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REGULAR PLANNING MINUTES

JUNE 20, 2005

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**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**JUNE 20, 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, Bayer, O'Day, Chairman Killen  
Commissioner Vanden Bos arrived at 7:35  
Commissioners Absent: Conway, Rein  
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 JUNE 6, 2005.

There being no objection, CHAIRMAN KILLEN so approved.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

None.

8. **PUBLIC HEARINGS**

A. PLANNING APPLICATION NO. 16-05; APPLICANT: MR. STEVE BADOUR; LOCATION: 21 ROLLINGWOOD DRIVE; A NEIGHBORHOOD COMPATIBILITY APPLICATION FOR FRONT, SIDE, AND REAR YARD ADDITIONS, AND FOR CONSTRUCTION OF A NEW REAR YARD DECK, A MINOR DEVIATION TO DECREASE THE REQUIRED FRONT YARD BY LESS THAN 10%; AND A VARIANCE TO ENCROACH INTO THE FRONT YARD SETBACK AND TO RE-ESTABLISH A LEGAL NONCONFORMING FRONT SETBACK OF LESS THAN 25'.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff and Applicant were able to address Municipal Code requirements, but Staff

could not support the proposed rear yard deck, the entry height of the tower and the roofing material.

COMMISSIONER O'DAY pointed out that it is difficult to judge the view impact without flags for the hillside deck.

CHAIRMAN KILLEN asked Staff whether the Code addresses whether structures are measured from where they are hitting the ground or from the furthest extension to the top point of the guardrail to where it comes down and hits the grade. Planning Director Wahba answered that it is from the furthest extension, so it is higher than 16 feet. CHAIRMAN KILLEN then pointed out that the 12 feet is in the neighborhood of a 6-foot drop from where it currently is. Planning Director Wahba agreed but pointed out that it would be a combination of making it smaller and nestling it down into the slope.

COMMISSIONER BAYER asked if any of the flags represent the height of the tower. Assistant Planner Wong responded that he thought it was there but that he could double check.

CHAIRMAN KILLEN asked for clarification on the red clay roof tiles, whether they were flat tiles. Planning Director Wahba responded that the plans say 7½-pound red clay roof tiles. CHAIRMAN KILLEN further stated that on the elevations that are rendered they seem very flat, shingle-like, like a flat plate tile, which is probably more in keeping with the neighborhood. Planning Director Wahba agreed that if it was more of a rustic, reddish, flat tile, Staff would be more acceptable to that than the S-tile, and all Commissioners agreed.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO OPEN THE PUBLIC HEARING.

AYES: Southwell, Vanden Bos, Bayer, O'Day, Chairman Killen

NOES:

ABSTAIN:

ABSENT: Conway, Rein

COMMISSIONER BAYER asked Planning Director Wahba for the guidelines on having to recuse oneself. Planning Director Wahba answered that you must recuse yourself if you live within 500 feet (as the crow flies) or have an economic interest of \$10,000 or more.

Michael Goodson (representing the Applicant) came forward. He stated that the concerns of the Commission were taken into account, and the plans were revised. However, the decking out back is of critical concern to the Applicant as a play area for his four young children. The deck was going to be screened with landscaping and would have a minimal view from Silver Spur. The flagging was done for the decking at the previous meeting, and flags were up for the garage and tower for this meeting, which is all below the existing ridgeline. The tile is a clay-type. The single-story limitation and the hillside slope limits possible solutions. Having compromised on all issues, Applicant hopes that the Commission would be able to compromise on that issue, which will not set a precedent for the neighborhood. The deck is currently at the minimum that Applicant can accept.

COMMISSIONER VANDEN BOS asked about the possibility of widening the deck and not making it as deep by pushing it back. Mike Mbelu (architect) came forward and stated that the widening of the deck would be in violation of Code. Planning Director Wahba elaborated, stating that the Code has a maximum width of 50% of the width of the lot (which is what the deck is at now) and a minimum 10-foot side yard setback. Mr. Goodson conferred with his client and stated that widening the deck would be agreeable. COMMISSIONER O'DAY pointed out that would require a Variance.

COMMISSIONER VANDEN BOS asked whether the concept behind the 50% requirement was preserving open space, which Planning Director Wahba confirmed. The idea was to use the 50% rule so that decks would not span the entire width of the lot.

COMMISSIONER VANDEN BOS asked if it made sense to do a Variance where it's not as deep but is spanning the width of the home, but no farther than the home. Planning Director Wahba answered that it could be done and further elaborated that when the

Code was written, it was set up for situations in which the hillside deck was secondary to a primary or back yard, but this case doesn't have much of a yard, so a Variance finding could be made to say that without any type of a deck, you would have no yard. If there's some compromise by lowering it a little bit, pulling it back and making it a little bit wider, that's something that can be looked at, and meeting the 12 foot requirement would be easy as it is pulled back, and it may not need to be stepped down.

Planning Director Wahba suggested that the Applicant work with Staff and come back at the next meeting. COMMISSIONER O'DAY asked if the other issues could be approved now and do a deck finding later. Planning Director Wahba responded that Staff would still have to come back with a resolution, and it wouldn't take any more time. Staff would come back with a revised plan attached to the resolution, and the findings for the deck would be added. COMMISSIONER BAYER asked Applicant if that was agreeable, to which Messrs. Goodson and Mbelu responded yes.

CHAIRMAN KILLEN advised that a cricket would be needed in the back area where the gables come together.

Planning Director Wahba had a concern with the chimneys not shown. Mr. Mbelu reminded him that a direct vent was discussed and agreed to. Planning Director Wahba then clarified that the tile was going to be flat, and CHAIRMAN KILLEN asked that to be specified in the plans.

COMMISSIONER BAYER moved and COMMISSIONER VANDEN BOS seconded to continue the Public Hearing to July 5.

AYES: Southwell, Vanden Bos, Bayer, O'Day, Chairman Killen  
NOES:  
ABSTAIN:  
ABSENT: Conway, Rein

B. PLANNING APPLICATION NO. 27-05; APPLICANT: MR. & MRS. LOUIS PERSICHINA; LOCATION: 47 DAPPLEGRAY LANE; A NEIGHBORHOOD COMPATIBILITY FOR CONSTRUCTION OF A NEW ATTACHED GARAGE AND CONVERSION OF EXISTING GARAGE INTO A FAMILY ROOM. VARIANCES ARE REQUIRED FOR DECREASING MORE THAN 10% OF THE FRONT YARD AREA, PROJECTING BEYOND THE FORWARDMOST BUILDING LINE AND CONTINUING ALONG A LEGAL NON-CONFORMING SIDE YARD SETBACK INTO THE FRONT YARD.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff was unable to address the Neighborhood Compatibility concerns with the massing of the proposed garage addition.

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

AYES: Southwell, Vanden Bos, Bayer, O'Day, Chairman Killen  
NOES:  
ABSTAIN:  
ABSENT: Conway, Rein

John Juge (Applicant's architect) came forward and handed photographs to the Commission to illustrate that the non-conforming side yard is common in the development. The side yard could probably increase, but 9 feet cannot be reached and still be esthetically pleasing. The garage could be narrowed, but it can't go much further to the north. The center portion of the roof is 4:12. The prominent roof is 9:12. If the garage is moved over three or four feet, and a 4:12 is put on the garage with an existing 9:12, it would be wrong. However, to address the side yard, the garage could be a little bit smaller, going to go to the north a foot and cutting the size of the garage down a foot or two. The height and mass of the building could be shortened.

COMMISSIONER VANDEN BOS asked about making the garage 20 feet wide and keeping the line next to the kitchen window the same. Mr. Juge stated that it could be shrunk down to 21, which is the outside dimensions of a garage in RHE. There's a fireplace on that south wall in the family room, so the roof pitch could be continued as it

is, creating a shorter wall on that side of the house, but that wouldn't be a problem and might be the cleanest solution.

COMMISSIONER O'DAY asked about leaving the garage where it is and building back, to which Mr. Juge responded that the pool could be buried, but the property slopes downward, with an approximate grade difference of 50 to 60 feet down to the horse trail.

COMMISSIONER O'DAY asked Staff for clarification of the guidelines on factors to be considered for a Variance finding. Planning Director Wahba confirmed that the lot is to be considered, not the current construction on the lot, but pointed out that there's not much of a usable rear yard, which is what's pushing the improvements towards the front of the lot. COMMISSIONER O'DAY stated that his biggest concern is that the only visible portion will be the garage, which has a visual impact compared to other homes in the neighborhood. COMMISSIONER VANDEN BOS stated that shrinking the width would bring down the mass. Mr. Juge then suggested removing some shrubs. COMMISSIONER O'DAY added that there are alternatives, but they're all expensive.

CHAIRMAN KILLEN agreed that there are other solutions and recommended taking a gable that turns in the other direction and has a dormer that sticks out of the side of the roof to embellish the building from the front, but the garage extruding out will be imposing on the neighborhood.

COMMISSIONER VANDEN BOS asked whether nestling back some would solve CHAIRMAN KILLEN's concern. CHAIRMAN KILLEN responded that it is a 40% encroachment of what appears to be a two-story structure coming out and suggested taking the 4:12 pitch in the center portion and extending it over the family room and coming off again from there.

COMMISSIONER O'DAY asked if any other homes on Dapplegray have a forward garage that doesn't have a side entrance. Entrances are usually swung around so the garage door can't be seen. Having a pushed forward garage and a front entrance is an odd circumstance.

Planning Director Wahba pointed that to change the orientation, the driveway would have to be moved to the other side of the property and then swung in., which Mr. Juge stated would make the living room and dining room dark.

Jeff Hawk (45 Dapplegray Lane) came forward. Mr. Hawk is the neighbor next door on the south side and has no objections to the Variances. Mr. Hawk is a similar layout, and his garage was added on.

COMMISSIONERS O'DAY and VANDEN BOS stated that Mr. Hawk's garage addition was handled differently and was nestled into the house. The garage is stepping out but only half way or less.

Mr. Hawk stated that the garage was sticking out originally, and the house was added onto to bring the front out.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER BAYER,

TO CLOSE THE PUBLIC HEARING.

AYES: Southwell, Vanden Bos, Bayer, O'Day, Chairman Killen

NOES:

ABSTAIN:

ABSENT: Conway, Rein

COMMISSIONER BAYER agreed with the Commission's comments and stated that making it smaller will help, but to sanction moving a garage into a front yard is contrary to what the Commission is about.

COMMISSIONER VANDEN BOS was originally concerned with the width, but he hadn't considered the view of it coming down the street from north to south. Sticking out 22 feet, it will look odd. However, COMMISSIONER VANDEN BOS doesn't know of a good alternative solution to suggest.

COMMISSIONER O'DAY would like to know what the other options were with their variations and pros and cons. In order to support a finding of Variance, clarity is needed

that issuing the Variance is the best alternative, and there are a number of alternative approaches that haven't been thought of.

CHAIRMAN KILLEN would like to see a full topography or points of grade, the second floor of the building and a north building elevation, all of which should be required for complete submittals in the future. There could be some reasons to reevaluate the areas of impact into the front yard by allowing the garage to project out partially and relocate a space behind it or compact the space between the existing pool and the garage, allowing Applicant to project out further on the north side. Efforts should be made to adapt another ridge configuration that might not be as imposing, still allowing the existing building and ridgeline to live in harmony with it.

Planning Director Wahba asked for the Commission's general sense of the 5-foot setback, which Staff recommends be pulled in to at least 9 feet under a Minor Deviation. If the garage is taken down to an 21 x 21 exterior dimension and part of the kitchen window is covered, it comes close to working. The roof pitch could then be redesigned, or the gable could be turned perpendicular.

Planning Director Wahba reminded the Commission to try to make additions, especially less than 50%, conform as much as possible. All Commissioners agreed with that goal, and CHAIRMAN KILLEN elaborated that nonconforming existing is one thing, but extending nonconformity is difficult to justify.

COMMISSIONER O'DAY again approached the suggestion of moving the garage back and extending the front of the house to come up to meet it, perhaps wrapping the kitchen around the garage with a nook.

COMMISSIONER VANDEN BOS moved, seconded by COMMISSIONER BAYER,

TO CONTINUE PA-27-05 TO A DATE UNCERTAIN TO ALLOW THE APPLICANT SUFFICIENT TIME TO WORK WITH STAFF AND ELIMINATE THE VARIANCE APPLICATION AS IDENTIFIED IN THE STAFF REPORT AND TO ADDRESS NEIGHBORHOOD COMPATIBILITY CONCERNS WITH THE MASSING OF THE PROPOSED GARAGE ADDITION.

AYES: Southwell, Vanden Bos, Bayer, O'Day, Chairman Killen  
NOES:  
ABSTAIN:  
ABSENT: Conway, Rein

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

Planning Director Wahba polled the Commissioners to see if there would be a quorum for the July 5 Planning Commission meeting. Commissioners Bayer, O'Day and Southwell and Chairman Killen will be at the meeting on July 5. Commissioner Vanden Bos will not be at the July 5 meeting. Commissioner Southwell won't be at the July 18 meeting. Having a quorum, the next Planning Commission meeting will remain scheduled for July 5.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES COMMISSION MINUTES (JUNE 7, 2005).
- B. CITY COUNCIL ACTIONS (JUNE 14, 2005).

COMMISSIONER O'DAY moved, and COMMISSIONER BAYER seconded,

TO RECEIVE AND FILE ITEMS 11A AND 11B.

There being no objection, CHAIRMAN KILLEN so ordered.

12. ADJOURNMENT

At 8:30 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to July 5, 2005, at 7:30 p.m.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk