

MINUTES

REGULAR PLANNING COMMISSION MEETING

JULY 19, 2004

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 KILLEN.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Killen, Bayer, Rein, Killen, O'Day *

Commissioners Absent: Conway, Somers

Staff Present: Planning Director Wahba, Senior Planner Cutler, Assistant Planner Wong

* COMMISSIONER O'DAY arrived at 7:35 pm

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER REIN

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JULY 6, 2004.

There being no objection, CHAIRMAN KILLEN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. WAIVE READING IN FULL ALL RESOLUTION THAT ARE PRESENTED FOR THE PLANNING COMMISSION CONSIDERATION ON TONIGHT'S AGENDA AND ALL SUCH RESOLUTIONS SHALL BE READ BY TITLE ONLY.

B. A RESOLUTION (PA-14-04) OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES GRANTING A CONDITIONAL USE PERMIT TO ALLOW AN 18-UNIT CONDOMINIUM PROJECT INCLUDING THREE LIVE/WORK UNITS IN THE C-G/MIXED-USE OVERLAY ZONES; A PRECISE PLAN OF DESIGN FOR SITE AND BUILDING IMPROVEMENTS INCLUDING DEMOLITION OF EXISTING ON-SITE IMPROVEMENTS AND CONSTRUCTION OF CONDOMINIUMS; VARIANCES FOR SMALLER PARKING SPACE DIMENSIONS THAN REQUIRED BY CODE AND BUILDING HEIGHT; AND A TENTATIVE TRACT MAP FOR A ONE-LOT SUBDIVISION FOR THE SALE OF CONDOMINIUMS. APPLICANT: SILVER SPUR COURT; LOCATION: 981 SILVER SPUR ROAD. (NC)

C. QUARTERLY CODE ENFORCEMENT REPORT.

COMMISSIONER BAYER moved, seconded by COMMISSIONER REIN,

TO APPROVE CONSENT CALENDAR ITEMS 6A, 6B AND 6C AS READ.

AYES: Rein, Vanden Bos, Bayer, Killen

NOES:

ABSTAIN:

ABSENT: Conway, Somers, O'Day

Planning Director Wahba explained that PA-14-04 (Item 6B) would be presented to the City Council on August 3, 2004.

7. BUSINESS ITEMS

A. PLANNING APPLICATION NO. 12-03; APPLICANT: MR. & MRS. STEVE SIMERAL; LOCATION: 63 ROLLINGWOOD DRIVE; TO ADDRESS A DEVIATION FROM THE APPROVED PLANS WITH RESPECT TO THE CHIMNEY HEIGHT AND SIZE PRESENTLY UNDER CONSTRUCTION IN CONJUNCTION WITH A SECOND STORY ADDITION (ALSO UNDER CONSTRUCTION) APPROVED BY THE PLANNING COMMISSION ON JUNE 2, 2003 AND THE CITY COUNCIL ON JULY 22, 2003.

Assistant Planner Wong summarized the Staff Report (as per written material).

In answer to a question from CHAIRMAN KILLEN, Director Wahba stated that the current height of the chimney is the minimum height that would be required by the code.

Steve Simeral, the applicant, acknowledged that the current configuration is not per plans and passed around the brochure for the gas appliance. Mr. Simeral said that he is willing to comply with Option #1 of the staff report (remove the current chimney and construct the chimney as indicated on the approved plans).

There was much discussion among the Planning Commissioners. COMMISSIONER BAYER stated that when the Planning Commission approved the plans, the condition was that the fire place be eliminated or converted to a gas system. COMMISSIONER O'DAY agreed, and said that was the only reason he approved the project, and he felt it was a serious issue that the applicant went ahead and built a chimney. He said the Planning Commission did not expect a chimney profile, and that the issue was view blockage because there were people who had objections to it.

Director Wahba clarified that as a compromise, staff approved a much lower chimney due to the manufacturer requirements of the system. He said that if the applicant used another fireplace it would conform with the approved plans, or the applicant could have a direct vent system through the side wall and eliminate the chimney altogether.

Mr. Simeral said that he did not want to take the side vent option.

CHAIRMAN KILLEN asked the applicant if the chimney would be wood burning. Mr. Simeral stated that it would be gas only. CHAIRMAN KILLEN stated that a wood burning chimney requires a certain height for the draw, normally 12' minimum, but that a gas fireplace can be framed much lower, and even located below the ridge line.

In answer to a question from CHAIRMAN KILLEN, the applicant stated that he had not looked at other fireplaces.

Jim Elliott, 4904 Kingspine Road, said he sent a memo to Wyman Wong. He said he is not affected by the view but is representing other neighbors. He quoted the Planning Commission minutes of June 2, 2003, which said, *"TO APPROVE PA-12-03 WITH THE CONDITIONS THAT THE FIREPLACE BE ELIMINATED OR CONVERTED TO A GAS VENT SYSTEM AND THE ROOF SELECTION BE A BROWN COLOR WITH ASPHALT SHINGLES ACCEPTABLE, TO THE SATISFACTION OF THE PLANNING DIRECTOR."*

He also quoted the City Council minutes of July 22, 2003, upholding the Planning Commission's decision to approve PA-12-03. Mr. Elliott asked that the Planning Commission make the builder adhere to the approved plans.

Both COMMISSIONERS BAYER and O'DAY said that the only reason they originally approved the project back in June of 2003 was that there would be no visible chimney, and they were not pleased that the applicant went ahead and put one in.

The Planning Commission discussed possible options, such as removing the chimney and fireplace altogether.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO DIRECT THE APPLICANT TO REMOVE THE CURRENT CHIMNEY UNDER CONSTRUCTION AND CONSTRUCT THE CHIMNEY AS INDICATED ON THE APPROVED PLANS WITH APPROVAL OF THE PLANNING DIRECTOR.

AYES: Bayer, Vanden Bos, O'Day, Killen

NOES:

ABSTAIN: Rein

ABSENT: Conway, Somers

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 22-04; APPLICANT: MR. & MRS. HAROLD YIN; LOCATION: 33 HARBOR SIGHT DRIVE. A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS LOCATED AT THE FRONT AND SIDES OF AN EXISTING SINGLE STORY HOME. A MINOR DEVIATION IS REQUIRED FOR A DECREASE IN THE FRONT YARD AREA OF LESS THAN 10%. A VARIANCE IS REQUIRED TO MAINTAIN A LEGAL NON-CONFORMING WEST SIDE YARD.

Assistant Planner Wong summarized the Staff Report (as per written material).

In response to a question from COMMISSIONER O'DAY, the project statistics sheet was corrected as follows:

- Proposed Residence + Garage -- lot coverage was changed from 133 to 134, and the total changed from 2,147 sq.ft. to 3,147 sq.ft.
- Total Lot Coverage – resulting square feet changed from 3,440 to 4,440 and percentage changed from 18% to 23%.

COMMISSIONER O'DAY also stated that the height-to-setback ratio was incorrectly shown on the plans.

COMMISSIONER REIN moved, seconded by COMMISSIONER BAYER to,

OPEN THE PUBLIC HEARING.

AYES: Bayer, Vanden Bos, O'Day, Rein, Killen

NOES:

ABSTAIN:

ABSENT: Conway, Somers

Olympia P. Greer, AIA, Architect, presented drawings and an overview of the project. She said that the second story addition was well within the building envelope, and that they addressed privacy concerns of the neighbors. She said that after visiting the Foster's home to see the impact of the Yin project on their view, that they are only losing 20 degrees of a 150 degree view.

Ms. Greer pointed out the large mature trees that block much of the Foster's view. In answer to a question from CHAIRMAN KILLEN whether any of the trees were on the Yin property, Ms. Greer said they were not.

Harold Yin, applicant, 33 Harbor Sight Drive, passed out materials and summarized the project's history. He said they were expanding the residence because of their growing family, and had worked with the architect, neighbors, and staff to address all issues that had been raised to achieve a design that retains the rural character of the city. In regards to the view impairment, Mr. Yin said that a mature olive tree used to block that view, but that when his family purchased the home and did an addition they removed the tree, and created that view for the Fosters.

Dolores Goyette, 26 Harbor Sight Drive, stated that it would be a beautiful addition that would increase the property value of the homes in the area.

Peggie O'Neil, 31 Harbor Sight Drive, stated she was in favor of the addition.

Bob Riley, 25 Harbor Sight Drive, stated that he felt that the Yins had a valid point in that they created the view for the Fosters by removing the tree to begin with.

COMMISSIONER O'DAY stated that trees may come and go. Structures are under the control of the Planning Commission based on the view protection ordinance.

Walter Foster, 12 Harbor Sight Drive, stated that his home's 180 degree view has been lessened during the years due to growth of trees, and that now he has only two view corridors – one of the oil fields in Carson and the other a downtown Los Angeles city view, and it is the latter view that the Yin's addition would block. He said it is a beautiful view, and stated that the addition would lessen the value of his home.

Olympia Greer returned to speak. She said she had two points to make. 1) The coverage sheet calculation should say 22.2% lot coverage; and 2) the vertical relationship of the Foster's home is 40' above the building pad of the Yin's home.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER REIN to,

CLOSE THE PUBLIC HEARING.

AYES: Bayer, Vanden Bos, O'Day, Rein, Killen
NOES:
ABSTAIN:
ABSENT: Conway, Somers

COMMISSIONER BAYER stated that she observed the flagging from the Foster's home, and from their perception, the view shows up more than on the pictures and is very significant. COMMISSIONERS VANDEN BOS, and REIN agreed that the proposed second story would have a significant impact on the Foster's view.

The Commissioners discussed different options for the Yin addition.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO CONTINUE THIS APPLICATION TO A DATE UNCERTAIN TO ALLOW THE APPLICANT TO WORK WITH STAFF ON A FIRST STORY OR A POSSIBLE SPLIT-LEVEL ADDITION WITH THE CONDITION THAT A SECOND STORY ADDITION IS NOT IN KEEPING WITH THE VIEW PROTECTION AND NEIGHBORHOOD COMPATIBILITY ORDINANCE.

AYES: Bayer, Vanden Bos, O'Day, Rein, Killen
NOES:
ABSTAIN:
ABSENT: Conway, Somers

9. COMMISSION ITEMS

COMMISSIONER BAYER updated the Planning Commission on the Crawford code enforcement case.

COMMISSIONER VANDEN BOS updated the Planning Commission on the City Council meeting he attended.

10. DIRECTOR'S ITEMS

Director Wahba checked the Commissioner's attendance for the upcoming meeting of August 2nd. COMMISSIONER BAYER said she would not be attending.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES, JULY 6, 2004.

B. CITY COUNCIL ACTIONS, JUNE 29, 2004.

C. CITY COUNCIL ACTIONS, JULY 13, 2004.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO RECEIVE AND FILE ITEMS 11A, 11B, AND 11C.

There being no objection, CHAIRMAN KILLEN SO ORDERED.

13. ADJOURNMENT

At 9:20 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to August 2, 2004, at 7:30 p.m.

Hollis Jackson
Minutes Secretary

Douglas R. Prichard
City Clerk