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MINUTES

REGULAR PLANNING COMMISSION MEETING

FEBRUARY 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 7:32 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN KILLEN.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN KILLEN led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

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

Commissioners Absent: None

Staff Present: Planning Director Wahba, Assistant Planner Wong

4. **APPROVAL OF MINUTES**

COMMISSIONER REIN moved, seconded by COMMISSIONER VANDEN BOS,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF JANUARY 18, 2005.

There being no objection, CHAIRMAN KILLEN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

The following routine matters will be approved in a single motion with the unanimous consent of the Planning Commission. There will be no separate discussion of these items unless good cause can be shown by a member of the Commission or the public expressed under audience items prior to the roll call vote.

A. PLANNING APPLICATION NO. 10-05; APPLICANT: VITAMIN PLANTATION;
LOCATION: 46D PENINSULA CENTER; A PRECISE PLAN OF DESIGN FOR A
WALL SIGN WITH A LOGO.

B. WAIVE READING IN FULL ALL RESOLUTIONS THAT ARE PRESENTED FOR
PLANNING COMMISSION CONSIDERATION ON TONIGHT'S AGENDA, AND
ALL SUCH RESOLUTIONS SHALL BE READ BY TITLE ONLY.

COMMISSIONER BAYER moved, seconded by COMMISSIONER SOUTHWELL,

TO APPROVE CONSENT CALENDAR ITEMS A AND B.

There being no objection, CHAIRMAN KILLEN so ordered.

7. BUSINESS ITEMS

- A. PLANNING APPLICATION NO. 11-05; APPLICANT: MR. RUSSELL COLE SHOEMAKER; LOCATION: 16 PALOMINO LANE; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS TO THE FRONT AND REAR YARDS ON AN EXISTING TWO-STORY HOME. A MINOR DEVIATION IS ALSO REQUIRED TO EXCEED LOT COVERAGE BY NOT MORE THAN 10%.

Assistant Planner Wong gave a brief Staff report (as per written material) and reported that the proposed additions incorporate design elements that minimize a massive appearance of the home, as well as being compatible with the neighborhood. The home's proposed addition does not encroach into the setback areas, and the proposed second story is set back from the first story to minimize a massive appearance and, therefore, preserve open space. Staff recommends approval of Planning Application No. 11-05 with the conditions stated in the Staff report.

COMMISSIONER BAYER asked Staff if this would make this home the largest home in the neighborhood and received responses that it would be the largest home in the area on the second smallest lot.

COMMISSIONER CONWAY asked Staff for clarification at the bottom of page 2 of the Staff report regarding the "horsekeeping area which are non-conforming issues on this property."

Planning Director Wahba clarified that with respect to City Council's policy of being under 50% and/or the demolition of lineal walls is less than 50%, which the project demonstrates, that the existing front yard coverage, given that there's no encroachments into that area, is exempt as it is. A variance is not required for front yard coverage at 53%. And the same with height-setback-ratio. The existing portion of the second story is legal non-conforming, and that would retain its legal non-conforming status. The part that's proposed, however, is subject to meeting the setback requirements, which it does.

COMMISSIONER CONWAY pointed out that it appeared to be the back of the house that had the second story height-setback-ratio issue and inquired whether there was still a height-setback-ratio in the back yard or just measured from the side yard. Planning Director Wahba responded that it was considered the side because it's on a corner lot.

CHAIRMAN KILLEN asked to hear from the audience.

Don Thursby (777 Silver Spur Road, Suite 232) stated that the project is minor in scale. The changes in the rear yard are 100 sq. ft. of covered porch and a small second story. The balance consists of the new balcony and trellis to cut down the harsh southern sun from coming in. They attempted to stay within the rules and regulations as possible. The lot as it existed was over in its coverage. They took away a considerable amount of hardscape in order to come close to the desired 30%. They didn't hit it but could achieve it with the Minor Deviation.

Russell Cole Shoemaker (16 Palomino Lane) stated that he grew up in the house and recently purchased it from his parents. They added on a few times (master bedroom and game room), but it needs to be updated, spruced up and re-landscaped. It's a key focal point of the neighborhood because it's on the corner of Pony and Palomino, so people see it. He wants to make it a very nice lot and plans to re-landscape everything, keeping within the ranch feel of the neighborhood. He appreciates the Commission's consideration.

COMMISSIONER O'DAY questioned whether the lot coverage would be reduced or kept the same as a result in the change in the hardscape and was told it was being reduced from the existing lot coverage by 669 sq. ft.

Planning Director Wahba added that they're taking hardscape out to reduce it to 33% because they are affecting the footprint, which triggers the lot coverage.

COMMISSIONER O'DAY commented that he liked the fact that the style stays the same, matching the neighborhood. The size of the house concerns him, but only 10% is being added to it (about 400 sq. ft. or so), so it's not a large addition making it significantly larger.

COMMISSIONER BAYER agreed but added that there are very few two-story homes in the neighborhood, some of which looked rather large. This one, the way it's set back, fits nicely into the neighborhood. The concern is getting the largest house in the neighborhood, setting a precedent, and caution should be taken. The vast majority of the houses are in the 2,000 sq. ft. realm. Otherwise, it would be a nice addition to the neighborhood.

COMMISSIONER REIN agreed with the nice look, and the second story is very unobtrusive, so he is in support of the project.

COMMISSIONER CONWAY echoed COMMISSIONER BAYER'S concerns that this is the second smallest lot in the neighborhood seeking to be the largest sq. ft. home. The only homes over 3,596 sq. ft. are next door to one another on Palomino Lane. The two largest homes are 3,600 sq. ft., 4,000 sq. ft., and this one at 4,245 sq. ft. The average would be pushed considerably higher in this neighborhood for the sq. ft. of homes. He does not support putting the largest home on the second smallest lot and recommended continuing this item and having the Applicant work with Staff to bring it into a more manageable size relative to the size of the lot.

COMMISSIONER SOUTHWELL also agreed with COMMISSIONERS BAYER and CONWAY. His concern is that in establishing a precedent for the neighborhood, the average sq. ft. will get pushed up over the next 20 to 25 years by 1,000 or 1,500, and consideration should be given to whether that's the direction that the neighborhood wants to go.

COMMISSIONER VANDEN BOS abstained from comments due to knowing the Applicant.

CHAIRMAN KILLEN asked Planning Director Wahba what the tradition is if lot coverage is not exceeded, and set backs and heights are within limits, as far as a hard-fast number of an FAR on the site.

Planning Director Wahba responded that the City doesn't have a FAR, but it's still subject to compatibility. This was designed very well in that it doesn't look obtrusive. Other cases have sq. ft. that is clearly not compatible because of massiveness and looking out of place, but this case doesn't.

CHAIRMAN KILLEN inquired further about possible past discussion amongst the City Council and Planning Commission about FARs and what the ratio might be between the amount of land and the amount of building that could be put on that.

Planning Director Wahba suggested that the issue would be a perfect topic for the upcoming Policy Development Session. It's come up in the past, but usually most neighborhoods with 30% maximum lot coverage, coupled with the neighborhood compatibility ordinance, does tend to shape the home. The design is very low profile, using the wedding cake approach, 8-foot plate heights, set back from the street and from the property lines, so it's more difficult to say that its not compatible because of the sq. ft.

CHAIRMAN KILLEN questioned what the other communities use and suggested that some use an FAR.

COMMISSIONER CONWAY pointed out that a complicating factor in FAR is typography, and CHAIRMEN KILLEN agreed but suggested that it's the amount of building you can put on the hillside or flat area. It's at least a way of stating how much sq. ft. of building can be put on an amount of sq. ft. of land. It makes it difficult without having that in the Code. The tendency today is to build larger structures.

Planning Director Wahba pointed out that the larger lots in the neighborhood typically have very steep slopes down to the canyon. The actual building pads tend to be up at the street, and the building pads aren't much more than 8,000 to 10,000 sq. ft., with the other two-thirds of the property being the down slope.

COMMISSIONER CONWAY noted that 14 Palomino Lane (currently the largest home in the neighborhood) has considerable front yard open space ratio. It's more than 16 Palomino. It looks large, but at least the front yard was mostly open space. 16 Palomino is 53% covered with pavement or driveway or walkway, making it look congested. He is unsupportive of having this key corner be an overbuilt lot. It should represent more of the rural atmosphere, rather than 53% coverage in the front yard and

33% lot coverage and the largest home in the neighborhood on the second smallest lot. It's a lot of extremes working against this proposal.

Mr. Shoemaker pointed out that this lot is the only flat lot. Every other lot has a front slope or a rear canyon. He asked that the Commission keep that in consideration. Also, 14 Palomino feels closer to the street, maybe because the second story is near the front. This lot has a circle drive, which changes the percentages, but no changes to the driveway are proposed.

Don Thursby pointed out that the front yard coverage is a matter of interpretation. The area that is fronted by Palomino is the front yard, and the area on Pony was considered a side yard, even though as you drive around the corner you would objectively consider that whole thing to be the front yard. If you were to include that area, that percentage would drop substantially. The number is skewed by an abstract interpretation. Back when this was developed, it was considered a front yard, but it's been shifted by today's interpretation.

CHAIRMAN KILLEN asked Staff whether an analysis could be done of other Cities' FARs and how this might relate from a sq. ft. of usable area vs. some others in the neighborhood.

Planning Director Wahba responded that it could be done, but he would have difficulty determining what the building footprint pads are because the City doesn't have accurate topography maps or neighborhood plans on file.

CHAIRMAN KILLEN stated that he was sympathetic to not trying to grow over time to large mansions, but also realizes that it's a well-accomplished remodel and won't have an overbearing look.

COMMISSIONER BAYER again expressed her concern that it will be the largest home in the area but agreed with COMMISSIONER REIN that it is not obtrusive.

COMMISSIONER VANDEN BOS inquired as to the legal reasons why he would abstain or not abstain in the vote, to which Planning Director Wahba outlined the reasons (economic interest, 500-foot radius, business interest, financial gain).

COMMISSIONER O'DAY moved, seconded by COMMISSIONER REIN,

TO APPROVE PA-11-05 AS PRESENTED BY THE APPLICANT, WITH
STAFF'S RECOMMENDATIONS.

AYES: Rein, Vanden Bos, O'Day, Chairman Killen

NOES: Conway, Bayer, Southwell

ABSTAIN:

ABSENT:

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 12-05; APPLICANT: M & M SAMUEL SCHOENBURG; LOCATION: 2680 PALOS VERDES DRIVE NORTH; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS TO A SINGLE STORY HOME. A MINOR DEVIATION IS REQUIRED FOR A PORCH THAT DECREASES THE FRONT YARD AREA BY LESS THAN 10%. A GRADING APPLICATION IS REQUIRED FOR IMPROVEMENTS TO THE EAST SIDE AND REAR YARD OF THE HOME.

At Staff's recommendation, CHAIRMAN KILLEN continued this item to the Planning Commission meeting of March 14, 2005.

Members of the audience asked for an explanation, and Planning Director Wahba described the events leading to the continuation. The City received a letter from a neighbor stating that the home has a one-story restriction bound by the Rolling Hills Homes Association. The City Attorney is looking into the CC&Rs, so Staff recommended it be continued and then readvertise the application.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 13-05; APPLICANT: FARMERS & MERCHANTS BANK; LOCATION: 27525 INDIAN PEAK ROAD; A VARIANCE FOR AN ADDITIONAL BUILDING WALL SIGN.

Assistant Planner Wong gave a brief Staff report (as per written material) and recommended that the Planning Commission: open the public hearing; take public testimony; discuss the issues; close the public hearing; and adopt Resolution PA-13-05.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

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

NOES:

ABSTAIN:

ABSENT:

Zsolt Janscik (27525 Indian Peak Road), Manager of Farmers & Merchants Bank, thanked the Commission for the approval and expressed his desire to be a good neighbor.

COMMISSIONER O'DAY commented that he was surprised that people don't know that the building is Farmers & Merchants Bank, and Mr. Janscik stated that they have had some customers who missed the bank.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING

There being no objections, the public hearing was closed.

COMMISSIONER CONWAY moved, and COMMISSIONER O'DAY seconded,

TO ADOPT RESOLUTION PA-13-05.

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

NOES:

ABSTAIN:

ABSENT:

Planning Director Wahba explained the 20-day appeal period.

9. COMMISSION ITEMS

The Commission discussed among themselves that the City needs to look into the possibility of adopting a FAR and regulations for building on the "flat" portions of a lot.

10. DIRECTOR'S ITEMS

- A. COMMITTEE ASSIGNMENTS.

Committee appointments were reassigned. The following are the new active committees with Planning Commissioner Members:

ADA - Judy Bayer, Andy Rein

Butcher Property - Dan O'Day, Carl Southwell

Equestrian - Pat Killen

Hazard Mitigation Plan - Mike Conway, Larry Vanden Bos

Kramer Tennis Club - Judy Bayer, Andy Rein

Mixed-Use - Judy Bayer, Pat Killen

Re-Use Chandler/Golf Course - Larry Vanden Bos, Andy Rein

Re-Use PVDN/PVDE - Judy Bayer, Dan O'Day

Traffic and Safety - Carl Southwell, Larry Vanden Bos

Covenant Church – Mike Conway, Pat Killen

Note: The CEQA Committee has been dissolved.

B. LEAGUE OF CALIFORNIA CITIES 2005 PLANNERS INSTITUTE.

COMMISSIONER REIN asked Staff about timing for two-by-fours and flags on Applicants' houses for a planned remodeling.

Planning Director Wahba explained that they are to be up at least two weeks before the public hearing and then through the appeal period. There's nothing in the Code limiting how long they can be left up, but it does fall under substandard property. The problem sometimes is that items get continued and go back and forth and, and flags are still up without an approved application.

COMMISSIONER VANDEN BOS inquired about the drums still in the front of the property on Silver Spur, and Planning Director Wahba responded that Arco is still sampling.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES MINUTES (FEBRUARY 1, 2005).

B. CITY COUNCIL ACTIONS (JANUARY 25, 2005).

C. CITY COUNCIL ACTIONS (FEBRUARY 8, 2005).

Planning Director Wahba congratulated CHAIRMAN KILLEN on being the Chairman for another year and COMMISSIONER REIN on being the Vice Chair, as requested by the City Council.

COMMISSIONER CONWAY moved, and COMMISSIONER VANDEN BOS seconded,

TO RECEIVE AND FILE ITEMS 11A THROUGH 11C.

There being no objection, CHAIRMAN KILLEN so ordered.

12. ADJOURNMENT

At 8:32 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to February 28, 2005, at 6:00 p.m. for a joint City Council/Planning Commission meeting to discuss the Mixed-Use Master Plan.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk