

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**MARCH 1, 2004**

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 SOMERS.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

CHAIRMAN SOMERS welcomed Mr. Larry Vanden Bos to the Planning Commission.

Commissioners Present: Rein, Vanden Bos, O'Day, Bayer, Chairman Somers  
Commissioners Absent: Killen, Conway  
Staff Present: Director Wahba, Assistant Planner Wong, Assistant City Attorney Steve Pfahler

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER REIN

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION  
MEETING OF FEBRUARY 17, 2004

There being no objection, CHAIRMAN SOMERS so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 03-04; APPLICANT: FARMERS & MERCHANTS BANK (CARLOS WLODARCZYK, BUILDER) LOCATION: 2 HILLCREST DRIVE. A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR CONSTRUCTION OF A NEW TWO-STORY HOME ON A VACANT LOT LOCATED WITHIN THE SUBDIVISION OF HILLCREST MANOR.

Assistant Planner Wong summarized the Staff Report (as per written material) and stated that Staff recommends the Planning Commission approve PA-03-04 with the listed conditions.

Applicant representative Carlos Lodarcy was present to answer questions.

COMMISSIONER O'DAY asked Mr. Lodarcy if the trees and oleanders were on the applicant's property and if they would be amenable to trimming the trees and oleanders to the height of the structure as a condition of approval. Mr. Lodarcy stated that there is a homeowners association and he would bring it up at the next meeting.

There was some discussion regarding the trees and oleanders and common area and private property among the Commissioners and Mr. Lodarcy.

The home buyer, Mr. Michael Kemps, stated that he would be amenable to maintain an adequate height. He also stated that he did not understand the complaint with the trees and their height at this time. He stated that this was approved previously and this is the last physical home to be built and was reasonable to complete this.

Mrs. Gauri Rao (29203 Stonecrest Road) a neighbor across the street, stated that she would like to maintain even a little view of the ocean that she does have.

COMMISSIONER O'DAY asked how long she had lived at the residence and how much have the trees grown. He also asked if she would be satisfied if the trees were trimmed to height of the structure. Mrs. Rao stated that she has lived in her residence for 5 years and that the trees have grown quite a bit, but had no recourse to have the trees trimmed. She also stated that she would like to see how it looked when the trees were trimmed as long as she could still maintain the ocean view.

COMMISSIONER VANDEN BOS asked if there were no tree at all and if looking at the outline of the house, if she had any additional view impacted already blocked by the house behind the applicant's site. Mrs. Rao stated that the house behind the construction, blocks the two story level, but that one level, maybe the patio, and stated she was not sure of the impact of that structure.

CHAIRMAN SOMERS asked the audience if any one else was present that wanted to discuss this application.

COMMISSIONER O'DAY stated that he felt the applicant had bought the property with the understanding that he could build the house as designed and was previously approved. He stated that he believes that this issue has come to them because the trees have become overgrown and that no one appreciated this. He suggested a compromise of trimming the oleanders to a height to about 16 ft.

COMMISSIONER VANDEN BOS asked about the residents of #3 Arrowhead Lane as they appear to be the neighbor most impacted. CHAIRMAN SOMERS stated that the residents of #3 Arrowhead Lane were not present at the last meeting and were not present now, so they must not have any objection.

COMMISSIONER BAYER stated that she had not had an opportunity to visit the site as she was out of town, but that she does have significant concerns on view impairment, but based on the information presented, she could vote.

COMMISSIONER REIN stated that he did visit the site, and in the context of the "View Protection Ordinance" which states that a view must be "significantly obstructed," he did not feel the view was significantly impacted.

CHAIRMAN SOMERS stated that his opinion has not changed and he does not see any "significant view impairment" but that he disagrees with Staff as they are only discussing ocean views, but that it should include any significant view impairment, such as the mountains. He stated that he was not ready to have neighbors to start cutting trees down and the trees could be damaged permanently. He added that Mrs. Rao may not be satisfied.

Discussion ensued among the COMMISSIONERS on the trees and oleanders and their height and potential damage to the foliage.

COMMISSIONER VANDEN BOS asked Staff if there had been precedence set previously to limit foliage height. Director Wahba stated that it is done on a case-by-case basis, but that Peppertree Lane and the Cayman Tract in the 1990's have height limits on vegetation. He added that in the mid 90's there were no significant views observed for the tract. He suggested that both entry trees should be maintained at the same height and that the entry gate if approved, (pending litigation) could also change and that the Homeowners Association should also have an input on this.

COMMISSIONER O'DAY moved, seconded by COMMISSIONER BAYER

TO APPROVE PA 03-04 WITH THE ADDITIONAL CONDITION THAT THE TREES ON THE LOT BE KEPT AT THE HEIGHT OF THE PROPOSED ROOF RIDGE OF THE SECOND STORY, AND THE OLEANDERS AND OTHER FOLLAGE BE CUT AND MAINTAINED TO 16 FT IN HEIGHT MAXIMUM AND OTHER CONDITIONS AS ARE WRITTEN TO THE EXTENT THAT THE HOMEOWNER'S ASSOCIATION HAS THE RIGHT TO INVOKE.

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

Director Wahba stated there is a 20-day appeal period.

- B. PLANNING APPLICATION NO. 04-04; APPLICANT: MR. AND MRS STEPHEN HOGAN; LOCATION: 2 CLEAR VISTA DRIVE. A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR FIRST AND SECOND STORY ADDITIONS TO A TWO-STORY HOME. A MINOR DEVIATION IS REQUIRED FOR AN ADDITION THAT DECREASES THE FRONT YARD AREA BY LESS THAN 10%. A GRADING APPLICATION IS REQUIRED TO GRADE PORTIONS OF THE REAR YARD AND TO ACCOMMODATE A PAD FOR A RECREATION ROOM, CABANA, AND POOL.

Assistant Planner Wong summarized the Staff Report (as per written material) with the listed conditions.

Mr. Russ Barto, architect and applicant representative, discussed the history of the application and stated that they had worked with Staff extensively. He stated that he was disappointed that there remained a concern on the grading export. He added that the HOA has approved the project and the neighbors have not objected either.

COMMISSIONER O'DAY asked how much dirt were they talking about, excluding the pool. Mr. Barto responded that it was about 30 cubic yards.

COMMISSIONER REIN asked about the silhouettes, and if they are based on the grading plan.

COMMISSIONER O'DAY asked about the retaining wall adjacent to the horse trail. Mr. Barto responded that this area would be heavily landscaped. Director Wahba interceded that they do not have a landscape plan submitted and that could be included as a condition of approval if the Commission so chooses.

COMMISSIONER REIN asked about the difference in the graded elevation of the finished cabana and the existing grade and the water line of the pool. Mr. Barto stated that it depended on where one took the measurement, but it is about 3 ft to 4 ft. higher.

Mr. John Tormell (4 Clear Vista) a neighbor, asked about the silhouette posts for the cabana if they were as high as they are going to be and if this is accurate, his concern was that if it were raised. Director Wahba stated that the cabana is accurately staked and flagged.

COMMISSIONER REIN asked Staff about the cabana structure and if it should be nestled more into the slope, with regard to the grading plan and if there is a limitation on the export. Director Wahba stated there was not a limitation on the export but that the City policy is to minimize the truck traffic of export material.

Discussion ensued about the contradiction of limiting the applicant on export and asking them to lower the cabana. Mr. Barto clarified that the cabana is not to be used as habitable space.

COMMISSIONER BAYER reiterated her position against anything large, massive, and looming, and that she wants to maintain the rural atmosphere.

COMMISSIONER REIN asked about the lowering the roofline of the cabana in previous renditions. Mr. Barto stated that it would be lowered about 18 inches to 2 ft.

COMMISSIONER REIN moved, seconded by COMMISSIONER BAYER

TO APPROVE PA 04-04 WITH THE ADDITIONAL CONDITION THAT THE GRADING PLAN BE BACK TO THE PREVIOUS DESIGN AND NOT DRIVEN BY THE PROHIBITION OF THE EXPORT MATERIAL.

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

Director Wahba stated there is a 20-day appeal period.

8. PUBLIC HEARINGS

None.

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

Director Wahba asked for volunteers for the various subcommittees. COMMISSIONER VANDEN BOS and O'DAY volunteered as members and COMMISSIONER BAYER volunteered as an alternate for the Dan Butcher property committee.

11. CITY ATTORNEY'S ITEMS

None.

12. MATTERS OF INFORMATION

- A. Park and Activities Minutes (2/17/04)
- B. City Council Actions (2/24/04)

COMMISSIONER BAYER moved,

TO RECEIVE AND FILE ITEMS 12A, and 12B.

There being no objection, CHAIRMAN SOMERS so ordered.

13. ADJOURNMENT

At 8:30 p.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to the meeting of March 15, 2003 at 7:30 p.m.

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Judith Trujillo  
Minutes Secretary

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Douglas R. Prichard  
City Clerk