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**JUNE 1, 2009**

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**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**JUNE 1, 2009**

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 CHAIRWOMAN BAYER.

2. **PLEDGE OF ALLEGIANCE**

COMMISSIONER O'DAY led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: O'Day, Conway, Southwell, Rein, Scott, Chairwoman Bayer  
Commissioners Absent: Huff  
Staff Present: Planning Director Wahba, Principal Planner Cutler, Associate Planner Thom, Assistant Planner Masters

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SCOTT,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF MAY 18, 2009.

There being no objection, CHAIRWOMAN BAYER so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 09-09; APPLICANT: MR. & MRS. ANDY RIFKIN; LOCATION: 22 HILLCREST MANOR; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A SECOND STORY ADDITION, INCLUDING AN EXPANSION OF THE REAR YARD SECOND STORY DECK, TO AN EXISTING SPLIT-LEVEL HOME.

Assistant Planner Masters gave a brief Staff Report, as per written material, and recommended either denial of the application or approval with a conditional cutback of the deck by 2".

COMMISSIONER O'DAY asked Staff for the guidance provided by the Commission in 1995, and Planning Director Wahba gave a history of the property, the landscape easement and the issues of perceived mass, visibility and noise and explained that there wouldn't be much of a difference between 6' and 8'.

At CHAIRWOMAN BAYER'S invitation, William Davidson (interior designer at 1332½ Kellan Avenue, Los Angeles) came forward on behalf of the Rifkins. Mr. Davidson explained that to go to this expense for only 6' would not be worthwhile. The homeowners association approved the original plans at almost 10' with a high roof line. The neighbors are a significant distance from the property, and a garden area has been created with foliage to knock out noise. The deck outside the master bedroom is for the applicant's comfort and fresh air.

COMMISSIONER SCOTT pointed out that the lighting should not be facing out but should go downward. COMMISSIONER SCOTT also asked if there was consideration to reducing the main deck to mitigate the possibility of having large parties on the deck, and Mr. Davidson explained that he is trying to keep the deck on the same plane, as jogging or offsetting would become expensive.

COMMISSIONER SOUTHWELL discussed the span of the deck and the location of the existing stairs with Mr. Davidson. Mr. Davidson explained that the deck could be made flush, but it would not be a usable space. The applicants celebrated their 30<sup>th</sup> wedding anniversary last year, and all guests were downstairs because the deck was not usable.

Stan Koyanasi (4 Horseshoe Lane) came forward in opposition to the project. Mr. Koyanasi was happy with the change to the roof treatment and appreciates the need for deck width off the master bedroom for the family's enjoyment, but when it extends all the way across the deck on the right side it becomes more of a social area, and the noise transmission is amplified, as it is with the applicant's barking dog. The original approval of the homes should be given great respect.

COMMISSIONER SCOTT commented that he is troubled because the changes made were not terribly responsive, other than the roof. However, the existing deck is very small. The next-door neighbor has a similar split-level style and is much closer to the property line impinging on its backyard neighbors. That house used their landscape easement and developed it in a far better way. A 17' deep main deck is not a great idea because of the second floor noise. The lights facing out on the back of the master bedroom should not be permitted. There is a barking dog problem, and the opponents could be better neighbors. A difference in deck width of 6', 7' or 8' is not material, and the 100-foot distance to the neighbor's house is more than adequate.

COMMISSIONER REIN stated that the neighbors made an articulate case to support the findings of the Planning Director. Even if the deck is cut back 2' more, it is still quite large and meets the requirements of the applicant.

COMMISSIONER SOUTHWELL agreed that the recommendation of the Planning Director for a 6' extension was appropriate. An 8' extension isn't a problem but may set a precedent in the neighborhood, and he can't support the project.

COMMISSIONER CONWAY doesn't see a significant difference between 6' and 8, but having started at 10' this is a good compromise.

COMMISSIONER O'DAY pointed out that although sound is an issue, it travels better uphill than downhill. This addition won't impact the applicant's decision to have parties at their home. The house is very large, and if this was a significant addition, he wouldn't support it, but this is 1% of the overall size, and 6' to 8' is not a material difference.

CHAIRWOMAN BAYER agreed that the lights should be facing out and that 6' versus 8' is not significant. Her concern is that those houses went up with the idea that this would not happen, and it is happening on a very large house, but it's a very small addition with a viable reason.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO APPROVE PA-09-09 WITH THE CONDITION THAT THE OUTDOOR LIGHTING BE DESIGNED TO CAST DOWNWARD.

AYES: O'Day, Conway, Scott, Chairwoman Bayer

NOES: Southwell, Rein

ABSTAIN: None

ABSENT: Huff

Planning Director Wahba explained the 20-day appeal period.

- B. PLANNING APPLICATION NO. 15-09; APPLICANT: MR. & MRS. JOHN QUINN; LOCATION: 81 DAPPLEGRAY LANE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR ONE AND TWO-STORY ADDITIONS CREATING A SPLIT-LEVEL RESIDENCE (WHEN VIEWED FROM THE REAR OF THE HOME), A GUESTHOUSE AND A BARN. A GRADING APPLICATION IS REQUIRED FOR SITE IMPROVEMENTS, INCLUDING HORSE-RELATED AREAS.

Associate Planner Thom gave a brief Staff Report, as per written material, and is in support of the application with the conditions outlined.

COMMISSIONER O'DAY asked whether the homeowners association was in support of the plan, and Associate Planner Thom confirmed that they are. COMMISSIONER O'DAY then discussed the kitchen area in the guest house with Staff and discussed the stone versus wood or stucco siding with Staff.

At CHAIRWOMAN BAYER'S invitation, Greg George (22130 Linda Drive, Torrance) came forward and explained that this is a modest project. The purpose off he stone finish is to make it feel like it is in the rock, and the barn is set into the grade, and the garage is subterranean, so it feels like they're coming up from the ground. Mr. George and COMMISSIONER O'DAY then discussed the specific stone being used.

COMMISSIONER CONWAY and Staff briefly discussed condition #3 and maintaining nonconforming status.

COMMISSIONERS O'DAY and SCOTT asked that Staff's approval of the finish of the guest house and barn in regard to Neighborhood Compatibility be a condition of approval.

COMMISSIONER SOUTHWELL and Planning Director Wahba discussed the quantity of export and earth movement on the lot.

CHAIRWOMAN BAYER appreciated the applicant respecting the natural topography.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER SOUTHWELL,

TO APPROVE PA-15-09 WITH THE CONDITIONS RECOMMENDED BY STAFF PLUS THE ADDITIONAL CONDITION THAT STAFF REVIEW THE NEIGHBORHOOD COMPATIBILITY OF THE BARN AND GUEST HOUSE WITH AN EYE TOWARDS ENSURING THAT THE MATERIALS USED IN THE FINISH ARE COMPATIBLE WITH OTHER EXTERIOR REAR BUILDINGS AND SIMILAR ADJACENT LOTS.

AYES: O'Day, Conway, Southwell, Rein, Scott, Chairwoman Bayer  
NOES: None  
ABSTAIN: None  
ABSENT: Huff

Planning Director Wahba explained the 20-day appeal period.

- C. PLANNING APPLICATION NO. 17-09; APPLICANT: MR. & MRS. AL SINDONI; LOCATION: 7 SPINNING WHEEL LANE; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR A ONE-STORY ADDITION IN THE REAR YARD.

Assistant Planner Masters gave a brief Staff Report, as per written material, and advised that Staff is not in support of the project due to its mass and unbroken walls.

At CHAIRWOMAN BAYER'S invitation, Louay Ayoub (architect at 1665 S. Brookhurst, Suite E, Anaheim) came forward in support of the project. Mr. Louay explained the family's physical need for the room additions, the limited options for expansion and the necessity for cantilevering. This home is no bigger than typical homes. The tower element was due to problems designing the roof. The addition is on the back of the property and can't be seen from the street.

COMMISSIONER O'DAY expressed his disappointment at not having more detailed plans (complete floor plan) in order to do a proper analysis and also commented on the complicated roof plan. The design ignores the building pad, and the home floats over the hillside, which is not typical of the neighborhood.

COMMISSIONER SCOTT stated that he is familiar with the property, and remodeling for more space is a challenge, but it is not a good idea to build houses out over the hill. Although towers elements are not a problem, it doesn't fit the ranch style neighborhood. The massing and overhang is mitigated by the fact that the house is essentially down in a hole and can only be seen from the horse trail. He appreciates that the owners are senior citizens who would like to live comfortably in their retirement days.

COMMISSIONER REIN stated that because the house is hard to see, after lowering the tower, he could support the project because the topography is challenging.

COMMISSIONER SOUTHWELL agreed that the topography is highly unusual, plus it's relatively secluded. He would prefer not to have a tower element but can see why the plans are unique.

COMMISSIONER CONWAY also agreed that the property is unique with its seclusion, and he would be more open to cantilevering in that regard.

COMMISSIONER SCOTT added that he would like to see the mass and size of the overhanging reduced and suggested the use of lattice to screen the underside. COMMISSIONERS REIN and CONWAY agreed and stated they could support screening off the open area for aesthetic reasons.

COMMISSIONER O'DAY commented that he is not in favor of the cantilever, especially with a stilt design. If it was built out with material no higher than 8' or 9' and looked like a foundation or first floor that would be a reasonable accommodation, but he doesn't want to set a precedent of hillside living involving homes on stilts.

CHAIRWOMAN BAYER agreed that it is a challenging, very steep lot, but she doesn't want to make the accommodations so expensive as to impose an undue financial burden and would prefer to see the application continued to come back and look at what Staff and the applicant come up with. Staff should focus on cantilevering and how not to put it on stilts or pillars from the back, what screening material could be used and how the hillside would be designed with irrigation and landscaping.

COMMISSIONER SCOTT asked that Staff word a finding regarding the topography of the site and its limitations and seclusion.

Planning Director Wahba added that the floor plan needs to be looked at and tightened up, so the home doesn't cantilever, with its associated footings, seismic requirements and new fire code requirements. COMMISSIONERS O'DAY, SCOTT and CONWAY agreed that more time is needed to minimize the overhang and perhaps review the interior layout.

Albert Sindoni (applicant) came forward and explained the size of the family living in the home and the need for the extra space and wheelchair accessibility.

Planning Director Wahba clarified that this is absolutely not the direction the City wants to go in, with respect to homes being built out over hillsides on stilts.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER O'DAY,

TO CONTINUE PA-17-09 TO A DATE UNCERTAIN TO ALLOW STAFF TO WORK WITH THE APPLICANT TOWARDS MINIMIZING THE EFFECT OF OVERHANG ON THIS ADDITION AND LOOK AT ALTERNATIVE DESIGNS TO MINIMIZE THE TOWER STRUCTURE.

AYES: O'Day, Conway, Southwell, Rein, Scott, Chairwoman Bayer  
NOES: None  
ABSTAIN: None  
ABSENT: Huff

## 8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 32-07; APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE; DRAFT 2008 HOUSING ELEMENT UPDATE.

Principal Planner Cutler gave a brief Staff Report, as per written material, and recommended approval and advised that John Douglas of Conexus is present to address the Commission as the City's consultant.

COMMISSIONER CONWAY expressed his overcrowding concern, and CHAIRWOMAN BAYER advised that there are further requirements by other regulations that limit how many can live in a home.

At the Commissioners' request Planning Director and Mr. Douglas explained the steps of the implementation process and that State law ultimately takes precedence over City ordinances.

COMMISSIONER SCOTT questioned the data reported as currently overcrowded homes in the city, and Mr. Douglas explained the census reporting and its definition of overcrowding.

COMMISSIONER SCOTT asked at what level the City could regulate how many unrelated people live in one home, and Principal Planner Cutler responded that the ordinances will be made as stringent as possible, but it is constantly evolving. COMMISSIONER SCOTT further requested that the City understand exactly what it is legally entitled to prohibit in a single family residential environment, how the City can control who lives in that unit and at what level. COMMISSIONER CONWAY cited parking requirements as an example.

At CHAIRWOMAN BAYER'S invitation, Alex Rose (2041 Rosecrans, El Segundo) came forward representing Continental Development Corporation and discussed the May 18 letter and pointed out that Continental is willing to bear their fair share of the affordable housing but not more than their fair share.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER CONWAY,

TO CLOSE THE PUBLIC HEARING.

AYES: O'Day, Conway, Southwell, Rein, Scott, Chairwoman Bayer  
NOES: None  
ABSTAIN: None  
ABSENT: Huff

COMMISSIONER SCOTT moved, seconded by COMMISSIONER CONWAY,

TO RECOMMEND APPROVAL OF PA-32-07 DRAFT HOUSING ELEMENT AND ADOPTION OF THE ACCOMPANYING NEGATIVE DECLARATION TO CITY COUNCIL.

AYES: O'Day, Conway, Southwell, Rein, Scott, Chairwoman Bayer  
NOES: None  
ABSTAIN: None  
ABSENT: Huff

9. COMMISSION ITEMS

10. DIRECTOR'S ITEMS

Planning Director Wahba explained that Equestrian and Traffic & Safety minutes will now be included for approval under Matters of Information.

Planning Director Wahba also advised the Commissioners that the next meeting on June 15 will be a non-televised joint Planning Commission/Equestrian Committee meeting to discuss requirements for commercial horse keeping uses in residential zones.

11. MATTERS OF INFORMATION

- A. PARK AND ACTIVITIES MINUTES (MAY 19, 2009).
- B. CITY COUNCIL ACTIONS (MAY 26, 2009).

C. EQUESTRIAN MINUTES (MAY 19, 2009)

COMMISSIONER CONWAY moved, and COMMISSIONER O'DAY seconded,

TO RECEIVE AND FILE ITEMS 11A through 11C.

There being no objection, CHAIRWOMAN BAYER so ordered.

12. ADJOURNMENT

At 9:27 p.m. CHAIRWOMAN BAYER adjourned the Planning Commission meeting to a joint Planning Commission/Equestrian Committee meeting June 15, 2009, at 7:30 p.m.

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Julie Cremeans  
Minutes Secretary

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Douglas R. Prichard  
City Clerk