

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**APRIL 14, 2003**

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by Chairman Somers.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Conway, Zerunyan, Killen, Bayer, Somers, Rein, O'Day

Commissioners Absent:

Staff Present: Planning Director Wahba, Assistant Planner Tran

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER ZERUNYAN

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF MARCH 31, 2003.

AYES: Conway, Killen, Rein, Zerunyan, Bayer, O'Day, Somers

NOES:

ABSTAIN:

ABSENT:

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

None.

8. **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION.**

Pursuant to Government Code Section 54956.9(b)(1) there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

At 7:33 p.m., the Planning Commissioners left the dais to go into Closed Session. They returned at 8:12 p.m.

9. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 03-03; APPLICANT: MR. DAVID BRUNNENMEYER; LOCATION: 11 ENCANTO DRIVE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR FIRST AND SECOND STORY ADDITIONS AT THE FRONT, SIDES, AND REAR YARDS OF A SINGLE STORY HOME. A MINOR DEVIATION IS REQUIRED TO DECREASE THE FRONT YARD AREA BY LESS THAN 10%. THREE VARIANCES ARE REQUIRED: 1) TO ENCROACH INTO THE HEIGHT-TO-SETBACK RATIO AREA ON THE WEST SIDE YARD; 2) TO ENCROACH INTO THE HEIGHT-TO-SETBACK RATIO AREA ON THE EAST SIDE YARD; AND 3) TO MAINTAIN A NON-CONFORMING EAST SIDE YARD SETBACK.

Assistant Planner Tran summarized the Staff Report (as per written material). She said staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the issues; and
4. Continue Planning Application No. 3-03 to a date uncertain to allow the applicant sufficient time to work with staff to comply with Neighborhood Compatibility requirements and eliminate the Variance applications.

COMMISSIONER BAYER moved, seconded by COMMISSIONER ZERUNYAN to,

OPEN THE PUBLIC HEARING.

AYES: Conway, Killen, Rein, Zerunyan, Bayer, O'Day, Somers

NOES:

ABSTAIN:

ABSENT:

David Brunnenmeyer, applicant, gave the Commission photocopies of pictures he had taken of homes around the Dapplegray and Strawberry Lane areas that have substandard setbacks and are massive. He stated that his intent was to create a balanced home that fit in with the neighborhood and to avoid a "wedding cake" appearance to the second story. He said that the two encroachments into the height-to-setback areas would not be seen from public view. He added that he would put no windows on the sides of his home to preserve the privacy of the neighbors, and he planned to pull out a large concrete area in the back yard and fill it in with grass, thus decreasing lot coverage. He spoke at length to the Planning Commission.

COMMISSIONER CONWAY told the applicant that by law, in order to approve his application the Commission must make findings for each Variance. An example would be an exceptional or extraordinary condition that would apply to the property that doesn't apply to other properties in the same neighborhood.

COMMISSIONER KILLEN added that the Variance findings do not apply to how the home is situated on the lot, but to the uniqueness of the property itself.

COMMISSIONER KILLEN said that the applicant should have a licensed survey done to make sure where his property lines actually lie. In response to a question from COMMISSIONER KILLEN, Mr. Brunnenmeyer said that he had not had a survey conducted on his property by a licensed engineer, but that he had surveyed it himself and noted that the fences appeared to follow the "hubs" from the original lot boundaries. Mr. Brunnenmeyer said that he would get the house re-surveyed.

COMMISSIONERS CONWAY and O'DAY both stated that due to the 50% rule, the project was almost considered "new construction" and that proper setbacks should follow.

Mr. Brunnenmeyer stated that he would really like to avoid the setting back of the second story, which in his opinion causes a “wedding cake” look. COMMISSIONER KILLEN said that in Rolling Hills Estates, open space both on the ground and above is appreciated, and that a “stair step” setting back of a second story maintains more light and air between neighbors.

COMMISSIONER KILLEN said that he felt the roof plan didn’t work, and that there were many alternatives that the applicant could work with.

COMMISSIONER BAYER moved, seconded by COMMISSIONER ZERUNYAN

TO CONTINUE THE PUBLIC HEARING TO A DATE UNCERTAIN TO ALLOW THE APPLICANT SUFFICIENT TIME TO WORK WITH STAFF TO COMPLY WITH THE NEIGHBORHOOD COMPATIBILITY REQUIREMENTS AND ELIMINATE THE VARIANCE APPLICATIONS.

AYES: Conway, Killen, Rein, Zerunyan, Bayer, O’Day, Somers

NOES:

ABSTAIN:

ABSENT:

9. COMMISSION ITEMS

COMMISSIONER KILLEN suggested that the City should require that a licensed civil engineer conduct boundary surveys for some of the projects that are submitted. Director Wahba said that he will talk to the City Attorney about it.

10. DIRECTOR’S ITEMS

A. Subcommittee Appointments.

COMMISSIONERS KILLEN and ZERUNYAN volunteered to be on the “Avenue of the Peninsula” Subcommittee.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES, APRIL 1, 2003.

B. CITY COUNCIL ACTIONS, APRIL 8, 2003.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN

TO RECEIVE AND FILE ITEMS 11.A AND B.

There being no objection, CHAIRMAN SOMERS SO ORDERED.

13. ADJOURNMENT

At 9:20 p.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to May 5, 2003, at 7:30 p.m.

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Hollis Jackson  
Minutes Secretary

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Douglas R. Prichard  
City Clerk