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MINUTES

REGULAR PLANNING COMMISSION MEETING

SEPTEMBER 5, 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, Conway, O'Day, Vanden Bos, Bayer, Killen,

Chairman Rein

Commissioners Absent: None

Staff Present: Planning Director Wahba, Assistant Planner Masters,

Senior Planner Cutler

4. APPROVAL OF MINUTES

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JULY 31, 2006.

There being no objection, CHAIRMAN REIN so ordered.

5. <u>AUDIENCE ITEMS</u>

None.

6. <u>CONSENT CALENDAR</u>

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 brief Staff Report (as per written material) and reported that the only change to the plans is the reduction of the tower element in the middle of the home, incorporating a gable roof, and bringing a shed roof over the windows, and another option of doing a wrap-around porch. Staff would like the Commission to provide further direction to the applicant.

COMMISSIONER KILLEN asked whether Staff and applicant had discussed taking elements from the second floor to the first floor, specifically moving one of the bedrooms to the first floor. Planning Director Wahba responded that the applicant would like to have the four children upstairs. Also, the applicant explored a single-story approach, but

given the lot layout and the desire to maintain the swimming pool, a single-story is not a feasible option.

At CHAIRMAN REIN's invitation, Doug Leach (architect at 119 West Torrance Boulevard, #24, Redondo Beach) came forward with Ken Saunders (applicant) and recapped the changes that have taken place since the February meeting. The top floor was reconfigured, and the house was lowered two feet. Also, there are three options for the front element.

COMMISSIONER KILLEN suggested that the applicant consider a Jack-and-Jill bathroom with two bedrooms downstairs to reduce the second floor massing and utilize the deep alcove space adjacent to the downstairs bedroom. Mr. Leach appreciated the suggestion. Mr. Saunders asked how that would be connected to the rest of the house, and COMMISSIONER KILLEN offered a suggestion.

COMMISSIONER VANDEN BOS asked whether there were any comments at the last meeting about the fireplace in the living room. COMMISSIONER BAYER responded that it was not talked about. Planning Director Wahba advised that the chimney had been lowered. COMMISSIONER VANDEN BOS stated that it still has the same look.

COMMISSIONER KILLEN stated that he is not troubled by the chimney projecting up a little bit. Mr. Leach advised that the chimney could be lowered a couple of feet if it is a concern.

Mr. Leach stated that the porch element option would not make sense if the front bedroom on the second floor was removed because that would change the whole roofline. COMMISSIONER KILLEN agreed.

At CHAIRMAN REIN's invitation, Mary Blackman (10 Masongate) came forward in favor of the project and stated that the project is beautiful. Ms. Blackman suggested keeping the bedrooms on the second floor, and we should look for a way to make it happen. The large, beautiful lot fosters a large home without it being overbearing. Ms. Blackman's father has been on the block for 38 years.

Larry Migliazzo (11 Ferncreek) came forward stating that the applicant has done a beautiful job. Mr. Migliazzo didn't understand the confrontation at the last meeting with Staff's recommendation for approval. COMMISSIONER VANDEN BOS responded that 85% to 90% of the time, the Commission agrees with the Staff findings. It is not common for the Commission to vote differently, but the point of having the Commission is to have the opinion of a separate body who lives in the city. The applicants then have a right to go up another level to City Council, who may have a different opinion than the Commission.

Richard Berg (4834 Ferncreek) came forward in opposition to the project. Mr. Berg lives across the street from the project and has been in the city for 38 years. Neighborhood Compatibility is an issue within the city, and the ordinance was passed by the City Council. Mr. Berg again referred to the statement in the Staff Report that the concerns of the neighbors have been adequately addressed. The concerns have not been addressed, and that is an unfair statement. Mr. Berg reviewed the points submitted in his letter for the Commission.

Marlene Washko (7 Ferncreek Drive) came forward and reminded the Commission that the Neighborhood Compatibility ordinance was instituted in 1988 or 1992, which is Section 1816 of the Rolling Hills Estates Municipal Code. The ordinance establishes necessary findings to be reviewed in a process for new residential construction and modifications of existing structures. In 1988, Ron Barker built a 5,076 square foot home on Sugarhill. Because of this ordinance, this large, 2-story house is visible only as a 1story house from the street, and his neighbors are not impacted by the structure. This 5,445 2-story house and garage would be built on a level lot, visible from the street, impacting privacy and compromising street character. This ordinance is an integral part in keeping with the philosophy of retaining the rural environment of Rolling Hills Estates. If exceptions are made, the requests get more demanding, and our community will have a big-city look. Although this is the Saunders' dream home, the home we live in is our dream home, and none of the many changes we've made over the last 38 years have impacted our neighbors. Ms. Washko read excerpts from three recent articles about city folks moving into a little country town and bringing the city and pretentious trophy houses with them, looking at each project house by house, rather than as a piece of a neighborhood whole.

Joe Washko (7 Ferncreek Drive) came forward and reminded the Commission that 13 years ago the Thorpes, who purchased this house after the original owner, came to the Commission to build a 5,800 square foot house very similar to the proposed house. There were a series of meetings, and the Commission eventually voted it down. An attorney was brought in, and it got messy. We are now going through the whole exercise all over again, and it should be a clear-cut decision. This is a huge, level lot. The Saunders propose to build a huge mansion that blocks out our sky, and they've got all that square footage to build a massive 1-story house. Instead, they are asking special permission to do something that the present code implies is inappropriate to this neighborhood. We, as neighbors, should not be put into a position to be imposed upon by this massive structure when they do have an option to do something else but refuse to redraw the plan.

COMMISSIONER CONWAY clarified that the lot is 26,351 square feet, but the comment about building a massive single story home is misguided because they have a 30% coverage that they're restricted to, and if you back out their pool, their patios and their walkways, the maximum home they could build is about 3,700 square feet, which is not massive. They're trying to gain some additional square feet by going up. Mr. Washko responded that he understood that, but they could reduce their patio space and reduce the way the house is outlined now for more efficient use of the outside area.

Diana Bailey (8 Masongate) came forward to speak in favor of the project and recalled that the Commission previously spoke to the problem of mass, not square footage, which is a vague concept. The Saunders have gone to much expense and time to comply with the Commission's vague directive, revamping all their plans to make the façade less imposing. Also, the house is set back on the property, and the house is designed as a ranch-style house and would be a beautiful addition to the neighborhood. Even though it is a flat lot, there is a slope and stables in the back. They've gone above and beyond to make this compatible with the neighborhood.

Mr. Leach came forward and reminded the Commission that three of the neighbors that live on the cul-de-sac have come before the Commission in support of the project, including the adjacent neighbor on the upper side. This is not an entirely flat lot. In the back third, there's a 17-foot drop. The surveyor shot roof ridges of adjacent neighbors and across the street, and this project is 7.313 feet lower than Mr. White next door, 11.78 feet higher than the adjacent property next door and 5.43 feet higher than the neighbor across the street.

COMMISSIONER CONWAY stated that the home previously looked massive at the upper range of the square footage of that neighborhood with the maximum 30% lot coverage, and the lot was being overbuilt. The revised proposal is only a 5% change in square footage from the last design. The city allows for second stories, subject to neighborhood compatibility, but a 5% change in design is not an adequate response to the concern for high coverage ratio and the upper levels of square footage relative to the neighborhood. A 10% reduction is the threshold of an effort to reduce the massive perception of the structure.

CHAIRMAN KILLEN commented that this is an issue seen constantly in this affluent area driven by real estate prices and agents, and he lives within the restrictions himself, raising four children in no bigger than 2,200 square feet. Less can be more if it is looked at with a broader perspective. Property owners do have the right to build, but CHAIRMAN KILLEN is troubled by the scale and square footage, but it is mostly a massing issue. There are ways to reconfigure this building to try to reduce the mass. It should be a slightly smaller structure with the second level reduced to a degree. Although there is a desire to keep the existing swimming pool, for the energy and money that is being put into the building, it's not unreasonable to look at that as an option.

COMMISSIONER O'DAY agrees with some of the people who are objecting to the McMansion plans. The applicant worked hard to go away from that Toll Brothers look to something more subtle and refined. However, the Neighborhood Compatibility ordinance does not mean that you cannot have a second story. The key is to design a second story that looks like it fits in the neighborhood. COMMISSIONER O'DAY referred to a 5,000 square foot home in Illinois that has an appearance of a 1,500 square foot home from the street.

COMMISSIONER VANDEN BOS is abstaining from the vote and commented that it's important to give guidance to the applicant to avoid having this discussion three or four more times.

COMMISSIONER BAYER commented that this project is significantly large and massive, and although it would be beautiful, it would be different from any other structure in the lower Ferncreek area. Even reduced another 5% would still be incompatible with the neighborhood, and there has been no bending by the applicant toward whether it can be made one floor. COMMISSIONER BAYER commented that she also raised three children in 1,300 square feet and did fine. Rolling Hills Estates is the only city in the community that has stayed within the small town concept, and to see it chipped away little by little would be a shame. There has been no willingness on the part of the applicant to make a drastic enough change to make the project compatible, and a 2-story could not be found compatible.

CHAIRMAN REIN echoed COMMISSIONER BAYER's comments.

COMMISSIONER SOUTHWELL stated that he cannot definitively say whether he would support a 2-story or not, but he cannot lay out guidelines as to what would be acceptable until he sees it. That's a frustration for the applicant, but it is his role as a Planning Commissioner to deal with the vagueness and what Neighborhood Compatibility is in Rolling Hills Estates. As currently designed the house is incompatible with the neighborhood or within Rolling Hills Estates. Not knowing specifically how many square feet or what kind of changes would be necessary, COMMISSIONER SOUTHWELL is flexible.

COMMISSIONER VANDEN BOS advised that the applicant needs to know if the Commission will not ever approve a house with a second story, so that time and money is not wasted doing studies that would never satisfy the Commission.

COMMISSIONER KILLEN observed that COMMISSIONER O'DAY would be the swing vote. COMMISSIONER O'DAY clarified that he would support the project with a shed roof as proposed.

Ms. Washko re-approached the Commission summarizing that this is the third meeting. At the first meeting it was suggested that it was too massive. At the second meeting it was suggested that it was too massive. At this third meeting it is suggested that it is too massive. In all these times, the house has only been reduced by 250 square feet, the applicant has not addressed the massiveness.

Mr. Saunders re-approached and advised the Commission that he would like to continue to work with the Planning Department to resolve this issue. Mr. Saunders asked for guidance in which direction to head so that he can find a direction that will work to make the Commission and the applicant happy. CHAIRMAN REIN asked about making the neighbors happy, and Mr. Saunders stated that not everybody can be satisfied, and a project should not be approved only if every neighbor approves it. COMMISSIONER BAYER clarified for Mr. Saunders that the Neighborhood Compatibility ordinance is what the Commission is looking at, although it is good to hear from the neighbors. The Commission has given the applicant all the advice that can be given. COMMISSIONER VANDEN BOS agreed that it is the most concise advice that the applicant will get.

Mr. Leach re-approached and agreed that the applicant got some good direction, and the comments are appreciated. Mr. Leach asked for clarification from COMMISSIONER SOUTHWELL about his support of a 2-story house. COMMISSIONER SOUTHWELL stated that he could support a 2-story house on that lot.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO CONTINUE PA 17-06 TO A DATE UNCERTAIN

AYES: Southwell, Conway, O'Day, Vanden Bos, Bayer, Killen, Rein

NOES: None ABSTAIN: None ABSENT: None B. PLANNING APPLICATION NO. 18-06; APPLICANT: MR. SHAWN HANSEN; LOCATION: 23 AURORA DRIVE. A NEIGHBORHOOD COMPATIBILITY FOR FIRST AND SECOND STORY ADDITIONS. MINOR DEVIATIONS ARE REQUIRED FOR ENCROACHMENT INTO THE REAR AND STREET SIDE YARDS.

Assistant Planner Masters gave a brief Staff Report (as per written material) and stated that Staff is in support of the Minor Deviation request.

COMMISSIONER O'DAY asked whether a survey of the property line had been submitted. Planning Director Wahba responded that a survey should have been required, but that staff verified the sideyard setback in the field..

COMMISSIONER O'DAY asked that the windows be the same as the existing windows and the fascia boards match the rest of the house.

At CHAIRMAN REIN's invitation, Shawn Hansen (applicant) came forward and answered a question from COMMISSIONER VANDEN BOS about the roofline. Mr. Hansen is repairing the roofline to return it to the original peak.

COMMISSIONER O'DAY asked that conditions be put on approval for the use of materials to be approved by Staff to keep the look uniform throughout the house and addition.

Mr. Hansen also advised the Commission that he has a survey of the property line and will provide a copy to the Planning Department.

COMMISSIONER BAYER moved, seconded by COMMISSIONER KILLEN,

TO APPROVE PA 18-06 WITH CONDITIONS AS OUTLINED BY STAFF, THE WINDOWS BE CONSISTENT, A SURVEY BE COMPLETED, THE SIDING BE CONSISTENT AND THAT THE APPLICANT CHECK WITH STAFF ON A REGULAR BASIS.

AYES: Southwell, Conway, O'Day, Vanden Bos, Bayer, Killen, Rein

NOES: None ABSTAIN: None ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

C. PLANNING APPLICATION NO. 20-06; APPLICANT: MR. WILLIAM TSUKAMOTO; LOCATION: 25 HITCHING POST DRIVE. A NEIGHBORHOOD COMPATIBILITY FOR A KITCHEN ADDITION AND TO INCREASE THE ROOF HEIGHT OF THE HOME. A GRADING APPLICATION IS REQUIRED TO RAISE THE GRADE AT THE EAST SIDE OF THE HOME AND TO FILL THE GRADE ADJACENT TO THE FRONT ENTRY.

Assistant Planner Masters gave a brief Staff Report (as per written material) and stated that Staff is in support of the project as proposed.

COMMISSIONER VANDEN BOS asked whether the letter from the neighbor at 23 Hitching Post Drive had been discussed with the applicant. Assistant Planner Masters responded that it had not yet been discussed.

At CHAIRMAN REIN's invitation, William Tsukamoto (applicant) came forward and stated that this project had been approved in 1997, but it was not built at that time. This has been resubmitted with no deviations. Mr. Tsukamoto summarized the project for the Commission.

COMMISSIONER VANDEN BOS asked about the neighbor's letter concerning drainage. Mr. Tsukamoto responded that in the 10 years that the neighbor has been living in his home, nothing has been said about this problem. COMMISSIONER VANDEN BOS asked that the applicant accommodate any perceived problem. Mr. Tsukamoto agreed to install a rain gutter.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER BAYER,

TO APPROVE PA 20-06 WITH CONDITIONS AS OUTLINED BY STAFF AND WITH THE CONDITION THAT APPLICANT INSTALL A RAIN GUTTER ON THE EAST SIDE OF THE GARAGE.

AYES: Southwell, Conway, O'Day, Vanden Bos, Bayer, Killen, Rein

NOES: None ABSTAIN: None ABSENT: None

Planning Director Wahba explained the 20-day appeal period.

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.

Senior Planner Cutler gave a Staff Report (as per written material) and advised that colored rendered material boards are on display.

COMMISSIONER VANDEN BOS asked about looking at Neighborhood Compatibility in conjunction with grading applications and tract maps. Planning Director Wahba stated that because this is not a standard subdivision, Staff felt that it would be helpful to understand how the houses could be built. COMMISSIONER O'DAY asked if there was a relation between approval of the tract map and approval of the homes. Planning Director Wahba advised that they are independent.

COMMISSIONER BAYER asked whether there is any concern for how close a house might come to a bridle trail. Planning Director Wahba responded that the Code doesn't have a setback similar to corral or horse keeping area. The Code requires that bridle trails are 7 feet minimum from the edge of the eave to the easement.

COMMISSIONER KILLEN discussed different lot configurations for better compatibility with the topography. COMMISSIONER O'DAY agreed that it's obvious from the flags that these are large homes. COMMISSIONER KILLEN added that he and his wife previously looked at this lot and could not figure out how to configure one good house and a horse keeping area on it.

COMMISSIONER O'DAY and Senior Planner Cutler discussed the traffic concerns on Rolling Hills Road.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER BAYER,

TO OPEN THE PUBLIC HEARING.

AYES: Southwell, Conway, O'Day, Vanden Bos, Bayer, Killen, Rein

NOES: None ABSTAIN: None ABSENT: None

At CHAIRMAN REIN's invitation, Craig Knickerbocker (applicant) came forward and addressed the Commission. Mr. Knickerbocker advised that there has been a meeting with the Equestrian Committee and has assessed that the top house is too big on a tight lot, and the proposed equestrian easement change should be set aside. Mr. Knickerbocker asked for feedback from the Commission on the two lower houses, and the project would come back to the Commission with no changes to the horse trail easement and a different house plan for the top lot. Also, hundreds of square feet have been dropped from each house to reduce the grading. City Council has adopted the Alameda County Greenhouse Guidelines, and all three houses will comply with those guidelines to make it a showcase for the city. Mr. Knickerbocker promised the neighborhoods that because there will be traffic on Tanglewood, it would be repaved as part of the project. Also, there will be a crossing guard at the intersection when there is big equipment that needs to use the street.

COMMISSIONERS VANDEN BOS, CONWAY and Mr. Knickerbocker discussed easements and how the project could be fenced off.

Tony Serabia (located just east of the project on Tanglewood Lane) came forward in support of the project and stated that he has been very pleased with the process and the assistance from Staff and the applicant's receptiveness to concerns. The concerns are over not only the property but also over Tanglewood Lane, which is a private road.

COMMISSIONER BAYER asked Mr. Serabia for comments on the way the houses are situated on the property and the use of the trail. Mr. Serabia did not want to impose his view but has always been amused by the horse easement because only one or two horses go down the easement in a month, and this would have been an opportunity to improve the easement.

COMMISSIONER BAYER asked whether the silhouette could be seen from Mr. Serabia's property, and Mr. Serabia responded that it could only been seen from the deck, but he is working with the applicant on that. Mr. Serabia summarized that he is concerned and interested but not worried and objectionable at this point.

COMMISSIONER BAYER asked whether Mr. Serabia had any concerns about the impact of the topography with the grading. Mr. Serabia responded that he does have those concerns, and he has been addressing Senior Planner Cutler with those concerns, both in relation to his home and the aesthetics of the neighborhood.

Greg Gunther (9 Shadow Lane) came forward to ask the Commission to ensure the walking path along Rolling Hills Road stays intact. Mr. Knickerbocker re-approached the Commission and addressed Mr. Gunther's issue. CHAIRMAN REIN asked that Staff also address Mr. Gunther's concerns, and Planning Director Wahba agreed.

Annie Chang (7 Shadow Lane) came forward and furthered Mr. Gunther's concerns and also asked that it be a horse path as well. CHAIRMAN REIN agreed that the trails that do exist should be preserved.

Frances Hahn (3402 Tanglewood Lane) came forward and reminded the Commission that Tanglewood Lane is not a through street (although it is shown as one on maps), and that fact is not clearly marked. Ms. Hahn asked that the large trucks not use Tanglewood Lane for a turnaround, as they would get stuck and block traffic.

Mr. Knickerbocker re-approached and advised that he will be paving through the turnaround and then stop there. The trucks will be kept on the lower side, but when the cement or lumber truck needs to be brought up, a guard will be placed to ensure that they do not go beyond that radius.

COMMISSIONER VANDEN BOS commented that he would like to see the grading minimized and the natural amenities preserved. COMMISSIONER BAYER seconded the concern.

Dale Allen (39 Buckskin) came forward as President of the Horseman's Association. Mr. Allen requested that applicant take a look at the second house and the arrowhead horse lot. A small barn there would leave a very small horse run area.

COMMISSIONER CONWAY addressed the statement in the mitigated negative declaration that there will be little additional runoff and that existing storm drain facilities will be adequate. COMMISSIONER CONWAY is not convinced that there is sufficient information to make that statement. Mr. Knickerbocker offered to provide pre and post studies. COMMISSIONER CONWAY added that the discretionary actions did not contemplate a variance.

COMMISSIONER O'DAY suggested that applicant also use the earth as an insulator.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER VANDEN BOS,

TO CONTINUE 15-06 TO THE PLANNING COMMISSION MEETING OF OCTOBER 16, 2006.

AYES: Southwell, Conway, O'Day, Vanden Bos, Bayer, Killen, Rein

NOES: None ABSTAIN: None ABSENT: None

9. <u>COMMISSION ITEMS</u>

The Commission briefly discussed the Holiday Party planning.

10. <u>DIRECTOR'S ITEMS</u>

None.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES MINUTES. (AUGUST 1, 2006).
- B. PARK AND ACTIVITIES MINUTES. (AUGUST 15, 2006).
- C. CITY COUNCIL ACTIONS. (AUGUST 8, 2006).

COMMISSIONER CONWAY moved, and COMMISSIONER BAYER seconded,

TO RECEIVE AND FILE ITEMS 11A THROUGH 11C.

There being no objection, CHAIRMAN REIN so ordered.

12. <u>ADJOURNMENT</u>

At 10:23 p.m. CHAIRMAN REIN adjourned the Planning Commission meeting to September 18, 2006, at 7:30 p.m.

Julie Cremeans	Douglas R. Prichard
Minutes Secretary	City Clerk