

MINUTES

REGULAR PLANNING COMMISSION MEETING

MARCH 31, 2003

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 SOMERS.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Commissioners Absent: None

Staff Present: Director Wahba, Assistant Planner Wong

4. **APPROVAL OF MINUTES** (March 17, 2003)

Director Wahba advised the Commission that minutes of March 17, 2003 will be forwarded to them upon completion of the final review, by Tuesday or Wednesday, April 1st or 2nd, 2003

5. **AUDIENCE ITEMS**

NONE.

6. **CONSENT CALENDAR**

The following routine matters will be approved in a single motion with the unanimous consent of the Planning Commission. There will be no separate discussion of these items unless good cause is shown by a member of the Commission or the public expressed under audience items prior to the roll call vote. (Items removed will be considered under Business Items.)

A. PLANNING APPLICATION NO. 07-03; APPLICANT: MR. & MRS. JEFF HAWKE; LOCATION: 45 DAPPLEGRAY LANE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A SECOND STORY ADDITION LOCATED ON THE FRONT AND EAST SIDE OF THE HOME.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE THE CONSENT CALENDAR AS READ.

AYES: Bayer, Rein, Killen, Conway, O'Day, Chairman Somers
NOES:
ABSTAIN: Zerunyan
ABSENT:

Director Wahba advised of the 20-day appeal period.

7. BUSINESS ITEMS

A. PLANNING APPLICATION NO. 05-03; APPLICANT: MR. & MRS. JIM ZAPPULA; LOCATION: 7 SANTA BELLA ROAD.

Assistant Planner Wong gave a Staff Report (as per written material) and recommended the Planning Commission continue PA 05-03 to a date uncertain, and direct the applicant to address the concerns stated in the Staff Report and in the Neighborhood Compatibility Determination.

The applicant, Mr. Jim Zappula, discussed the details of the remodel and the reasons for the necessary expansion. He expressed that his children are growing and the necessity for expansion was to accommodate the family. He expressed his desire to remain in the City.

COMMISSIONER O'DAY asked the applicant why he would be replacing brick and mixed materials that blend in with the house next door with stucco.

Mr. Zappula responded that he intended to maintain the ranch look and had just recently completed the driveway with brick. He intended to add brick to the back of the house and beautify the backyard.

COMMISSIONER O'DAY stated that he felt it would be nice to keep the characteristic of the neighborhood and the plans say the brick would be replaced with stucco for the front.

Mr. Zappula stated that this was incorrect and he would be using modern brick or a fieldstone. He stated that a similar stone was completed at 15 Peacock Lane and he thought it was beautiful. He stated he added in the dormers to modernize and enhance the area.

COMMISSIONER BAYER asked the applicant about the side area and the plant removal and Staff's concerns about the roof.

Mr. Zappula responded that he had intended to trim down the plants and remove the fence, as there are two fences parallel to each other. He stated one fence is his and the other is the neighbor's. He stated that he had intended to upgrade the roof material to a lightweight shake tile, called Eagle Light. He indicated that the roofer felt the rafters would support a lightweight shake tile roof.

CHAIRMAN SOMERS asked the applicant about the encroaching fence and how far it encroaches into the property.

Mr. Zappula responded that the property lines were irregular and he believed the previous owner had built a fence parallel to his neighbor's fence. Mr. Zappula stated that all of the property fences overlap each other on their street. He stated that he felt it was necessary to conduct property surveys when someone purchased a property because of the encroachment issue.

COMMISSIONER KILLEN stated that the second story addition had a jog in the roof plan and the back portion of the addition was slightly wider than the front portion and created an odd gable condition, he asked for a clarification and an explanation on the dormers.

Mr. Dale Adams, the architect for the project, responded that this was due to the 50% rule interpretation. He responded that the dormers are there for aesthetics.

COMMISSIONER O'DAY asked about the design elements relating to the division of the bathroom from the bedroom around the stairs; and why it is facing the other house.

Mr. Adams responded that it was more expensive to build over existing structures and to beef up the foundations and felt it would be more cost effective to build over new foundations and balance it with dormers.

COMMISSIONER CONWAY asked Staff to clarify some dimensions. He discussed the first floor addition and the second floor addition, on the westerly side of the home, and the dimensions of 6 feet 1 inch from the property line on the first floor addition and 13 feet 8 inches for the second story. He asked if these were setbacks from the property line. On page A-3 at the South elevation, it appears they are complying with the height

to setback ratio, he stated it seemed that the code would have the second story 15 feet from the property line by those measurements although on the first page it showed 13 feet 8 inches.

Director Wahba responded that the height-to-setback ratio entails coming in 10 feet and then going up 14 feet and the eave could encroach within that. Thus given these parameters, the height of its second story complies.

COMMISSIONER CONWAY asked about the one-to-one setback after you step back in 10 feet, why did that not achieve a 15-foot setback when it hits the second story.

Director Wahba responded that it was a function of the height of the plate. He stated that 15 feet is the general rule of thumb with a 19-foot plate height.

CHAIRMAN SOMERS suggested they commence their discussion.

COMMISSIONER KILLEN began the Commission discussion. He stated that second story addition codes required seismic concerns. He stated that he had concerns about the front elevation aesthetics, and stated it was an unimaginative solution and that is what makes it difficult to like it, but it does meet most of the code requirements; height, setback ratio, staying under 50% and trying to work within the rules established. He stated that he was not fond of the dormers not being of a functional nature. He stated he would rather see it across the back of the building, because it is less like a stovepipe addition on the front elevation, when you see the vertical element on the side and the roofs are a little clumsy the way they are articulated with the jogs in them. He felt there were other ways of handling this. He stated Staff was also not enamored with it, either, in terms of spending a little time with it. He stated he was inclined to continue this also.

COMMISSIONER BAYER stated that she also is undecided. She would like to hear from Staff about the size of the silhouette.

Planner Wong responded that the west side elevation decreased by 4 feet. He stated the ridge drops down 4 feet less than what was originally flagged.

COMMISSIONER BAYER asked if that changes his opinion about the massiveness and asked for his opinion regarding this issue.

Planner Wong stated that he would prefer to view the silhouette personally as the pictures were too dark.

COMMISSIONER BAYER discussed her concerns regarding the silhouette, side yard and fences with the applicant. She stated that the view from the street gives one the feeling that there is no space there and it looks very dense.

Director Wahba stated that, that is the reason for the 10-foot setback requirement.

COMMISSIONER ZERUNYAN asked Staff to clarify a statement in the Staff Report "Minor Deviations to extend a legal non-conforming building line are typically granted, however the extensions tend to be minor and not adjacent to a home that is also substandard."

Director Wahba stated that in this particular case, the existing garage is about 20 feet and then the proposed addition along the legal non-conforming building line is 28 feet 6 inches. He stated this is not atypical of the neighborhood and similar to the neighbor next door, but he stated with Minor Deviations, they try to allow an extension to go back while trying to maintain and preserve some level of open space between the property line and the adjacent home. He stated that the wedding cake approach within a larger first floor, looks better however it comes closer to the property line, but from an open space preservation point, it works against it. He added that if one looked up the street, it is not uncommon to see a setback less than 10 feet, but the precedence that may be set here is to basically allow for 48 to 50 feet of solid house from back to front, that is only 6 feet 1 inches. He stated that this would send out a message that it is ok to have a house that is that deep up and down the streets and not preserve the open space. He added that the only 20 feet of the house is non-conforming and the rest conforms and provides that level of open space they are looking for, consequently, from a Minor Deviation approach, he would recommend that they grant an extension of only approximately 10 feet. He stated that to go almost 50 feet back would not be in keeping with the spirit of the code and that is to try and maintain some level of open space between the property

line and the adjacent structure to preserve some level of open space between the two properties.

COMMISSIONER ZERUNYAN commented that his neighborhood has the same problem, the dilemma that the Commission faces is that it makes good sense to accommodate the resident, the ramification that may have with respect to others in the same boat and the same dilemma and comply with the 10 foot setback requirement, as opposed to having the addition go all the way to the existing non-conforming setback. He stated that he sympathized with the applicant and reasons to accommodate, but at the same time, he is gravely concerned with respect to a very wide and open area of precedence that this would set for a Minor Deviation all of a sudden becoming a major deviation, and that this was his concern. He stated that an extension to work out the minor deviation with Staff without making it to become a major deviation.

COMMISSIONER CONWAY commented that he had trouble with the project, and asked if he understood the dynamics with the Minor Deviation if granted will help to achieve the wedding cake approach and the Minor Deviation if not granted would result in an overbuilt and stark second story.

Director Wahba responded that it could and there would not be as much relief towards the rear and this would be a design issue where the applicant wants the second floor where proposed, it really should be moved to the center of the house, more of a L-shape.

COMMISSIONER CONWAY stated that his posture has been to support Staff and if their belief were that this project could benefit with more guidance and interaction, he would be willing to support them.

COMMISSIONER REIN asked Staff to comment about the distance between the two houses, "existing substandard setback is 6 feet 1 inch, and if the existing non-conforming setback was extended the distance between the building would be 11 feet". He asked if this meant that the distance from the property line to the adjacent house is 4 feet, 11 inches?

Director Wahba responded that it was roughly about 5 feet, on the other side based on the neighbor's plans.

COMMISSIONER O'DAY asked Staff if the applicant were to build out the roof line and the exterior wall lines but leave the interior wall lines, so that it was a matching roof, would that comply with the 50% Rule or would they need to build a roof like this?

Director Wahba stated that the 50% Rule was a policy adopted by the City Council and the Planning Commission at a joint meeting, the interpretation over the last year, is more of a guideline and not a hard and fast number. He added with square footage, it is very easy to calculate what the existing square footage is of the entire structure including the garage and take 50% of that and they can physically add 50% of that square footage and the other side to the rule is that they could alter up to 50% of the lineal footage of the existing walls. He stated that these are the two things that factor into this rule and allow people to maintain the legal non-conforming status of the side yard setbacks without having to apply for a Variance to re-legalize them. He stated that this is how Staff defines a major remodel and puts the legal nonconforming elements up for review under the present code requirements.

COMMISSIONER O'DAY asked Staff if the 50% Rule included the garage space and felt the applicant did not understand that, and that would urge the applicant to go back to the design board. Director Wahba replied that the garage is included.

CHAIRMAN SOMERS stated that he finds substandard side yard setbacks, and there are some areas in the community where they do approve 5 foot yard setbacks and they have unique problems. He stated they had no alternative. He stated that they do try to help members in the community because they want people to move into the community that expect a 10-foot side yard setbacks, and want to encourage that situation and not do the opposite. He stated he was opposed to the application due to the side yard problem. He was in agreement that the applicant should work with Staff and the matter should be continued.

COMMISSIONER CONWAY asked CHAIRMAN SOMERS if the applicant could speak again.

Mr. Zappula again approached the podium and stated that he has a 27,000 square foot flat lot and 2,050 square foot home, and this is 2003 and one cannot raise a family of four in a 2,000 square foot house. He stated he has been in business in the community for 27 years and for him to move is almost inconceivable. He stated that these are homes built in 1940's and the homes in Dapplegray that have the same problems. He stated his pool is 6 feet away from the back of his house, and the side yard setbacks deny him from making the L-shape as suggested and instead of previously adding a 4,500 square foot addition, he is toning it down to 1,000 square feet and asking the City Council not to change their rules and regulations, but to take into consideration a family that has outgrown a 2,000 square foot house and absolutely need the space.

He added that he thought he had conformed to all the rules and regulations of the side yard setbacks for the second story; the second story addition was ugly for him. He stated it is ugly because of the rules and regulations as set forth by the people of Rolling Hills Estates and he could not stop that and he was there to abide by the rules and his intention is not to cut down his square footage and he has cut down 50% of what he wanted. He added that his neighbor was granted a Variance to add onto his bedroom and they are only a family of two. He stated that he did not want to remove his pool, or beef up the foundations, adding steel at a cost of about \$75,000. He added that the reason they went 40 feet in the back of the garage was because they needed the room and stated this was not a luxury and having a 3,000 square foot home so they could stay in the neighborhood.

He added that he was willing to work with Staff but was given all the rules and regulations, hired an architect and they are trying to move young people into the neighborhood and the baby boomers, but people do not want to buy 2,000 square foot homes. He stated that no one can see the open space but his family and the second story design was because of the side yard setbacks, those were part of the new rules and regulations. He stated that he would prefer architecturally to go across the ridgeline and this would look more natural and put in the dormers. He again repeated that it is now 2003 and he is not asking for any rule changes and by granting an approval for the Minor Deviation setback would change the neighborhood and 70% of the people in the area are not moving.

COMMISSIONER CONWAY responded that while the applicant is looking at his home and the neighbor's home and the 11 feet in between them, they are looking at the whole City and their concern is what our decisions might have on other applicants in similar situations and that decision weighs heavily on their mind. In addition to that, Staff's position is that they might be able to improve this project with further redesign, further discussion and he is of the opinion that he would like Staff to say they have done all they can to preserve the open space, and he felt they were not at that point yet. He further added that he has been in the same situation and stated he wants Staff to have the opportunity to do the best they can and keep the neighborhoods the way we would like to see them.

COMMISSIONER REIN stated that he has a home built in 1957 that has a 60 foot long side yard with a 4 foot setback and that is the way the house was built and he does not like narrow side yards.

CHAIRMAN SOMERS commented that his concern was for the neighbor. He stated that the neighbor bought his house and people buy their houses thinking there are 10-foot side yard setbacks and they try to uphold this.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE STAFFS RECOMMENDATION TO CONTINUE TO A DATE UNCERTAIN AND DIRECT THE APPLICANT TO ADDRESS THE CONCERNS AS STATED IN THE STAFF REPORT AND NEIGHBORHOOD COMPATIBILITY DETERMINATION.

AYES: Bayer, Rein, Killen, Conway, O'Day, Zerunyan, Chairman Somers
NOES:
ABSTAIN:
ABSENT:

8. PUBLIC HEARINGS

None.

9. COMMISSION ITEMS

COMMISSIONER ZERUNYAN commented about the Planning Institute Conference in San Diego and stated that there was a full house for his presentation.

COMMISSIONER REIN discussed the Chandler Reuse Committee meeting last week and stated it appears the Country Club and the Chandler group were close to an agreement. He stated that this requires some land swapping between the city of Torrance and Rolling Hills Estates and Chandler and the Country Club. He stated they are proposing about 200 houses on 60 acres.

COMMISSIONER KILLEN discussed the Equestrian Committee meeting and that the golf course issue is still plodding along. He stated they are planning to hire Purkiss & Rose to do some preliminary designs for moving the facility on Crenshaw and Hawthorne location. He stated that they want professionals commenting on the EIR indicating where it may and may not work on the seven acres for a fair trade.

10. DIRECTOR'S ITEMS

NONE.

11. MATTERS OF INFORMATION

A. City Council Actions (March 25, 2003)

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

To receive and file item 11A.

12. ADJOURNMENT

At 8:30 p.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to the meeting of April 14, 2003 at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk