

MINUTES

REGULAR PLANNING COMMISSION MEETING

AUGUST 4, 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 Verde's Drive North, by VICE-CHAIRMAN KILLEN.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Rein, Zerunyan, O'Day, Bayer, Vice-Chairman Killen

Commissioners Absent: Killen, Chairman Somers, Conway

Staff Present: Director Wahba, Assistant Planner Wong

4. **APPROVAL OF MINUTES**

A. Planning Commission meeting of July 14, 2003

COMMISSIONER ZERUNYAN moved, seconded by COMMISSIONER BAYER

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JULY 14, 2003

AYES: Conway, Bayer, Zerunyan, O'Day, Rein, Vice-Chairman Killen

NOES:

ABSENT: Conway, Chairman Somers

ABSTAIN:

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 17-03; APPLICANT: MR. STEVEN PHILLIPS; LOCATION: 5224 BLUEMOUND ROAD. A REQUEST FOR A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A FIRST AND SECOND STORY ADDITION LOCATED AT THE SIDE AND REAR YARDS OF A SINGLE STORY HOME. APPROVAL OF A MINOR DEVIATION IS ALSO REQUIRED TO EXCEED THE LOT COVERAGE BY 10%.

Director Wahba summarized the Staff Report (as per written material) and stated that Staff recommends the Planning Commission approve PA-17-03 as revised, which eliminated the Variance applications.

COMMISSIONER BAYER moved, seconded by COMMISSIONER ZERUNYAN

TO APPROVE PA-17-03.

AYES: Rein, Zerunyan, O'Day, Bayer and Vice Chairman Killen

NOES:

ABSENT: Conway, Chairman Somers

ABSTAIN:

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

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO: 23-01; APPLICANT: MR. & MRS. RAUL RAMIREZ; LOCATION: 27663 CONESTOGA DRIVE. A REQUEST FOR A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO CONSTRUCT A FIRST AND SECOND STORY ADDITION TO A SINGLE STORY HOME. MINOR DEVIATIONS ARE REQUIRED FOR DECREASES IN THE FRONT AND WEST SIDE YARDS BY LESS THAN 10%. A VARIANCE IS REQUIRED TO MAINTAIN A LEGAL NON-CONFORMING WEST SIDE 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 Continue PA-23-03 to a date uncertain to allow the applicant to redesign the project to mitigate the Neighborhood Compatibility Determination as indicated in the report.

COMMISSIONER ZERUNYAN asked for a clarification on the HOA neutrality.

Director Wahba responded that the review by the HOA is voluntary and they chose to remain neutral.

COMMISSIONER REIN asked how many trees would be removed. He also asked about the total height of the structure, as stated on page 3 of the plans.

Director Wahba responded that the plans do not indicate how many trees would be removed and referred the question to the applicant or the applicant's architect. He responded that the height varies from 23' to 25'5". He commented that the height is taken from the side elevation; from the lowest grade point to the highest point of the structure.

VICE-CHAIRMAN KILLEN asked about the basic footprint on page A2, floor plan, the legend indicates that about 70% of the structure is new, and his question to Staff is how would it fare as a new structure.

Director Wahba responded that they are treating this as a new structure and hence the requirement of a Variance.

COMMISSIONER BAYER moved, seconded by COMMISSIONER ZERUNYAN

TO OPEN THE PUBLIC HEARING FOR PA-23-03.

AYES: Rein, Zerunyan, Bayer and Vice Chairman Killen

NOES:

ABSENT: Conway, Chairman Somers

ABSTAIN: O'Day

The applicant, Mr. Raul Ramirez, advised the Commission that they will not remove any trees in response to earlier inquiries. Mr. Ramirez discussed his renovations plans in detail and clarified that he has no intention of conducting motorcycle repairs on his premises. He indicated that they have had numerous renditions to their renovation plans and has worked extensively with Staff. He presented photographs of various views of the site and their possible impacts.

Mr. Ramirez discussed the neighborhood homes, their size, and whether they have a second story. He stated that he presented the plans to his neighbors for their approval. He stated that 27 neighbors signed their approval of his plans and only one neighbor, Mr. Fox, did not approve.

COMMISSIONER BAYER asked the applicant if he had read the Staff Report and their recommendations.

Mr. Ramirez responded that he had not read the report because it had been sent to the architect. He stated that it is his understanding of the recommendations regarding the ceiling height, would not accommodate their antique family heirloom furnishings. He indicated he would work with Staff as necessary.

Ms. Sonja Rodrigues, the applicant's designer, stated that over several months they have worked with Staff. She discussed the details of the renovation and addressed the plate height issue, stating that the windows are aligned and the plate height would accommodate the family heirlooms.

VICE CHAIRMAN KILLEN asked Staff about the four findings and if they could make the fifth finding. He also asked for a clarification of the tandem garages.

Director Wahba responded that if the house is determined to be compatible, they could make the findings. He discussed that the building pad is relatively small in comparison to the other homes in the area.

Ms. Rodrigues discussed the floor plan in the kitchen area and the need for an open space view. She discussed the additional garage in relation to the floor plan.

Mr. Ron Weiland, a neighbor, stated that he was happy to see improvement in the neighborhood.

Mr. Tom Flint, a neighbor, across the street from the applicant, stated that he felt it was an excellent remodel plan and he was familiar with the remodel process. He commented that since there is only one objection to the remodel and he felt it was specious and without foundation. He stated that it fits the ranch style neighborhood and there is one home with a drive thru garage in the area and felt it was a great storage plan.

Mr. Bill Fox, a next door neighbor, stated that he was concerned with the "quality of life" and does not want to be the one person to stop progress. His "quality of life" refers to air, light and view, and that the proposed remodel is a "pretty big structure". He was concerned with the balcony in the back and looking over the pool. He stated that his biggest issue is the drive thru garage. He felt the two garages would have an unfinished look.

COMMISSIONER BAYER asked Mr. Fox about his concern for privacy from the second story windows on the east elevation.

Mr. Fox stated that Mr. Ramirez indicated the windows would be frosted. He added that his issue is the "quality of life" and the impact of the remodel.

Mr. Ramirez asked if he could present a rebuttal because he was not aware of the concern for the garage and further clarified that he is not a mechanic and their would not be any motorcycle repairs. He presented pictures of the home at the time of purchase and they have greatly improved it. He stated that he spent several months cleaning up the property. He added that Mr. Fox had requested they also trim the trees and Mr. Fox had stated that "he hadn't realized how light his bedroom and kitchen could be" and thanked him for trimming the trees. He stated that Mr. Fox has a very large house and that he would also like to have a "quality of life" also.

Mr. Ramirez asked the Commissioners to approve the proposal as is and stated that he does not feel he has encroached upon Mr. Fox's view and that his privacy would not be altered and would not have a view of his garage. He added that Mr. Fox is in escrow for a home on Dapplegray Lane and that he may not be a neighbor for long and would hate to lose a project with a nice design.

VICE-CHAIRMAN KILLEN advised Mr. Fox that only the applicant could present a rebuttal.

COMMISSIONER BAYER moved, and COMMISSIONER ZERUNYAN seconded

TO CLOSE THE PUBLIC HEARING FOR PA- 23-03.

AYES: Rein, Zerunyan, Bayer and Vice Chairman Killen

NOES:

ABSENT: Conway, Chairman Somers

ABSTAIN: O'Day

COMMISSIONER BAYER asked Staff if they have discussed the privacy issue on the east elevation and the balcony.

Director Wahba stated that the applicant had indicated they would obscure the windows and that the pictures submitted tonight from the applicant appear that there would not be a privacy impact from the rear balcony. He also discussed the plate height resolutions and the alternatives to minimize the size perception. He stated he felt they were close to resolving the issues. He stated that they have worked with the applicant and they are very close to bringing the project to a point that Staff can support. He stated that this project is "pushing the envelope" for second stories in the Larga Vista neighborhood and this would set a precedence for future homes. He said that the Commission should be cautious when reviewing and approving projects such as this.

COMMISSIONER ZERUNYAN stated that it is precisely his concern of "pushing the envelope" and it is a balancing act, what is good for the community versus what is good for the property owners rights. He is concerned that that community is on the verge of loosing the "openness" and "pushing the envelope" too far. He discussed the concern of "pushing the envelope" and stated that they have a responsibility to the entire neighborhood and Mr. Fox is the conscience of the community.

COMMISSIONER ZERUNYAN asked about the frontage and asked for a clarification of the uniqueness of the property.

Director Wahba responded that it was a very unique lot and discussed the property usable pad, and discussed the comparison to other lots in the area. He stated that there were many combinations of design issues, coupled with plate heights and in their recommendation, massage some issues and they could be close to approving the remodel. He stated that there is a possibility to have this type of issue come before the Commission because there are other homes with similar lots. He discussed the neighborhood compatibility issue and would work with the applicant for resolution. He also discussed the Variance issue and possible resolutions.

COMMISSIONER BAYER stated that she agrees with Staff on the mass and the whole character of the Larga Vista neighborhood. She stated that the pictures presented by Mr. Fox do address the "quality of life" issues.

VICE-CHAIRMAN KILLEN stated that he really does have an issue with the garage and its position is oddly proportioned to the building and the space in between the garages and discussed some options.

COMMISSIONER REIN discussed the neighborhood compatibility determination process. He discussed the inconsistencies with the neighborhood compatibility criteria. He stated that he felt it could be closer to the neighborhood compatibility ordinance.

COMMISSIONER ZERUNYAN moved, and COMMISSIONER BAYER seconded

TO CONTINUE PA- 23-03 TO A DATE UNCERTAIN TO ALLOW THE APPLICANT TO MITIGATE COMPATIBILITY CONCERNS AS INDICATED IN THE STAFF REPORT.

AYES: Rein, Zerunyan, Bayer and Vice Chairman Killen

NOES:

ABSENT: Conway, Chairman Somers

ABSTAIN: O'Day

9. COMMISSION ITEMS

VICE-CHAIRMAN KILLEN discussed the Mixed-Use Committee meeting.

10. DIRECTOR'S ITEMS

Director Wahba introduced Mr. Steve Pfahler, Assistant City Attorney.

11. CITY ATTORNEY'S ITEMS

None.

12. MATTERS OF INFORMATION

A. City Council Actions (July 22, 2003)

COMMISSIONER BAYER moved, and seconded by COMMISSIONER ZERUNYAN

TO RECEIVE AND FILE ITEM 11 A

They're being no objection, VICE-CHAIRMAN KILLEN so ordered.

13. ADJOURNMENT

At 9:00 p.m. VICE-CHAIRMAN KILLEN adjourned the Planning Commission meeting to the meeting of September 2, 2003 at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk