

DRAFT

CITY OF RANCHO PALOS VERDES
PLANNING COMMISSION MINUTES
REGULAR MEETING
NOVEMBER 10, 2009

CALL TO ORDER

The meeting was called to order by Chairman Lewis at 7:10 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

FLAG SALUTE

Commissioner Perestam led the assembly in the Pledge of Allegiance.

ATTENDANCE

Present: Commissioners Knight, Perestam, Ruttenberg, Tetreault, Tomblin, Vice Chairman Gerstner, and Chairman Lewis.

Absent: None

Also present were Director of Planning, Building, and Code Enforcement Rojas, Deputy Planning Director Pfof, Senior Planner Schonborn, and Assistant Planner Harwell.

APPROVAL OF AGENDA

The Commission agreed to hear item Nos. 2 and 4 prior to item No. 1.

COMMUNICATIONS

Director Rojas distributed four items of correspondence for agenda item No. 2, the draft Resolution for agenda item No. 2, and the draft Resolution for agenda item No. 4.

Chairman Lewis reported that he had a conversation with a resident in regards to agenda item No. 2.

COMMENTS FROM THE AUDIENCE (regarding non-agenda items):

None

PUBLIC HEARINGS

2. General Plan Amendment, Coastal Specific Plan, Zone Change, Vesting Tentative Parcel Map, Coastal Plan, Grading Permit, Height Variation Permit & Environmental Assessment (Case Nos. SUB2008-00001 & ZON2008-00074): 32639 Nantasket Drive

Chairman Lewis began by explaining that he has received a request from the public that he recuse himself from this item based on campaign contributions received during the recent campaign for City Council. He stated that he does not plan on recusing himself from this item, noting that he complied with the Government Code in all respects during the campaign in regards to campaign contributions. Per the Government Code he is not required to recuse himself, but is required to disclose any campaign contributions received. He stated that he received \$100 from Mr. Emenheiser and received no monetary contribution from Mr. Ireland. He noted Mr. Ireland hosted a coffee for him that was attended by 10 people, however he paid for all food and refreshments served.

Commissioner Tetreault stated that he also received a request to recuse himself for the same reasons. He stated he received no monetary contributions from any interested parties regarding this matter.

Commissioner Knight stated that he received a \$99 contribution from Mr. Emenheiser, however he also felt that he had no reason to recuse himself.

Senior Planner Schonborn presented the staff report, giving a brief history of the request and explained the scope of the new project before the Planning Commission. He described the need for each application and added that staff believes the subject property creates a transitional zone between the various land uses and densities in the neighborhood. In discussing neighborhood compatibility, he explained that staff felt this proposed project constitutes its own neighborhood for the purposes of the neighborhood compatibility analysis. He stated this determination is consistent with the City Attorney's opinion as well as the Neighborhood Compatibility Guidelines. He discussed the bulk and mass of the homes as well as the height of the homes and potential view impairment issues, and showed drawings for comparison of the previously submitted homes and the current revised project. He noted that the current proposal is now a four lot subdivision which was achieved by a shift in the location of the residences which opened up views that may have been obstructed with the previous proposal. He stated that staff was able to make the necessary findings and was recommending the Planning Commission recommend to the City Council approval of the project as recommended by staff.

Commissioner Ruttenberg asked staff to identify the average lot size and residence size of the surrounding neighborhoods.

Senior Planner Schonborn reviewed the average residence and lot size of the houses in the surrounding areas on Channelview Court, Beachview Drive, the area around Via Baron, and the houses on Seacove Drive.

Chairman Lewis opened the public hearing.

Dana Ireland (applicant) explained that he listened carefully to the direction given by the City Council in regards to his previous project, and worked very hard to incorporate those suggestions into this current project and that this proposal is consistent with those suggestions. He noted that the newly proposed four homes represent a 25 percent reduction in building square footage from the previous project. He also compared lot coverage, lot size, ridge heights, grading, and the potential view blockage between the first project and the currently proposed project.

Commissioner Knight asked what percentage of the homes was made up of basement area.

Mr. Ireland answered that the only true basement is on lot 3, and was only there to provide a variable in the four homes, and consisted of approximately 1,000 square feet.

Dan O'Brien (Community Director of the Villa Apartments) stated that on behalf of Pacific Property Company who owns the Villas and FPI Management who manages the Villas, they stand in opposition of the proposed development. He stated that this development will cause a significant decrease in property values due to the impact of the new view obstructions and a decrease in revenue from the apartments with view premiums. He explained that many units will have a view impact from the proposed project and that the proposed homes are not compatible with the neighborhood, as they are very large homes. In addition, construction nuisance will impact all residents for an undetermined period of time. He also explained that many of the residents of The Villas park on Nantasket Drive, as there is not enough available parking to accommodate two spaces for all two and three bedroom apartments. He stated the proposed development will have an impact on the available street parking.

Chairman Lewis asked if it is The Villas position that this property should remain vacant, or is there any project The Villas would be supportive of in a residential capacity on this property.

Mr. O'Brien stated he could not answer that question at this time.

Commissioner Ruttenberg noted that there is a by-right height that the developer can build to, and asked Mr. O'Brien if he had any photographs of view impairment that may impact lower units of the complex.

Mr. O'Brien answered that he does have photographs, but he did not have them with him at this time.

Commissioner Tetreault stated that there was a view analysis done from three particular units, and asked Mr. O'Brien if he agreed that those are the units that a view analysis should be taken from.

Mr. O'Brien disagreed with the choice of units in which to do the view analysis. He felt that any unit that has view obstruction will be impacted and should have a view analysis conducted.

Chairman Lewis asked staff if economic impact to a neighbor is a factor the Planning Commission may consider when making a decision on a proposed project.

Director Rojas answered that economic consideration is not part of the findings the Planning Commission is required to make when considering this project.

David Emenhiser (Vice President of Seabluff HOA) noted that the danger point around this application is the number of variances and exceptions needed for this project, as well as the view impacts caused by the project. He was also very concerned with the bulk and mass of the project and the incompatibility with the surrounding neighborhood. He stated that his major request was for a view corridor for the four homes in his association that are impacted. He also felt that there is a compromise that involves sliding the No. 1 property down the hill slightly. He noted that a view corridor could be created if the homes were all moved on the property towards the ocean. He added that before the meeting he received a phone call in which he was informed that there may already be a view corridor for this property, and referred to the Coastal Specific Plan page C-10, Figure 26.

Stephanie McLachlan stated she currently has a view from her ground floor kitchen area that will be obstructed by this project. She felt these proposed homes are too large for the area and appear to be a mass of wall of one long continuous home. She was also concerned about the marketability of her home should her view be lost.

Chairman Lewis asked if Mr. Emenhiser's compromise solution would alleviate any of her concerns.

Ms. McLaughlin explained that the first house would not impact her view, but rather the second and third houses that impact her views.

Juan Carlos Monnaco stated he stands in opposition to the project as currently presented. He explained the project impacts his ocean views and will therefore impact his property value. He understood that the house on lot No. 1 is at 16 feet and can be built to that height by right, but pointed out that it creates the most blockage of view and natural light. He also objected to the loss of open space that will result from the building of these homes. He agreed with Mr. Emenhiser's proposal that moving the house on lot No. 1 towards the ocean would help with the view obstructions it causes in its current location.

Commissioner Tetreault asked Mr. Monnaco if the proposed houses on the other lots also obstruct his view.

Mr. Monnaco answered that the houses on lots 3 and 4 may also block his view.

Mr. Monnaco asked staff if they could clarify the statement in the staff report that the security signs were obstructing more view than the proposed construction on lots 3 and 4.

Senior Planner Schonborn clarified on a photograph the object that was being referenced in the staff report.

Mabel Monnaco stated she completely objects to this proposed project as it destroys the view from her home.

Dana Ireland (in rebuttal) stated that he has listened and heard the comments of the neighbors and has worked diligently to come up with a proposal which he feels meets the City codes. He felt that the issues raised by Mr. O'Brien and the Villas address his project as if he has nothing more than the right to have a blade of grass. He stated that the lower units on Nantasket Drive would be blocked by any structure permitted on his property. He added that when the City created this lot in 1983 they created a vested property right to build structures on the site. In regards to the parking, he was not sure that the Villas were entitled to any surplus parking on the public street. Regarding the homes on Beachview Drive, he did not feel these homes have unobstructable views, and clearly this is what they are asking for. He also noted that Ms. McLachlan purchased her home in 2009, at which time his project was a well documented project.

Commissioner Knight asked if it would be possible to move the structure on lot 1.

Mr. Ireland stated that what he heard Mr. Emenhiser ask for was to shift all four homes seaward. In doing that, he would be defeating what he was directed by the City Council, which was to open up space between the homes. Mr. Ireland noted that he has never been invited into Mr. Monnaco's home to see the view and to get a better understanding of his concerns.

Commissioner Tomblin pointed out that, per a design standpoint only due to the topography of the site, if the house on lot one were to move over even 50 feet that will then create 50 feet of two story structure near the property line that is currently not there. He felt that this would lead to more bulk and mass issues and would create privacy issues to the neighbors.

Mr. Emenhiser stated that he was concerned about the neighboring residents' property rights and home values in regards to this proposed project. He felt that the discussions tonight show why this property should be zoned RS-2 rather than RS-3.

Dana Ireland explained that when looking at this project as an RS-2 project the realities of economics factor in very heavily. He noted that even with a three lot development the houses would not necessarily be pushed down to the bottom of the lots and that many of the same issues being discussed tonight would be discussed with a three house development.

Chairman Lewis suggested starting the discussions with the issue of the General Plan Amendment, Coastal Specific Plan amendment, and the proposed zone change before discussing issues of neighborhood compatibility.

Commissioner Ruttenberg felt there are certain factors that have been raised before the Commission that the Commission should not consider. He noted that the Commission has been directed to not take economic consideration into account since it is not an issue that they are to consider. He also did not think the possible inconvenience during construction and whether or not there is enough parking for the residents at the Villas should be taken into consideration when discussing proposed development. In regards to the zoning, he felt that RS-3 was the proper zoning for this project.

Commissioner Knight was unsure why this parcel was ever zoned CR, as it did not meet the standards of the City, and this is an opportunity to straighten out the zoning issues with the property. He felt that this is a residential neighborhood and any commercial building would be out of place. He felt that many of the same impacts would be present if the property were zoned RS-2 as opposed to RS-3. He felt that zoning the property RS-3 was an appropriate update to the General Plan.

Commissioner Perestam agreed that zoning the property RS-2 would not help in any of the discussions in terms of design, as many of the problems would still occur with an RS-2 zoning.

Chairman Lewis agreed with Commissioner Ruttenberg's comments.

Commissioner Ruttenberg discussed the view issues, and understood why every homeowner would want to protect their views. The Planning Commission must apply the laws of the City with regards to view impairment. He noted that with respect to Lot No. 1, the proposed structure is within the 16 foot by-right area and therefore there is nothing protectable in the viewing area of the neighbors. With regards to any loss of view due to proposed structures on Lot Nos. 3 and 4, he did not believe these structures created a significant view impairment to the neighbors. He explained that the only issues he has with the proposed homes is their size. He also noted, however, that while these homes seem to large for the area and the lot sizes, many of the homes in the neighborhood are similar.

Commissioner Perestam agreed that these are large homes, however the fact that these homes are across the street from an apartment complex negates, in his mind, much of the density discussion. He therefore was generally supportive of the project.

Vice Chairman Gerstner agreed with Commissioner Perestam and added that on the other side of this development is the golf course, and the larger mass of these structures is seen from the golf course side. He noted that because of the grading of the golf course one may not be able to see the two story mass of the homes from the

golf course. He did not feel the mass of these houses, though they are large in terms of square footage, would be apparent from any of the places that matters.

Commissioner Tetreault stated he is generally in agreement with the other Commissioners. He noted that not only has the development been reduced to four houses, but there is quite a bit of space between the buildings. He felt that, before the Commission makes a final decision on this matter, the Commission have the opportunity to visit Mr. Monnaco's home and the three units at the Villas apartments to look at the views since this project has been redesigned.

Commissioner Knight stated that he had been opposed to using the Villas as part of the neighborhood compatibility analysis with the previously designed project, and that now the Commission is to look at this project as its own neighborhood. In terms of view impact, he did not feel there was much the Commission could do, as the homes were within the 16 foot by right area. However, he was still undecided on the proposed size, bulk, and mass of the proposed homes.

Commissioner Tomblin discussed the density of the neighborhood and the proposed project, and felt that the proposed four homes ties into the surrounding neighborhoods. In terms of the size of the homes, he felt these proposed homes were very close in size to the existing homes in the adjacent neighborhood. He agreed with the Vice Chairman's comments about the design and impact of the homes, and stated he could support the project as currently designed.

Chairman Lewis was in agreement with the comments of the other Commissioners.

Commissioner Tetreault moved to continue the public hearing to allow the Commissioners the opportunity to observe the view from Mr. Monnaco's home as well as from the three affected units at the Villas. The motion failed due to the lack of a second.

Vice Chairman Gerstner moved to adopt staff's recommendation in regards to approval of the Mitigated Negative Declaration, seconded by Commissioner Perestam.

Commissioner Knight asked staff if the NPDES and LA County MS-4 permits address some of the new water quality issues, such as chemical runoff, that could result from this new proposed development.

Senior Planner Schonborn answered that the City's NPDES consultant will verify that runoff that gets to the street is appropriately treated.

Commissioner Knight asked that staff be sure that the analysis takes into account the impact to the Terranea water quality plan.

Commissioner Tetreault explained that because he has not been able to do a new view analysis from the Monaco residence and the three units at the Villas, he will be voting no on the motions.

The motion to adopt PC Resolution 2009-47 recommending the City Council certify the mitigated Negative Declaration was approved, (6-1) with Commissioner Tetreault dissenting.

Vice Chairman Gerstner moved to adopt staff's recommendation regarding the Coastal Specific Plan, General Plan Amendment, proposed zone changed from Commercial to RS-3 seconded by Commissioner Perestam. Approved, (7-0).

Vice Chairman Gerstner moved to adopt staff's recommendation to adopt the vesting map, and approve the associated applications for the four-lot subdivision and residential project, seconded by Commissioner Perestam.

Vice Chairman Gerstner discussed the size of the homes, and pointed out that there are currently 50 foot corridors between the houses, which is wider than the lots on the adjacent development. He stated that this is a less dense development than was previously proposed, and while these homes may be large, the square footage is managed very well on the property.

Chairman Lewis agreed with the Vice Chairman's comments.

Vice Chairman Gerstner discussed correspondence received regarding the chimneys. He noted that staff had recommended the chimneys be as low as possible, and the rebuttal to that was that the chimneys be articulated in the same manner as Terranea so that they may be taller but the spark arrester is not seen. He stated that he is in favor of not seeing the spark arrester and was pleased that the articulation would be similar to that at Terranea.

Senior Planner Schonborn felt that the issue of the spark arrester has been addressed though a recent AQMD regulation which prohibits new wood burning fireplaces. Therefore, the need for a spark arrester should no longer exist.

Dana Ireland explained that the new gas burning fireplaces still have a small spark arrester at the top of the chimney. He would like to obscure this metal spark arrester to be aesthetically pleasing.

Commissioner Ruttenberg asked how much additional height was being discussed.

Mr. Ireland answered that if they are designed like the ones at Terranea it will be 18 to 20 inches, if they are designed similar to the one at his own residence it will be less than 8 inches.

Chairman Lewis closed the public hearing.

Chairman Lewis moved to amend his motion to including allowing the chimneys to be allowed as they are shown in the submitted drawings, seconded by Commissioner Perestam.

Commissioner Tetreault felt that when dealing with a project that is intruding into someone's view, the Planning Commission should be consistent with what has been done in the past and ask that the chimneys be kept at the minimum height.

The motion to amend the original motion to allow the chimney heights to be as shown on the submitted drawings failed, (2-5) with Commissioners Tetreault, Knight, Perestam, Ruttenberg, and Chairman Lewis dissenting.

The motion to adopt PC Resolution 2009-48 recommending the City Council conditionally approving the applications for a four-lot subdivision and residential project as conditioned by staff was approved, (6-1) with Commissioner Tetreault dissenting.

NEW BUSINESS

4. Encroachment Permit (Case No. ZON2009-00145): 17 Coveview Drive

Assistant Planner Harwell presented the staff report, explaining the scope of the project and the need for the Encroachment Permit. She stated that staff was able to make the necessary findings and the Public Works Department has reviewed the case and found that these structures cause no apparent traffic or pedestrian safety hazards. Therefore, staff was recommending approval of the Encroachment Permit application.

Commissioner Perestam had a concern with the impervious surface in the front yard of the residence, noting the entire front yard is well in excess of 50 percent impervious surface.

Assistant Planner Harwell agreed, noting that the issue is being addressed through the Code Enforcement division. She also noted that in the site plan the applicant has addressed the landscaping and there is a calculation included for 50 percent landscaping.

Chairman Lewis opened the public hearing.

Marlene Breene stated that she prepared the drawings that were submitted with the application. She stated that the encroaching structures are similar to others in the neighborhood, and once the front yard has been planted she feels the yard will look quite nice.

Dorina Ballin (owner) explained that when this work was done she thought that everything was o.k. and did not realize that it was against the City codes. She stated that she will comply with everything the City asks her to do.

Commissioner Tetreault asked if Southern California Edison's concerns have been addressed.

Assistant Planner Harwell answered that Edison's concerns will be addressed as part of this approval.

Commissioner Ruttenberg moved to adopt PC Resolution 2009-49 thereby approving the Encroachment Permit as conditioned by staff, seconded by Commissioner Tomblin. Approved, (7-0).

CONTINUED BUSINESS

3. General Plan Update – Review of progress and introduction element

Director Rojas presented the staff report, explaining this item was placed on the Agenda to discuss a proposed process and schedule to hear the General Plan update. He stated the staff recommendation is two-fold: to review the schedule and process and to approve or modify as needed and to hear the introduction section of the General Plan and comment as necessary.

Vice Chairman Gerstner explained that he was having trouble trying to compare the original General Plan to the revised General Plan. He felt that knowing what has specifically changed would be helpful.

Director Rojas explained that the General Plan is going to be reformatted and that it will be difficult to compare the current General Plan with the new formatting. He offered to supply the strike-out and underlined version to the Commission.

Vice Chairman Gerstner felt that would help, explaining that he wanted to feel comfortable in knowing how much and where changes were being made in the General Plan.

Vice Chairman Gerstner then discussed some modifications he noted in the sections presented to them by staff. In the first section he suggested adding the San Gabriel and Santa Monica Mountains to the list of views seen from the Peninsula. He also made suggestions on form and wording for the first several paragraphs.

Commissioner Ruttenberg suggested forming a subcommittee to discuss these modifications and present them to the Commission.

Commissioner Ruttenberg moved to form subcommittees to review respective draft elements of the General Plan and report to the Planning Commission, seconded by Commissioner Knight. Approved without objection.

The Commission looked at the proposed schedule and formed subcommittees to review the various topics. The subcommittees were formed as follows:

Commissioners Ruttenberg, Knight, and Vice Chairman Gerstner to review the introduction; The Open Space and Conservation Element to be reviewed by Commissioners Knight, Tetreault, and Chairman Lewis; Circulation and Land Use Element to be reviewed by Commissioners Tomblin, Perestam, and Ruttenberg; the Safety Element to be reviewed by Chairman Lewis and Commissioner Tetreault; Fiscal and Noise Element to be reviewed by Commissioners Ruttenberg, Perestam, and Vice Chairman Gerstner.

1. Residential Development Standards Code Amendment and Zone Change (Case No. ZON2007-00377)

Director Rojas presented the staff report, explaining the recommendation is for staff to prepare a Resolution which summarizes all of the recommendations on all of the Committee's recommendations and bring this Resolution to the Commission for adoption. These recommended changes will then be taken to the City Council for review.

The Commission unanimously agreed on the proposed schedule for upcoming staff recommended "clean up" and other amendments for future discussions and continued the public hearing to December 8, 2009.

APPROVAL OF MINUTES

5. Minutes of September 22, 2009

Commissioner Tetreault moved to approve the minutes as presented, seconded by Commissioner Tomblin. Approved, (7-0).

6. Minutes of October 13, 2009

Vice Chairman Gerstner moved to approve the minutes as presented, seconded by Commissioner Tetreault. Approved, (7-0).

ITEMS TO BE PLACED ON FUTURE AGENDAS

7. Pre-Agenda for the meeting on November 24, 2009

The Commissioner reviewed and approved the pre-agenda.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.