournier, stated that the improvements that the applicant is proposing is adding character to the area.

Mr. Tom Fournier, the applicant, stated that he does not believe the 50% Rule applies in this case due to the fact that he is not removing more than 50% of his existing walls.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER CONWAY

TO CLOSE THE PUBLIC HEARING.

AYES: Bayer, Rein, Killen, Conway, Somers, CHAIRMAN ZERUNYAN

NOES:

ABSTAIN:

ABSENT:

COMMISSIONER CONWAY and COMMISSIONER BAYER discussed the Variance to exceed the 30% front yard coverage, and if there were a finding that property is unique due to the backyard that would negate the request for a Variance.

COMMISSIONER KILLEN and COMMISSIONER BAYER again asked for clarification of the 50% Rule. Planner Tran responded and identified on the diagrams and charts how the calculations were determined.

Director Orci stated that the interior wall changes were also calculated in the equation for the 50% Rule and that the applicant's project involved the removal of less than 50% of the walls.

Director Orci responded to COMMISSIONER CONWAY's question on how the County determines the basis for the valuation, that it is determined by the square footage. He further stated that the Planning Department's concern is for compliance with the City's requirements.

Director Orci responded to COMMISSIONER CONWAY's request for clarification of determination for windows, interior walls, remodel and new construction, change or alteration. Again, direction from the Commission would be appreciated. He further asked the Commission about the interior remodels, changing bathrooms to kitchens for example.

The Commissioners stated that there is too much weight is given to interior remodels. Homeowners are only upgrading their homes.

CHAIRMAN ZERUNYAN interceded asked to delay this discussion to a later date.

COMMISSIONER BAYER moved, and seconded by COMMISSIONER KILLEN,

TO APPROVE PA 11-02 AND DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE VARIANCES.

AYES: Bayer, Rein, Killen, Conway, Somers, CHAIRMAN ZERUNYAN
NOES:
ABSTAIN:
ABSENT:

Director Orci stated that at the next Planning Commission meeting, staff would prepare the resolution approving PA-11-02.

9. COMMISSION ITEMS

- A. Commissioner Killen and Commissioner Bayer discussed their Mixed-Use Subcommittee.
- B. Chairman Zerunyan discussed the League of Cities Conference in Long Beach

10. DIRECTOR'S ITEMS

- A. Director Orci announced that the City plans to hold a workshop to introduce the Draft EIR for the Rolling Hills Covenant Church on October 23, 2002 at 7:30 p.m. before the Planning Commission in the Council Chambers.
- B. Director Orci advised the Commission that this would be his last meeting, and announced that David Wahba would be the new Planning Director.

11. MATTERS OF INFORMATION

- A. City Council Actions (September 10, 2002)
- B. City Council Actions (September 24, 2002)

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,
TO RECEIVE AND FILE ITEMS 11A, AND 11B.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

12. ADJOURNMENT

At 9:40 p.m. CHAIRMAN ZERUNYAN adjourned the Planning Commission meeting to the meeting of October 14, 2002, at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk