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REGULAR PLANNING MINUTES

SEPTEMBER 14, 2009

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MINUTES

REGULAR PLANNING COMMISSION MEETING

SEPTEMBER 14, 2009

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 SOUTHWELL.

2. **PLEDGE OF ALLEGIANCE**

COMMISSIONER SCOTT led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Conway, Rein, Scott, Huff, Vice Chairman Southwell
Commissioners Absent: O'Day, Chairwoman Bayer
Staff Present: Planning Director Wahba, Associate Planner Thom

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY, seconded by COMMISSIONER REIN,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF AUGUST 17, 2009.

There being no objection, VICE CHAIRMAN SOUTHWELL so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 24-07; APPLICANT: RICHARD EDLER (SILVERDES) LOCATION: 828 SILVER SPUR ROAD; A REQUEST FOR A TIME EXTENSION FOR THE CONSTRUCTION OF A 29,642 SQUARE FOOT MEDICAL OFFICE CONDOMINIUM BUILDING ON A .66 ACRE PARCEL.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SCOTT,

TO APPROVE THE REQUESTED 180-DAY EXTENSION OF TIME ON
PA-24-07.

AYES: Conway, Rein, Scott, Huff, Vice Chairman Southwell
NOES: None
ABSTAIN: None
ABSENT: O'Day, Chairwoman Bayer

Planning Director Wahba explained the six-month extension until February 24, 2010, and the 20-day appeal period.

- B. PLANNING APPLICATION NO. 25-09; APPLICANT: MR. OLIVER ENDERS; LOCATION: 3815 PALOS VERDES DRIVE NORTH; A NEIGHBORHOOD COMPATIBILITY DETERMINATION TO BUILD A NEW TWO-STORY HOME WITH AN ATTACHED THREE-CAR GARAGE AND DRIVEWAY IN PLACE OF A ONE-STORY HOME, AND TO DEMOLISH AN EXISTING BARN.

Associate Planner Thom gave a brief Staff Report, as per written material, and clarified that the existing setback will be maintained with no encroachments.

At VICE CHAIRMAN SOUTHWELL'S invitation, Larry Peha (project architect at 67 14th Street, Hermosa Beach) came forward and addressed the neighbor's concerns. Mr. Peha pointed out the large setback and that the windows in the stairwell cannot be looked out of. Also, the windows on the first floor are in a similar location to where a bedroom sits right now, so no additional privacy is lost. There is existing natural vegetation between the properties that can be kept up to mitigate privacy. Some concessions have been made in working with Staff to reduce the mass, and the view from the street is minimal.

CHAIRWOMAN HUFF asked whether these concerns and concessions had been discussed with the neighbor, and Mr. Peha responded that communication with the neighbors is tough due to pre-existing animosities.

CHAIRMAN CONWAY asked about geotechnical surveys, and Mr. Peha and the Commission discussed some issues regarding top soil and a possible mat foundation.

At VICE CHAIRMAN SOUTHWELL'S invitation, Dr. Gail Humble (neighbor at 3747 PVDN) came forward and reiterated her concerns about privacy, building mass and scale impacts. Dr. Humble asked that the windows on the second level be opaque at a minimum and the windows on the first level be reduced in size. Dr. Humble also proposed that all vegetation stand between the houses, which the applicant has been cutting daily. Dr. Humble also requested that the structure be made smaller and placed on the southwest corner of the lot. The lot contains over 50 feet of fill, and if there's a problem with the foundation, the house will end up in her backyard.

COMMISSIONERS REIN AND HUFF discussed the depth of the fill with Dr. Humble.

Tom Peterson (neighbor at 3809 PVDN) came forward. Dr. Peterson lives to the south of the property and discussed the history of the neighborhood, geological surveys, fills, types of foundations and settling and his concerns with the current application's fill issues and proposed mat foundation solution. Dr. Peterson then addressed his drainage concern and suggested an easement for ingress and egress, what is and is not on the title report and their right to use of the current road.

Dr. Peterson, Staff and the Commission discussed in detail the history of the lot divisions and easements and the contention between the neighbors.

Dr. Peterson asked details about the plans, which were answered by Staff.

COMMISSIONER SCOTT asked Dr. Peterson to clarify his objection to the application as it affects him, and he responded that it is how the applicant is handling the fill because if the house breaks and is uninhabitable property values will decrease.

COMMISSIONER REIN asked about the "no name" street, and Dr. Peterson gave a summary of its history and added that the neighbors voted a number of years ago not to give the street to the City to have a name and be maintained by the City.

COMMISSIONER SCOTT asked Dr. Peterson if there were any other objections that impact him directly, and he responded that the ingress and egress impact him.

Planning Director Wahba pointed out that all easements have been reviewed, and it is clear that the applicant has legal access to this property, and that should not be at issue tonight.

Dr. Humble re-approached the Commission and reviewed for the Commission the process she went through to build her barn and the requirements that had to be met and stated that a lot more research needs to be done as to whether the mat foundation is possible on fill without crippling the house or causing settlement. Dr. Humble also pointed out the methane requirements that need to be met and haven't been outlined and then further discussed the easement and drainage issues. Dr. Humble invited the

Commission to visit the property and see firsthand the privacy invasion. Dr. Humble also urged the Commission to spend more time investigating this project before making a decision.

Mr. Peha pointed out that nothing will be approved by the City until it goes through the Building Department process and gets reviewed by the County, so the engineering should not be a part of tonight's decision. The possibility of a mat foundation is just an initial thought, and the numbers haven't been crunched, but the analysis was done to make sure it was feasible to put a house on this property with ways to mitigate the problems inherent in the site.

COMMISSIONER SCOTT asked whether the foundation and methane are outside of the Commission's purview. Planning Director Wahba responded that Staff could be directed to work with the applicant, engineer and Building & Safety to come back with something more specific for how foundation and drainage would be handled.

COMMISSIONER SCOTT encouraged the neighbors to be civil and resolve the easement issues among themselves.

COMMISSIONER SCOTT commented that the most significant issue before the Commission's purview is privacy and asked whether there is any policy or ordinance applicable to suggest the Commission should not approve this application. Planning Director Wahba responded that the distance between the structures far exceeds the minimum setbacks. Staff often suggests that neighbors look at each other's plans and find a way to work together and accommodate one another, whether it be landscaping, obscure glass, etc. It is almost impossible to protect backyard privacy. The existing house today does have windows that look directly onto the neighbor's backyard, but a larger structure will have a more looming feel. The windows are not in the primary areas where people would be sitting and looking out on a constant basis. Planning Director Wahba recommended that the neighbors have some dialogue to see what can be done. It is difficult to direct that any changes be made under Neighborhood Compatibility, given the large distance between the structures.

COMMISSIONER REIN asked whether the Commission was perpetuating a public safety problem in regard to access by continuing to allow further development of these properties, and Planning Director Wahba responded that access does not change. A single family home is being replaced with a single family home that already has public access.

COMMISSIONER CONWAY commented that the access issue is interesting but not before the Commission this evening. Staff has done an adequate job of demonstrating that the proposed new structure complies with Neighborhood Compatibility, and the proposed development has very high setbacks. There are no privacy issues, although the second-story windows could be translucent.

COMMISSIONER HUFF commented that she is concerned that the neighbors feel so strongly and would recommend that they maintain the trees and a fence in an effort to appease the neighbors. COMMISSIONER CONWAY responded that landscaping is not an element the Commission can look at to address privacy, and there is no mechanism to enforce it.

COMMISSIONER SCOTT suggested that the applicant plant some trees and Dr. Humble back her pilasters off and make that end of the street more accommodating. COMMISSIONER CONWAY agreed and encouraged good communication among the neighbors.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER REIN,

TO APPROVE PA-25-09 WITH THE STANDARD CONDITIONS OUTLINED IN THE STAFF REPORT.

AYES: Conway, Rein, Scott, Vice Chairman Southwell
NOES: Huff
ABSTAIN: None
ABSENT: O'Day, Chairwoman Bayer

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 24-09; APPLICANT: CHASE BANK; LOCATION: 27319 HAWTHORNE BLVD.; A PRECISE PLAN OF DESIGN FOR A LOGO ON THE PROPOSED BUSINESS IDENTIFICATION SIGNS. MULTIPLE VARIANCES ARE REQUESTED TO EXCEED THE MAXIMUM ALLOWABLE NUMBER OF SIGNS AND SIGN AREAS.

Associate Planner Thom gave a brief Staff Report, as per written material.

COMMISSIONERS SCOTT and HUFF discussed the ATM signage and canopy with Staff.

COMMISSIONER SCOTT asked for the full dimensions of the large ground monument sign. The sign is rated as 37 square feet but the bottom is enclosed, so it is 75 square feet of brick, which does not count towards the sign area.

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

AYES: Conway, Rein, Scott, Huff, Vice Chairman Southwell
NOES: None
ABSTAIN: None
ABSENT: O'Day, Chairwoman Bayer

At VICE CHAIRMAN SOUTHWELL'S invitation, Warner LeManger (27319 Hawthorne Boulevard) explained that Chase has come out with a package for signage across the whole country to bring uniformity throughout 3000+ branches and keep cost factors down by manufacturing certain sizes of signs. There is a 30% difference to go down one size, which would reduce visibility a great deal, and these signs also give direction to the people when they're coming into the parking lot.

COMMISSIONER SCOTT commented that the Commission understands the need in a difficult stretch of street to deal with the variances, but he doesn't see the reason to give Chase a significantly larger sign than is typical of all other banks. Mr. LeManger replied that Chase would have to build a custom sign.

COMMISSIONER SCOTT asked about the 7-foot tall ground monument sign, as it is a large visual brick that can't be seen over. Mr. LeManger responded that they looked at the public works visibility triangles and made sure the sign would fit in. COMMISSIONER SCOTT suggested dropping it to 4 feet tall and putting it above ground.

Sarah Glenn (4871 N. Talman, Chicago) came forward as the Sign Program Manager for Chase and explained that the area has bushes in front that grows about 1 foot, and the base is a little over 3 feet, so over one-third is covered by that brush. The height benefit adds a better view and mitigates maintenance issues. Typically, on a building like this there would be three signs, one for the street and one for each side approaching the building, but with this building there is no visibility from those two sides.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SCOTT,
TO CLOSE THE PUBLIC HEARING.

AYES: Conway, Rein, Scott, Huff, Vice Chairman Southwell
NOES: None
ABSTAIN: None
ABSENT: O'Day, Chairwoman Bayer

COMMISSIONER SCOTT commented that he can't support the 7'x11' sign and would like to see it low enough so pedestrians or drivers could look over it. It appears to be much wider than other signs.

COMMISSIONER REIN commented that there is no compelling reason why the applicant can't conform to the sizes specified.

COMMISSIONER SCOTT and Staff then briefly discussed variances for other banks in the area and whether they comply with the same signage regulations.

Planning Director Wahba recommended re-opening the public hearing and continuing it to the next meeting to look at other bank variances.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER CONWAY,
TO RE-OPEN THE PUBLIC HEARING.

AYES: Conway, Rein, Scott, Huff, Vice Chairman Southwell
NOES: None
ABSTAIN: None
ABSENT: O'Day, Chairwoman Bayer

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOUTHWELL,

TO CONTINUE PA 24-09 TO THE NEXT PLANNING COMMISSION MEETING WITH THE RECOMMENDATION THAT STAFF WORK WITH THE APPLICANT ON WHETHER THE WALL SIGN OR MONUMENT SIGN BE WITHIN THE PARAMETERS OF CODE AND THAT THE SECOND SIGN BE ENTERED WITH A VARIANCE BUT THAT IT BE REDUCED IN SIZE AND COMPLY WITH CODE AND NO OTHER VARIANCES BE GRANTED

AYES: Conway, Rein, Scott, Huff, Vice Chairman Southwell
NOES: None
ABSTAIN: None
ABSENT: O'Day, Chairwoman Bayer

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

A. 2009 HOLIDAY PARTY.

Planning Director Wahba suggested that the 2009 holiday party be discussed further after the meeting.

There will be a joint meeting of the Planning Commission and City Council on Tuesday at 6:00 p.m. on October 13 for the Council's first meeting in October to discuss policy issues in the development of the commercial district and other policy issues of the City such as the General Plan update.

COMMISSIONERS CONWAY and HUFF stated that they won't be able to join.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES MINUTES (AUGUST 18, 2009).
- B. PARK AND ACTIVITIES MINUTES (SEPTEMBER 1, 2009).
- C. CITY COUNCIL ACTIONS (AUGUST 25, 2009).
- D. CITY COUNCIL ACTIONS (SEPTEMBER 8, 2009).
- E. EQUESTRIAN COMMITTEE MINUTES (JULY 27, 2009).
- F. EQUESTRIAN COMMITTEE MINUTES (AUGUST 24, 2009).

COMMISSIONER CONWAY moved, and COMMISSIONER SCOTT seconded,
TO RECEIVE AND FILE ITEMS 11A through 11F.

There being no objection, VICE CHAIRMAN SOUTHWELL so ordered.

12. ADJOURNMENT

At 9:20 p.m. VICE CHAIRMAN SOUTHWELL adjourned the Planning Commission meeting to October 5, 2009, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk