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JULY 18, 2005

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MINUTES

REGULAR PLANNING COMMISSION MEETING

JULY 18, 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: Conway, Bayer, O'Day, Chairman Killen
Commissioners Absent: Southwell, Rein, Vanden Bos
Staff Present: Planning Director Wahba, Assistant Planner Wong, Senior Planner Cutler

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JUNE 20, 2005.

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

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE CONSENT CALENDAR.

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

7. **BUSINESS ITEMS**

- A. PLANNING APPLICATION NO. 28-05; APPLICANT: MR. & MRS. STUART LARKING; LOCATION: 15 SILVER SPRING DRIVE; A NEIGHBORHOOD COMPATIBILITY FOR SINGLE STORY ADDITIONS LOCATED AT THE SOUTH SIDE YARD AND REAR YARD OF THE HOME.

Planning Director Wahba gave a brief Staff Report (as per written material) and reported that the project is compatible with the existing home, and the applicant has complied

with the Municipal Code. A neighbor has expressed concern with the proposed additions. The Planning Commission is asked to approve this application with conditions listed in the Staff Report.

Lisa Larking (applicant) came forward at CHAIRMAN KILLEN's invitation. Ms. Larking's attorney was present. She gave a brief summary of the project and made herself available for questions.

There being no questions from the Commission, Loretta Britsch (11 Silver Spring Drive) came forward. Ms. Britsch expressed concerns about the following issues: lot coverage; crowding; privacy; exterior architecture; impact on sunlight; and impact on the view. Ms. Britsch also pointed out several errors in the drawings.

COMMISSIONER CONWAY asked Ms. Britsch if her husband is Andrew Rein, to which the response was affirmative.

COMMISSIONER O'DAY asked about the technical errors, and Planning Director Wahba admitted that some of them should have been caught by Staff, but Building and Safety would be affected by most of them.

COMMISSIONER BAYER asked if these homes were originally engineered for additions, and Planning Director Wahba gave a brief history of the homes in this neighborhood, pointing out that because of the breezeways between the homes and the garages, building additions in this area became common.

Ms. Larking again approached the Commission with a copy of the Neighborhood Compatibility Study and pointed out that Ms. Britsch's home also had an addition, to which Ms. Britsch responded that not being the original owner, she was not aware of any additions to the rear of her home.

COMMISSIONER BAYER pointed out that applicant has accommodated Staff's requests and is compliant with Municipal Code regulations.

COMMISSIONER CONWAY agreed and was also in support of the application.

COMMISSIONER O'DAY stated that he would like to support his fellow Commissioner; however, there being no Neighborhood Compatibility problems with this project, he must support the project.

CHAIRMAN KILLEN concurred.

COMMISSIONER CONWAY moved, and COMMISSIONER BAYER seconded,

TO APPROVE PLANNING APPLICATION NO. 28-05 WITH THE CONDITIONS LISTED IN THE STAFF REPORT.

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

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 32-05; APPLICANT: PENINSULA CENTER; LOCATION: 44B PENINSULA CENTER; A PRECISE PLAN OF DESIGN TO AMEND THE MASTER SIGN PLAN TO REMOVE REQUIRED LETTER COLORS IN THE PASEO AND ATRIUM AREAS.

Planning Director Wahba suggested that this agenda item be held and discussed with agenda item 8(C).

CHAIRMAN KILLEN agreed and hold the item.

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 VARIANCES TO ENCRoACH INTO THE FRONT YARD SETBACK AND TO RE-ESTABLISH A LEGAL NONCONFORMING FRONT SETBACK OF LESS THAN 25' AND FOR A HILLSIDE DECK TO EXCEED THE MAXIMUM WIDTH REQUIREMENTS.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff and applicant were able to address the Commission's recommendations from the June 20, 2005 meeting. A letter of objection has been received by a neighbor at 28 Rollingwood Drive. Staff is able to support the project and asked the Commission to hold a public hearing and adopt the Resolution.

COMMISSIONER CONWAY asked if a majority of the complete Commission was needed to adopt the resolution or a majority of the Commissioners present at the meeting. Planning Director Wahba responded that the Commission has a quorum, and a majority vote of the Commissioners present was needed to adopt the resolution.

COMMISSIONER O'DAY asked if the study of known slides in the Rollingwood area provided by Mr. Judge at 28 Rollingwood Drive was verified or could be relied upon by the Commission. Planning Director Wahba suggested that Commissioner O'Day make the assumption that it is accurate.

Requirements for hill support were discussed, and Planning Director Wahba stated that there are more requirements now than 10 or 15 years ago, and applicant would have to meet all requirements.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

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

CHAIRMAN KILLEN asked for public testimony, and no speaker came forward.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING

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

COMMISSIONER BAYER commended both applicant and Staff on how well they worked together to address the issues.

COMMISSIONER O'DAY agreed, but has some concern with the two Variances.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO ADOPT RESOLUTION NO. PA-16-05.

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

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 30-05; APPLICANT: MS. 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 TO PROJECT BEYOND THE FORWARDMOST BUILDING LINE.

Assistant Planner Wong gave a brief Staff Report (as per written material) and reported that Staff and applicant were able to address the Municipal Code requirements; however, Staff was not able to support the Variance application, Neighborhood Compatibility and Minor Deviation. The Commission is asked to hold a public hearing and continue the item or deny the application.

COMMISSIONER O'DAY asked why there were no flags on the property. Planning Director Wahba explained that flags are not always required and why. This project was too small and didn't make enough of an impact to require flags. COMMISSIONER O'DAY agreed with the guidelines but asked that there also be flags when there is a Variance.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO OPEN THE PUBLIC HEARING.

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

Thadd McNamara (applicant) came forward at CHAIRMAN KILLEN's invitation. Mr. McNamara argued for the project, pointing out each requirement that is being met at less than the minimum required, and this proposed project is the only option due to the pool in the backyard.

COMMISSIONER O'DAY pointed out to applicant that the Commission cannot consider the existing swimming pool when making their findings, but must consider the entire lot, regardless of the pool.

Mr. McNamara continued presenting his arguments and discussed the survey done on Ranchview, which shows that this project has a larger setback than the average setback distance in the neighborhood.

COMMISSIONER CONWAY pointed out to Mr. McNamara that the Variance is the issue at hand, and the Commission needs a more compelling argument and again pointed out that the lot is what generates the findings, and the swimming pool on the lot is not to be taken into consideration.

Several architectural alternatives were suggested to Mr. McNamara by the Commission in order to avoid the Variance, and Mr. McNamara was open to the alternatives.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING

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

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY,

TO CONTINUE THIS ITEM TO A DATE UNCERTAIN TO ALLOW THE APPLICANT AND STAFF TO WORK FURTHER REDESIGNING THE PROJECT.

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

C. PLANNING APPLICATION NO. 29-05; APPLICANT: KONA CRISP; LOCATION: 40 PENINSULA CENTER; A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT WITH ON-SITE SALE AND CONSUMPTION OF BEER AND WINE AND A PRECISE PLAN OF DESIGN FOR A SIGN WITH A LOGO.

Senior Planner Cutler gave brief Staff Reports (as per written material) on this agenda item and agenda item 7(B) and reported that the revisions to the master sign plan would

not be detrimental to the Peninsula Shopping Center, and given the proximity of the shopping center to Peninsula High School, applicant should have a Conditional Use Permit for consumption of beer and wine on the outside patio.

PLANNING APPLICATION NO. 32-05; APPLICANT: PENINSULA CENTER;
LOCATION: 44B PENINSULA CENTER; A PRECISE PLAN OF DESIGN TO
AMEND THE MASTER SIGN PLAN TO REMOVE REQUIRED LETTER
COLORS IN THE PASEO AND ATRIUM AREAS.

Jack Fovell (Southwest Sign Company) came forward and made himself available for questions.

COMMISSIONER O'DAY asked about the sign plan for logos of chain stores versus non-chain stores. Planning Director Wahba explained the sign plan and the intent of the plan.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO APPROVE APPLICATION NO. 32-05.

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

Planning Director Wahba explained the 20-day appeal period.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

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

Jeff Dollinger (applicant) came forward at CHAIRMAN KILLEN's invitation. Mr. Dollinger stated that the Kona Crisp patio was designed for ABC regulations and that drinks would be served to the seated guests. Personnel at the service counter will be able to see through the glass to the patio tables, there will be surveillance cameras throughout the restaurant, and law enforcement polices the area. Mr. Dollinger asked that his establishment be viewed in comparison to Rubio's as opposed to Monterey Pasta. Limiting patio use during high peak patio hours would unfairly limit Mr. Dollinger's business potential, create an immediate bad impression with his customers and cause confrontations with his customers in enforcing the limitations.

CHAIRMAN KILLEN asked about the furniture, and Mr. McNamara suggested he use cables to lock them down at night.

COMMISSIONER CONWAY asked for clarification of the concern about the high school kids and access to the alcohol. Senior Planner Cutler explained that Staff wanted to bring this to the Commission's attention as it would set a precedent for the center, and possible future establishments should be carefully considered, given the closeness of the high school and the fact that the kids do migrate to that center and generally are disbursed by 4:00.

COMMISSIONER CONWAY suggested a review period and asked why the limitation would be year-round. Planning Director Wahba suggested that a review period would be a good consideration. Senior Planner Cutler pointed out that the high school does have summer school hours. She further explained that it was simpler to have one sign limiting the patio hours than a sign stating only on school days to avoid confusion and definitions of school days.

COMMISSIONER KILLEN expressed his view that monitoring of children's actions belongs in the home and that the Planning Commission is not a policing agency. Mr. Dollinger should be given the opportunity to prove himself and operate his business professionally and responsibly.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO CLOSE THE PUBLIC HEARING

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

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY,

TO ADOPT PLANNING APPLICATION NO. 29-05 WITH ITS CONDITIONS, EXCEPT CONDITION NUMBER 11 WHERE ALCOHOLIC BEVERAGE SERVICE ON THE OUTDOOR PATIO IS LIMITED FROM 4:00 P.M. TO 12:00 A.M. AND INSTEAD HAVE NO LIMITATION, SUBJECT TO COMPLIANCE WITH ABC RULES, AND SUBMIT FOR ADMINISTRATIVE REVIEW IN 12 MONTHS, AND THE APPLICATION SHOULD PROVIDE FOR OUTDOOR TABLES AND CHAIRS TO BE ADEQUATELY SECURED SO THEY CANNOT BE REMOVED BY AN INDIVIDUAL.

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

Planning Director Wahba explained the 20-day appeal period.

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES COMMISSION MINUTES (JUNE 21, 2005).
- B. CITY COUNCIL ACTIONS (JUNE 28, 2005).

COMMISSIONER CONWAY moved, and COMMISSIONER BAYER seconded,

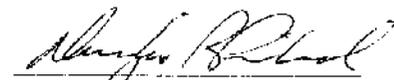
TO RECEIVE AND FILE ITEMS 11A AND 11B.

There being no objection, CHAIRMAN KILLEN so ordered.

12. ADJOURNMENT

At 9:10 p.m. CHAIRMAN KILLEN adjourned the Planning Commission meeting to August 1, 2005, at 7:30 p.m.


Julie Cremeans
Minutes Secretary


Douglas R. Prichard
City Clerk