

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**FEBRUARY 2, 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 SOMERS.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Conway, Bayer, Rein, Chairman Somers

Commissioners Absent: Killen, O'Day

Staff Present: Planning Director Wahba, Assistant Planner Wong, City Attorney Richard Terzian

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 15, 2003.

There being no objection, CHAIRMAN SOMERS so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. Quarterly Code Enforcement Report

COMMISSIONER BAYER asked for status of the Crawford property.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE THE CONSENT CALENDAR.

Director Wahba stated that Roy Beall, Code Enforcement Officer, is working with them to bring them into compliance.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 38-03; APPLICANT: MR. & MRS. GREGORY DELGADO; LOCATION: 11 LARIAT LANE A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITION TO A SINGLE STORY HOME. APPROVAL OF TWO MINOR DEVIATIONS ARE ALSO REQUIRED TO EXCEED LOT COVERAGE BY LESS THAN 10% AND TO DECREASE THE FRONT YARD AREA BY LESS THAN 10%.

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

The applicant, Mr. Delgado, stated that he was looking forward to building his home and having a livable floor plan for his family and had acquired signatures from the majority of his neighbors approving his remodel. He discussed their efforts for compliance.

COMMISSIONER CONWAY discussed the findings in the Staff Report from the last meeting and stated the revised Staff Report answered his questions.

CHAIRMAN SOMERS stated he concurred with COMMISSIONER CONWAY.

COMMISSIONER BAYER stated that she still is concerned with setting the precedence for "mansionizing" homes in the area.

COMMISSIONER REIN stated that there are homes in the area that are considerably less square footage than the proposed home and he cannot support the project in its current form.

Mr. Delgado clarified the square footage of the proposed home to be 5,185 ft., and there are six homes in close proximity that are about 5,000 ft.

COMMISSIONER BAYER asked for clarification of the footage.

Director Wahba stated that the tax assessor expresses square footage without the garages.

COMMISSIONER CONWAY moved, seconded by CHAIRMAN SOMERS

TO APPROVE PA-38-03 WITH STAFF RECOMMENDATIONS.

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

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 02-04; APPLICANT: MR. WILLIAM GODDARD;  
LOCATION: 80 BUCKSIN LANE A NEIGHBORHOOD COMPATIBILITY FOR A NEW BARN. GRADING IS REQUIRED TO ACCOMMODATE A NEW BARN, A WASH AREA AND TWO RETAINING WALLS.

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

COMMISSIONER CONWAY stated that the improvements were exempt under CEQA and asked if this also applied to the grading.

Director Wahba stated that the grading is also exempt from CEQA.

Mr. Boyce Munoz, contractor and representative for the applicant stated that he was present to answer any questions.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE PA-02-04 WITH STAFF RECOMMENDATIONS.

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

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 01-04; APPLICANT: MS. AMY FORTUNE; LOCATION: 12 ENCANTO DRIVE; A NEIGHBORHOOD COMPATIBILITY FOR CONSTRUCTION OF FIRST AND SECOND STORY ADDITION TO THE SIDE (NORTH) AND REAR YARDS. A VARIANCE IS REQUIRED TO EXCEED THE MAXIMUM FRONT YARD LOT COVERAGE.

Assistant Planner Wong summarized the Staff Report (as per written material) and recommended the Planning Commission, Open the Public Hearing; Take Public Testimony; Discuss the Issues; and Continue the application to a date uncertain to allow the applicant, residents and staff to work further on redesigning the project; or Continue this application to a date uncertain to allow the applicant to work with staff on a first story addition with the condition that a second story addition is not in keeping with the Neighborhood Compatibility Ordinance; or Deny PA –01-04.

COMMISSIONER BAYER inquired about the non-permitted guest house.

Director Wahba stated that this question should be directed to the applicant.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING.

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

The applicant, Amy Fortune, presented a scaled model of the proposed home project, a photo display and discussed their proposed plans in detail for the Commissioners.

COMMISSIONER CONWAY stated he enjoyed her comment of “bright red roof” in reference to the terra cotta roofs. He stated that four of the six Neighborhood Compatibility criteria elements pertaining to the second story are unsupportable by staff and asked if they would redesign the home as a single story.

Ms. Fortune stated that is necessary to have a second floor.

CHAIRMAN SOMERS asked about the number of proposed residents in the home.

Ms. Fortune responded and discussed the proposed residents, which would include herself, her partner & her mother and that she is pregnant.

Mr. Michael Song, architect for the project, discussed the proposed project plans in detail. He discussed the need for the second story and the privacy issue with the proximity of the Rolling Hills Covenant Church.

COMMISSIONER BAYER asked Mr. Song if he disagreed with staff findings #4 “that the proposed additions appear massive and bulky”.

Mr. Song stated that he does not know where the term “massive” comes from and further discussed the lot size and their strategy for the project and that the length should not be a factor in the lot coverage.

Ms. Diana Fortune, applicant and resident for the proposed project, stated that she is very sensitive to the neighbors and the neighborhood. She discussed the family dynamics changes over the past 40 years and how those changes affect the homes. She addressed the complaint letters that were sent to the City. She stated they did invite the neighbors to view the plans and stated that there is not any intrusion into the neighbors’ homes. She concluded and stated that she would appreciate their approval of their plans.

Mr. Armando Wood, 10 Encanto Drive, stated that he was glad that the Commissioners did visit the sites. He discussed his thoughts on what is intrusive and out of character and was glad that others saw the proposed project as a "sore thumb". He stated that by coming to the property and standing in his home, someone would really appreciate their situation. He stated that he had heard comments about sensitivity to the neighbors, and that they had only heard about a little construction to be done and that a year later, construction began without any prior notice. He stated that they were not advised about the construction and they were glad that staff has interceded and hoped the project is denied in its current state.

Mrs. Nancy Woods, 10 Encanto Drive, stated that her letter stated her position. She discussed in detail her objections and the view to and from the project site to their home and the need to protect their privacy. She stated that she hopes the Commissioners would allow the Fortunes a one-story home that would protect their privacy.

Ms. Sharon Warner, 6 Encanto Drive, stated that they wanted a three-car garage when they remodeled and were told by staff that they could not. She added that with a little effort and working with staff, they were able to resolve their issues and have there 3-car garage they wanted. She suggested the Fortunes work with staff and the neighbors and stated she supported staff and the neighbor's objections.

COMMISSIONER CONWAY stated that he was impressed by the design and it's utilization of the lot and understands how it came about. He stated that the layout crystallized the impact the project would have upon the neighbors, and that it is clearly out of character with the neighborhood, in particular with the second story. He stated that a second story is not an entitlement; it may not occur in the front or the back of the lot; it is an issue of neighborhood compatibility. He stated that he is very fond of privacy and he would be alarmed to have a second story built that could see into three neighbors back yards. He stated that his back yard is very precious to him and he would be alarmed to have that privacy invaded. He concluded by stating that this development is out of scale with the neighborhood, out of character, and impacts the privacy of the neighbors and he would support staff's recommendations.

COMMISSIONER BAYER concurred with COMMISSIONER CONWAY and stated she had a problem and feared the "mansionization" of Rolling Hills Estates. She stated that being the largest house in the area with six bedrooms and six bathrooms would not be compatible in the neighborhood, and the concerns that the neighbors have expressed were to be strongly considered. She concurred with staff and hoped they could come up with a project that would meet their needs and would make the neighbors happier and maintain the neighborhood compatibility.

COMMISSIONER REIN concurred with the other Commissioners and he supported staff's recommendations and hoped the applicant would continue to work with staff.

CHAIRMAN SOMERS stated that the staff report and comments of the Commissioners are "right on". He stated that there are occasions where a project is a close call and they try to help the residents improve their properties, but in this project, he felt it was not a close call and gave a few examples of projects that have worked with the assistance of staff. He discussed his visit to the project site and felt it would need some work. He asked the applicant to assist them in selecting one of the recommendations as stated by staff.

Ms. Amy Fortune and Mr. Michael Song further discussed the second story issue.

COMMISSIONER CONWAY suggested they put this issue into perspective: they have three or four neighbors, City staff and four Planning Commissioners who are uniform in their posture that this is overbuilt and massive, and suggested she take this into consideration.

CHAIRMAN SOMERS asked the applicant what her preference would be, to continue to work with staff or deny the application and advised her they were ready to vote.

Ms. Amy Fortune asked if this would mean they could never build a second story.

COMMISSIONER CONWAY suggested they work with their neighbors.

Discussion ensued regarding the neighbors and working with them to reach an amicable solution.

CHAIRMAN SOMERS again asked the applicant her preference; to continue the application or deny the project.

Ms. Amy Fortune asked for a continuation.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY

TO CONTINUE TO A DATE UNCERTAIN TO ALLOW THE APPLICANT TO WORK WITH STAFF AND THE RESIDENTS ON FURTHER DESIGNING THE PROJECT.

AYES: Bayer, Rein, Conway, Chairman Somers

NOES:

ABSTAIN:

ABSENT: O'Day, Killen

Director Wahba stated that staff will continue to work with the applicant and will re-notify the neighborhood prior to the Planning Commissions meeting on the revised project.

9. COMMISSION ITEMS

COMMISSIONER BAYER asked about the house on PV Drive and it's status. Director Wahba discussed the current issues and the ongoing construction of a pool at the site.

COMMISSIONER CONWAY asked about the Neighborhood Compatibility findings for PA-36-03. Director Wahba stated that this issue will be brought back for clarification at the next meeting.

10. DIRECTOR'S ITEMS

Director Wahba asked for a volunteer for the Traffic & Safety Committee.

COMMISSIONER BAYER volunteered COMMISSIONER DAN O'DAY, seconded by COMMISSIONER REIN.

11. CITY ATTORNEY'S ITEMS.

None.

12. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (1/27/04).

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO RECEIVE AND FILE ITEM 12 A.

There being no objection, CHAIRMAN SOMERS so ordered.

13. ADJOURNMENT

At 8:45 p.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to February 17, at 7:30 p.m.

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Judith Trujillo  
Minutes Secretary

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Douglas R. Prichard  
City Clerk