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**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**OCTOBER 17, 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 VICE CHAIRMAN REIN.

2. **PLEDGE OF ALLEGIANCE**

VICE CHAIRMAN REIN led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Southwell, Conway, Vanden Bos, Bayer, O'Day, Vice  
Chairman Rein  
Commissioners Absent: Chairman Killen  
Staff Present: Planning Director Wahba, Senior Planner Cutler, Assistant  
Planner Wong

4. **APPROVAL OF MINUTES**

COMMISSIONER SOUTHWELL moved, seconded by COMMISSIONER BAYER,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION  
MEETING OF SEPTEMBER 19, 2005, AS AMENDED.

There being no objection, VICE CHAIRMAN REIN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

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

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS,

TO APPROVE THE CONSENT CALENDAR.

There being no objection, VICE CHAIRMAN REIN so ordered.

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.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff received letters in opposition to the project. Staff finds the revisions to the plans to be a good compromise and recommends that the Planning Commission approve the application with conditions, as stated in the staff report.

COMMISSIONER VANDEN BOS confirmed with Staff that the property is not in a Horse Overlay zone and that the property is part of the Ranchview Neighborhood Compatibility Study and that there is no other house in the Ranchview Neighborhood Compatibility Study that has a second garage on the property as an accessory structure.

COMMISSIONER CONWAY confirmed with Staff that the size of the accessory structure has been reduced by 4 square feet and is now proposed to be an oversized one-car garage.

At VICE CHAIRMAN REIN's invitation, Dennis La Charite (applicant) came forward and summarized the changes made to the plans and stated that he was happy with the changes and was grateful he was asked to move the structure up.

COMMISSIONER CONWAY asked Mr. La Charite for the addresses of the neighbors in support of the project. Mr. La Charite's plans listed the addresses as 19 Ranchview and 14 Palos Verdes Lane.

COMMISSIONER BAYER asked Mr. La Charite to address the neighbors' speculations over the use of the garage. Mr. La Charite stated that he has a facility in Torrance with a construction company and racecar and has no intention of bringing the racecar to the house. The purpose of the structure is as an accessory garage to store vehicles, etc. Mr. La Charite asserted that he has no intention to store nitromethane or drums of alcohol or break the law.

COMMISSIONER VANDEN BOS discussed his experience when he added on to his house behind his garage. As a condition of approval, COMMISSIONER VANDEN BOS signed a covenant stating it wouldn't be used as a second house. COMMISSIONER VANDEN BOS then asked Mr. La Charite if he would be willing to sign a covenant that he would not operate a business that is not permitted in the City as part of the approval. Mr. La Charite stated that he didn't feel it was necessary, and he would not want to give up his rights as a resident and cited the right to build a street-legal car as an example. It's already illegal to operate a business out of a garage, and he has no intention to break the law.

Jim Cohoon (23 Ranchview) came forward and stated that the same neighbors who previously opposed the project are still in opposition, despite the positive change in location. The change is favorable, although it still violates the compatibility standards for the residential zone, which is only the north side of Ranchview. There are no accessory structures, second garages or three-car garages in the zone. Setting compatibility issues aside temporarily, Mr. Cohoon went on to discuss the issue of use. Mr. Cohoon understood that the Applicant informed the Planning Department that he intends to put his racecar on his facility and he also informed Mr. Cohoon that he "might" put a racecar on his facility. Addressing whether use is an appropriate topic for discussion at a Planning Commission hearing, Mr. Cohoon cited Municipal Code 17.06.090 stating that the Commission has an obligation to consider the use. He further cited the Home Occupancy Standards of Rolling Hills Estates regarding the 11 conditions for business or commercial activities in a residential zone. The question is whether the Applicant intends to put any business property in the garage. If the applicant states his intent to use the garage for the racecar, there is no speculation, and the application can be denied. Otherwise, the Zoning and Code Administrator suggested that the Commission grant the application with a use condition. Mr. Cohoon distributed a condition for approval that he had prepared. Mr. Cohoon stated that the opposition would be withdrawn if the Applicant accepts the condition.

COMMISSIONER O'DAY pointed out that the term "racecar" might be broadly defined, and the language should be tighter. Mr. Cohoon suggested that the wording could be worked on.

COMMISSIONER CONWAY asked for confirmation that the issue is noise and not compatibility. Mr. Cohoon responded that there is a compatibility issue, but that could be waived if the use issue is resolved. There is a separate noise ordinance that would take care of any noise issues. COMMISSIONER CONWAY then further confirmed that the

Commission is being asked to restrict a use that is already illegal. Mr. Cohoon responded that it is a credibility issue.

Tom Wynn (12 Palos Verdes Lane) came forward and stated that his concern continues to be the real use of the property, noise and storage of exposure fuels, which COMMISSIONER BAYER stated was speculation.

Roseanne Cohoon (23 Ranchview) came forward and again cited restrictions to building on a property for a business purpose, which, of course, requires speculation.

Mr. La Charite again came forward and stated that when he pulled the permit and wrote a check and submitted the plan, he already signed and agreed to the use of the garage by what it says in the Municipal Code. Mr. La Charite also clarified that he does not keep his racecar at his home in Torrance, but keeps his business and his racecar at his commercial facility in Torrance.

COMMISSIONER CONWAY stated that this comes down to a use issue and is surprised that noise issues are not more prevalent, but there is a noise ordinance. If use is the issue, and there is language in the Code to restrict use, the argument that there are no accessory structures on the north side is not relevant. The garage accessory structure use is allowed, there is Neighborhood Compatibility that allows appropriate location and design of the structure, and there is Municipal Code that can control the commercial and business uses that occur inside that structure. Therefore, COMMISSIONER CONWAY supports Applicant and does not want to speculate about Applicant's intentions, as there is a methodology through Code enforcement provisions to ensure that improper use does not continue.

COMMISSIONER VANDEN BOS agreed with that analysis, except he believes that a condition should be imposed on approval. It is within the Commission's rights and makes sense to put language in the approval that allows the Municipal Code to be easily enforced, the same way approvals routinely do. COMMISSIONER VANDEN BOS further pointed out that the Applicant would not agree to a condition of approval that he would not do anything that is not permitted by Code. There is no problem putting the garage there, but a mechanism should be set up that allows enforcement if the speculation ends up being accurate.

COMMISSIONER BAYER stated that there is no need to have to put in writing and put a signature to something that already exists. The garage is a structure permissible under the Code, and the Applicant has made several concessions to make it more acceptable. The Applicant has stated his intent, and it's an empty gesture to put in writing that he will not do anything illegal. The Applicant understands the concerns of his neighbors and wants to be a good neighbor.

COMMISSIONER O'DAY pointed out that the new location of the structure is an improvement and was proper advice on the part of the Planning Commission. The remaining Neighborhood Compatibility concerns are structural and architectural. Accessory structures are allowed under the law. The issue comes down to use. COMMISSIONER O'DAY agrees with the neighbors that the Planning Commission has the right to consider use of the property in accordance with the zoning and the laws. Adding the condition of approval with narrower language would be helpful to everyone involved.

COMMISSIONER SOUTHWELL stated that when an application is approved and permission is given to build a structure, there's always a condition that the structure is built to all legal uses of the property, and there should be no conditions in addition to use of the property. There are code enforcement mechanisms in place, and COMMISSIONER SOUTHWELL is in support of the application as it's currently structured.

VICE CHAIRMAN REIN stated that it would be in everyone's best interest to approve with conditions as a concession to the neighbors. However, the condition, as currently written, is inadequate.

COMMISSIONER CONWAY moved, and COMMISSIONER BAYER seconded,

TO APPROVE PLANNING APPLICATION NO. 39-05 WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT.

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

The motion was denied.

COMMISSIONER CONWAY suggested that there be a condition that the Applicant will comply with all laws. COMMISSIONER VANDEN BOS expressed his desire to see a condition written that's applicable to this actual use without restricting his rights, because it is simpler to enforce code if there's a condition.

COMMISSIONER O'DAY added that part of the issues faced with code enforcement are code interpretation issues that get referred to the City Attorney. The question is how immediately action can be taken to stop inappropriate activity.

COMMISSIONER BAYER argued that a signed statement isn't going to affect how quickly action can be taken.

Planning Director Wahba pointed out that the Planning Department no longer adds covenants, such as COMMISSIONER VANDEN BOS', with respect to second dwellings on a property because the State of California has second dwelling provisions. COMMISSIONER VANDEN BOS then expressed the need for clarification from the Zoning and Code Administrator. Planning Director Wahba then stated that it comes down to the City Attorney and the City Prosecutor. The Municipal Code is what the city would ultimately use. If there's a covenant on the property, it would be added to the complaint, but it would come down to what, specifically, is being violated in the Municipal Code.

COMMISSIONER CONWAY added that Municipal Code enforcement is a result of monitoring, and this issue will be closely monitored.

COMMISSIONER O'DAY pointed out that the neighbors' concerns aren't going to be alleviated by a Municipal Code. This has become a contentious issue in the neighborhood and could be turned into something that people are more comfortable with to help things go more smoothly. COMMISSIONER CONWAY agreed that would be the best middle ground, but if that approach is taken, there will be an appeal, and if that approach isn't taken, there will be an appeal. The only enforcement approach is through the Municipal Code, and it can't be enhanced or embellished.

COMMISSIONER BAYER stated that to make somebody sign something that he doesn't feel he has to sign in order to alleviate neighbors' concerns when the city has codes in place that would act to alleviate the concerns would be asking for empty words that the Applicant isn't in favor of. The Applicant has a plan before the Commission that is according to code and has been reviewed by staff, so his rights are being restricted by trying to force him to sign something that he doesn't believe he should have to sign in order to get something he is already entitled to.

COMMISSIONER CONWAY stated that the language is not fully thought through, but the Municipal Code is. COMMISSIONER O'DAY agreed that it is not fully thought through. The ideal outcome would be tight language that accurately reflected the concerns of the neighbors and the restrictions of the Municipal Code that the Applicant would be comfortable signing, which may include restrictions of his rights insofar as the Municipal Code may be amended in the future. COMMISSIONER BAYER pointed out that would be speculation, and COMMISSIONER O'DAY agreed that it is all speculation.

COMMISSIONER BAYER then asked how the Commission could legally say to the Applicant that his signature is required to appease the neighbors in order to get the structure on his property that he is permitted to do under the Municipal Code. COMMISSIONER O'DAY responded that there are clearly neighbors who are objecting, and Mr. Cohoon has made excellent points about the appropriateness of the Planning Department to be worried about uses of land. There are ordinances and codes that help manage those uses, but many times, the Commission has had to look more specifically at specific uses in the past. COMMISSIONER BAYER responded that there would be a legal issue.

Planning Director Wahba suggested that if the word “commercial” were inserted in front of where “racecar” appears in the proposed condition, the condition would be further defined.

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

TO APPROVE PLANNING APPLICATION NO. 39-05 WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT AND THE ADDITIONAL CONDITION AS PROPOSED BY MR. COHOON.

COMMISSIONER VANDEN BOS withdrew his second because the language of the condition is not agreeable.

COMMISSIONER O'DAY asked the Applicant if he would prefer to continue this to work on the language or get an approval with the proposed condition.

Mr. La Charite approached and stated that he is prepared to spend every single dime he has to have his attorney represent him in defending himself against anyone who wants to make him sign something that he is already entitled to. Mr. La Charite stated he has no intentions to bring a racecar home. He spent \$150,000 last year on his racing operation and made about \$20,000. It is not a business. He doesn't make money at it, but does it for fun. Drums of nitromethane, the same stuff that Timothy McVeigh used to blow up the federal building, are illegal to have in a home, and he has no intention to bring home anything illegal. He knows bringing home a tractor trailer is breaking the law. The proposed condition is vague and gives up all his rights. Mr. La Charite would be happy to sit down with the neighbors and listen to what they have to say and address their issues. Mr. La Charite does not want neighbors peeking over his fence every day and doesn't want all the effort being put in but is prepared to stand up for his rights.

Given the vote, Planning Director Wahba suggested a continuance to the next meeting with an odd number of Commissioners.

COMMISSIONER BAYER moved, and COMMISSIONER VANDEN BOS seconded,

TO CONTINUE PLANNING APPLICATION NO. 39-05 TO THE NEXT MEETING WITH AN ODD NUMBER OF COMMISSIONERS.

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

B. PLANNING APPLICATION NO. 44-05; APPLICANT: MR. & MRS. MIKE TOM; LOCATION: 12 SILVERBIT LANE; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS LOCATED AT THE FRONT, SIDES AND REAR YARDS.

Based on a written request from the applicant,

COMMISSIONER CONWAY moved, and COMMISSIONER VANDEN BOS seconded,

TO CONTINUE PLANNING APPLICATION NO. 44-05 TO THE NEXT MEETING.

There being no objection, VICE CHAIRMAN REIN so ordered.

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 neighbors are in support of the proposal. Staff cannot support the proposal and

recommended that the Commission direct Staff to bring back a resolution denying the application.

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

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

Thad McNamara (applicant) came forward and summarized the history of the project. Mr. McNamara held up a paper cut-out of the size and shape of the Variance being requested.

COMMISSIONER BAYER advised the Applicant that in order for the Commission to approve the project, the Commission has to come up with the appropriate findings. Mr. McNamara responded that he is requesting that the Variance be made in spite of what the findings are.

COMMISSIONER O'DAY asked what exceptional and extraordinary circumstances are applicable to the Applicant's property that do not apply generally to the properties in the neighborhood. Mr. McNamara responded that the setback is more than 25 feet, and the standard is 25 feet, and because of the topography of the hill, it's not visible from the street. COMMISSIONER O'DAY stated that there are a few houses that have the same condition where they have the hill and then they have their lot. Linda Adams-McNamara (applicant) came forward and pointed out that on either side of the house, there's not enough space to go out with the drop-down.

COMMISSIONER BAYER advised that in order to approve the project, the Commission has to make the findings that there are exceptional or extraordinary circumstances or that such Variances are necessary for the preservation and enjoyment of the substantial property right or that the finding of the Variance will not be materially detrimental to the public welfare. Staff has not been able to make those findings, so the Applicant needs to go through their findings and respond to each.

COMMISSIONER O'DAY advised that the argument the Applicant should make is that the physical property is different than the neighbors' and what's different about it that makes sense to approve the Variance in this case. COMMISSIONER VANDEN BOS added that the Applicant should analyze the findings, and COMMISSIONER O'DAY suggested that the Applicant continue to work on the case for why a Variance should be granted. COMMISSIONER O'DAY agreed and clarified that each "the finding has not been made" needs to be countered.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO CONTINUE PLANNING APPLICATION NO. 30-05 TO NOVEMBER 14.

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

B. PLANNING APPLICATION NO. 43-05; APPLICANT: THOMAS CARSON;  
LOCATION: 810 SILVER SPUR ROAD (COMMERCIAL BUILDING); A  
VARIANCE TO PERMIT FEWER PARKING SPACES THAN REQUIRED BY  
CODE AND A PRECISE PLAN OF DESIGN FOR A 2,022 SQUARE FOOT  
SECOND STORY ADDITION AND NEW ELEVATOR TO AN EXISTING TWO-  
STORY COMMERCIAL BUILDING.

Senior Planner Cutler gave a brief Staff Report (as per written material) and reported that Staff has received letters in opposition. Senior Planner Cutler recommended that the Commission direct Staff to prepare a resolution approving a Variance to permit fewer parking spaces than required by Code and a Precise Plan of Design.

COMMISSIONER VANDEN BOS asked for clarification of how shared spaces work. Senior Planner Cutler responded that shared spaces provide adequate parking for either use due to different peak hours. Planning Director Wahba added that in the Peninsula

Village overlay zone, which will promote mixed-use development, the Planning Department is proposing to lower the parking requirement from 5 per 1,000 to 4 per 1,000. Also, Silver Spur Road has a bounty of on-street parking.

COMMISSIONER VANDEN BOS questioned meetings at the senior center and mentioned the unknown across the street at the undeveloped Arco property.

COMMISSIONER CONWAY asked about the reason for the parking Variance. Under the Applicant's Joint Use Agreement, they currently have 40 parking spaces, 9 of which are shared. Senior Planner Cutler responded that in a shared parking scenario, all 40 spaces are not exclusive, so the Parking Demand Analysis was to prove that there would be the 40 spaces available to this business during its peak times and in consideration of the peak time of the adjacent use.

COMMISSIONER VANDEN BOS then asked whether Elwood meets its Code requirements without the nine shared spaces, and Senior Planner Cutler responded that it does not meet its Code requirements.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY,

TO OPEN THE PUBLIC HEARING.

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

At VICE CHAIRMAN REIN's invitation, Tom Carson (58 Strawberry Lane) came forward to answer any questions.

COMMISSIONER O'DAY asked why there was a large quantity of reserved spaces with no real parking demand. Mr. Carson responded that he just put names on the property when he was re-striping just to try to simplify it for the people. However, those reserved spots have never been honored. The tenants never requested it.

John Peterkovich (PO Box 6744, San Pedro) came forward as the designer of the project and commended Staff on the excellent Staff Report. Mr. Peterkovich passed pictures to the Commission showing a vacant street and parking lot.

Shashank Patil with Linscott, Law & Greenspan Engineers (1580 Corporate Drive, Costa Mesa) came forward and summarized how the parking study was conducted and the results of the study.

COMMISSIONER CONWAY asked if the parking deficit was from Elwood's demand, rather than the office structure. Mr. Patil responded that the analysis assumed that all the six spaces were going to the subject property and not being utilized by Elwood. There were open spaces on Elwood's property during that time.

COMMISSIONER REIN asked if there were parking spaces on the other side of Elwood's business, and Mr. Patil answered that the study did count those. COMMISSIONER REIN then asked if there was any parking on the street on Little Silver Spur, and Mr. Patil responded that there were hardly any cars parked on the street. COMMISSIONER REIN further asked if the study was conducted during any senior center events. Mr. Patil responded that the study did not make any distinction, but he did observe several senior center members utilizing the nine shared spaces.

Richard Barretto with Linscott, Law & Greenspan Engineers (1580 Corporate Drive, Costa Mesa) came forward and clarified that the parking study was to focus on whether the nine shared spaces are highly utilized by the adjacent Elwood Nursery or utilized by the subject property, and the different uses have different peak periods. In particular, Elwood has a higher demand on Saturday, and the existing office component of the center is closed on Saturday.

Mr. Carson added that when the Peninsula Seniors do have an event going on, the parking lot has never been full. The seniors all want to park in the street and don't park in the back.

No one came forward to speak in opposition of the project.



COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING.

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

COMMISSIONER VANDEN BOS stated the city has a Code, which requires a certain number of spaces. Between the two properties, there's not enough. If the city changes to 4 to 1,000, that makes sense, but he would like to wait until it gets to 4 to 1,000. Until it gets to that point, he's not comfortable supporting it.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER BAYER,

TO DIRECT STAFF TO BRING BACK A RESOLUTION IN SUPPORT OF PLANNING APPLICATION NO. 43-05 AT THE NEXT MEETING.

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

C. 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. VARIANCES ARE REQUIRED FOR EXCEEDING THE MAXIMUM FRONT YARD COVERAGE, PROJECTING BEYOND THE FORWARDMOST BUILDING LINE AND DECREASING MORE THAN 10% OF THE FRONT YARD AREA.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff received a letter in opposition to the project. Staff recommends that the Planning Commission continue the project to allow Applicant sufficient time to work with Staff and eliminate the Variance applications as identified in this report and to address Neighborhood Compatibility concerns with reducing the proposed square footage.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

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

At VICE CHAIRMAN REIN's invitation, the architect, Chriss Gunderson (2024 Via Pacheco, Palos Verdes Estates) came forward and presented why the Variances are in keeping with the rural nature of Rolling Hills Estates. The conditions at the site and how the Planning Department has been required to define the front property line is inconsistent with development at most of the properties in Rolling Hills Estates. The project is attempting to provide little disruption to the street and neighbors and exceeds building setbacks.

COMMISSIONER VANDEN BOS asked about the calculation of the driveway hardscape with the concern that the Applicant might be covering more lot property than described. Mr. Gunderson responded that documentation has been provided to Staff showing accurate calculations.

COMMISSIONER O'DAY asked whether the project is a complete remodel or an addition. Mr. Gunderson responded that it is a complete remodel.

Mr. Gunderson added that the project is on a very large parcel, and the overall finished home is proportional to the amount of open space around the property and won't stand out as an exceptionally large home. The additions are all substantially back from the street frontage.

COMMISSIONER VANDEN BOS asked about the garage coming out in front of the property, having two cars on the side of the property and a two-car garage in the front of the forwardmost building line of the property. Mr. Gunderson responded that the Variance for the projection in front of the most forward building point is only for the trellis. COMMISSIONER VANDEN BOS clarified that there is a Neighborhood Compatibility issue with something being overbuilt, and when the garage is brought forward, another dimension is created, adding more mass. Mr. Gunderson disagreed because there is an ability to capture space and help define the front yard area, making it feel more like a courtyard.

COMMISSIONER O'DAY excused himself at 10:05 p.m.

COMMISSIONER BAYER asked Staff how to determine which is the front yard. Planning Director Wahba responded that the city looks at vehicular access to the property, orientation of the house and the yards.

COMMISSIONER CONWAY and Planning Director Wahba discussed the forwardmost building line and the garage trellis. Mr. Gunderson added that he is attempting to follow the spirit of the zoning ordinances, improving the property for the betterment of the neighborhood and attempting to minimize the impact. Mr. Gunderson suggested possibly pulling the trellis out.

COMMISSIONER CONWAY stated that Mr. Gunderson made compelling arguments, but the size of the property after the addition on the largest house in the neighborhood is a stumbling block.

Ed Wirtz (applicant) came forward and described the small rooms, so there isn't a lot of moving around that can be done without adding to the size.

COMMISSIONER VANDEN BOS asked Staff what would have to be changed in the design in order to not have either of the two unsupported Variances. Planning Director Wahba responded that it would be removal of the trellis and pulling the garage back. COMMISSIONER VANDEN BOS suggested reducing the four-car garage and possibly going to a three-car garage, still having the courtyard element and softening the front of the house.

COMMISSIONER BAYER stated she would still have a concern with the project ending up being the largest house in the neighborhood.

Sunshine (6 Limetree Lane) came forward and suggested that defining the Branding Iron side of the front yard would eliminate the encroachment Variances. Also, the Grimes would like the east side of the house to be more considered their back of the house. The object is to get rid of the private driveway and give the Applicant direct access to their property from Branding Iron. Sunshine asked the Commission to give the Applicant direction.

COMMISSIONER REIN advised that the scope of the discussion is beyond what is before the Commission.

COMMISSIONER BAYER moved, seconded by COMMISSIONER VANDEN BOS,

TO CONTINUE PLANNING APPLICATION NO. 45-05 TO A DATE UNCERTAIN  
TO ALLOW APPLICANT TO FURTHER WORK WITH STAFF.

AYES: Southwell, Conway, Vanden Bos, Bayer, Vice Chairman Rein

NOES: None

ABSTAIN: None

ABSENT: Chairman Killen, O'Day

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

Planning Director Wahba asked about moving the October 31 meeting to Tuesday, November 1, due to Halloween. COMMISSIONER VANDEN BOS had a conflict with his

schedule. COMMISSIONER CONWAY stated that Tuesday evenings are difficult for him and he would most likely not be able to attend. All other Commissioners that were present were available (COMMISSIONER O'DAY left at 10:05 PM).

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES (SEPTEMBER 6, 2005).

B. CITY COUNCIL ACTIONS (SEPTEMBER 13, 2005).

COMMISSIONER CONWAY moved, and COMMISSIONER VANDEN BOS seconded,  
TO RECEIVE AND FILE ITEMS 11A and 11B.

There being no objection, VICE CHAIRMAN REIN so ordered.

12. ADJOURNMENT

At 10:35 p.m. VICE CHAIRMAN REIN adjourned the Planning Commission meeting to November 1, 2005, at 7:30 p.m., barring a quorum. Planning Director Wahba stated that he would inform the Planning Commission of the date of the next meeting.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk