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REGULAR PLANNING MINUTES
DECEMBER 5, 2005

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ADJOURNMENT

MINUTES

REGULAR PLANNING COMMISSION MEETING

DECEMBER 5, 2005

1. **CALL MEETING TO ORDER**

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: Southwell, Conway, Rein, Vanden Bos, Bayer, O'Day,
Chairman Killen

Commissioners Absent: None

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

4. **APPROVAL OF MINUTES**

Planning Director Wahba asked that the reference to the "California Land Conservancy" be corrected to the "Palos Verdes Peninsula Land Conservancy" on page six, and COMMISSIONER VANDEN BOS asked that page six further be corrected, as it shows him seconding a motion, but he was absent that day.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF NOVEMBER 14, 2005, AS AMENDED.

There being no objection, CHAIRMAN KILLEN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. WAIVE READING IN FULL ALL RESOLUTIONS THAT ARE PRESENTED FOR PLANNING COMMISSION CONSIDERATION TONIGHT.

B. A RESOLUTION (PA NO. 34-05) OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT, ZONE TEXT AMENDMENT, CONDITIONAL USE PERMIT, PRECISE PLAN OF DESIGN, VARIANCES TO: 1) EXCEED THE MAXIMUM PERMITTED BUILDING HEIGHT, AND 2) PERMIT A LESSER SETBACK AREA THAN REQUIRED BY CODE, A MINOR DEVIATION TO EXCEED THE MAXIMUM PERMITTED LOT COVERAGE BY LESS THAN 10%, AND TENTATIVE TRACT MAP FOR A 58-UNIT MIXED-USE RESIDENTIAL/COMMERCIAL DEVELOPMENT IN THE COMMERCIAL GENERAL (MIXED-USE OVERLAY) ZONES.

- C. A RESOLUTION (PA-46-05) OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES APPROVING A SUBTERRANEAN GARAGE AND FIRST STORY ADDITIONS TO THE FRONT AND SIDE YARDS, A VARIANCE FOR DECREASING MORE THAN 10% OF THE FRONT YARD AREA AND FOR MAINTAINING A NON-CONFORMING FRONT AND SIDE YARD SETBACK; A MINOR DEVIATION TO EXCEED THE LOT COVERAGE BY 10%; AND A GRADING APPLICATION TO ACCOMMODATE THE NEW GARAGE. APPLICANT: MR. & MRS. MICHAEL PRENGER; LOCATION: 4540 MARLOMA DRIVE.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,
TO APPROVE THE CONSENT CALENDAR.

AYES: Southwell, Conway, Rein, Vanden Bos, Bayer, O'Day, Chairman Killen
NOES: None
ABSTAIN: None
ABSENT: None

Planning Director Wahba explained the 20-day appeal period for Item 6C, and explained that Item 6B will move on to the City Council.

7. BUSINESS ITEMS

- A. PLANNING APPLICATION NO. 49-05; APPLICANT: MS. CATHERINE SALERNO-PISAR; LOCATION: 26448 DUNWOOD ROAD; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS TO A SINGLE STORY HOME.

Assistant Planner Wong gave a brief Staff Report (as per written material) and pointed out that the City has not received any public input from the re-notification. Staff recommended continuation or denial of the application.

CHAIRMAN KILLEN asked Staff whether sheet A-4 was the only new submittal, which Planning Director Wahba did confirm. CHAIRMAN KILLEN then discussed his previous concern about the roof plan. COMMISSIONER BAYER asked why the applicant didn't want to locate the second story further back from the front elevation, to which Assistant Planner Wong responded that the applicant indicated cost reasons.

Catherine Salerno-Pisar (applicant) came forward at CHAIRMAN KILLEN's invitation and stated that the only criteria received in writing from the Department after the last meeting was about the chimney elevation. COMMISSIONER BAYER then reminded Ms. Salerno-Pisar that there were other concerns brought up at the previous Planning Commission meeting, specifically the stovepipe effect. Roman Pisar (applicant) also came forward and stated that wherever the second addition room is put, it will look exactly the same. Mr. and Mrs. Pisar provided the commission with photographs of other homes in the neighborhood to show that they all have the same appearance as what is proposed. CHARIMAN KILLEN and COMMISSIONERS O'DAY and VANDEN BOS pointed out that there are tremendous differences and discussed the roof plan.

Mr. and Mrs. Pisar stated that the original plans were exactly the same as the other homes in the neighborhood, but the Planning Department recommended that the roofline and chimney change, and the Commission is now advising that the plans return as they were originally. COMMISSIONER VANDEN BOS responded that the Commission can only comment on the current state of the plans, and the applicant can achieve what is needed. COMMISSIONER BAYER then pointed out the home that had an addition before the Neighborhood Compatibility ordinance was in effect as an example an undesirable look, and Mr. and Mrs. Pisar disagreed that the proposed plans are along that same idea.

COMMISSIONER O'DAY suggested that there are two issues. One issue is the look, which is a Neighborhood Compatibility issue, and the second is the roof plan, and both issues can be addressed in one design change. COMMISSIOENR O'DAY then discussed different options for design change.

Mr. Pizar informed the Commission that when the second design was proposed to the Planning Department, there was no contra proposition or guidance for modification. Therefore, Mr. and Mrs. Pizar were under the impression it would just pass through the Commission. It was not until Friday (one month later) that a paper was received with comments. COMMISSIONER BAYER again reminded Mr. Pizar that he was at the meeting, where the long discussion took place regarding the stovepipe effect and the roofline issues. Mr. Pizar responded that the Commission's comments were heard, and changes to the chimney and dormers were as a result of that meeting.

Planning Director Wahba informed the Commission that the Planning Department met with the applicant two or three weeks ago with their submittal, and the applicant was very set on the design with dormer windows and elimination of the fireplace. The Planning Department informed the applicant that the changes were a good start but suggested looking at other alternatives. However, the applicant was adamant about taking pictures of other homes in the neighborhood, and it has been a difficult case. Mrs. Salerno-Pisar expressed her desire to get the project done with an adequate roof and asked that they be given help with the Planning Department and Planning Commission working together to assist them as citizens of the community. CHAIRMAN KILLEN advised Mrs. Salerno-Pisar that the Commission can only facilitate looking at the work that has been provided, it is not the place of the Commission to design buildings, and the roofline is the only issue that hasn't been addressed.

COMMISSIONER BAYER moved, and COMMISSIONER CONWAY seconded,

TO CONTINUE PLANNING APPLICATION NO. 49-05 TO A DATE UNCERTAIN
TO ALLOW THE APPLICANT TO WORK WITH STAFF ON FURTHER
REDESIGNING THE PROJECT.

AYES: Southwell, Conway, Rein, Vanden Bos, Bayer, O'Day, Chairman Killen
NOES: None
ABSTAIN: None
ABSENT: None

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 33-04; APPLICANT: GARY BUTCHER (BUTCHER RANCH SUBDIVISION); LOCATION: NORTHEAST CORNER OF PALOS VERDES DRIVE NORTH AND PALOS VERDES DRIVE EAST; A REQUEST FOR APPROVAL OF A TENTATIVE TRACT MAP AND GRADING PLAN TO ESTABLISH A SUBDIVISION INCLUDING 13 RESIDENTIAL LOTS, TWO LANDSCAPE LOTS, AND ONE COMMERCIAL RECREATION (C-R) DESIGNATED LOT IN THE RA-20,000 AND C-R ZONES.

Senior Planner Cutler gave a brief Staff Report (as per written material) and reported that the applicant has not revised the plan since the last meeting. Staff recommends a resolution recommending denial of the project and the associated Mitigated Negative Declaration.

COMMISSIONER O'DAY asked about the statues brought up at the last meeting regarding the grading of land and the slopes involved and whether an analysis has been done of the current grade of the land. Planning Director Wahba stated that an analysis was done but just from a qualitative standpoint, which is the way the grading in Residential Zones is set up. The Code was intended for individual lots, so it's difficult when looking at a subdivision. Planning Director Wahba then cited some examples within the city.

COMMISSIONER CONWAY asked for the Department of Fish & Game's response to comments, which Senior Planner Cutler provided.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

Stanley Lamport (2049 Century Park East, Suite 2800, Los Angeles) came forward on behalf of the applicant and presented a PowerPoint slideshow to explain the events since the last Planning Commission meeting in an attempt to respond to the Commission's comments. (Handouts of the presentation were given to the Commission.) The conclusion was that it wasn't possible to redesign the site. Mr. Lamport went through the slides and addressed whether the project can retain the ravine, the number of the lots in the cul-de-sac area, the retaining walls around lot 1 and whether habitat mitigation is required.

This is a highly altered site that was excavated out, there is now a dam on the property, there is no longer a natural drainage, and current conditions prevent retaining the current features of the ravine. The elevation of the ravine must be raised so that onsite drainage flows off the site. The grading ordinance has two provisions that talk about designing grading to conserve natural topographic features of appearance and to retain natural topographic features, such as canyon and prominent landmarks. However, this is not a site that is natural, but the remnant of a man-made basin, and the natural drainage has been obliterated as a result of the fill on the surrounding properties. Therefore, those portions of the ordinance don't apply in this case because there are no natural features on the site to retain. COMMISSIONER O'DAY asked if the site is so altered that whatever is done would be fine, to which Mr. Lamport responded that it is so altered that it can't be looked at as having natural features, and because of the drainage problems, there is no way to make residential use of the site without being able to raise the site sufficiently to get offsite drainage. It's not a free-for-all, but when you don't have a natural drainage course that drains off the site, there are things that must be done to make that site work, and there is no way to get around that issue. COMMISSIONER O'DAY raised the Salton Sea cases where floodwater got dammed on the site, and it is now considered a natural condition. Mr. Lamport pointed out that what happened there created its own habitat, and this case is the opposite with the creation of a hostile habitat.

CHAIRMAN KILLEN asked about the elevation of the bottom of the ravine as it relates to Palos Verdes Drive or the golf course. Mr. Lamport responded that the golf course is, on average, 12 feet higher than the sump, and the finished grade in some locations is roughly 10 feet lower than Palos Verdes Drive North. Therefore, there is approximately a 20-foot difference between the road and the elevation of the ravine and a 12–16-foot elevation difference between the sump and the golf course. It could be drained by raising it up approximately 8–10 feet.

Mr. Lamport then addressed the concerns of the cul-de-sac lots, pointing out that the size of the frontage of lots 1 through 4 are comparable to other subdivisions in the area, citing Peacock Lane, Silverbit Lane and Montecillo Drive as examples. Planning Director Wahba stated that the cited properties are good comparisons being zoned RA 20,000. Flag lots were then discussed, and Planning Director Wahba stated that the applicant is making a compelling argument that there is not a lot of frontage on some of the cul-de-sac lots but suggested that the actual developable lot width be looked at.

CHAIRMAN KILLEN then pointed out that instead of ending up with a half of a circle to be able to divide lots around, a quarter of a circle is what is left because there's not much of a development happening on the south side of the cul-de-sac. Mr. Lamport pointed out that the unusable area has been excluded from the measurement. The lots that are being cited are a fairly large concentration of lots with frontages that are roughly comparable.

Mr. Lamport went on to point out that the applicant was able to easily demonstrate that lot 1 meets all the size requirements without the need for a variance. A house with a 3-car garage can be accommodated without a variance with room for a stable at the rear of the site, all within the setback requirements for the site. Mr. Lamport then illustrated the retaining walls and pointed out that the retaining wall between lots 1 and 2 is barely above grade. The purpose of the retaining wall is to reduce the amount of fill required. COMMISSIONER O'DAY reiterated his position that the walls have a three-sided effect and expects that the house will most likely face a retaining wall, unless it faces directly into lot 2's property. Mr. Lamport went on to explain that the lots along the back of the cul-de-sac were designed to minimize the amount of fill required, while still fixing the drainage problem.

Mr. Lamport continued with his presentation stating that the dollar value of the suggested mitigation is what would be expected for a high-quality habitat that is being altered. However, all of the information here concludes that the site has normal habitat value. It is a highly altered site that is no longer part of a natural drainage, which has resulted in a limited habitat value. Mr. Lamport referred to the Fish & Game adjudication from 1979 and stated that three different qualified biologists have studied the site since 2001, and all studies have confirmed that the site has no habitat value that is worth preserving, including the premier biologist in the field. Barbara Sattler previously described a "rest stop" theory along migration paths, but there is no evidence of any such use of the site, and there are more suitable locations in the vicinity, George F Canyon being the most prominent example. There is no mitigation for loss of habitat because there is not a habitat value on the property. Therefore, the property owner can't be required to put up the suggested massive mitigation fees to accrue offset that doesn't exist onsite. What has been presented are unsubstantiated opinions about what the site possibly could do without any supporting biological investigation. While the applicant is not interested in incurring the mitigation expenses in the Staff Report, the applicant is willing to do something in a cooperative fashion to provide some assistance, and the applicant has agreed to fund a project in George F Canyon.

Mr. Lamport added that the project originally came to the City as a 12-lot subdivision, including lot 14, lots 1 and 2 is today the RE/MAX property, and there was a request made by members of the Council that the applicant purchase the property and find a way to solve that corner problem by incorporating it into the subdivision, which the applicant did at a great expense, but the applicant is now left in a disturbing position if he can't get the lots on the end that are hoped for.

COMMISSIONER VANDEN BOS asked about the status of the Kramer Club and lot 14. Mr. Lamport responded that an agreement is being drafted that enters escrow within 30 days of recording and filing of a map that includes the lot.

COMMISSIONER O'DAY stated that recommended approval of a Mitigated Negative Declaration in lieu of an EIR would imply that the Commission is saying that any potential environmental impacts this project might have will be mitigated. Mr. Lamport responded that it is highly unusual to see an EIR done for a residential subdivision of this size. After an Initial Study is done, there has to be substantial credible evidence to support a fair argument that the project would have a significant adverse effect on the environment. It can't be unsubstantiated opinion or supposition but based in fact. A lot of the study information is done up front as part of the Initial Study.

COMMISSIONER CONWAY asked about the October 2005 site investigation. Mr. Lamport explained that it was a biological survey to confirm the observations made in 2002 as part of the response to the Fish & Game letter. Senior Planner Cutler pointed out where the survey was in the packet. Mr. Lamport added that the 2005 biological survey included the entire ravine, including the RE/MAX site. COMMISSIONER CONWAY then asked whether October was a prime nesting season, which Mr. Lamport could not answer. However, Mr. Lamport stated that the various site investigations done at the various times were a broad cross-section of the year.

COMMISSIONER CONWAY asked if a wetlands delineation was conducted, and Mr. Lamport responded that it is not waters of the United States because it's not a drainage. However, the finding was made that it is technically riparian but in name only—it has the qualities of a riparian area but is not a functional riparian habitat. COMMISSIONER CONWAY asked if the biological survey was consistent with the Migratory Bird Act. Mr. Lamport explained that Act is a statute that requires certain things occur prior to the disturbance of a site that has vegetation on it, designed to assure that no nests are graded over.

CHAIRMAN KILLEN invited Doug McHattie (707 Silver Spur Road, #201), the project's engineer, to come forward and asked the depth of the ravine and where the water drains to. Mr. McHattie stated that the point is that the very bottom of the ravine is sloped, but water is coming in from a distance. CHAIRMAN KILLEN expressed his concern that there hasn't been a creative mind put to this but more of technical minds.

Gary Butcher (applicant) came forward and explained the historical drainage issue. Mr. Lamport added that the County will not allow putting more drainage in an area than was historically flowing.

Mr. McHattie again came forward and reminded the Commission that a portion of the property will be donated by the Butchers, at their expense, to make a park, which is what started the process of getting the two additional lots.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING.

AYES: Southwell, Conway, Rein, Vanden Bos, Bayer, O'Day, Chairman Killen
NOES: None
ABSTAIN: None
ABSENT: None

COMMISSIONER CONWAY expressed his concerns, stating that this property is in an Ecological Overlay Zone, a Scenic Highways Overlay Zone, a High Sensitivity Cultural Resources Overlay Zone, a High Sensitivity Archeological Overlay Zone and at the intersection of two significant scenic routes and cited the conservation element in the General Plan, including policies 1.1, 1.3, 1.9, 2.1, 2.2, 3.1, 5.1, 6.1. and 6.3. COMMISSIONER CONWAY concurs with the California Native Plant Society's suggestion that onsite restoration is the preferred alternative and supports the Department of Fish & Game's comments to the Mitigated Negative Declaration that the site includes a native riparian vegetation, including mature willow trees, the biological assessments are not adequate, a wetland delineation is needed, compensatory mitigation is warranted, avoidance of the impact is the preferred approach and the riparian woodland fits the definition of a state wetlands. COMMISSIONER CONWAY supports denial of the application or the appropriation of a full EIR.

COMMISSIONER O'DAY was persuaded by the applicant that it is likely that in order to deal with the drainage issues, the ravine will have to come up to some extent and the cul-de-sac frontage of the lots are comparable to other frontages in the area. However, COMMISSIONER O'DAY was not persuaded that lot 1 is appropriately designed, the retaining walls are useful to that lot, and lots could be effectively built on each area. A reasonable financial mitigation would be satisfactory in supporting the Mitigated Negative Declaration.

COMMISSIONER BAYER concurred with COMMISSIONER CONWAY referring to the General Plan and that specific area right at the gateway of the community. It is part of the scenic corridor and is an ecologically significant place. COMMISSIONER BAYER agreed with Barbara Sattler and was disappointed that there was no effort to address any of the concerns of the Commission, and there was no specific offer of any type of mitigation or any attempt to reconfigure lot 1 or any of the cul-de-sac frontages. This is a typical Southern California tract, lacking creativity and is not unique to Rolling Hills Estates, following the contours of the hills. COMMISSIONER BAYER is not in support of a Mitigated Negative Declaration, and perhaps an EIR is what is called for, and there should be more effort by the applicant to work with the Commission and with Staff to address the expectations of the community.

COMMISSIONER VANDEN BOS stated that lot 1 is trying to pigeonhole something where you've got a piece of property. It is an undesirable lot, although it meets all the requirements. Lot 14 and the impact of the Kramer Club is still a concern. The grading is similar to Corona or Anaheim Hills, not Rolling Hills Estates, creating flat spaces instead of following topography to look more like most of the other neighborhoods in the City.

COMMISSIONER REIN stated that it is unfortunate that the applicant has been unable to address the biological issues. There is relatively little open space remaining in Southern California, and this type of bulldozing is going to do nothing but degrade the biological character of the site. COMMISSIONER SOUTHWELL agreed that there is very little open space left in Rolling Hills Estates, and unsubstantiated opinion is not sufficient evidence. Therefore, COMMISSIONER SOUTHWELL would support a full EIR.

CHAIRMAN KILLEN commented that part of the problem is that the project is not being led by a creative individual. Technically, everything on the plan can be solved, but there is a lack of trying to make the project fit into the community better.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO DIRECT STAFF TO PREPARE A RESOLUTION TO THE CITY COUNCIL
RECOMENDING DENIAL OF THE PROJECT AND THE ASSOCIATED
MITIGATED NEGATIVE DECLARATION.

AYES: Southwell, Conway, Rein, Vanden Bos, Bayer, O'Day, Chairman Killen
NOES: None
ABSTAIN: None
ABSENT: None

B. PLANNING APPLICATION NO. 45-05; APPLICANT: MR. ED WIRTZ;
LOCATION: 12 BRANDING IRON LANE; A NEIGHBORHOOD
COMPATIBILITY FOR FIRST STORY ADDITIONS LOCATED ON THE FRONT,
SIDE AND REAR YARDS. A VARIANCE IS REQUIRED TO EXCEED THE
MAXIMUM FRONT YARD COVERAGE. A MINOR DEVIATION IS ALSO
REQUIRED FOR DECREASING LESS THAN 10% OF THE FRONT YARD
AREA.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that the City has not received any objections to the proposed project after re-notification. Staff determined that the proposed project's square footage is not compatible with the neighborhood. However, Staff is in support of the Variance, and the applicant can reduce the size to be more compatible with the neighborhood.

COMMISSIONERS VANDEN BOS and O'DAY and CHAIRMAN KILLEN discussed the existing size of the house without the garage and the new square footage of living space being added for comparison with the rest of the neighborhood.

COMMISSIONER BAYER asked for clarification of how the front yard is determined, and Planning Director Wahba explained the front yard meets the face of the building because the access comes in that way with the front door, and the way the house is designed fronts that direction.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

At CHAIRMAN KILLEN's invitation, the architect, Criss Gunderson (2024 Via Pacheco, Palos Verdes Estates) came forward and summarized the applicant's designed changes, including removing two of the requested Variances and reducing the overall mass of the project by 300 square feet. Mr. Gunderson also clarified that the additions to the rear of the garage are for guest quarters, not a home theater. Mr. Gunderson expressed his appreciation of the Staff's findings, with the exception of Neighborhood Compatibility. The mass being added is not seen by the neighbors or seen from the street. The property to the immediate east is the only property that would be impacted by the additions, and the Grimes (homeowners) are in support of the project. The property is nearly twice the size of most of the properties on Branding Iron and is three-quarters larger than the average on Branding Iron. Therefore, special consideration should be given allowing for a home of this size. The building setbacks are being greatly exceeded; there will be no impact on the neighborhood, any specific neighbor or the street; the overall size has been reduced by a little over 300 square feet; and it is compatible for the area.

COMMISSIONER O'DAY asked whether the roof to the second story would be redone, and Mr. Gunderson pointed out some small changes. COMMISSIONER O'DAY then asked Mr. Gunderson to ensure that the window styles will be consistent throughout the home, and Mr. Gunderson agreed. COMMISSIONER O'DAY then pointed out the potential furnishing difficulties with such a massive room.

Ed Wirtz (applicant) came forward and explained that the idea was to work within what was existing and keep the budget down. The home was built years ago with many small rooms, which makes it difficult to work with and leaves very few options without demolishing the structure and starting over.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER BAYER,
TO CLOSE THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

COMMISSIONER BAYER asked Staff whether 5,000 square feet was the General Plan's concept of the size of a house in Rolling Hills Estates, which Planning Director Wahba stated it is on the high end and is livable square foot, not including the garage.

COMMISSIONER VANDEN BOS agreed with the findings that Staff made and stated that although the Commission is always concerned about large houses, the way this project is done is tasteful. It's a large lot with huge setbacks and not much of a step over some of the other houses that are over 4,000 square feet. Therefore, COMMISSIONER VANDEN BOS can support the project.

COMMISSIONER O'DAY echoed those comments, stating that he doesn't have a problem with the size of the house, although it won't be very cozy. The 36,000 square foot lot offsets the 5,000 square foot home. COMMISSIONER VANDEN BOS added that it is a flat lot, as well.

COMMISSIONER BAYER stated that she still sees a Neighborhood Compatibility issue and can't see going over 5,000 square feet, which would set a precedent, and she cannot support it.

COMMISSIONER REIN commented that the Planning Department's request to reduce the size to 4,500 square feet was reasonable, and the applicants have not done that. It's incumbent on the architect to work within the requirements of the City. It's a large lot, and there is more that can be done with the design to comply with the City's requirements.

COMMISSIONER CONWAY was persuaded by the argument that it is a large, flat lot, and the home's coverage would be small relative to that. However, there is no mechanism to control that, other than Neighborhood Compatibility, and this is not consistent with the mechanism.

COMMISSIONER SOUTHWELL commented that he is not supportive of extremely large houses in general but can support this project.

CHAIRMAN KILLEN added that it is more of a perception with the Planning Commission and the community in terms of how big is too big and whether to differentiate Rolling Hills Estates from the neighboring Cities.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER O'DAY,
TO DIRECT STAFF TO BRING BACK A RESOLUTION APPROVING PA-45-05.

AYES: Southwell, Vanden Bos, O'Day, Chairman Killen
NOES: Conway, Rein, Bayer
ABSTAIN: None
ABSENT: None

D. PLANNING APPLICATION NO. 55-05; APPLICANT: CHICKEN DIJON;
LOCATION: 50-B PENINSULA CENTER; A CONDITIONAL USE PERMIT TO
PERMIT A RESTAURANT. A PRECISE PLAN OF DESIGN IS ALSO
REQUIRED FOR A BUSINESS IDENTIFICATION SIGN WHICH INCLUDES A
LOGO.

This agenda item was taken out of order due for efficiency.

Senior Planner Cutler gave a brief Staff Report (as per written material), and Staff recommends adoption of the resolution.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,
TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

The sign contractor, John Safar, (1751 Artesia Blvd. #B, Manhattan Beach, CA) came forward at CHAIRMAN KILLEN's invitation and explained that letters to be mounted three-quarters of an inch from the wall is only for plex-faced letters, and these signs are plex-faced, but they have a halo back, so it needs at least an inch and a half of space.

CHAIRMAN KILLEN asked whether it complies to the City's sign program, and Planning Director Wahba clarified that it would be the Center's master sign plan. Mr. Safar explained the reason for the requirement in the plan. CHAIRMAN KILLEN suggested that it be made a condition to be worked out with Staff.

Gareth McClain (applicant) came forward to thank the Commission and stated that the Commission would be happy with the restaurant.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY,

TO CLOSE THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO ADOPT PLANNING COMMISSION RESOLUTION NO. 55-05, APPROVING A CONDITIONAL USE PERMIT FOR A RESTAURANT A PRECISE PLAN OF DESIGN FOR A SIGN LOGO WITH THE CONDITION THAT THE HOURS OF OPERATION SHALL BE FROM 6:00 A.M. TO MIDNIGHT, SEVEN DAYS A WEEK AND THAT THE "J" IN THE WALL SIGN AND THE MOUNTING OF THE WALL SIGN BE WORKED OUT WITH STAFF.

AYES: Southwell, Conway, Rein, Vanden Bos, Bayer, O'Day, Chairman Killen
NOES: None
ABSTAIN: None
ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

- C. PLANNING APPLICATION NO. 51-05; APPLICANT: MR. RANDY KARP; LOCATION: 4645 ROCKBLUFF DRIVE; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS AT THE FRONT, SIDE AND REAR YARDS. A MINOR DEVIATION IS REQUIRED FOR THE FRONT YARD ADDITION TO DECREASE THE FRONT YARD AREA BY LESS THAN 10%. A VARIANCE IS ALSO REQUIRED TO EXCEED THE MAXIMUM FRONT YARD COVERAGE.

COMMISSIONER BAYER recused herself due to the proximity of this project to her home.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that the adjacent neighbors and the Rollingwood Homeowners Association support the project. Staff and the applicant were not able to address the Neighborhood Compatibility concerns, and Staff is not able to support the Variance applications, Minor Deviation and the Neighborhood Compatibility determination.

COMMISSIONER VANDEN BOS asked how the proposed single-story additions are greater than 50%, requiring the Variances. Planning Director Wahba clarified that should have been the total of the first and second stories, including the garage. COMMISSIONER VANDEN BOS then summarized that if the applicant cut back the size of the proposed addition to 49.9%, then there would not be a discussion about a Variance of the nonconforming front or side yard setbacks. Planning Director Wahba roughly calculated that the applicant is 314 square feet over the 50%, which is about 10% over the 49.9%.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER VANDEN BOS,

TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

The architect, Tom Blair (2785 Pacific Coast Highway #149, Torrance, CA), came forward at CHAIRMAN KILLEN's invitation and commented that the Staff has been great to work with. The project isn't too ambitious. The lot, itself, is a unique lot in

Rollingwood, and the applicant would like to get the Commission's feedback so that the design can be continued on working with the Staff and the Commission to formulate a strategy. The trouble with the lot is that it is a horse lot, so by the time you take away the front setback, the side setbacks and then the radius for the horse keeping area, there is a very small postage stamp. The rooms of the plan are modest in size and not over in scale, so there is a challenge of how to articulate everything. The issue of the 50% is not clear because it includes areas where remodeling is taking place. Mr. Blair asked for guidance from the Commission.

COMMISSIONER VANDEN BOS explained that because the applicant is going over 50% of the existing house and garage, the nonconforming side yard and front yard setbacks are being triggered. Therefore, if the applicant stayed at less than a 1,167 square feet addition, that Variance wouldn't be triggered. Planning Director Wahba added that any remodeling isn't included, unless more than 50% of the lineal wall is being demolished.

Mr. Blair further stated that the feedback from the neighbors is supportive, as the project doesn't have any view impacts.

COMMISSIONER VANDEN BOS stated that the policy for the area is not to exceed 3,000 square feet. Mr. Blair responded that he has done a few homes in the area that are all over 3,000 square feet, so the impression was that it was just a guideline.

COMMISSIONER CONWAY enlightened Mr. Blair and the Commission that the property would have to be looked at as being unique to make Variance findings, compared to the rest of the neighborhood—not the improvements but the topography and location of the property; whether it is consistent with the General Plan guidelines for proper size lots. Mr. Blair restated that it is a standard Rollingwood lot, but it's a horse lot, which takes a huge chunk of land away. Planning Director Wahba pointed out that there are 7 or 8 other horse lots in the area.

CHAIRMAN KILLEN stated that this item is cut and dry requiring that specific findings be made. The Variance will run with the property forever, even when the house is demolished. Therefore, findings must show that the property has something unusual about it. Usually if Staff can't make the findings, the Commission can't make the findings. The lot is regular shape, size, topography, etc., and no natural physical hardship exists.

COMMISSIONER CONWAY added that a lot of the homes were built according to County codes, and those allowed the 5-foot setbacks, and when the City was incorporated, the intent was to open up the view corridors and instead have 10-foot setbacks from side yards, which presents this issue on a number of occasions, and the Commission consistently denies that request because there simply aren't findings that can be made.

Mr. Blair then stated that the real issue would be to get below the 50% in order to not trigger the Variance, and then there's only an issue of Neighborhood Compatibility, and the Commission agreed. COMMISSIONER O'DAY added that the whole neighborhood is problematic.

Jane Hughes (located across the street) came forward as an observer and commented that she didn't see any view or sunlight being blocked, and it looks great.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOUTHWELL,

TO CLOSE THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS,

TO CONTINUE THE APPLICATION TO A DATE UNCERTAIN TO ALLOW THE APPLICANT TO WORK WITH STAFF ON FURTHER REDESIGNING THE PROJECT TO ELIMINATE THE VARIANCE APPLICATIONS AND NEIGHBORHOOD COMPATIBILITY CONCERNS AS MENTIONED IN THE STAFF REPORT.

AYES: Southwell, Conway, Rein, Vanden Bos, O'Day, Chairman Killen
NOES: None
ABSTAIN: Bayer
ABSENT: None

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

Planning Director Wahba advised the Commission that the next meeting will be Tuesday, January 17, 2006.

11. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (NOVEMBER 15, 2005).

COMMISSIONER CONWAY moved, and COMMISSIONER O'DAY seconded,
TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRMAN KILLEN so ordered.

12. ADJOURNMENT

At 10:30 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to January 17, 2006, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk