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**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**SEPTEMBER 6, 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, Rein, Bayer, O'Day, Chairman Killen  
Commissioners Absent: Conway, Vanden Bos  
Staff Present: Planning Director Wahba, Assistant Planner Wong

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION  
MEETING OF AUGUST 15, 2005.

There being no objection, CHAIRMAN KILLEN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 37-05; APPLICANT: DR. & MRS. MICHAEL STAMOS; LOCATION: 48 RANCHVIEW ROAD; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS TO A SINGLE STORY HOME. A MINOR DEVIATION IS REQUIRED FOR A NEW ENTRY PORCH THAT DECREASES THE FRONT YARD AREA BY LESS THAN 10%.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that a letter was submitted to Staff objecting to the second story addition, which was later rescinded. Staff was able to address Municipal Code requirements and recommended approval with the conditions stated in the Staff Report.

Bridget Stamos (applicant) came forward at CHAIRMAN KILLEN's invitation and thanked Staff for the pleasant process.

COMMISSIONER O'DAY asked about the proposed roof tile. Ms. Stamos clarified that it was a "fake shake".

Cat Spydell (50 Ranchview Road) came forward to inform the Commission that an agreement had been signed resolving the issues that had previously been raised and rescinded. Ms. Spydell gave Assistant Planner Wong a copy of the agreement. Planning Director Wahba pointed out to the Planning Commission that the private agreement entered into by the two neighbors is not binding by the City and can't be enforced by the City.

COMMISSIONER O'DAY suggested the possible removal of shrubs as part of the approval in the plan. However, Planning Director Wahba pointed out that the City Council has directed the Commission to evaluate a project based upon its impact with or without landscaping.

COMMISSIONER O'DAY asked what the proposed GFRC decorative molding around the windows on the outside is. CHAIRMAN KILLEN responded that it is glass fiber reinforced concrete, which is a lightweight concrete. Planning Director Wahba added that it's textured and is typically left exposed, having a country feel, rather than Mediterranean.

COMMISSIONER O'DAY then pointed out his concern about the neighborhood getting more eclectic and losing its Neighborhood Compatibility. Planning Director Wahba stated that on major remodels and second stories, Staff is still steering towards more of the ranch, French country, craftsman styles, and in reviewing the Neighborhood Compatibility, he felt that this style was consistent with the other homes in the neighborhood.

COMMISSIONER REIN expressed his concern about Staff's reaction to the agreement between the two neighbors, as it is unenforceable. COMMISSIONER BAYER clarified that it would be enforceable between two parties as a contract, but the City can't enforce it. Planning Director Wahba further pointed out that Staff would have recommended approval with or without the agreement. COMMISSIONER BAYER then stated that the applicant has gone above and beyond to work out the issues with the neighbor.

COMMISSIONER REIN then questioned the point of soliciting opinions from the neighbors. CHAIRMAN KILLEN responded that neighbors' opinions may have dissuaded a Commissioner's opinion. Planning Director Wahba again pointed out that Staff was initially in support of the project when the neighbor was opposed to it and suggested to the applicant to work with the neighbor outside the realm of the City's enforceability.

COMMISSIONER REIN further expressed his concern that there's no obligation of applicant to incorporate the concerns of the neighbor because there's nothing representing them on the drawing to be approved by the Commission, making it binding. Therefore, there is no mechanism for enforcement.

Planning Director Wahba stated that preservation of the view of the sky is not something that the Commission would preserve. Also, trimming of the plants opening up the view of the canyon has nothing to do with where the second story is located. The agreement covers items outside of the scope of the impacts of the second story, which is common.

Michael Stamos (applicant) then stated that the purpose of the equitable solution was to preserve neighborly relations.

COMMISSIONER O'DAY asked if there was any other GFRC trim in the neighborhood, which Planning Director Wahba did not have immediate information on. COMMISSIONER O'DAY then stated that he didn't believe it was a neighborhood-compatible trim.

COMMISSIONER BAYER moved, and COMMISSIONER SOUTHWELL seconded,

TO APPROVE PLANNING APPLICATION NO. 37-05 WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT.

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

Planning Director Wahba explained the 20-day appeal period.

- B. PLANNING APPLICATION NO. 38-05; APPLICANT: GENERAL STORE, KELLY'S CORNER, NEW HORIZONS PRESCHOOL, LOCATION: 26941 ROLLING HILLS ROAD; A LANDMARK OVERLAY PERMIT TO REPLACE THE EXISTING ROOFING MATERIAL.

Assistant Planner Wong gave a brief Staff Report (as per written material) and recommended that the Planning Commission approve the project.

COMMISSIONER BAYER asked about the variation in roof sections between angled and flat. Planning Director Wahba stated that there are a couple of places where the roof comes together with a pitch less than 2 and 12, and asphalt shingles can't be applied because nails can't be put in if it's less than 2 and 12.

COMMISSIONER BAYER asked if those areas could be seen from the street. Planning Director Wahba responded that they're not highly visible, and CHAIRMAN KILLEN stated that it is not a problem.

No audience members came forward to address the Commission.

COMMISSIONER BAYER moved, and COMMISSIONER REIN seconded,

TO APPROVE PLANNING APPLICATION NO. 38-05.

COMMISSIONER O'DAY stated that he is in support of the project but is abstaining because his daughter attends the New Horizons Preschool.

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

Planning Director Wahba explained the 20-day appeal period.

- C. PLANNING APPLICATION NO. 39-05; APPLICANT: MR. DENNIS LACHARITE; 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.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that the two letters were received by Staff in opposition of the project regarding commercial use and view impairment, along with further oppositions regarding the same issues, plus property devaluation. Staff recommends approval of the application with conditions.

COMMISSIONER O'DAY asked what the maximum grade is for driveways, to which Planning Director Wahba responded 15%.

COMMISSIONER O'DAY asked if a Commercial Use Permit would be required. Planning Director Wahba responded that commercial use is not allowed in a residential zone, and it would violate the Home Occupation Permit Ordinance if applicant chose to do anything that would be uncharacteristic with a residential zone, all of which would be enforced through the Code Enforcement Department, such as violation of Noise Ordinance or atypical activity.

COMMISSIONER BAYER asked for details on how the fill would be removed. Planning Director Wahba responded that 18.3 cubic yards is minor grading and not a lot of earth movement.

COMMISSIONER BAYER asked Staff to what extent they've considered the neighbors' opposition letters. Planning Director Wahba stated that a case like this is normally over-the-counter, unless there's a variance, but given the concern about use and the neighbors' objections to the plan, it was brought before the Commission as a public forum to hear the neighbors' concerns. However, the City cannot speculate on the applicant's intended use but only make the applicant aware of the Code, which is enforced when complaints are received by the Code Enforcement Department.

COMMISSIONER O'DAY asked if there were any other rear structure accessory buildings on that side of Ranchview. Planning Director Wahba was not aware of any.

However, just because there aren't any others on the street doesn't make it incompatible. The City Council's policy has been to take a step back and look at the neighborhood, and if the Code allows a right, and the Codes can be complied with, Neighborhood Compatibility does not remove those rights. It is common to see structures in the rear yards within the broader scope of the neighborhood.

COMMISSIONER O'DAY asked if there were other buildings in the neighborhood with multiple garages. Planning Director Wahba was not aware of any, but against doesn't think that would be a reason to strike it down if the Code allows it.

COMMISSIONER SOUTHWELL asked if there were any other homes in the neighborhood that have four-car covered parking. Planning Director Wahba responded that there are a number of three-car garages in the neighborhood and others with tandem spaces not readily apparent from the street. Some may have parking for four cars.

Dennis La Charite (applicant) came forward at CHAIRMAN KILLEN's invitation. Mr. La Charite expressed his sadness at the difficulty to add shop space to his home, and stated that he does not plan to bring a business into his home. Mr. La Charite is a developer with many hobbies. He will not be building a barn with horses, but instead an accessory garage. He originally thought a barn would be more compatible with the neighborhood. Neighbors have a playground house, a batting cage, etc. in their backyards. Mr. La Charite reassured the Commission that he has no intentions of breaking the law, hosting illegal business activities or disturbing the peace. Working on a Harley Davidson or building a birdhouse or changing the motor in his boat or cutting up lumber for a new patio cover or working on a street car or a new home is a private matter within his own home. The opposition letters falsely state that he will be housing a drag racing operation. The dragster will be kept at the facility in Torrance where it is currently kept, but he does not want to relinquish his rights to work on a hobby in his own home, just as the neighbors do. Mr. La Charite does not intend to disrupt the neighborhood and hopes the Commission will consider his thoughts.

Jim Cahoon (23 Ranchview) came forward and provided the Commission with an outline of the opposition. Mr. Cahoon gave history of applicant's plans to build a barn and corral on his property and then an accessory structure. Mr. Cahoon also discussed applicant's racecar driving activities and the housing of his racecar at his prior home in Torrance. The immediate neighbors wrote on the plan and stated their objections and waiting for alternative plans. However, applicant would not release a copy of the architectural drawings. The neighbors had many conversations with Staff, pointing out Neighborhood Compatibility and use issues. Staff's refrain was that the Code allows an accessory structure. Mr. Cahoon stated that Section 17.06.090 and 020 discussing a garage as an accessory structure doesn't apply on its face because applicant already has a two-car garage. Also, the City's own documents deem the north side of Ranchview to be a separate and unique zone. Staff relies on 17.06.090, which is meant to apply to allow a remote garage when a home has no garage attached to the residence so that the homeowner can comply with Section 17.06.440, which requires each homeowner to have a two-car garage. Because applicant already has a two-car garage, that section is not applicable. City Planning 101 dictates that each Code Section has to be read in the context of other Code Sections and documents, including the Ranchview Neighborhood Compatibility sections, the Residential Development Standards and the View Ordinance. Section 17.62.030(b) and (c) provide that proposals shall be compatible with existing neighborhood character and should minimize the appearance of overbuilt property to both public and private view. The proposed structure gives the appearance of two houses on the lot. Page 3 of Staff Report states that any type of accessory structure erected on this side of the home's rear yard will appear massive and out of scale with the neighborhood. The Ranchview Compatibility Study states that not compatible in this residential zone are three-car garages, due to their massive scale and visual dominance. Section 17.62.030(d)(5) says that the mass of the structure shall be consistent with the surrounding properties in the neighborhood. No other surrounding properties have backyard garages or structures. Section 17.62.030(e) says the proposal shall preserve the open space and rural character of the surrounding neighborhood, and this project does just the opposite. The tenets of the View Ordinance are to maximize open space preservation, preserve views and minimize the appearance of visually intrusive structures. Applicant has chosen to place the structure as far as possible away from his own house and out of his view corridor. The structure is closer to at least three houses in the neighborhood than it is to his own house. Applicant is a professional (not amateur) racecar driver with corporate sponsors, racing for cash purses. The Home Occupation Standards for Rolling Hills Estates specifically prohibit commercial use in

residential zones unless 11 states conditions are met, which he cannot meet. Mr. Cahoon asks that the application be denied based on Neighborhood Compatibility. There are no detached garages in any backyards in this residential zone, and they've already got a garage, just like everybody else in this residential zone. It is also an unlawful business purpose. There are multiple reasons to deny this application, including the obvious issues of safety, noise, grading impacts and the reduction in property values. The Commission is charged to preserve and enhance the special rural character of the community.

Thomas Wynne (12 Palos Verdes Lane) came forward. Mr. Wynne is a neighbor immediately adjacent to the north below the subject property. There is already a two-car garage on the site, and there was a proposed barn on the plan. Our concerns were the potential future uses of an accessory structure, whether a barn, a workshop or a future in-law quarters. There are no second residential dwellings in the area, although it is zoned. Mr. Wynne is concerned with the building of the structure, increasing the property value and moving on. The structure is closer to Mr. Wynne than to the applicant's own house. The project is incompatible with the neighborhood, and Mr. Wynne is concerned with grading and drainage issues. Mr. Wynne is also impressed that applicant was able to appear before the Commission quickly within a couple of months.

Christina Zimmerman (HOA President for Ranchview) came forward. Ms. Zimmerman is familiar with applicant's family and welcomed applicant to the neighborhood. However, Neighborhood Compatibility is a concern. There are no other garages, as such. The big concern of the community is the potential use of the structure, particularly because this house already has a large, two-car garage and a circular driveway, where an additional five cars can be parked. Applicant does have a shop, an online store and sponsors. If this is a home occupancy issue, then the external structure can't be used. There is a feeling of trust amongst the neighbors on the street, and Ms. Zimmerman would like to trust applicant's stated intent. Ms. Zimmerman is concerned with potential storage of highly flammable fuel. The cars are run on nitro methane fuel, and Ms. Zimmerman cited a report from a chemical engineer. Ms. Zimmerman is the neighbor to the east, and one of her children is highly sensitive and allergic. Ms. Zimmerman cited the properties and hazards of the fuel from the engineer's report and stated that it can form toxic gases and may rupture and explode. Ms. Zimmerman is concerned with testing or revving or racing applicant's racecar, thus producing reactionary gases.

Chan Park (14 Palos Verdes Lane) came forward. Mr. Park's home sits directly below the structure. The proposed structure is very close to Mr. Park's 6-foot retaining wall and gives the appearance of the garage being on top of the retaining wall. Extra parking does not need to be so far away from the main residence and so close to the property line. The structure is at the end of downward sloping. If that area is graded, there is a possibility of weakening Mr. Park's retaining wall. Mr. Park opposes the structure at its current location, in addition to the Neighborhood Compatibility issues.

COMMISSIONER O'DAY asked Staff whether the casual hobby uses mentioned by applicant would be prohibited uses. Planning Director Wahba responded that use is a fine line between minor, Sunday afternoon activities and hobbies. Most neighborhoods are able to work out understandings without the City getting involved. However, there have been instances that escalate, and the City prosecutor gets involved, which is still difficult to enforce, even at that level. However, denying applicant the right to build something that's allowed in the Code opens up another issue with the City. COMMISSIONER O'DAY further pointed out that there have been many enforcement actions for activities such as woodworking or working on cars. Planning Director Wahba stated that the Code does not prevent hobbies, unless a noise ordinance is being broken. Working on an old car is not technically a home occupation but a hobby.

CHAIRMAN KILLEN asked if there was a decibel threshold that the City upholds. Planning Director Wahba responded that there is a decibel threshold and quality of noise infringements. A noise uncharacteristic of a neighborhood that goes on for a long period of time can be cited. An unidentified speaker from the audience pointed out that applicant is earning money from racing cars, and it is, therefore, a commercial endeavor, and tinkering with anything that is part of that activity would not be a hobby.

CHAIRMAN KILLEN asked Staff about Compatibility and the Ordinance for two-car garages for every residence and the implication that another garage would be over and above the implication of the Code. Planning Director Wahba responded that is not his interpretation of the Code, and other two-car garages have been allowed to be built in

addition to primary garages. If it is not attached to the main residence, then a 400 square foot exemption is given from the 500 square foot maximum for accessory-sized buildings, but a property could theoretically have two, two-car detached garages, the first being exempt up to 400 square feet, and the second as large as 500 square feet.

COMMISSIONER O'DAY asked about the Neighborhood Compatibility section regarding three-car garages. Planning Director Wahba responded that the purpose for that was to minimize the three-car garage effect from the street. This particular garage wouldn't be seen from the street.

CHAIRMAN KILLEN asked Staff whether they had spoken with the City Attorney about this issue, and Staff has not.

COMMISSIONER BAYER stated that the significant concerns are based on speculation, which would be inappropriate to base an objection on.

COMMISSIONER O'DAY asked about the Variance on file for this property's front yard. Planning Director Wahba clarified that Variance was done in 1963 because of the shape of the lot. COMMISSIONER O'DAY pointed out that the Variance would not have been necessary had the construction included a detached two-car garage with the attached garage converted to livable space.

COMMISSIONER SOUTHWELL echoed that the negative opinion centers around speculation, which is not appropriate.

COMMISSIONER REIN stated that he is not prepared to support the project because there is a Neighborhood Compatibility issue. COMMISSIONER BAYER asked what the impact on Neighborhood Compatibility is, to which COMMISSIONER REIN seconded that it is an imposition on the neighbors' views, as it is clearly visible from the neighbors' yards.

CHAIRMAN KILLEN asked for opinions on asking applicant to move the garage up closer to the house, maybe on the upper pad around 99 versus at 91, tucking it in towards the building, where it may take access off the side versus all the way in the back. COMMISSIONER SOUTHWELL agreed that could be a compromise. However, COMMISSIONER REIN stated that a problem is that looking at the pictures, the space ceases to be a backyard, and it's not equestrian zoned. COMMISSIONER BAYER then clarified that the pictures are a misperception because there is another section of the large backyard.

CHAIRMAN KILLEEN agreed that if it were a stable and an equestrian zone, it would be different, but with the use described, it should be more tucked up towards the building for cohesiveness as far as proximity and juxtaposition of the building and garage.

COMMISSIONER O'DAY stated that he also has Neighborhood Compatibility issues with the nature of the structure and where it is in relation to the house, although he agrees that just because it hasn't been there before doesn't mean that it doesn't belong there. However, the neighborhood does have nice, green backyards, and this would be an exception to that. Moving it closer to the house would make it more like every other house in the neighborhood. It is also a stucco, red tile roof, only one of two in the neighborhood, so it stands out already as a modern-looking structure, and this garage in the same style will contribute to that neighborhood clash.

CHAIRMAN KILLEN recommends placing it to the south of line 97 and 98.

COMMISSIONER O'DAY added bringing it around with a turn of some type where the deck was, but further south.

Planning Director Wahba pointed out that moving the structure up higher may block the adjacent neighbor's view, but it could be re-staked to see what the visual impact would be.

CHAIRMAN KILLEN asked if the existing pitch is 4 and 12, which Planning Director Wahba assumed was true.

Dennis La Charite (applicant), after being asked, stated that he would not be willing to consider moving the structure up because that doesn't appear to really be the issue. The Commission reassured Mr. La Charite that the Commission cannot consider speculation in making their decision but that the juxtaposition of the buildings is the

Commission's concern. Mr. La Charite then stated that the structure was placed there because that portion of the yard is unusable. Also, he would like a swimming pool and nice landscape right off the back of the home, and there are bedrooms with windows at the back of the house, so a garage would not work there. It would also raise the ridge height and block views.

CHAIRMAN KILLEN expressed being puzzled with the close to 200 foot long driveway from the street to the garage in the back, which is excessive, and recommended that the application be continued to have applicant's designer look at repositioning the structure.

COMMISSIONER BAYER indicated that it would be nice to not have the views so polarized. Applicant has the right to build on his property, as long as it conforms with all requirements. Therefore, it should be continued to attempt to work something out that is more mutually satisfactory.

CHAIRMAN KILLEN asked for direction to application from the Commissioners before continuing the item.

COMMISSIONER O'DAY stated his first concern is the large accessory structure in the rear of a neighborhood with relatively open backyards being a Neighborhood Compatibility issue. Bringing the structure in towards the main house as an addition to the house with the entrance in the back of the house without obstructing neighbors' views would be clearly acceptable. Anything in between would depend on how obtrusive it is and how it compares with other homes in the neighborhood.

COMMISSIONER BAYER stated that she is in favor of supporting the project as it is and doesn't see it as a problem, especially given the house on Palos Verdes Drive North at Latigo Lane with the garage structure in the backyard. Also, there was a similar situation with use concerns and speculation four years ago near Empty Saddle that never came to pass and never became a problem.

COMMISSIONER SOUTHWELL echoed that he'd like to see a compromise reached, and he would be more supportive of a garage closer to the existing dwelling with elimination of some hardscape and is giving no weight to the speculation of use.

COMMISSIONER REIN stated that although the Commission doesn't try to dictate how to design property, the structure appears to be imposing from the neighbors' viewpoints and would like to continue the item.

CHAIRMAN KILLEN stated that these issues tend to become divisible in neighborhoods, and compromises should be struck before that occurs in this case. The grading and concrete should be reduced because it is a rural character neighborhood. Also, there is no weight being given to the speculation of the intent and is not opposed to the structure, but would like to see it tucked up closer to the house more related to the building and less related to the neighbors around it.

COMMISSIONER BAYER moved, and COMMISSIONER O'DAY seconded,

TO APPROVE CONTINUE PLANNING APPLICATION NO. 39-05 TO A DATE UNCERTAIN TO ALLOW APPLICANT TO CONTINUE TO WORK WITH STAFF AND NEIGHBORS.

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

D. PLANNING APPLICATION NO. 40-05; APPLICANT: MR. CHRIS HUTCHISON; LOCATION: 9 WILDHORSE LANE; A NEIGHBORHOOD COMPATIBILITY FOR ADDITIONS ON THE WEST SIDE AND REAR YARD OF A SINGLE STORY HOME. A GRADING APPLICATION IS REQUIRED FOR A 3' HIGH RETAINING WALL ON THE WEST SIDE YARD.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff was able to address Municipal Code requirements and recommended approval of the application.

COMMISSIONER REIN asked Staff how the coverage is recalculated. Assistant Planner Wong explained that it is the existing minus what is being demolished.



Chris Hutchinson (applicant) came forward at CHAIRMAN KILLEN's invitation. Mr. Hutchinson thanked Staff and the Commission for their efforts and explained the need for the add-on.

COMMISSIONER O'DAY moved, and COMMISSIONER BAYER seconded,

TO APPROVE PLANNING APPLICATION NO. 40-05.

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

Planning Director Wahba explained the 20-day appeal period.

E. PLANNING APPLICATION NO. 41-05; APPLICANT: THE AVENUE OF THE PENINSULA; LOCATION: 550 DEEP VALLEY DRIVE; A PRECISE PLAN OF DESIGN TO AMEND THE EXISTING MASTER SIGN PLAN.

Planning Director Wahba gave a brief Staff Report (as per written material) and reported that a letter of credit was posted for a number of improvements, which the City Council reviews and renews on an annual basis. Staff recommended approval with conditions stated in Staff Report.

COMMISSIONER O'DAY expressed that he is in favor of the project, asked if the mall would see more use with the new Silver Spur entrance changes and expressed concern about the traffic flow and drop off parking. Planning Director Wahba responded that more street parking cannot be added, whether it becomes popular or not.

Anton Kotze (General Manager at Avenue of the Peninsula) came forward at CHAIRMAN KILLEN's invitation. Mr. Kotze stated that there probably wouldn't be increased traffic.

COMMISSIONER O'DAY then asked about the lighting and its compatibility with the median lighting. Planning Director Wahba clarified that they are not near each other.

CHAIRMAN KILLEN recommended reducing some bulk and mass of the front entrance. It could be opened up and light at night to see through to the people and the activity.

COMMISSIONER O'DAY then recommended multiple options in tenancy, such as more than one children's clothing store.

Mr. Kotze stated that he would like the community to be more aware that it as a community center and not a regional shopping center

COMMISSIONER BAYER moved, and COMMISSIONER REIN seconded,

TO APPROVE PLANNING APPLICATION NO. 41-05, as conditioned in the Staff Report.

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

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

None.

9. COMMISSION ITEMS

COMMISSIONER BAYER agreed to cover for COMMISSIONER O'DAY at the City Council meeting on Tuesday.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES (AUGUST 16, 2005).

COMMISSIONER BAYER moved, and COMMISSIONER O'DAY seconded,

TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRMAN KILLEN so ordered.

12. ADJOURNMENT

At 9:30 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to September 19, 2005, at 7:30 p.m.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk