

*Draft*

CITY OF RANCHO PALOS VERDES  
PLANNING COMMISSION MINUTES  
REGULAR MEETING  
AUGUST 10, 2010

**CALL TO ORDER**

The meeting was called to order by Chairman Gerstner at 7:00 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

**FLAG SALUTE**

Commissioner Knight led the assembly in the Pledge of Allegiance.

**ATTENDANCE**

Present: Commissioners Emenhiser, Knight, Leon, Lewis, and Chairman Gerstner.

Absent: Commissioner Tetreault and Vice Chairman Tomblin were excused.

Also present were Community Development Director Rojas, Assistant Planner Kim, and Assistant Planner Harwell.

**APPROVAL OF AGENDA**

The agenda was unanimously approved as presented.

**COMMUNICATIONS**

Director Rojas reported that a review and update of the Planning Commission rules and procedures and the foliage analysis discussion are tentatively scheduled to be presented to the Planning Commission for consideration at the September 28<sup>th</sup> meeting.

Director Rojas distributed two items of correspondence for agenda item No. 2 and three items of correspondence for agenda item No. 4.

Commissioner Leon reported that he had met with neighbors with regards to agenda item No. 2.

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

None

**CONSENT CALENDAR**

**1. Resolution opposing the Marymount College initiative**

Chairman Gerstner asked that this item be removed from the Consent Calendar for discussion, and the Commission agreed.

Chairman Gerstner explained that he made some adjustments to the language, however noted that these adjustments did not change the content of the Resolution. Commissioner Lewis read the revised resolution aloud.

**Commissioner Lewis moved to approve the revised language as suggested by Chairman Gerstner with the additional revision that the word “unanimous” be stricken from the title, seconded by Commissioner Knight. There being no objection, PC Resolution 2010-24 was adopted, (5-0).**

**PUBLIC HEARINGS**

**2. Grading Permit, Height Variation, Variance & Minor Exception Permit (Case No. ZON2009-00400): 5903 Clint Place**

Assistant Planner Kim presented the staff report, explaining the scope of the project and the need for the various permits. She explained that staff is recommending denial of the project, as staff felt that there is an adequate building pad on the lot to accommodate residential development without the need for substantial grading or the need to deviate from the code standards and guidelines. She noted that the applicant is proposing to maximize the lot and create a larger building pad for development. She explained that the proposed structure size, including garage, is 7,600 square feet while the average structure size in the neighborhood is approximately 2,800 square feet. Staff felt that the existing pad size is adequate to construct a residence that is compatible with the neighborhood average in size. She further explained that the applicant feels the project, as proposed, mimics the abutting property at 5888 Mossbank. She reviewed the differences in the two projects, as discussed in the staff report, noting that staff feels the Mossbank property and the subject property are clearly different and disagrees with the applicant's justification to mimic the layout of the Mossbank property. She further discussed what staff felt would be adverse impacts to the immediate neighborhood properties related to bulk and mass as well as privacy and view issues. In conclusion, she noted that staff was not able to make the necessary findings necessary for the proposed project and recommends the Planning Commission deny the application without prejudice.

Chairman Gerstner opened the public hearing.

Robert Tavasci (architect) displayed some visual aids he created to show the rendering of the proposed project. He explained that originally he tried to have the driveway and garage located as shown on the engineered tract map, however the three-car garage and the turning radius space took up half of the buildable pad. By changing the location of the garage to the other side of the property would allow more of a buildable

area for the residence. In regards to grading, he felt that any two-story structure on this lot will entail a large quantity of grading as the structure would have to be lowered so it would not block the view from 5901 Clint Place. He asked that the Commission approve the project as designed, noting that he felt the project meets all of the code requirements as far as size and style of the house.

Commissioner Lewis asked if it would be feasible to make any portion of the proposed residence subterranean.

Mr. Tavasci answered that is what he has done by lowering the elevation.

Commissioner Lewis explained that in order for the Commission to approve the Variance they must find there is an exceptional or extraordinary circumstance that applies to this property that does not apply to other properties in the City. He asked Mr. Tavasci to explain the exceptional or extraordinary circumstance.

Mr. Tavasci explained the uniqueness is the narrowness of the building pad which makes it very difficult to build on without expanding.

Commissioner Lewis noted this proposed residence is 7,000 square feet in size. He asked if the owners wanted a 3,000 square foot home if it would be feasible to do so without touching the extreme slope.

Mr. Tavasci answered there would still be excessive grading if it were to be a two-story structure. The grading is necessary to bring the house down to a level so that it would not block the view from 5902 Clint Place.

Victor Lockett (architect) explained how they emulated the neighboring house on Mossbank. He did not think this proposed house would have any direct impact from the street. He felt that even a 3,000 square foot home would have to be two-story because of the narrowness of the building pad and the amount of room the driveway and garage take up. He also noted that the height of the retaining wall would not change even if the house is single story.

Chairman Gerstner noted that a large portion of this house is built over an extreme slope, which the City considers to be not buildable property with the exception that the Commission can find an exceptional or extraordinary circumstance. Also, there are a fair number of walls that are taller than what the City will typically allow, and asked Mr. Lockett to address those two issues.

Mr. Lockett explained that the first extraordinary circumstance is the access to the lot and also noted that the pad for the garage does not allow for any type of turning radius. In regards to the retaining walls, again he noted that the wall would be the same height, no matter if the house is a single story or a two-story home. He also noted that once the grading is done there will no longer be an extreme slope, so there really shouldn't be an issue.

Robin Vandever (owner) noted that the conversation seems to be centered around the size of the house and the orientation of the garage. He explained that he has looked at the situation very seriously, and explained that if it is built as conceptualized by the civil engineers, it would only leave a 1,500 square foot house. He felt that this property is unique and has a tremendous view, and any house on this property should maximize that view. He felt that, while the grading quantities are high, once the grading is done there will no longer be the extreme slope and the house will be sitting on solid bedrock. He pointed out that the two residents closest to his property are both in favor of the proposed residence. He reiterated that this is a long narrow building pad that is not conducive to building any sizeable home if he were to try to stay on that top pad.

Don Stewart stated he is the owner of 5888 Mossbank Drive. He stated that he is not necessarily opposed to the proposed home, but is concerned with the 4,600 cubic yards of proposed grading. He did not agree with the architect that once this grading is done the house will be sitting on bedrock. He noted that he has 16 caissons along his driveway that go down as deep as 54 feet to reach bedrock. He was also concerned with the proposed 14 foot tall wall and the position of the driveway. He felt that this will necessitate quite a bit of digging near the structural areas of his home, noting that his insurance company has told him that any movement to the homes that causes damage will not be covered. He suggested the driveway be moved further east on the property, which would require much less grading on the property.

Beth Tarbuck stated she lives at 5827 Finecrest Drive and the property is directly adjacent to the applicant's property. She was concerned that the proposed project drastically ignores the neighborhood character and feel. Additionally, the proposed project would significantly infringe on her privacy from the second story, as it would look directly into her primary living area. She asked that the Commission deny the request as currently proposed.

Mr. Tavasi (in rebuttal) stated he would like to see the property developed as designed to take advantage of the views. He stated it was not his intent to block any views or infringe on anyone's privacy. He stated that the house will be sitting on bedrock and there will be caissons, but they will be for the driveway.

Commissioner Leon asked if geology has been done to identify bedrock on the property.

Mr. Tavasi answered that there is a soils report for the property and the bedrock has been identified on the property. He asked if he were to move the structure in so there is no view blockage from Finecrest, would he still be able to do the driveway and garage in a similar location, further west.

Commissioner Lewis noted that the staff report states there is a 35 foot width on the building pad, however the applicant disagrees. He asked staff to explain the disconnect between the report and what the applicant is telling the Commission.

Assistant Planner Kim explained the 35 foot width was measured off of the submitted site plan and grading plans.

Commissioner Lewis asked if it was measured at 35 feet continuously or at intervals.

Assistant Planner Kim answered that it measured 35 feet continuously.

Commissioner Knight asked how much of the area would be buildable without the need for a Variance.

Assistant Planner Kim answered approximately 35 feet in width by 100 feet in length.

**Commissioner Lewis moved to deny the proposed project, with prejudice.**

The motion failed due to lack of a second.

Commissioner Knight explained that he viewed this Variance as a request to allow a house that is too big for the lot, not because there is an unusual or extraordinary circumstance. He was also concerned with the high amount of grading that was being requested. He felt that this proposed house was much too big for the lot and was not able to make the findings.

**Commissioner Knight moved to deny the proposed project, without prejudice, seconded by Commissioner Emenhiser.**

Commissioner Emenhiser stated he was very concerned with the view and privacy infringements, as well as the bulk and mass of the project.

Commissioner Leon also felt that this proposal was too big for the lot and a smaller structure could be built that would not require the significant variances currently being requested.

Chairman Gerstner agreed that there are too many variances being requested to allow this large structure to be built on the lot. He felt that even a smaller structure may require some type of variance, given the configuration of the lot, however the variances would be to a much lesser degree.

**The motion to deny the current project without prejudice was approved, (4-1) with Commissioner Lewis dissenting.**

**3. Site Plan Review & Variance (Case No. ZON2009-00367): 2422 Colt Road**

Assistant Planner Harwell presented the staff report, explaining the scope of the project and the need for the Variance. She stated staff was able to make all of the required findings for neighborhood compatibility as well as the required findings to support the

Variance request. With that, staff is recommending approval of the Site Plan Review and Variance, as conditioned in the staff report.

Commissioner Knight noted that the proposed new shop could be used as a garage, and if the applicant were to do that would he then be able to convert the existing garage to habitable space.

Director Rojas answered that the applicant would be able to do that as long as he meets the minimum code requirement of a two car garage.

Commissioner Knight referred to the site plan, and asked if the structure were to be moved in one direction, would a variance still be needed.

Assistant Planner Harwell answered that if the structure were moved there would be the potential that a variance would not be needed if the structure meets the minimum setback from the edge of the easement.

Commissioner Leon asked if Little Colt Road is a city street or a private driveway.

Director Rojas answered that Colt Road and Little Colt Road are private streets.

**Chairman Gerstner opened the public hearing.**

Steven Jones (architect) felt the project before the Commission is a textbook example of why variances were written into City codes. He noted that in this case there is an easement for a road however the topography prevents a road from being built any time in the future. In regards to the use of the garage, he explained that the existing garage is under the existing home and is semi-subterranean. He stated that there is no connection to the house so it would be very difficult and expensive to make it into habitable space. He explained that the purpose of this proposed structure is to use it as a shop, as the owner does a lot of wood working as a hobby. He noted that he purposely designed the windows to be small so that there will not be much noise outside the window, but to utilize natural light when available.

Chairman Gerstner asked how much farther up this easement continues.

Mr. Jones explained that the easement goes to the bottom of the canyon, noting that only about one-third of the easement is paved.

Commissioner Knight noted that one of the findings for the Variance is that there are unusual or extraordinary circumstances on the property. He asked Mr. Jones why he couldn't move the structure in a different direction and avoid the need for the Variance.

Mr. Jones answered that would put the structure in the only useful yard space on the property.

Commissioner Lewis asked if the area behind the retaining wall is an extreme slope.

Mr. Jones did not know if it was an extreme slope or not, but did not think the slope was buildable.

Chairman Gerstner closed the public hearing.

Commissioner Lewis stated that this property was for sale several years ago and he toured it several times, however he did not glean anything from the physical tours that affects this discussion.

**Commissioner Lewis moved to adopt staff's recommendation for approval, seconded by Commissioner Emenhiser.**

Commissioner Lewis stated that he could support the project, but was disappointed that yet another home was losing its horse keeping potential.

Commissioner Leon stated if this structure were called a barn rather than a garage, then from an equestrian standpoint everyone would be happy. He noted that there is plenty of open space on the property to add horses at a future date, and it would be fairly easy to convert a garage shop into a barn. He also felt this proposed shop is sited well on the property in that it provides a view from the shop, it doesn't obstruct views from other properties, and it provides for the possible keeping of horses in the future.

**The motion to approve the request, thereby adopting PC Resolution 2010-26 was approved as conditioned by staff, (5-0).**

**4. General Plan Update – “Draft” Visual Resources Element**

Deputy Community Development Director Pfof presented the staff report, explaining that the visual resources element includes discussions of views and vistas as well as discussions on urban design. He explained that he will send electronic copies of this draft element to the subcommittee, and will work with the subcommittee over the next month to present to the Commission.

Commissioner Knight referred to trees on neighborhood streets, and asked if there was anything in this section that addresses the desire to try to keep trees on neighborhood streets, as they create a different ambiance and character in the neighborhood.

Deputy Director Pfof answered there is nothing right now, however he felt it might be something that is worthy of researching and possibly adding.

Deputy Director Pfof stated that he will forward the draft visual resources element to the committee for review.

**APPROVAL OF MINUTES**

**5. Minutes for July 13, 2010**

Commissioner Knight noted a revision to page 7 of the minutes.

**Commissioner Knight moved to approve the minutes as amended, seconded by Commissioner Emenhiser. The minutes were approved, (4-0-1) with Chairman Gerstner abstaining since he was absent from that meeting.**

**ITEMS TO BE PLACED ON FUTURE AGENDAS**

**6. Pre-Agenda for the meeting on August 24, 2010**

The Commission reviewed and approved the pre-agenda.

**ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.