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REGULAR PLANNING MINUTES
NOVEMBER 14, 2005

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ADJOURNMENT

MINUTES

REGULAR PLANNING COMMISSION MEETING

NOVEMBER 14, 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, Bayer, O'Day, Chairman Killen
Commissioners Absent: Vanden Bos
Staff Present: Planning Director Wahba, Senior Planner Cutler, Assistant Planner Wong, Assistant City Attorney Peletier

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 1, 2005.

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. 48-05) OF THE CITY OF ROLLING HILLS ESTATES RECOMMENDING APPROVAL OF A ZONE CHANGE TO CHANGE THE ZONING OF PREVIOUSLY-OWNED VACANT CHANDLER FAMILY PROPERTY (17 ACRES +/-) FROM AGRICULTURE (ESTATE RESIDENTIAL) TO OPEN SPACE/RECREATION (OS-R) IN ACCORDANCE WITH THE CITY'S GENERAL PLAN LAND USE DESIGNATION. APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: LOT NO. 2 OF PARCEL MAP NO. 24046. THIS PROPERTY EXTENDS FROM THE REAR OF THE EMPTY SADDLE CLUB IN A SOUTHEAST DIRECTION AND IS BOUND BY THE CITY OF TORRANCE TO THE NORTH AND BUCKSKIN LANE TO THE SOUTH.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO APPROVE THE CONSENT CALENDAR.

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

7. BUSINESS ITEMS

- A. PLANNING APPLICATION NO. 39-05; APPLICANT: MR. DENNIS LA CHARITE; LOCATION: 21 RANCHVIEW ROAD; A NEIGHBORHOOD COMPATIBILITY FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE (GARAGE) LOCATED IN THE REAR YARD. A GRADING APPLICATION IS REQUIRED FOR THE DRIVEWAY AND RETAINING WALLS.

Planning Director Wahba gave a brief Staff Report (as per written material) and reminded the Commission that this item was continued from the last Planning Commission meeting to allow proper neighbor notification. The purpose of the review at this meeting is to break a tie vote regarding placing a condition on the property to regulate the use of the accessory garage. Staff and City Attorney drafted a use condition for possible consideration by the Commission. Staff recommends approval with conditions as outlined in the Staff Report.

COMMISSIONER BAYER asked whether this is the same condition for approval that was previously submitted or a separate condition drafted by Staff. Planning Director Wahba responded that Staff worked on the condition today with the City Attorney, and it was prepared in the event that the Commission would like to put a use condition on it. The applicant is opposed to a use condition being placed on the property.

At CHAIRMAN KILLEN'S invitation, Dennis La Charite (applicant) came forward and stated that this is the fourth meeting about his garage, and it's ridiculous that this much time and energy is spent on a garage that has already been approved, except for one condition that he sign additional documentation other than what an average person pulling a permit would have to sign. Mr. La Charite does not believe he should sign additional documentation saying he won't be conducting illegal activities and has given no reason to believe that such conduct would take place. Mr. La Charite is a builder and presents projects to Planning Commissions himself, and other Commissions wouldn't have allowed this to go as far as it has. Mr. La Charite came to get an application approved for an accessory garage, which is legal, has been approved and is for the purpose of storing extra vehicles. The drag racing and construction businesses are kept at a commercial facility in Torrance. A letter from Fred Willis (37 Ranchview) states that the proposed use is for one or more racecars. They are under the impression that this garage is for racecars, but they've never been to a meeting or talked with Mr. La Charite. The purpose of the garage is as an accessory garage. This application should be approved tonight. The next person who comes before the Commission should not have to sign additional documentation because a neighbor thinks they're going to start commercial baking out of their kitchen. The Cohoons have been invited to come and talk, and there is no intention to bring the dragster home.

Jim Cohoon (23 Ranchview) came forward at CHAIRMAN KILLEN's invitation and reminded the Commission that there are a number of people in the neighborhood who have an issue with the application. This application can be denied on compatibility alone. However, use is the more compelling issue, and the Commission has a duty to determine use under the Municipal Code. The applicant claims that he has no present intention of putting his racecar in his accessory garage. However, intentions can change, and there has been past conduct to cause the residents to question his present intention. Mr. Wong previously stated that the applicant intended to use the structure for his racecar; the applicant, himself, previously stated that he "might" put his racecar at the property; and he kept his racecar at his home in Torrance, as shown on his website. The neighbors and COMMISSIONER O'DAY are all more concerned after the applicant spoke at the last hearing. The Zoning and Code Administrator, COMMISSIONER VANDEN BOS and neighbors have all suggested a use condition, which the applicant objects to as ridiculous. This use is prohibited, so no rights would be given up. The City Attorney agrees that a use condition would be appropriate in these circumstances and drafted a condition. The applicant refers to himself as a professional racecar driver, has corporate sponsors, races for cash and sells t-shirts. If the applicant is unwilling to agree to a use condition, Mr. Cohoon requests denial of the application.

Christina Zimmerman (19 Ranchview) came forward as homeowner president and a neighbor. If the applicant does not intend to keep the racecar at the home, then there is doubt about why the applicant refuses to sign a condition to state that. Also, the fuel is highly explosive. The neighbors would like to relieve their sense of anxiety. Racecar driving conjures up images of a person who is always pushing the limit. The concern is that, regardless of his present stated condition, ultimately the car and fuel would end up near the homes and children in the neighborhood. If there aren't some limits and a

friendly understanding, the applicant's hobby will infringe on the rights to a peaceful and quiet neighborhood.

Thomas Wynne (12 Palos Verdes Lane) came forward and stated that it would be a very simple and fair solution to have a condition that says there aren't any racecars to be stored on the site nor any car building on the site.

COMMISSIONER CONWAY asked under what aspect of Neighborhood Compatibility this Commission would deny the application. Planning Director Wahba responded that there isn't one because Neighborhood Compatibility doesn't deal with use, but the appearance, location, etc. The use is implied that it's an accessory garage, and it's to be used for garage purposes. COMMISSIONER CONWAY further asked whether the proposed language in the use condition restrict a use that is otherwise legal. Assistant City Attorney Peletier stated that the intent of the condition was not to do that. Assistant City Attorney Peletier has not done research on whether a resident can store nitromethane fuel. It's possible that is allowable, but the applicant has said he wasn't going to store that. The reason the term "commercial use" was chosen is because that duplicates the Code, so it's not more broad than the Code would be.

When asked by COMMISSIONER CONWAY whether this condition of approval is essentially redundant, Assistant City Attorney Peletier stated that it enforces the same things as the Code. It's more specific because it does say "commercial racing vehicle", providing some additional certainty. If nitromethane fuel storage is legal, then it's not duplicative, and that would be an additional condition. COMMISSIONER CONWAY then asked what would occur if this is a condition of approval of an accessory structure, and there is a violation. Planning Director Wahba answered that the Code Enforcement Officer would take a look at it and address it, which would address the use of the accessory structure, per the Municipal Code and the condition.

COMMISSIONER SOUTHWELL stated that point one states that the applicant shall not use the property for commercial purposes, which is way too broad because a home-based business is a legal commercial use. Assistant City Attorney Peletier responded that the Code says that you can't use your residential property for a commercial use. You can have a home-based business if you meet all of the criteria for home occupation. The home occupation standards apply when you're carrying out an activity for profit entirely.

COMMISSIONER BAYER asked whether the applicant would have legal recourse against the City if the Commission imposed the use condition. Assistant City Attorney Peletier clarified that the Commission has the discretion to impose the condition if it is deemed appropriate. A lot would depend on what has previously been done under similar circumstances. The applicant would need to be treated the same way other applicants would be treated. The Commission has the power to impose conditions if it believes that the evidence warrants that.

COMMISSIONER BAYER asked if it would be a problem if the conditions were considered unreasonable, to which Assistant City Attorney Peletier responded yes. COMMISSIONER BAYER further asked if there would be concern if this applicant would be singled out as one to impose restrictions upon. Assistant City Attorney Peletier responded that it would be if the applicant were singled out and treated differently from other similarly situated individuals. COMMISSIONER BAYER then asked Staff if there have been any other accessory structures with similar conditions, and Planning Director Wahba responded that he has not seen any in the 15 years that he has been with the Planning Department. COMMISSIONER BAYER more specifically asked about the resident at Palos Verdes Drive and Latigo and the resident off of Rolling Hills Road, who each had cars that they were interested in. Planning Director Wahba answered that they did not have specific conditions.

CHAIRMAN KILLEN asked whether the language "the applicant shall not use the property for a commercial use or for the storage of any commercial racing vehicle" should be changed to "the applicant shall not use the property for commercial use for the storage of any commercial racing vehicle". Assistant City Attorney Peletier responded that the "or" could go away, particularly because the commercial use of concern is the commercial racing vehicle, and there's been no evidence to suggest any other concern.

CHAIRMAN KILLEN then suggested creating a 6-foot masonry fence along the property line and eliminate the man-door on the side of the garage that faces west. Vegetation is not a permanent structure, but a masonry wall is. It doesn't need to be onerous and run

the entire length of the property but just from the edge of the north side of the house to 20 feet past the north edge of the garage to not impact the neighbor visually.

COMMISSIONER CONWAY commented that the neighbors indicated that noise is not the issue. It's a use issue that they're concerned with, and in the Municipal Code, the property cannot currently be used for commercial purposes or for the storage of a commercial racing vehicle, and that condition is addressed through Code enforcement. This condition contemplates putting a special condition on this application that currently meets all Neighborhood Compatibility requirements and calls this landowner an outlaw with nothing to substantiate it, other than hyperbole. Restricting use or requiring a statement that a law won't be broken in the future is not something COMMISSIONER CONWAY is willing to force on a property owner.

COMMISSIONER O'DAY stated that the applicant started to argue that his racecar was not a commercial vehicle. The applicant may or may not believe that his racecar is a commercial vehicle, or he may believe it's open to debate. The racing vehicle condition helps clarify the intent of the allowable uses of the property. Use is very relevant to planning and ensuring optimal value to property in different zones. The Neighborhood Compatibility ordinance does not apply to use, but it is within the charter of the Commission to consider use. In this case, we have reasonable neighbors with a reasonable concern. COMMISSIONER CONWAY responded that that reasonable concern can be addressed through the existing Municipal Code. COMMISSIONER O'DAY pointed out that it may or may not be addressed, and only a court case can determine that.

COMMISSIONER BAYER further pointed out that it says "with the consent of the applicant", so if the condition is imposed, and he does not consent to it, the applicant cannot build his structure. Assistant City Attorney Peletier agreed that it would be approved only if the condition is met. COMMISSIONER BAYER agreed with COMMISSIONER CONWAY that the Commission doesn't have a right to do that. The Commission is singling him out because neighbors are speculating. COMMISSIONER CONWAY added that the Commission does not have a right to deny the application. COMMISSIONERS SOUTHWELL AND BAYER agreed.

Mr. La Charite came forward again at COMMISSIONER CONWAY's invitation and stated that he would be open to installing a masonry wall but would generally oppose a block wall in the neighborhood because it's not favorable to an earthy looking atmosphere.

COMMISSIONER CONWAY moved, and COMMISSIONER BAYER seconded,

TO APPROVE PLANNING APPLICATION NO. 39-05 WITH THE CONDITIONS AS STATED IN THE STAFF REPORT, WITH CONSIDERATION FOR A MASONRY BLOCK WALL FROM THE NORTH EDGE OF THE HOME TO 20 FEET BEYOND THE NORTH EDGE OF THE GARAGE, ALONG WITH REMOVING A MAN-DOOR, WITHOUT IMPOSING ANY FURTHER CONDITIONS FOR APPROVAL.

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

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 47-05; APPLICANT: MR. & MRS. FREEMAN LYLE; LOCATION: 31 SILVER SADDLE LANE; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS AT THE SIDE AND REAR YARDS OF A SINGLE STORY HOME.

Assistant Planner Wong gave a brief Staff Report (as per written material) and recommended approval with the conditions as mentioned in the Staff Report.

COMMISSIONER SOUTHWELL asked the nature of the easements. Planning Director Wahba responded that the property backs up to Hawthorne Boulevard, and there is a right-of-way. COMMISSIONER SOUTHWELL then asked if the easement area is included when figuring lot coverage, to which Planning Director Wahba answered no.

COMMISSIONER O'DAY asked whether the house has shutters on the front. An answer from the audience was yes.

COMMISSIONER BAYER asked how many two-story homes there are on Silver Saddle, to which Planning Director Wahba stated that there are not very many. There's another home that was approved under a year ago, but the construction hasn't started yet.

Lyle Freeman (applicant) came forward at CHAIRMAN KILLEN's invitation and summarized his reasons for expansion and the process and the efforts in order to continue residing in Rolling Hills Estates.

COMMISSIONER O'DAY asked about the mixture of windows on the house, and Mechas Grinnell (349 29th Street, Hermosa Beach), designer, responded that they are trying not to disturb the first story, but all of the first story windows will probably be replaced to match the new windows. COMMISSIONER O'DAY then asked about the window trim styles, and Ms. Grinnell responded that the details will be refined after the concept is approved. COMMISSIONER O'DAY also pointed out that the plan doesn't call for gutters, but something will have to be done with that. Mr. Freeman responded that rain gutters and shutters will be worked on later on added that there is another second-story home across the street and down a couple of houses that already exists and has been there for a number of years.

CHAIRMAN KILLEN commented that the south elevation and the roof plan don't agree regarding the pop-out that comes out on the second floor and how it's articulated.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO RECOMMEND APPROVAL OF PLANNING APPLICATION NO. 47-05 WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT, WITH AN ADDED CONDITION THAT APPLICANT WORK WITH STAFF TO MAKE WINDOW AND TRIM STYLES CONSISTENT THROUGHOUT.

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

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

A. PLANNING APPLICATION NO. 30-05; APPLICANT: LINDA ADAMS-MCNAMARA; LOCATION: 15 RANCHVIEW ROAD; A NEIGHBORHOOD COMPATIBILITY FOR A FRONT YARD ADDITION. A MINOR DEVIATION IS REQUIRED TO DECREASE THE FRONT YARD AREA BY LESS THAN 10%. A VARIANCE IS REQUIRED FOR AN ADDITION PROJECTING BEYOND THE FORWARDMOST BUILDING LINE.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that the applicant has agreed to redesign the project and has eliminated the Variance, and Staff recommends that the Commission approve the Neighborhood Compatibility and Minor Deviation.

COMMISSIONER CONWAY asked if there was concern that the Commission would be approving a Neighborhood Compatibility without a plan. Planning Director Wahba responded that this would have been an administrative approval without a Variance. The Commission needs to approve it because it's already gone through the process of the Planning Commission, so the Commission should direct the applicant to work with Staff administratively, but the applicant has agreed to remove the Variance from the project and work with Staff to redesign it.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

Linda Adams-McNamara (applicant) came forward and stated that they will make the design work and will build along the condition of the City, making the flow of the front using plants to keep the line looking smooth to comply with Neighborhood Compatibility.

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

There being no objection, CHAIRMAN KILLEN so ordered.

COMMISSIONER BAYER moved, seconded by COMMISSIONER SOUTHWELL,
TO PROCESS PLANNING APPLICATION NO. 30-05 ADMINISTRATIVELY.

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

B. PLANNING APPLICATION NO. 46-05; APPLICANT: MR. & MRS. MICHAEL PRENGER; LOCATION: 4540 MARLOMA DRIVE; A NEIGHBORHOOD COMPATIBILITY FOR A SUBTERRANEAN GARAGE AND FIRST STORY ADDITIONS TO THE FRONT AND SIDE YARDS. A VARIANCE IS REQUIRED FOR DECREASING MORE THAN 10% OF THE FRONT YARD AREA AND FOR MAINTAINING A NON-CONFORMING FRONT AND SIDE YARD SETBACK. A MINOR DEVIATION IS REQUIRED TO EXCEED THE LOT COVERAGE BY 10%. A GRADING APPLICATION IS ALSO REQUIRED TO ACCOMMODATE THE NEW GARAGE.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff is able to support the Variance applications, grading, Minor Deviation and Neighborhood Compatibility Determination and recommended a resolution for approval with a bay window condition.

COMMISSIONER O'DAY commented that another applicant tried a subterranean garage concept, and the Commission denied it because it looked like a three-story home and objected to cutting into hillside to put garages in. Planning Director Wahba responded that seven or eight similar additions have been done this way, one of which was recently done successfully on Rolling Meadows Road. COMMISSIONER O'DAY then asked if it was being referred to as a split-level because of the garage, which Planning Director Wahba confirmed.

COMMISSIONER CONWAY commended Staff for the excellent negotiations with the applicant and the creative effort to bring the parties together. COMMISSIONER CONWAY then asked how far a second-story setback would be from the property line for a homeowner in a subsequent application. Planning Director Wahba responded that a height-to-setback ratio would be used, not the setback line from the house to the property line.

CHAIRMAN KILLEN asked whether the retaining walls meet with intent of the Code, to which Planning Director Wahba answered positively.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,
TO OPEN THE PUBLIC HEARING.

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

Mechas Grinnell (349 29th Street, Hermosa Beach), designer, and Michael Prenger (applicant) came forward to answer questions.

COMMISSIONER O'DAY asked about the roof plan and where the new and old roofs meet. Ms. Grinnell stated that it is a ridge—the old roof and a California frame. The new roof is over the existing roof. CHAIRMAN KILLEN pointed out that the solid lines are the only thing that will be seen.

COMMISSIONER O'DAY asked about the corner existing window. New windows have a tendency to not match existing windows. Ms. Grinnell agreed and will ensure matching windows.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

COMMISSIONER BAYER stated that the project looks great, and she likes the concept of the garage going under because it saves a tremendous amount of space and was impressed when viewing it.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO DIRECT STAFF TO PREPARE A RESOLUTION FOR THE NEXT MEETING APPROVING PLANNING APPLICATION NO. 46-05 WITH THE CONDITION AS OUTLINED IN THE STAFF REPORT WITH CONSIDERATION OF COMMISSIONER O'DAY'S CONCERN FOR THE CORNER WINDOW.

AYES: Southwell, Conway, Rein, Bayer, O'Day, Chairman Killen

NOES: None

ABSTAIN: None

ABSENT: Vanden Bos

Planning Director Wahba explained the 20-day appeal period.

C. PLANNING APPLICATION NO. 34-05; APPLICANT: MR. BRUCE SOROUDI; LOCATION: 627 DEEP VALLEY DRIVE; REQUEST FOR APPROVAL OF 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.

Senior Planner Cutler gave a brief Staff Report (as per written material) and reported that the project will not have a significant impact on the environment and prepared a Mitigated Negative Declaration.

COMMISSIONER O'DAY asked where in the Staff Report the elimination of the proposed roof decks is addressed. Senior Planner Cutler pointed the Commissioner to the end of page 4. Planning Director Wahba added that it was discussed with the Mixed-Use Subcommittee as a result of the former Arco site and the impact rooftop decks can have on surrounding property.

COMMISSIONER O'DAY asked about an Environmental Impact Report for the Mixed-Use District. Planning Director Wahba responded that it is underway, and that this application hasn't changed much, but the courtyard is a little smaller.

CHAIRMAN KILLEN asked that there be no commingling between the residential and commercial garages.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

AYES: Southwell, Conway, Rein, Bayer, O'Day, Chairman Killen

NOES: None

ABSTAIN: None

ABSENT: Vanden Bos

Bruce Soroudi with the Peninsula Group (applicant) came forward and gave an overview of the property redevelopment efforts.

Ken Soudani (145 La Crescenta Drive, Camarillo), the architect came forward to answer questions.

COMMISSIONER BAYER commented that the project is beautiful. COMMISSIONER O'DAY agreed that it was definitely improved.

CHAIRMAN KILLEN and Mr. Soudani then discussed design aspects of the projects and clarified that the structure needs to be of Santa Barbara quality, and Mr. Soudani assured the Commission that the project would be executed well. Some recommendations were a clean delineation of parking space between residential and commercial; acrylic exterior stucco; two-piece tile; actual wood, sandblasted in the traditional method; wood exterior on front windows and beige-tone vinyl for side and rear; well executed wrought iron; treating the flat roof with crushed terracotta rock as a balance to not look like a massive flat roof from up above; tiles on exterior decks and in the common areas; landscaped central courtyard on the podium level; and metal half-round rain gutters.

CHAIRMAN REIN expressed concern over the parking, and Mr. Soudani stated that the project proposes independent residential garages with garage doors, and all the parking spaces meet codes for turning radius and parking space width.

Jim Green (4 Stagecoach), a tenant in office building adjacent to this development, came forward and stated that he has no issues with the development but wants to ensure sufficient consideration is given to the parking in the adjacent areas.

The Commissioners and Staff discussed the parking in the area, and this parking would be 5 per 1,000 for the commercial portion of the project.

Jane Jones (President of Board of Trustees of the Library District) came forwarding and stated that parking is a great problem in that area. The lot on Deep Valley is the one that is always full during the day because of the use of the restaurant and the real estate office. The library uses a lot also. The lot on Silver Spur is used more now than it used to be. Employees of the Village are learning to park in those back spaces, so the back lot is not filled to capacity, but it is greatly used. The library's internal garage is almost always full, and the rooftop parking is half full during the day.

Planning Director Wahba suggested detailing some of the design elements and bringing a materials board to the next meeting when the resolution is brought back.

COMMISSIONER O'DAY asked Staff about the parking concerns, and Planning Director Wahba stated that this project, by its own merits, has no impact on parking.

CHAIRMAN KILLEN reiterated that he feels strongly about wood windows all the way around, and the building has to have a 360° architecture philosophy to it, not just a western storefront. Also, it is important that the two-piece tile, crushed terracotta rock on the flat roof, the half-round metal gutters, the 50% steel trough, wrought iron as is acceptable to the Planning Director, and tile in the common areas be in the project. COMMISSIONER O'DAY agreed.

COMMISSIONER O'DAY addressed the issue of what is open space. The Commission previously decided open space would be the top-down view. There was a lengthy discussion about what the Code meant, and there is no Variance being done for lot coverage. Planning Director Wahba referred to the former McDonald site, and the Planning Commission recommended that the Council view properties that way in conjunction with the proposed language change in the overlay zone, which would allow calculation of lot coverage from a top-down appearance where up to 75% lot coverage would be permitted, exempting anything open to the sky to encourage common outdoor courtyard areas open to the sky. That was a policy that the City Council embraced in the proposed Code Language. Staff is following that same policy in this case, stating that it complies with the 45% coverage because it is open to the sky. The actual coverage area is much greater than that, but this is a proposed policy that the City Council set forward, thereby not requiring a Variance at this time.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO CLOSE THE PUBLIC HEARING.

There being no objection, CHAIRMAN KILLEN so ordered.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO DIRECT STAFF TO PREPARE A RESOLUTION RECOMMENDING APPROVAL OF PLANNING APPLICATION NO. 34-05 WITH CONDITIONS OF STAFF DETAILING THE DESIGN MODIFICATIONS AS PROPOSED BY THE CHAIRMAN, AND THE ADOPTION OF THE ASSOCIATED NEGATIVE MITIGATED DECLARATION.

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

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES (NOVEMBER 1, 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 9:40 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to November 28, 2005, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk