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MINUTES

REGULAR PLANNING COMMISSION MEETING

NOVEMBER 6, 2006

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 REIN.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Conway, O'Day, Vanden Bos, Bayer, Killen, Chairman Rein
Commissioners Absent: Southwell
Staff Present: Planning Director Wahba

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER stated that she would like to include her comment that she had difficulty turning around in the street on lower Ranchview, evidencing that the street is narrow and difficult to navigate.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER KILLEN,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 16, 2006, AS AMENDED.

There being no objection, CHAIRMAN REIN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

- A. PLANNING APPLICATION NO. 17-06; APPLICANT: MR. & MRS. KEN SAUNDERS; LOCATION: 5 FERNCREEK DRIVE; A NEIGHBORHOOD COMPATIBILITY FOR CONSTRUCTION OF A NEW TWO-STORY HOME. A MINOR DEVIATION IS REQUIRED FOR DECREASING THE FRONT YARD AREA BY LESS THAN 10%.

Planning Director Wahba gave a Staff Report, as per written material, and reported that the applicant has reduced the size of the second story and first floor. The lot coverage was incorrectly shown on the cover sheet of the plans at 29% and should be 25%. The second floor was also pushed back further from the front and pulled in more from the side. About half of the homes in the neighborhood are split-level but appear as single-story homes from the street. When you drive through the neighborhood, there are ten homes that have a two-story appearance. Also, there are four homes that appear as

split-level homes, generally with a garage down below, living area on the side and a distinctive level on top. There are 69 homes in the neighborhood, so 20% of the homes have what would be considered a two-story appearance. The application has been before the Commission a number of times, and the applicant is looking for a decision tonight. The message and precedent sent out to the rest of the neighborhood should be carefully considered. If the second story needs to be smaller, that message should be put out to the applicant, but to deny a second story would be a challenge for the City in the future. Staff recommends approval of the application as presented.

COMMISSIONER BAYER referred to a letter from the Washkos, indicating that windows on the west and north look into their bedrooms. Planning Director Wahba suggested reducing the windows on that elevation. The previous consensus was to push the project back and make it smaller, so this is one of the negative impacts from moving it back. Planning Director Wahba suggested reducing to one window for bedroom #2 or place a window in the front of the house for bedroom #2 and reorient the closet, and make the window for bathroom #3 obscure glass. This is typical for second stories in the city, given the setback distance from the first-story and from the property line, which is 55', a substantial distance from what is typically not considered any type of problem with respect to privacy.

CHAIRMAN REIN asked for the Bocchino family's address, referring to the letter dated September 2, 2006. COMMISSIONER VANDEN BOS advised that the Bocchino family lives on Ferncreek, across the street and one house down.

COMMISSIONER O'DAY commented about the 6' concrete wall around the trash and pool equipment, stating that a concrete wall might ruin the view of the siding. Planning Director Wahba suggested that the exposed portion be sided to match the house.

At CHAIRMAN REIN's invitation, Doug Leach (architect at 119 West Torrance Boulevard, #24, Redondo Beach) came forward with Ken Saunders (applicant).

Mr. Saunders stated that he spent a lot of time reading the Neighborhood Compatibility ordinance. The section on natural amenities states that "improvements to residential property shall respect and preserve to the greatest extent possible existing topography, landscaping and natural features." Mr. Saunders was attracted to this area by a satellite image of Southern California, which showed the LA basin, grey, freeways and development and then a little patch of green, which was Palos Verdes. The area that was most green is where Mr. Saunders focused when looking for a house. Mr. Saunders liked the openness, trees and landscaping and would like to retain that, which is one motive for a second story.

Mr. Leach reviewed the changes implemented since the September meeting. The two-story area has been pushed back away from the street for a more layered, wedding cake approach. The second floor is nestled into the middle of the first floor. The distance from the bedroom #2 window to the side property line is 32', and the distance from that window to the neighbor is 59'. Mr. Leach agreed that the trash yard should not be a concrete block wall, and tying the architecture to that fence is a good idea. The recreation room was pushed off the side property line. The main staircase shifted 90°. The second staircase is now eliminated. The covered outdoor living area has been eliminated. Bedroom #1 has been relocated. The second story volume space looking down to the entry below has been eliminated. Bedrooms #2, #3 and #4 have been re-shifted. The sitting room off the master bedroom has been eliminated. The master bath was pushed back. The tower element at the front elevation is now gone. There is now a shed roof element above the dining room. The living area has been reduced from 5,017 square feet at the first meeting to 4,767 square feet at the last meeting to 4,369 square feet at this meeting.

COMMISSIONER KILLEN asked whether the higher head on the windows in the kitchen was intentional. Mr. Leach responded that he does that sometimes to get more light into the kitchen and to get the bottom sill 6" off the countertop. COMMISSIONER KILLEN then pointed out that at the back of building, there a section of a two-story vertical plane and wondered whether the morning room roofline could extend across to break the two-story plane.

COMMISSIONER O'DAY asked about the other chimneys on the front elevation. Mr. Leach responded that they would barely peek out over the ridge.

CHAIRMAN REIN asked for clarification that the wall of the second floor is set back 3.5' from the wall of the first floor on the front elevation, facing the street. Mr. Leach responded that it is 7'.

At CHAIRMAN REIN's invitation, Patti Migliazzo (11 Ferncreek Drive) came forward on behalf of her husband, Larry, and herself. Mrs. Migliazzo advised the Commission that she walks the neighborhood a lot, and a two-story house is not against the rules. There are all different levels in this neighborhood and other neighborhoods. If it's not against the rules, the Saunders should be able to have it. It is a beautiful design. Just walking down Strawberry Lane and other homes around here, some of the homes are bigger, so there's no need to give them any other problems.

Diana Bailey (8 Masongate Drive) came forward and stated that the Saunders have done everything possible to comply with the Commission's requirements to make the structure compatible with the existing neighborhood. As pointed out by Planning Director Wahba, 20% of the houses are two-story, they have moved the structure to the back, and it does not look overbuilt in proportion to the lot or the neighborhood. The home absolutely looks compatible; it is rural and consistent with the surrounding neighborhood. It absolutely complies with the Neighborhood Compatibility ordinance, and to set a precedent that there should not be two-stories would be an uphill battle for the City. Also, the Neighborhood Compatibility ordinance talks about existing neighborhood character, not the neighborhood as it existed after implementation of the ordinance, so to penalize the Saunders because they want to build a two-story after this was addressed is not fair.

At CHAIRMAN REIN's invitation, Marlene Washko (7 Ferncreek Drive) came forward and stated that she and her husband, Joe, still do not believe this house should be on their street or in their neighborhood. The scale is out of proportion. Richard Berg (4834 Ferncreek Drive) couldn't be at the meeting, but he has seen the plans and notes the improvements but still feels it is not compatible with the street, and the scale of the house is not consistent with the Neighborhood Compatibility ordinance. Mrs. Washko addressed some discrepancies. The lot coverage is really 26,351 square feet. At the beginning 24,281 square feet was being used. Planning Director Wahba has changed that, and the lot coverage ratio is now 25%. Also the Planning Commission has a discretion to grant a lot coverage of 33% if the property could handle that, so that is an increase that could have been available for this one-story house from the beginning. On February 6, the Staff Report conclusion stated that the proposed second story is not in keeping with the neighborhood, since the majority of stories are split-level homes to maintain the one-story ranch appearance. However, the November 6 conclusion states these same split-level homes appear as two-stories from the street. These are conflicting conclusions. 11 Ferncreek is a one-story home. #6 Ferncreek is the only two-story home in the neighborhood. The split-level homes are not massive; three are over 4,000 square feet; eight are under 4,000 square feet; and five are under 3,000 square feet. Only ten homes from the street can be seen with two parts to the house; the rest are in embankments. Most of these split-level homes are due to the terrain of the land. Split levels because of topography and size of house is of more significance than attaching the word "two-story" to a home. Of even greater value is the Neighborhood Compatibility ordinance, which was designed because people were recognizing that too many large homes were being built. The November 6 Staff Report conclusion states that that the second story is set back considerably and is nestled down into the center of the home. However, as shown on the pictures, in the back the story goes straight up and is very massive. A letter from a neighbor suggested that families couldn't be attracted because these homes are too small. In the past 25 years on Ferncreek Drive, there were 37 children in twelve homes, nine of which are under 3,000 square feet. The cost of a home in the neighborhood would be more prohibitive than the square footage of the house. In fact, doubling the square footage increases the cost. This is a unique neighborhood with mostly one-story ranch-style homes. A change in character will happen when massive two-story homes appear and when property owners do not maintain their property.

Mrs. Washko then asked COMMISSIONERS KILLEN AND VANDEN BOS (who live in the neighborhood) what they would do today if their neighbor wished to build this large two-story home next to them. COMMISSIONER KILLEN responded that he would have to look at it on a case-by-case basis to see if it fits the neighborhood. It may work or not, depending on the topography of the land, and it wouldn't be ruled out one way or the other but would be on a case-by-case basis, just as the Commission is doing here with this project.

Mrs. Washko stated that Sugarhill is probably the most predominantly one-story looking neighborhood. Upper Ferncreek is also predominantly one-story looking. Lower Ferncreek has two homes, one split-level because of topography, and #11 is a large home, but it's a one-story. Stagecoach on one side of the street looks two-story because it's up against the hill. On the other side of the street is a downhill slope, so if you look at the homes, they look like one-story. 6 Masongate is a straight two-story, and the Ackerman's house is on a flat level, and it's split-level and farther back. That home should never have been built on that lot.

COMMISSIONER VANDEN BOS stated that his home is across from the largest house on the street and in the neighborhood (5,017 square feet) and opposed it when it was being built. However, living across from it for ten years now, COMMISSIONER VANDEN BOS likes the house and is friends with the neighbors. Next door to them is a second story over the garage, which is a large structure. On the other side, there is another second story. However, the neighborhood is still in character.

Mrs. Washko pointed out that the neighbor across from COMMISSIONER VANDEN BOS wanted to make their home higher, but because of the ordinance, it had to be built below level. It is a beautiful house and is the largest home in the neighborhood but is not two stories up.

Joe Washko (7 Ferncreek Drive) came forward to talk about the ordinance and stated that this project violates the Commission's statement of work. The ordinance states that "the property shall be compatible in terms of surrounding residences." "Shall" has a very special meaning. Webster defines "shall" as "used to express a command or exhortation" – "used in laws, regulations, or directives to express what is mandatory." Therefore, there is no wiggle room, and it is mandatory that the project be compatible in terms of scale. The "surrounding residences" should be the homes that are in visible view of the project at hand. Lower Ferncreek is isolated, and it's very clear that this house is way out of scale. There are 12 houses on the street, ten of them are half the size of the proposed project. The ordinance also states that privacy shall "preserve the open space," and "designs shall respect the existing privacy of surrounding properties." The Saunders have made some corrections to their design, but it still does not respect the Washkos' privacy. If the ordinance has any meaning, the mandatory requirement of privacy is not being met. This design, therefore, doesn't meet the requirements.

Mr. Washko went on to state that the Saunders and Bocchinos must not have read the ordinance when they came into the neighborhood. Mr. Bocchino wrote a letter stating that "it will be only a matter of time before denial of these kinds of projects will result in legal action against the city," which is a first-level threat of intimidation. That's what happened 13 years ago with the Thorpes; it escalated and was messy, but the City stood their ground and denied their project. Nothing has changed in 13 years; it's the same lot and same house, and all the houses on lower Ferncreek are as they were 13 years ago; the ordinance hasn't changed. The only change is the people on the Commission, which may be getting soft on enforcing the Compatibility ordinance. The dispute about the number of lanes on Palos Verdes Drive North was fought, and the City decided to stay with the two-lane to retain the character of the city. All of the Marloma homes are one-story because they have a very strong homeowners association that fights any attempt to change that. They also have CC&Rs in their deeds that restrict second stories. People have suggested the trend is toward two-stories, but people in the neighborhoods are fiercely defending their one-story neighborhoods.

In the beginning Mr. Washko recommended building a one-story house. It would not exceed the lot coverage, and the second story would not be necessary. Masongate doesn't have an active homeowners association and must rely on the Commission from an assault by mansion builders. Approving this project will open the door to massive change to the Masongate neighborhood's appearance and character forever. The Bocchinos will probably be right after the Saunders. Mr. Washko suggested that the Commission find their way to enforce the ordinance or change the ordinance but not disregard a standing ordinance, or all ordinances will be considered meaningless. Citing immigration laws, Mr. Washko stated that if you pass a law and don't enforce it, chaos ensues.

Mr. Leach re-approached the Commission and reiterated the side setbacks of the second floor of 30.5' to the objecting neighbor, 27' on the other side, and the 59' from window to the adjacent house. The Thorpe project was for 7,636 square feet. Mr. Leach also confirmed that the second window of bedroom #2 can be eliminated, but

the other window is necessary for required egress, the bathroom window can be obscure glass, and the side window of bedroom #3 could be eliminated, if necessary.

Mr. Saunders re-approached and advised the Commission that he did consider a one-story covering the lot. The usable backyard is right behind the existing house, which is a nice, large area. The area in the very back, which used to be a horse stable, is adjacent to horse stables on both sides, and it is not a place to relax, and it slopes and is not flat. The single-story was discussed with the Whites, and they commented that all they would see from their house is roof. A pushed back one-story design would lose usable backyard, and it would be pushed back to an uninhabitable area.

Mrs. Washko re-approached and commented that there would be ample yard, even with a one-story house. Mrs. Washko added that the greenery and openness also attracted her husband and herself to Rolling Hills Estates, and when this two-story house is built next door, the trees and sky and all the amenities that is so great will get lost.

Mrs. Dailey re-approached, adding that there is nothing wrong with updating the ranch style, which is beautiful but can be updated to be compatible with the rural feel of the neighborhood. This lot can support a two-story house, and the ordinance says nothing about whether every house has to be limited to one-story, and to require it is not possible and not fair. Mrs. Dailey lives in a one-story house, but up the street is a two-story house with a direct view into the children's bedroom, and the two-story house in the back has a direct view into the backyard and family room, but she deals with it and is not going to say they're not compatible with the neighborhood because they are.

COMMISSIONER VANDEN BOS stated that this would be an easy case if the ordinance said you cannot have a two-story home or if the neighborhood had no two-story homes. His preference would be to have a one-story home next door to him with no one looking into the backyard. However, there is no legal protection that says a two-story house cannot be built. The neighborhood has ten two-story homes and five houses over 4,000 square feet, including two very close to the subject property. There are another 13 houses between 3,500 and 4,000 square feet in the neighborhood and another 16 houses between 3,000 and 3,500 square feet. Fully half of the houses in this neighborhood are over 3,000 square feet. A 5,000 square foot house is too large for the neighborhood. This is a 4,370 square foot house. There's nothing that prohibits having a second story, so it's a matter of whether the house is compatible with the neighborhood, as it exists today. The Neighborhood Compatibility ordinance doesn't allow the Commission to legislate but only to interpret what is appropriate for the neighborhood, given the conditions of the neighborhood and what the ordinance says. The topography of this home is unusual, and if it had a second story, it would not be unlike many other stepped-down homes in the neighborhood. The Commission is leery about setting precedents because of incremental increases over time. This project has to be looked at on a case-by-case basis and apply the ordinance the way it reads, not the way the Commission would like it to be.

COMMISSIONER BAYER reminded the Commission of her adamant concerns about this project. The Rollingwood neighborhood has turned into an overbuilt neighborhood and shouldn't have two-story homes, which are not compatible in that neighborhood. Rolling Hills Estates has changed dramatically over 40 years, but the City has made every effort possible to maintain the smaller homes and smaller neighborhoods and the little piece of paradise with horse lots and ranch-style homes. Some large homes have crept in. The Commission says no home can be larger than 5,000 square feet in Rolling Hills Estates, but that seems to creep. COMMISSIONER BAYER is always concerned when neighbors feel this strongly against the project. Homeowners associations should have everything spelled out for the residents so that they understand what they're getting into before they do it. The Neighborhood Compatibility ordinance says that the houses have to be compatible with other homes in the neighborhood. The lower Ferncreek area is smaller ranch-style homes. The two-story homes stick out like a sore thumb. This house is a beautiful design and may look beautiful in an area with other two-story homes. It will not be compatible with the Masongate neighborhood. The applicant has made wonderful changes, but it is still two-stories, still massive and now affecting the neighbors even more than before because of bulk and mass of the second story overlooking their home and their yard. COMMISSIONER BAYER can't support his project and gets concerned with letters threatening the Commission for acting in the way it is commissioned to act. The Commission has to vote their conscience and vote the ordinance that mandates that vote.

COMMISSIONER CONWAY stated that he appreciated listening to the two passionate and articulate perspectives of the Commissioners. He believed this neighborhood supports two-story homes, which is clear by the statistics, which evidence that two-story homes are one out of five in this neighborhood. The application is for a two-story home, not a one-story, and directing the applicant to prepare a plan for a one-story home is overreaching the Commission's control over private homeowners. COMMISSIONER CONWAY's preference would be an additional 1,729 square feet of open space than having that be covered with a single-story home. COMMISSIONER CONWAY supports the second story and appreciates the applicant's efforts to reduce the size of the home, and the design is pleasing to the eye.

COMMISSIONER O'DAY stated that when the applicant was before the Commission the first time, he agreed that it wasn't compatible with the neighborhood. It looked overbuilt, massive and not appropriate. It is now compatible with the neighborhood, and the historical interpretation of the neighborhood is the whole Masongate area. To merely look at lower Ferncreek Drive is not the way it's been done before. COMMISSIONER O'DAY is a huge fan of the Neighborhood Compatibility ordinances, and it's one of the reasons he moved to the city. This is not the City of Rolling Hills where only single stories can be built. There are no Variances and nothing out of the ordinary on this application. The Neighborhood Compatibility laws have made it so that the Saunders have had to compromise, but the Saunders get to decide what they want to present to us, and it's their property. As much as neighbors would like to design the home differently, the Saunders have made admirable attempts to comply with the ordinances.

COMMISSIONER KILLEN pointed out that the ground floor has a 9'6" plate height. The second floor has an 8' plate height, with 9' for the sitting room on the rear elevation. Planning Director Wahba pointed out that there is no longer a sitting room. COMMISSIONER KILLEN continued that it seems that the project is taller than it needs to be, so perhaps it could be dropped to, instead of a 4:12 pitch, possibly a 3:12 pitch or maybe a 3.2:12 and take 6" off the lower plate line. This would help the vertical mass of the building, so that the eye is not jarred by the verticality of it. Also, the windows in bedrooms #2 and #3 should be eliminated, and the window in the bathroom should be obscure glass. With those changes, the project could be approved.

CHAIRMAN REIN stated that he has done some quantitative calculations, and what he found was that the floor area has been reduced by 13% over three iterations. The projected frontal area of the property was always the most incompatible aspect of the whole project. With the scale and massing of the houses in the neighborhood, this continues to be incompatible, quantitatively and qualitatively. It has decreased in size on the second story, but it's not a dramatic change. The Commission has never seen a prospective rendering of this project to give a clearer picture of what it would look like in the neighborhood. Silhouettes are deceptive because they don't show the details or style. It's a pretty big house, and it's way out of scale; it always has been and still is. The Neighborhood Compatibility ordinance doesn't prohibit second stories, but it's a question of what's compatible with the neighborhood, and we've never been coy about telling the applicant that.

COMMISSIONER CONWAY asked the applicant if he was supportive of COMMISSIONER KILLEN's recommendations. Mr. Leach responded that the applicant can go to a 9' plate on the first level. The 9' plate on the second level was left over from prior plans; it's a standard 8'1" plate around the entire second floor. And the applicant can go to a 3.5:12 pitch roof.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO APPROVE PA 17-06 WITH THE MODIFICATIONS PROPOSED BY
CHAIRMAN KILLEN AND THE INCORPORATION OF COMPATIBLE
MATERIAL ON THE 6' BLOCK WALL.

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

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

None.

9. COMMISSION ITEMS

COMMISSIONER BAYER asked for an update on the Bluemound house. Planning Director Wahba advised that it may come back before the Commission.

10. DIRECTOR'S ITEMS

Planning Director Wahba asked the Commission if they would all be present for the November 20 meeting, and all Commissioners present responded that they would be present.

Planning Director Wahba gave an update on the holiday party plans and reminded the Commissioners to bring a basket to raffle off.

The December schedule was briefly reviewed. The second meeting is the week of Christmas. COMMISSIONER O'DAY will be out of town that week. The first meeting in January is typically canceled. It is possible that there will be a meeting the first Monday in December and the next meeting in the middle of January.

11. MATTERS OF INFORMATION

None.

12. ADJOURNMENT

At 9:10 p.m. CHAIRMAN REIN adjourned the Planning Commission meeting to November 20, 2006, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk