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JULY 31, 2006

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MINUTES

REGULAR PLANNING COMMISSION MEETING

JULY 31, 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 7:30 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: Southwell, O'Day, Bayer, Chairman Rein
Commissioners Absent: Conway, Vanden Bos, Killen
Staff Present: Planning Director Wahba, Associate Planner Thom

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER SOUTHWELL,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING OF JULY 17, 2006.

There being no objection, CHAIRMAN REIN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 14-06; APPLICANT: DR. JEFFREY WOLF;
LOCATION: 26414 DUNWOOD ROAD. A REQUEST TO APPROVE A
NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A PROPOSED
AMATEUR RADIO ANTENNA LOCATED IN THE REAR YARD.

Associate Planner Thom gave a brief Staff Report (as per written material) and reported that the applicant was not able to install the requested silhouettes due to safety and liability issues, cost and property disruption. Staff recommended approval with conditions.

COMMISSIONER BAYER asked why there would be safety and liability issues with the silhouette but not the tower. Planning Director Wahba responded that the silhouette would require a footing in concrete and steel. COMMISSIONER BAYER asked if the location had changed, and Associate Planner Thom responded that the location is as originally proposed, and it would be more viewable from the street if the tower was brought closer to the house.

At CHAIRMAN REIN's invitation, Jeffrey Wolf (applicant) came forward and addressed the Commission. Dr. Wolf summarized the purpose of the tower and FCC regulations, stating that there is no intention to use the installation for commercial purposes or financial gain. There are over 400 amateur radio operators on the Palos Verdes Peninsula, and many, including Dr. Wolf, are trained through the LA County Sheriff's office and hold appointments with the LA County Disaster Communications Service. Dr. Wolf operated a similar tower for over 15 years in Palos Verdes Estates. Dr. Wolf would accept a provision that the installation would not obstruct the scenic view of the neighbors, as defined by the City. Dr. Wolf has provided the Commission with an architect's drawing of the tower and scale, showing that the maximum height of the tower will still fall below the lower of at least two utility poles behind the property. The maximum height will fall at least 13½ feet below the crest of the hills, and Dr. Wolf is willing to paint the tower a color to blend with the hill's vegetation and to plant vegetation to mitigate the tower's appearance. The rights of amateur radio operators to erect antennas and the support structures is guaranteed by FCC PRB-1 and California Assembly Bill 1228. Dr. Wolf looks forward to doing his part in helping to provide communication support to his neighborhood, the city and the community at large on the peninsula in times of emergency.

COMMISSIONER BAYER complemented Dr. Wolf on the thorough job he has done in preparing his application and presenting materials to the Commission. The utility poles in the neighborhood are very ugly, and the tower cannot be fairly compared to the poles that are there. Also, COMMISSIONER BAYER appreciates the idea that the applicant is spending the extra money to paint the tower a neutral color. The Commission has no basis to deny the application.

COMMISSIONER O'DAY went to visit Dr. Wolf and look at the location, and in reviewing the materials, it's clear that the Commission's jurisdiction is over the location and other aesthetic elements of the tower. The current position of the tower is better situated to be hidden both from behind and from the front, given the angle of the hill, and COMMISSIONER O'DAY is in support of the application.

COMMISSIONER SOUTHWELL also supports the application. Staff's recommendation and its condition are appropriate.

CHAIRMAN REIN stated it's clear that as long as the top of the tower is below the slope, it's difficult to see how the tower will be observed from the neighbors above. The tower is not a permanent structure, and CHAIRMAN REIN is in support of the application.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE PA 14-06 WITH THE CONDITIONS AS OUTLINED IN THE STAFF REPORT

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

Planning Director Wahba explained the 20-day appeal period.

B. PLANNING APPLICATION NO. 17-06; APPLICANT: MR. & MRS. KEN SAUNDERS; LOCATION: 5 FERNCREEK DRIVE; A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS TO A SINGLE 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 clarified that this is not an addition but a demolition of the existing home and construction of a new, two-story home in place of the single-story home. Correspondence came in at the end of last week in opposition to the project, and the applicant submitted a petition with signatures of surrounding neighbors in support of the project. Staff worked with the applicant and the applicant's architect to make the second story smaller and pull it in from the west elevation. Planning Director Wahba reviewed the changes to the plans. In an ideal world, Staff would like to see this project get smaller with the second floor made smaller and pushed back, but this is a compromise and is not as imposing as the first application was. Staff is of the opinion that the project does achieve the guidelines of Neighbored Compatibility, and Staff is in support of the Minor Deviation.

COMMISSIONER O'DAY asked Staff about the plate heights, to which Planning Director Wahba responded that there are nine on the first floor and eight on the second. COMMISSIONER O'DAY asked whether the project is keeping within the same foundation lines. Planning Director Wahba responded that the proposed house fits within the parameters. COMMISSIONER O'DAY and Planning Director Wahba discussed options for the second-story roof.

COMMISSIONER BAYER asked whether the basement is part of the square footage of the house. Planning Director Wahba explained that it is not rated as habitable space and will be used for storage.

At CHAIRMAN REIN's invitation, Doug Leach (architect at 119 West Torrance Boulevard, #24, Redondo Beach) came forward and summarized the project and the purpose of the project. A petition has been submitted to the Commission in support of the project, consisting of 40 neighbors representing 31 separate addresses, 16 of which are on Ferncreek. Mr. Leach expanded on Planning Director Wahba's review of the changes to the plan. Privacy concerns have been mitigated, and the applicant would be amenable to adding the porch element out in front of the dining room.

Ken Saunders (applicant) came forward and stated that he and his family have lived in the neighborhood for 13 years and enjoy living there and raising their 4 children. Mr. Saunders stated that he has worked closely with the Planning Department to modify the project and expressed his regret at losing one of the bathrooms.

COMMISSIONER O'DAY stated that this is clearly an improvement over the last plans, and Mr. Leach and COMMISSIONER O'DAY further discussed roofing options to break up the tower element, which is the most visible element in terms of the mass of the structure, and also discussed the porch element. The second story addition should be minimized.

Bill White (3 Ferncreek Drive) lives adjacent to the applicant's property and came forward to speak in favor of the project and against inaction. The Saunders are trying to improve the property values in the neighborhood, and their home is one of the oldest. Mr. White appreciates the willingness of the applicant to put in vegetation to mitigate privacy issues and reduce the impact of the home. Mr. White feels lucky to have these neighbors and does not want to lose them if they're unable to improve their property.

COMMISSIONER BAYER directed Mr. White to the rest of the homes in the neighborhood that do not have a two-story element. With a couple of exceptions, the neighborhood consists of traditional, well-kept, one-story, ranch-style homes. This home deviates. It's a two-story and will be the largest home in the neighborhood. COMMISSIONER BAYER asked whether this gives Mr. White any concern. Mr. White responded that he's biased because it's similar to his home. Most visitors to his home have taken it to be a two-story house from the road. Also, this plan minimizes any impacts in that respect. Mr. White is pleased with the attractive design, and the applicant has done enough now so that it's not really a two-story house anymore. There are a number of houses in the community that match this home in terms of the overall impression that it leaves from the road. Mr. White stated that he would not have any objection to other homes in the Masongate area being improved and giving the same appearance if they're done as well as this one is being done.

Patti Migliazzo (11 Ferncreek Drive) came forward on behalf her husband, Larry, and herself. Ms. Migliazzo expressed her appreciation of Mr. Leach's talent and appreciated the extent of the applicant's plan changes to appease all parties. New visitors to Ms. Migliazzo's home think of her home as a two-story, and her home is higher than the applicant's proposed plans. Her home would be a two-story, but she has chosen to have ceilings two stories tall.

Gary Bocchino (4846 Ferncreek Drive) came forward and reiterated the comments that the applicants are great neighbors, and the other families with children in the neighborhood would be penalized to lose them if they can't improve their property as they see fit. Mr. Bocchino liked the first design and appreciates the efforts to appease the different personalities and opinions of the neighbors with the new design. The new design does flow very well on the hillside. Regarding the size of the structure, coming in and out of the neighborhood, particularly Masongate, it looks like there are a lot of two-story homes, and Mr. White's home is a two-story home. The precedent exists, and to keep more families coming in, a gradual appearance of some two-story homes should be allowed.

Richard Berg (1834 Ferncreek Drive) came forward in opposition to the project. Mr. Berg has lived in his home for 38 years and thinks as much of the Saunders as the other neighbors do. However, the issue is with Neighborhood Compatibility, and much of this is a matter of perception. The split-level or two-story houses in the neighborhood were created prior to the Neighborhood Compatibility ordinances and are a result of split lots. Very few of the neighbors supporting the project can see the project from any place on their property. Mr. Berg disputes the Staff Report's contention that the revised plans have adequately addressed the concerns of the neighborhood.

Marlene Washko (7 Ferncreek Drive) came forward representing her husband and herself. Ms. Washko stated that the house is still too massive, having been reduced by only 250 square feet. Most of the Masongate homes are one-story from the street, even through they're split-level. This house would change the look on the street and adversely affect privacy. In addition, if this home is built, the Commission would be openly inviting other large, two-story homes to be built in the neighborhood. Ms. Washko pointed out that COMMISSIONERS KILLEN and VANDEN BOS are both absent, who both live in the Masongate area. Ms. Washko recited excerpts from letters to the Planning Commission from COMMISSIONER VANDEN BOS opposing a 1996/1997 project across the street from his home in which he described the homes in the neighborhood as ranch bungalows. Regarding the petition in support of the project, the neighbors would like to see the property improved. The property does need to be improved, but should not be a two-story house. Ms. Washko stated that none of the changes to the project really make a difference in the massive size, and she will see the massive structure above her every day.

Mr. Leach came forward again and stated that this house does not set a precedent, but the precedent was previously set. When you drive down Masongate, the second house on the right is a large, two-story house, and Ms. Migliazzo has a house that is two stories high. Seven of the nine neighbors on the cul-de-sac support the project. Mr. Leach also reiterated that the pitched roof element discussed previously has a lot of merit.

Mr. White also re-addressed the Commission to address the comments made in regard to COMMISSIONER VANDEN BOS, who has a long association with most of the neighbors in the neighborhood, does not want to take sides and has no opinion that he would like to express on the record. Mr. White also objected to comparisons to a 10-year old project, where COMMISSIONER VANDEN BOS acknowledged that every piece of property is unique, and every situation needs to be determined on its own merits.

Ms. Washko confirmed that there is a two-story house on a level lot coming down Masongate (the second house). However, the roofline does not impact the house above it or below it, and the home was built before the Neighborhood Compatibility ordinance.

COMMISSIONER BAYER stated that her perception remains that this is a neighborhood with ranch-style homes, and the two-story homes are more split-level and far more compatible with the terrain. Although this is a beautiful home, it is the only house (with one exception) that stands out as a significant two-story home on a level lot. This design is not compatible with Masongate and, in particular, with the lower Ferncreek cul-de-sac. This house would be the largest home in the Masongate area and would open the door for larger projects in the future.

COMMISSIONER O'DAY commented that the applicant has an excellent lot and plenty of space on the first floor to minimize the second story. However, this is clearly an improvement over the prior application and is reasonable, given the neighborhood. COMMISSIONER O'DAY has never been of the opinion that the Neighborhood Compatibility ordinance has prevented second-story additions in neighborhoods that don't have it. However, there is a need to limit the mass of a second story as much as possible. COMMISSIONER O'DAY sympathizes with the people across the street because they will see the front elevation. The styling, materials and elements have been introduced through the homes in the neighborhood. It's an improvement, although it's not ideal, and there is a lot of support in the neighborhood, so with some minor elemental compromises, COMMISSIONER O'DAY could be in support of the project.

COMMISSIONER BAYER stated that in her neighborhood, the second stories came in before the Neighborhood Compatibility, and once they started, there was no stopping them.

COMMISSIONER SOUTHWELL stated that the house, as currently designed, is not compatible with the neighborhood. There is a lot of massiveness that continues,

including the tall vertical element in the front of the house that is a dominant feature, and by ramping up lot coverage, it does set precedents. It's not really lot coverage in this case, but it's more square footage. There has been compression in the second floor, but it does still tend to be a very large box on top of a box.

CHAIRMAN REIN commented that he knows Masongate pretty well, and the neighborhood has matured beautifully with single-story houses since 1970. The applicant's house is a very nice design, but it is not compatible with the neighborhood. The home at 11 Ferncreek is a very nice house, but it is not seen as a two-story house and not at all similar to the proposed project, so it is not relevant. This is definitely not a neighborhood of two-story houses, and this would not be the time to break the mold and make this a neighborhood of two-story houses.

Mr. Leach responded that this would not be the largest house in Masongate, pointing out a home on Sugarhill with 5,076 square feet of living area and the 5,500 square-foot second house on Masongate. Mr. Leach also expressed his shock at hearing comments at this meeting that could have happened at the last meeting, such as that this is only a one-story neighborhood. There was no direction at the last meeting not to come back to the Commission with a two-story house. The comments were to reduce square footage on the second floor and mitigate privacy concerns, both of which have been addressed. Mr. Leach asked the Commission whether any plans the applicant came back with that included a second story would be rejected.

The Commissioners addressed Mr. Leach's concern, advising him that this project, as it is currently proposed, is not compatible with the neighborhood. The Masongate neighborhood has a number of split-level houses that utilize the topography to maintain a low profile. However, this is a lot that the topography limits the ability to emulate what the others have accomplished, and it is up to the applicant to propose something that is more compatible. COMMISSIONER O'DAY and Planning Director Wahba discussed a couple of design suggestions, but stated that it is up to the applicant to use creativity in the design.

COMMISSIONER REIN reminded Mr. Leach that the Neighborhood Compatibility ordinance is not ambiguous, and the Planning Department strives to make homes compatible with the existing standards of the neighborhood. Mr. Leach has an opportunity to do something creative, and the Commission cannot define that for the applicant and does not have absolute answers to future submissions, which would be speculation. The Neighborhood Compatibility determinations are not subjective but based on City ordinances.

Seta Saunders (applicant) came forward and expressed that she is leery about what to do next because the responses are unexpected, and the plan revisions were a lot of work and quite a large expense. Ms. Saunders expressed her appreciation of Planning Director Wahba and explained the personal reasons behind the design. Ms. Saunders pointed out that the Dapplegray neighborhood has significantly progressed with two-story homes and does not understand how one neighborhood can change and not another. Ms. Saunders understands the Neighborhood Compatibility issue but questions what is really driving these decisions about change.

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO CONTINUE 17-06 TO A DATE UNCERTAIN

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

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 15-06; APPLICANT: MR. CRAIG KNICKERBOCKER; LOCATION: NORTHEASTERLY OF THE INTERSECTION OF TANGLEWOOD LANE AND ROLLING HILLS ROAD. A REQUEST FOR A TENTATIVE PARCEL MAP (TPM 061156), GRADING APPLICATION AND NEIGHBORHOOD COMPATIBILITY DETERMINATIONS FOR THE SUBDIVISION OF THREE LOTS AND CONSTRUCTION OF THREE SINGLE-FAMILY RESIDENCES IN THE RA-20 (HORSE OVERLAY) ZONE.

Planning Director Wahba reminded the Commission that this agenda item was continued at the last meeting to a date uncertain. Because it was already advertised, it is on the agenda, but no action is needed.

9. COMMISSION ITEMS

COMMISSIONER O'DAY asked about the Community Center. Planning Director Wahba advised that a truck had clipped the eave, and the building will be re-roofed.

COMMISSIONER BAYER and Planning Director Wahba advised COMMISSIONER O'DAY of the Holiday Party planning.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

None.

12. ADJOURNMENT

At 9:55 p.m. CHAIRMAN REIN adjourned the Planning Commission meeting to August 14, 2006, at 7:30 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk