

Council Meeting of
January 26, 2010

SUPPLEMENTAL #1 TO ITEM 13A

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: SUPPLEMENTAL #1 TO COUNCIL AGENDA ITEM 13A
PRE08-00025, WAV08-00011: MARK STEPHENSON**

The attached correspondence was received after the item was completed.

Respectfully submitted,

JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 

Gregg D. Lodan, AICP
Planning Manager

CONCUR:



Jeffery W. Gibson
Community Development Director

NOTED:



LeRoy J. Jackson
City Manager
for

Attachments:

- A. Letter from the Country Hills Homeowners Association

Country Hills Association
Country Hills Environmental Control Committee

PO Box 1253
 Torrance, CA 90505
 E-mail CHHOA@socal.rr.com

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January 21, 2010

City of Torrance
 City Council
 3031 West Torrance Boulevard
 Torrance, CA 90503-5015

City of Torrance
 Community Development Department
 3031 West Torrance Boulevard
 Torrance, CA 90503-5015

Reference Property: 25636 Amber Leaf Road, Torrance, CA 90505 APN 7547-013-014 PRE 08-00025 & WAV 08-00011 Applicant: Mark F. Stephenson

Dear Mayor and Council Members;

Before the Torrance City Council is an appeal by Mr. Mark F. Stephenson to construct a new home in the planned community of Country Hills. Mr. Stephenson's proposed construction was vigorously opposed by the Country Hills Environment Control Committee (ECC), the Country Hills Homeowners' Association (CHHOA) and was denied without prejudice by the City of Torrance, Planning Commission on February 18, 2009.

On December 11, 2008 and February 11, 2009 the Country Hills Environmental Control Committee and the Country Hills Homeowners Association filed objections to the proposed new construction at 25636 Amber Leaf Road. All objections raised in those filed objections remain in effect and shall be deemed incorporated into this current objection before the City Council. Copies of those filed objections are attached.

Country Hills is a planned community of 480 aesthetically conforming homes covered by a Declaration of Covenants, Conditions and Restrictions (CC&R's) recorded on June 12, 1975 and situated in the Hillside and Local Coastal Overlay Zone of South Torrance adopted by the City in 1977.

To the best of our knowledge, Country Hills is the only non-gated community in the City of Torrance covered by a recorded Declaration of Covenants, Conditions & Restrictions. We request that Country Hills CC&R's not be given any less consideration by the City Council than those CC&R's of a gated community.

Our objections to those plans before you are focused on, but not limited to the following major items: 1) Height, 2) Size, 3) Aesthetic non-conformity with Country Hills, 4) Sundeck/Balcony, and 5) Subterranean garage.

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 Country Hills Environmental Control Committee
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Height:

The Applicant is requesting a height waiver to 35.60 feet. This request materially exceeds Torrance's single-family residential codes, whether they are the more restrictive Hillside Overlay Code or the General Municipal Code for Single-Family Residences.

Under the Hillside Overlay code, all new construction shall not exceed fourteen (14) feet¹. In the case of remodeling or enlargement, the structure shall either be restricted to one (1) story² or no higher than the structure it is replacing³.

Under the Torrance Municipal Code for Single-Family Residences outside the Hillside Overlay area, all significant remodeling and/or newly constructed two story homes shall be no higher than twenty-seven (27) feet⁴.

Size:

The applicant is requesting to build a newly constructed 6,160 SqFt home with a FAR of 57% or a 14% deviation from the Hillside Overlay Code.

On the surface, this deviation from the code may not appear significant. However had the applicant's plan been proposed for any of the fourteen (14), 6,000 SqFt lots immediately to the west⁵ of the applicant's property on Sunnyglen Road (same street, name change); the FAR% would exceed 102.6%. The applicant's request would more than likely be rejected.

The average square footage of a Country Hills home is 2,609 SqFt⁶ with an average deviation of +/- 271 SqFt and an average FAR of 39.5%. The applicant's property is a unique 10,750 SqFt corner lot resulting in a superficially lower FAR% calculation. The FAR% calculation does not automatically grant "McMansionization" rights to an owner. The applicant's home is 236% larger than the average Country Hills home and 256% larger than the home that he is replacing.

¹ §91.41.7(c)

² §91.41.7(b)

³ §91.41.10

⁴ §91.4.2

⁵ Addresses 2837 through 2862 Sunnyglen Road. The street name changes from Amber Leaf Road to Sunnyglen at the applicant's westerly property line.

⁶ Source: North American Title Company property reports.

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Aesthetic Conformity:

Country Hills is a master planned housing development of 480 conforming custom homes with distinguished gabled roofs designed in the mid 1970's. The homes are strategically placed to provide the maximum consideration for light, privacy *and aesthetic look to each of the adjacent homes*. The planned community of Country Hills has remained in tact for more than 33 years.

Part of the attraction and market value of the individual homes is due to long running integrity and continuity of the development as a whole *and the assurance that the continuity* will be sustained into the foreseeable future.

The applicant's design is a 6,160 SqFt non-conforming "Mediterranean Style" home. The Hillside Overlay Code states

"No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions⁷" *"The design provides an orderly and attractive development in harmony with other properties in the vicinity"*⁸

Balcony/Sundeck:

The design plans include a 219 sq/ft balcony/sundeck on top of a patio on the easterly side of the home. This balcony/sundeck encroaches on the privacy of the adjacent home. Sundecks are also prohibited by the Hillside Overlay⁹. Should the underneath patio be enclosed or partially enclosed, then its square footage should be included in the total Floor Area Space and the resultant FAR% would be increased.

Subterranean Garage:

In order to stay within a 35.60 foot requested height waiver the Applicant is planning a 3 foot semi-subterranean two car garage. The applicant will be required to dig at least 5 feet deep into the property to establish footings, etc. This property sits adjacent to and on the downhill slope from the Ralph's shopping center. Over the years there have been concerns of underground water and other contaminant migration under the shopping center. The CHHOA & ECC has not seen any soil or other mitigation tests or reports that address the potential impact to Country Hills homes as a result of digging this subterranean garage.¹⁰

⁷ §91.41.6

⁸ §91.41.6(c)

⁹ §91.41.7(b)

¹⁰ Article II, Section 8 of the Country Hills CC&R's

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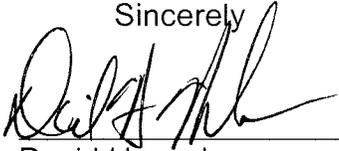
January 21, 2010

Burden of Proof:

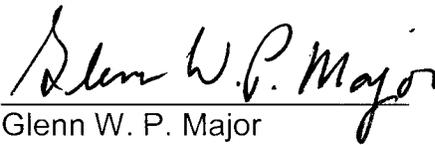
The burden of proof to demonstrate why the applicant cannot live within the requirements of the CC&R's and Torrance Hillside Overlay code lies with Mr. Stephenson and not with the City of Torrance Planning Commission or the Torrance City Council¹¹. To date the Applicant has provided no such proof.

The Country Hills Environment Control Committee and the Country Hills Homeowners' Association respectfully request that the Denial, by the City of Torrance Planning Commission, of Mr. Stephenson's proposed new construction be upheld by the Torrance City Council.

Sincerely



David Henseler
 President;
 Country Hills Association



Glenn W. P. Major
 Member;
 Environmental Control Committee

¹¹ §91.41.4 (b)

Country Hills Homeowners' Association
Country Hills Environmental Control Committee

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CITY OF TORRANCE

February 10, 2009

City of Torrance
 Planning Commission
 3031 West Torrance Boulevard
 Torrance, CA 90503-5015

City of Torrance
 Community Development Department
 3031 West Torrance Boulevard
 Torrance, CA 90503-5015

Subject:
 Objection to Proposed Construction of
 25636 Amber Leaf Road
 Torrance, CA 90505-7102
 APN - 7547-0130-14
 PRE 08-00025
 WAV 08-00011
 Applicant: Mark F. Stephenson

Gentlemen:

The Country Hills Environmental Control Committee (ECC) and the Country Hills Homeowners' Association (CHHOA) are in continued objection to approval by the City of Torrance Planning Commission or Community Development Department of PRE 08-00025 and proposed construction of a Single Family Residence located at 25636 Amber Leaf Road, Torrance, California 90505-7102.

SECTION 91.41.7 PERMITTED DEVELOPMENT - RESIDENTIAL.

§91.41.7(d) = The Planning Director has determined that the proposed development will not have an adverse effect on other properties in the vicinity, and there is no significant public controversy thereon.

On December 11, 2008 the Country Hills Environmental Control Committee and the Country Hills Homeowners' Association filed an objection to the proposed construction at 25636 Amber Leaf Road as planned. All objections raised in that December 11th letter remain in effect and shall be deemed incorporated into this current updated objection. — See December 11th objection attached.

Modification to the December 11, 2008 objection:

The Planning Department on December 17, 2008, to more accurately reflect the true size of the proposed construction, revised its calculation of the square footage and FAR to 6,160 SqFt and 57% from that shown on the plans of 5,032 SqFt and 47% respectively. This represented a 1,128 SqFt increase or 22% correction. The CHHOA appreciates the Planning Department's corrections.

The CHHOA & ECC objections were based on the lower square footage and FAR shown on the plans and reviewed in the Community Development Department's office on December 8th, 2008.

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To the extent the revised calculation would revise our December 11th objections; our objections to this proposed construction are enhanced, rather than lessened. The Applicant has not taken steps to mitigate the concerns of the CHHOA & ECC.

Our objections are focused on, but are not limited to the following items: 1) Height, 2) Size, 3) Subterranean garage, and 4) Aesthetic non-conformity with Country Hills

Height Waiver:

The Applicant is requesting a height waiver to 35.60 feet. This request materially exceeds Torrance's single-family residential codes, whether they are the more restrictive Hillside Overlay Code or the General Municipal Code for Single-Family Residences.

Under the Hillside Overlay code, all new construction shall not exceed fourteen (14) feet¹. In the case of remodeling or enlargement, the structure shall either be restricted to one (1) story² or no higher than the structure it is replacing³.

Under the Torrance Municipal Code for Single-Family Residences outside the Hillside Overlay area, all significant remodeling and/or newly constructed two story homes shall be no higher than twenty-seven (27) feet⁴.

The CHHOA & ECC vigorously oppose granting of the requested height waiver.

Size – Abuse of the FAR:

The FAR% calculation does not automatically grant "McMansionization" rights to an owner. The current FAR% request to build a 6,160 SqFt home is 57% or a 14% deviation from the Hillside Overlay Code. On the surface, this deviation from the code may or may not appear significant.

However had the applicant's plan been proposed for any of the fourteen (14), 6,000 SqFt lots immediately to the west⁵ of the applicant's property on Sunnyglen Road

¹ §91.41.7(c)

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⁵ Addresses 2837 through 2862 Sunnyglen Road. The street name changes from Amber Leaf Road to Sunnyglen at the applicant's westerly property line.

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(same street, name change); the FAR% would exceed 102.6%. The applicant's request would more than likely be rejected. *This is an abusive use of the FAR.*

The FAR calculation is calculated on both home size and lot size. The "standard" lot size in Country Hills averages 6,550⁶ SqFt. However certain lots, located on un-buildable hillside slopes, cul-de-sacs ends and corner lots were allocated a greater lot size square footage. In fact 6.5% or 32 lots were allocated more than 10,000 SqFt because of these factors. One lot exceeds 14,300. The applicant's property is a 10,750 SqFt corner lot. Conversely, 33 premium city view lots primarily on Carolwood Lane and Briarwood Drive have lot sizes 5,200 SqFt or less⁷.

Intelligence of Design:

In designing and permitting the development of Country Hills in the early 70's, the Developer and the City of Torrance became partners in the final approval of the Development. Together the Developer and the City had three theoretical design approaches to choose from.

One would have been to allocate the lot sizes on a grid methodology of 6,500 SqFt identical lots and increase the housing density to 505 homes. If the 12.5 acre De Portola Park had been eliminated an additional 83 homes could have been added.

A second approach could have been to design and build individual homes based on the current lot size allocation. This could have resulted in 6,000 to 7,000 SqFt homes built adjacent to or across the street from 2,500 SqFt homes and still be within the 50% FAR guideline.

The third approach could have been to design a set of aesthetically conforming plans that would blend into the topography of the land regardless of the lot sizes.

The Developer and the City of Torrance used an Intelligence of Design approach and chose the third option. This resulted in a set home designs with an average square footage of 2,609⁸ SqFt, (including garage space⁹) with an average deviation of +/- 271 SqFt or +/- 10.4%. The average FAR is 39.5% with an average deviation of +/- 6.4%

⁶ The average lot size for the 448 homes with lot sizes less than 10,000 SqFt.

⁷ Actual lot sizes range from 4,957 to 14,340 SqFt

⁸ Source: North American Title Company property reports

⁹ Assumes an average garage size of 420 SqFt

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The applicant's request for a 6,160 SqFt Mediterranean style (Applicant's description) home is more than twice the size (236%) of the Intelligence of Design approach used by the City of Torrance in permitting this development.

Not a sustainable argument:

Constructed between 1975 and 1977, Country Hills homes were designed large and remain large today. According to the U.S. Census Bureau, the average size of American single family homes increased from 1,700 SqFt in 1976 to 2,469 SqFt in 2006.

The A.I.A. and others project that the average size of U.S. homes will start to decrease in the near future. In part due to the environmental impact of constructing, maintaining and operating larger scale homes. Even with energy efficient appliances and alternative energy resources, large homes tend to add larger scale and more energy consuming amenities to fill up the space. The cost of maintenance, (painting etc.) and cleaning increases with the size of the home.

Some experts suggest that the McMansion style homes of the 1990's will go the way of the large scale Victorian homes of the 1900's as current homeowners experience the high cost and environmental impact of large homes. Particularly in light of today's economic and real estate market conditions. The Victorian homes of the 1900's actually declined in value and many were torn down due to lack of replacement buyers. The argument that larger homes, especially those more than twice the U.S. average and local development, improves surrounding home values *is not a sustainable argument*.

The CHHOA & ECC vigorously oppose granting a permit to build a home that is excessive in size and more than twice the size of the average Country Hills home.

Subterranean Garage:

In order to stay within a 35.60 foot requested height waiver the Applicant is planning a 3 foot semi-subterranean two car garage. The applicant will be required to dig at least 5 feet deep into the property to establish footings, etc. This property sits adjacent to and on the downhill slope from the Ralph's shopping center. Over the years there have been concerns of underground water and other contaminant migration under the shopping center. The CHHOA & ECC has not seen any soil or other mitigation tests or reports that address the potential impact to Country Hills homes as a result of digging this subterranean garage.

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Under Article II, Section 8 of the Country Hills Covenants, Conditions & Restrictions, the ECC has the right to request a soils report for the site upon which the structure is to be located. This may include receiving comments and opinions of risks from the owners of the adjacent shopping center. The Torrance Planning Commission should also make a similar request. The prudent approach that should be used: "Check before you dig."

Ruling by Exception:

The Applicant seeks approval by exception. He points out 4 examples of homes that vary from the Country Hills accepted plan as his for justification for approval. The CHHOA & ECC acknowledge that there are 6 to 8 homes [out of 480] in the development that vary either in size or aesthetic conformity from the CC&R's and/or the Hillside Overlay Code. These exceptions were not the result of affirmative approval but rather from "sliding through" the approval process in periods of time when oversight by the ECC and the Torrance Planning Department was less diligent. These exceptions however represent less than 2% of the entire Country Hills development.

Stated conversely, more than 98% of the homeowners over a 33 year period have been compliant with the CC&R's and Hillside Overlay Code. In the past three decades several homes in Country Hills have been damaged by fire or landslide to the extent of being "yellow" or "red" tagged. These affected homeowners chose to repair or rebuild their homes back to the original Country Hills design. This high voluntary homeowner compliance rate is part of the reason for periodic lax ECC oversight.

Both the Applicant and the ECC agree that the most extreme exception in Country Hills is 2846 Misty Morning Road. This home is a 5,051 SqFt non conforming structure built on a 7,570 SqFt lot. Almost twice the size of the average Country Hills home. The Misty Morning Road home expansion would be rigorously fought today. The Applicant's proposed home, *however* is more than 1,100 SqFt is larger than the Misty Morning Road property. — See attached graph.

Analogy to Trespassing:

Assume a "*No Trespassing*" sign had been posted on a piece of property for more than 30 years. More than 98% of the population obeyed the No Trespassing restriction. As a result oversight and enforcement was light. However return to increased oversight and enforcement cannot be blocked simply due to examples of prior failures.

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The Applicant's proposal is trespassing on the community of Country Hills. The Applicant's request cannot be forcibly granted or imposed on Country Hills simply on the grounds of pointing out other prior trespasses.

Desire to Not Conform:

The Applicant makes the statement: "*Architectural conformity can never be defined but at the same time there must be some reasonable consensus for families that want to live in an excellent community but do not want to live in a 60's style residence.*" This is a reasonably clear statement that the Applicant does not desire to comply with the aesthetic conformity of Country Hills.

Torrance's Motto is "A Balanced City" not a "Homogeneous City" and not an "I Want It My Way City". The attractiveness of Torrance is derived from the diversity of its neighborhoods. From the Old Town Neighborhood section with its 30's through 50's era craftsman style homes, to the Hollywood Riviera coastal homes, to the modern gated communities near Madrona Marsh. Each of these neighborhoods has an attractive style and appeal that families want when they decide to move there. Country Hills is one of those neighborhoods.

According to the City of Torrance web site, there are thirty-two (32) recognized Homeowner Associations. Each of these Homeowner Associations has established their individual set of standards and enforcement for their community. Combined, these standards define the "*reasonable consensus for families that want to live in an excellent community*". A reasonable due diligence review of Torrance would have revealed this fact.

The CHHOA & ECC are vigorously opposed to granting a permit to build a non-conforming Mediterranean style McMansion home in the aesthetically conforming neighborhood of Country Hills.

They are compatible:

The Country Hills Covenants, Conditions and Restrictions (CC&R's), recorded on June 12, 1975 and the City of Torrance, Hillside and Coastal Overlay Code adopted in 1977 are compatible with each other when read together. In order to prevent incompatible or oversize development, both have established guidelines for review and approval of new, remodeled or enlarged homes. The only difference lays in the fact that the CC&R's apply only to the homes of Country Hills while the Overlay Code applies to the greater hillside area of Torrance. However over the past three decades, neither have been deemed unreasonable or over burdensome.

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Burden of Proof

§91.41.4 (b) = "The applicant shall have the burden of proving that all the requirements of this Article [41] have been met."

The burden of proof requirement does not rest upon the City of Torrance Planning Commission or the Country Hills Environment Control Committee, but rather with the Applicant. To date the Applicant has not provided such proof.

The Applicant has several excellent floor plans and exterior options to select from within the planned community of Country Hills, including replacing the preexisting floor plan and structure destroyed by fire.

Application of Code:

Prior to rendering its decision, the Planning Commission is encouraged to remember that the Hillside Overlay Code shall take precedence over other codes and requirements where the requirements and standards of the Overlay Code are more restrictive.

§Section 91.41.2 = Nothing contained in this Article shall be deemed to repeal any provision of this Code, and the requirements of all preexisting zones in existence in the area encompassed by this Overlay Zone shall be and remain in full force and effect in addition to the requirements of the Overlay Zone, except that the requirements of the Overlay Zone shall be applied where the requirements and standards contained therein are more restrictive than those of the preexisting underlying zones.

Application of CC&R's:

To the best of our knowledge, Country Hills is the only non-gated community in the City of Torrance covered by a recorded Declaration of Covenants, Conditions & Restrictions. Country Hills CC&R's should not be given any less consideration by the Planning Commission than those CC&R's of a gated community.

Our Request to the Planning Commission:

The Country Hills Homeowners' Association and the Country Hills Environmental Control Committee respectfully request that the Applicant's request for approval be rejected or withdrawn.

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Country Hills Environmental Control Committee

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In the Event:

In the event that the Planning Commission does approve this project, we request that it be stipulated that the Applicant secure a completion bond or insurance. The Country Hills Homeowners' Association and the City of Torrance cannot accept the potential for an incomplete and abandoned structure in its neighborhood

Based on informal estimates, the total costs to complete this home ranges from \$1.3 million to \$1.8 million. This includes the land purchased plus the cost of larger upgraded amenities associated with a 6,160 SqFt home. This; in a neighborhood of \$900,000 homes. It cannot be assumed that construction of this home will raise the average value of 479 other homes in the community by 44% to 100% in the near future. Given today's financial environment, it is hard to imagine the Applicant can receive adequate construction financing to complete this project.

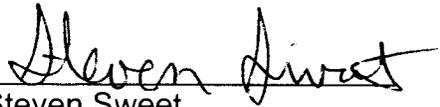
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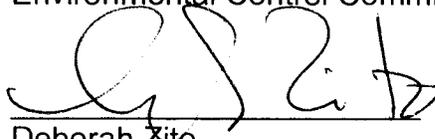
David Henseler
 President;
 Country Hills Homeowners' Association



Glenn W. P. Major
 Member;
 Environmental Control Committee



Steven Sweet
 Member
 Environmental Control Member



Deborah Zito
 Member;
 Environmental Control Committee

Country Hills Torrance web site: www.CountryHillsTorrance.com

Attachments:

1. Square Foot Comparison Graph
2. December 11, 2008 filed objection to proposed construction.

Attachment I

25636 Amber Leaf

Applicant's Proposed Home
Exceeds the Worst Case Size
Exception by more than 1,100 SqFt

More than 98% of the Country Hills Homes have complied with the CC&R's in both aesthetics and size.
The Applicant seeks to force approval by sighting exception and non-compliance by less than 2% of the homes.

Plot Points on Chart
Represent Individual Home
SqFt including Garage

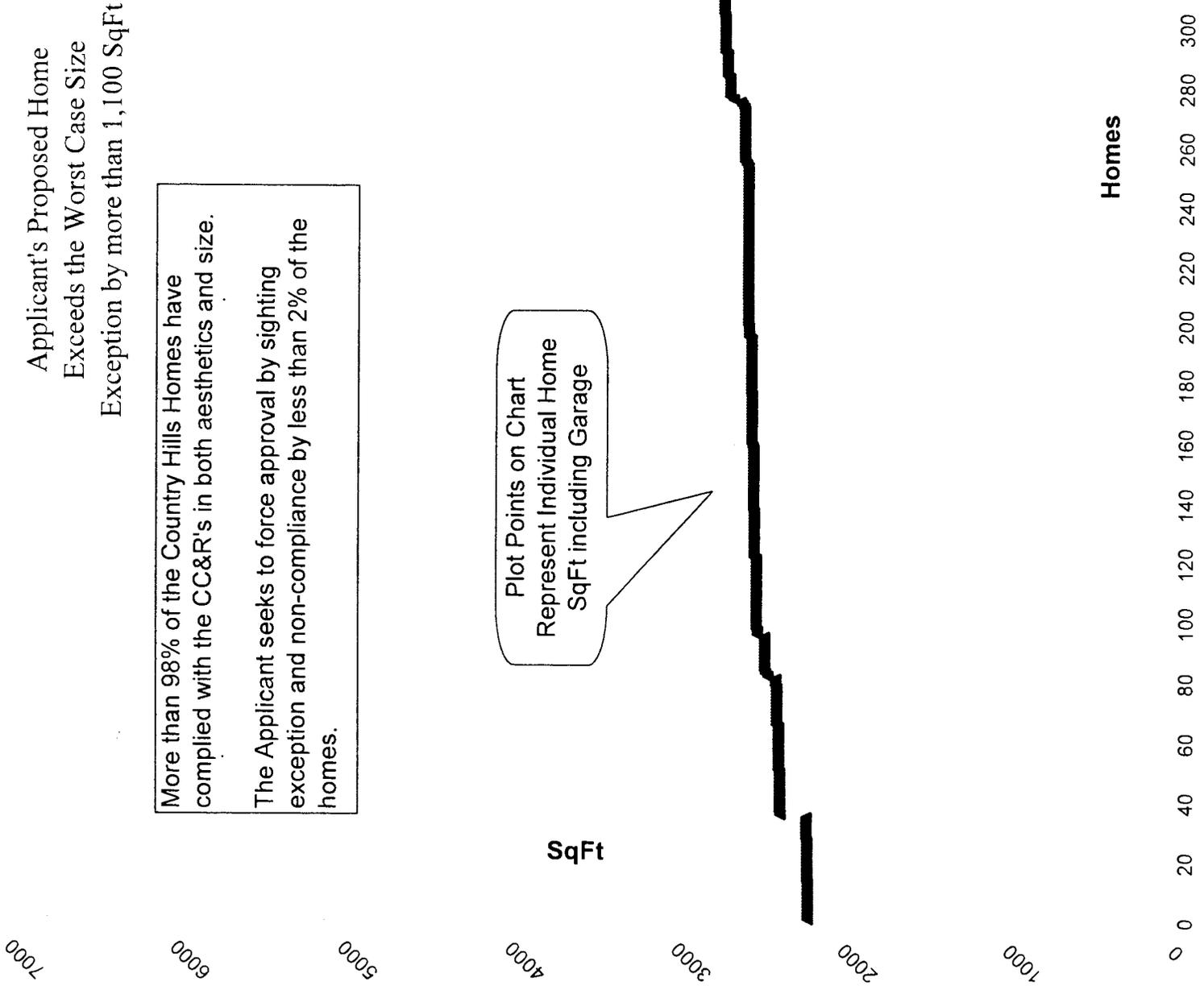
Applicant Home

2846 Misty Morning

25623 Amber Leaf

98.54% of Homes are less than 3,500 SqFt

91.94% of Homes are less than 3,100 SqFt



Homes

SqFt

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DEC 11 2008

December 11, 2008

City of Torrance
 Planning Commission
 3031 West Torrance Boulevard
 Torrance, CA 90503-5015

City of Torrance
 Community Development Department
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Subject:
 Objection to Proposed Construction of
 25636 Amber Leaf Road
 Torrance, CA 90505-7102
 APN - 7547-0130-14
 PRE 08-00025
 WAV 08-00011
 Applicant: Mark F. Stephenson

Gentlemen:

The Country Hills Environmental Control Committee (ECC) and the Country Hills Homeowners' Association (CHHOA) are in objection to approval by the City of Torrance Planning Commission or Community Development Department of PRE 08-00025 and proposed construction of a Single Family Residence located at 25636 Amber Leaf Road, Torrance, California 90505-7102.

The proposed Residential Construction, lies within the planned community development known as Country Hills.

Country Hills is a master planned community of 480 conforming custom single family homes located between Hawthorne and Crenshaw Boulevards and intersected by Rolling Hills Road. To preserve the integrity and quality of living in Country Hills all property owners, residents and absentee owners are covered by a Declaration of Covenants, Conditions and Restrictions (CC&R's). These CC&R's were recorded with the County of Los Angeles, California on June 12, 1975 and remain enforced today.

Stewardship and oversight of the CC&R's is the responsibility of the Country Hills Environmental Control Committee.

All property owners acknowledge receipt of a copy of the Country Hills CC&R's prior to the close of escrow of purchase of their property. A copy of the CC&R's and Home Improvement Application form are also available on line at the Country Hills website, www.CountryHillsTorrance.com.

The Applicant has not complied with the Country Hills CC&R's

The applicant Mark F. Stephenson has not complied with the minimum requirements of the Country Hills CC&R's which among other requirements requires a submission to the Country Hills Environment Control Committee of detailed: (1) A

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December 11, 2008

written description; (2) Plans and Specifications; (3) Schematics; (4) Elevations; and (5) A plot plan showing the location of the proposed structure or improvements.

The Applicant was aware of the existence of the Country Hills CC&R's

Prior to the transfer of title and ownership on or about June 29th, 2007 the applicant would have received a copy of the CC&R's from the escrow company and/or title company. This fact is further evidenced by the attached letter post marked October 06, 2007, mailed by the applicant to the correct Homeowners' Association PO Box address.

In response to that October 6th letter, Mr. David Henseler, President of the Homeowners' Association made three (3) phone call attempts on October 9th, 18th & 19th, 2007 to reach the applicant. Mr. Henseler was only able to reach an answering device. In each phone call, Mr. Henseler, left a message, identified himself, left a return phone number and E-mail address. In each message, Mr. Henseler stated that Country Hills does have a Homeowners' Association and that the Association does have an active set of CC&R's. The applicant made no further attempt to contact Mr. Henseler, or the Country Hills Homeowners' Association.

It was only by casual drive by of 25636 Amber Leaf Road on Friday, December 5th, 2008, that Homeowners' Association observed the profile sticks and first became aware of any planned construction. This was follow up by a visit to the Community Development Department office on Monday December 8th, 2008.

It was this drive-by, observation of the profile sticks, the visit to the Community Development Depart, and the failure of the Applicant to notify the Country Hills ECC that led the Country Hills Homeowners' Association to raise its objections to this planned construction.

Declaration of Covenants, Conditions and Restrictions
Country Hills Home Owners' Association

Article II, Section 8. = "Restriction on Improvement. No improvement, building, fence, residence, dwelling unit or other man-made structure of any type shall be constructed or maintained upon any Lot until the plans and specifications thereof, the appearance and color thereof, the height and size therefore, a plot plan showing the location thereof and the location of all trees which when mature will reach a height of over four feet (4'), appropriate grading plans, if requested, and a soils report for the site upon which the structure is to be or is located, if requested, shall have been approved by the Environmental Control Committee. No change in the exterior appearance, type,

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December 11, 2008

color, grade, height or location of any such structure shall be made without the prior written approval of the Environmental Control Committee; and no act or condition prohibited by the provisions of Article III of the Declaration shall be initiated, done or suffered upon any Lot, except where the Environmental Control Committee has found that because of unique or emergency circumstances such as act or condition may be allowed and has given its prior written approval thereof."

Article II, Section 4(a) = "The Committee may require the submission to it of any or all of the following documents which it determines to be reasonably appropriate to the activity for which consent is requested:"

- (1) A written description;
- (2) Plans and Specifications;
- (3) Schematics;
- (4) Elevations; and
- (5) A plot plan showing the location of the proposed structure or improvements.

Article II, Section 4(b) = "All submissions to the Environmental Control Committee shall (1) be in triplicate, (2) show the address of the party submitting the same, (3) be deemed made when actually received by the Committee at its address at Country Hills Home Owners' Association, Environmental Control Committee, PO Box 1253, Torrance, CA 90505 or such other place as may be designed in writing by the Committee from time to time, and (4) state in writing the specific matters as to which approval is sought."

Article II, Section 4(c) = "Any approval, disapproval or other action by the Committee pursuant to this Declaration shall be effective only if made by certificate in writing, stating the Committee's action as having been joined in by at least a majority of members as the time such action is taken, signed by such joining members with their signatures acknowledged for recording. Any action so certified shall constitute the action of the Committee and the certificate thereof shall promptly be mailed, postage prepaid, to the address specified by the submitting party, Any such certificate when so made, signed and mailed shall be irrevocable, shall constitute conclusive evidence of that action of the Committee and may be relied upon by any person, including but not limited to, any Owner and any title insurance company."

The Applicant has not complied with the above article sections of the CC&R's and is not granted any approval of this project by the Country Hills Environmental Control Committee.

Country Hills Homeowners' Association
Country Hills Environmental Control Committee

PO Box 1253
 Torrance, CA 90505
 E-mail CHHOA@socal.rr.com

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Article 41 - R-H Hillside and Local Coastal Overlay Zone

The proposed Construction at 25636 Amber Leaf Road, Torrance also lies within the Hillside Overlay District of the City of Torrance and is subject to Torrance Municipal Code ARTICLE 41-R-H HILLSIDE AND LOCAL COASTAL OVERLAY ZONE, Sections 91.41.1 through 91.41.14.

We believe that proposed construction is inconsistent with several sections of the Hillside Overlay Code. The following is a preliminary listing of those inconsistencies with the Code.

SECTION 91.41.6. PLANNING AND DESIGN.

"No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:"

§ 91.41.6(c) = "The design provides an orderly and attractive development in harmony with other properties in the vicinity;

Objection: Country Hills is a master planned housing development of 480 conforming custom homes designed in the mid 1970's. The development was considered to be one of the best master planned residential communities in Torrance and possibly the South Bay. The homes are strategically placed to provide the maximum consideration for light, privacy and aesthetic look to each of the adjacent homes. The large one, two and three story homes are offered with 10 different floor plans, with 2 to 4 unique exterior designs options per floor plan and gabled roofs. All of the homes are built on large lots providing for spacious family size back yards.

The planned community of Country Hills has remained in tact for more than 33 years. Part of the attraction and market value of the individual homes is due to long running integrity and continuity of the development as a whole and the assurance that the continuity will be sustained into the foreseeable future.

The applicant's proposed construction of a 5,032 sq/ft, 35 foot tall "McMansion" is not in harmony with the master planned community of Country Hills. It is replacing a 1,988 sq/ft, 9 room, 3 Bedroom, 3 Bathroom home that was destroyed by fire. The proposed McMansion is 253% the size of the home it is replacing and not in harmony with any other home in Country Hills in size, exterior appearance, type, color, grade, height, location, gabled roof, or aesthetic look compared to other properties.

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Note: Wikipedia defines a McMansion as "A McMansion is a house with a floor area of between 3,000 to 5,000 square feet (280–460 m²) in size, often on small lots (the house itself often covering a larger portion of the land than the yard in a more conventional design), in homogeneous communities that are often produced by a developer". — The term was first introduced in 1990.

There are no other McMansions in the master planned community of Country Hills.

SECTION 91.41.7. PERMITTED DEVELOPMENT - RESIDENTIAL

§91.41.7(c) = "Except as provided in this subsection, no portion of the dwelling, in the case of new construction, will exceed fourteen (14) feet in height, measured from the ground at finished grade, but not including any berm. In the case of remodeling or enlargement, the portion remodeled or enlarged shall not exceed the height of the lowest portion of the remainder of the dwelling, or fourteen (14) feet measured from the ground at finished grade, but not including any berm, ..."

§91.41.7(b) = "The dwelling (or in the case of remodeling or enlargement, the portion remodeled or enlarged) will be one (1) story; and provided further that no portion of the roof of the dwelling (or in the case of remodeling or enlargement, no portion of the remodeled or enlarged roof) will be used as a deck, sun-deck or patio,...."

Objection: The prior home at 25636 Amber Leaf Road, was destroyed by fire. The residual structure, including the foundation was completely removed. "Scraped to the ground". The Applicant is proposing a completely new construction of 35 feet in height or 250% of the code, plus a sun-deck or patio viewing into the neighbor's yard.

In the event the Applicant can reasonably demonstrate that his request is not a new construction, then the following code limitation applies."

SECTION 91.41.10. LIMITATION ON INCREASES IN HEIGHT.

"No enlargement in any building or structure, or any remodeling of any building or structure, shall be permitted which causes the height of such building or structure or any part thereof, to be higher than before the remodeling or enlargement, unless the Planning Commission (or City Council on appeal) shall find that:

§91.41.10(a) = "It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height;"

§91.41.10(b) = "If such lack of feasibility is proved:"

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§91.41.10(b)(1) = "Denial of such application would result in an unreasonable hardship to the applicant; and"

§91.41.10(b)(2) = "Granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity."

Objection: The applicant's proposed construction of a 5,032 sq/ft, 35 foot tall McMansion is replacing a 1,988 sq/ft, 9 Room, 3 Bedroom, 3 Bathroom home that was destroyed by fire. The applicant must demonstrate that it is not feasible to meet the requirement of this code.

SECTION 91.41.7. PERMITTED DEVELOPMENT – RESIDENTIAL

§91.41.7(d) = "The Planning Director has determined that the proposed development will not have an adverse effect on other properties in the vicinity, and there is no significant public controversy thereon."

Objection: The planned community of Country Hills has remained in tact for more than 33 years. Part of the attraction and market value of the individual homes is due to long running continuity and integrity of the development as a whole and the assurance that the continuity will be sustained into the foreseeable future.

The applicant's proposed construction of a McMansion is not in harmony with the master planned community of Country Hills. The Country Hills Homeowners' Association will rigorously defend this 33 year legacy of continuity and integrity of the development as a whole.

§91.41.7(a) = "The net interior area of the completed dwelling, whether it is new construction or remodeled or enlarged, including the area of the garage, whether attached or detached, will not exceed fifty percent (50%) of the area of the lot or parcel on which the dwelling is located;"

Objection: While the FAR calculation of this proposed home of 47% is apparently within the code. It does not automatically [the FAR] permit abuse of the code. The code does not automatically permit "McMansionization" of a home within a planned community of aesthetically conforming homes, protected by CC&R's.

A significant portion of the lot included in the calculation includes a steep berm or un-buildable hill going up to the back of the Ralph's parking lot. The footprint of the structure covers the majority of the buildable yard. Refer to definition of a McMansion above.

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By comparison, there are several homes within the 480 home Country Hills development with lot areas greater than 10,000 sq/ft, many with significant berms or un-buildable hill sides. Many of these homes have up to 12 rooms while maintaining family size back yards. In the past 33 years, none of the owners have found it necessary to McMansion their homes or change the conforming aesthetic appearance of their homes.

SECTION 91.41.4 PUBLIC HEARING.

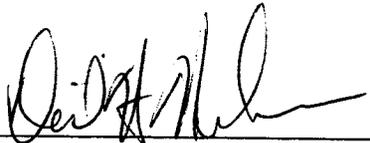
§91.41.4 (b) = "The applicant shall have the burden of proving that all the requirements of this Article [41] have been met."

Objection: The applicant has the burden of proof to demonstrate why he cannot feasibly live within the requirements of the Country Hills CC&R's and the Hillside Overlay code. To date he has not provided such proof. The Applicant has several floor plans and exterior options to select from within the planned community of Country Hills, including replacing the preexisting floor plan and structure destroyed by fire.

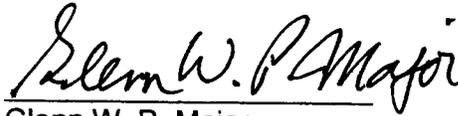
Our Request to the Planning Commission:

The Country Hills Homeowners' Association respectfully requests that the Applicant's request for approval be rejected, withdrawn or postponed.

Sincerely;



David Henseler
 President;
 Country Hills Homeowners' Association



Glenn W. P. Major
 Member;
 Environmental Control Committee

Attachments: 1) Letter from Applicant; Mark Stephenson; 2) E-mail Letter from Chuck Chambers and 3) CHHOA – Home Improvement Application – (Blank Sample)

To Whom It May Concern,

I am trying to acquire information on the Country Hills Association. I just recently purchased a parcel of land at 25636 Amber Leaf Road and I have been informed there is a HOA associated with the neighborhood area.

I would like to talk to somebody concerning the HOA and its policies and oversight processes.

If someone could contact me at the below listed POC info I would sincerely appreciate it.

"Your assistance in this matter is sincerely appreciated."

Sincerely,

Mark Stephenson
Mark Stephenson
(310) 812-3807 (W)
(310) 953-9328 (H)

CHHOA@socal.rr.com

Lm 10-9
10-18
10-19

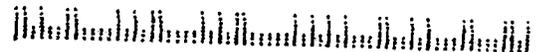
MARK STEPHENSON
2607 WOODBURY DRIVE
Torrance, CA 90503

SANTA ANA CA

06 OCT 2007 PM

Country Hills Association
P.O. Box 1253
Torrance, CA 90505

90505+0253



glenn.major@att.net

From: "Chuck Chambers" <chuckchambers@hotmail.com>
To: <glenn.major@att.net>
Sent: Thursday, December 11, 2008 9:40 AM
Subject: New House Poposal for Country Hills

Country Hills Association;

I am writing you do share my concerns about the proposal for the new home on Amber Leaf Road in Torrance. There are several issues that need to be addressed before this project moves forward and I trust the City of Torrance will resolve these problems as soon as possible.

Having lived in Country Hills for over 25 years and having sold over one hundred homes in the neighborhood as a real estate Broker, I have first hand experience with the neighborhood and the property values here. My concerns are centered around the two concerns of quality of life for the neighborhood and current and future values of the neighboring homes.

Most of the people who buy homes in Country Hills do so because of the conforming look of the neighborhood. This conforming look is due, in no small part, to the well thought out ideas of the builder when the area was originally planned. Any compromise of these ideals, even by one house, will destroy the integrity of the entire neighborhood. And property values will be reduces as well.

To summarize my concerns, I think it is important that the plans for the new house are reviewed with the following issues fully addressed:

1. The new home must be in full compliance with the existing guidelines of the Torrance Hillside Overlay zone and all current building codes.
2. The new home must be in full compliance with the existing Country Hills C.C. & R.'s and the Environmental Control Committee guidelines.

I think it would also be important that the owners of the property demonstrate the ability to complete the project from start to finish, The last thing we need in the neighborhood is another half-finished project like the Sunrise development at the west entrance to Country Hills.

The high profile location of this property makes it essential that it is build in harmony with the existing homes in the neighborhood. The size of the house, the roof line, the exterior design must all mesh with the current look of the Country Hill, area. I trust that the City of Torrance will realize its responsibilities before moving forward with this project.

Please feel free to contact me if you have any questions.

Sincerely,

Chuck Chambers

Chuck Chambers P.V. Realty
75 Malaga Cove Plaza Suite #3
Palos Verdes Estates, California
90274 (310) 378-0488 phone
(310) 378-2050 fax
chuckchambers@hotmail.com

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"Specializing in Country Hills Real Estate Since 1977"

Country Hills Association

chhoa@socal.rr.com *A Nonprofit Organization* P.O. Box 1253, Torrance, CA 90505

www.CountryHillsTorrance.com

Home Improvement Application – Fee \$10.00

This form must be submitted, along with required fee, before starting work.
Mail completed applications to address above.

Please allow 30 days for your application to be acted upon after it is received.
All fees are non-refundable, including disapproved applications.
Checks should be made payable to "Country Hills Association."
The fee will be raised to \$50.00 if you do not apply in advance.
Note: It is each homeowner's responsibility to apply for all City required permits, if applicable.

Name of Homeowner: _____ Date: _____

Telephone Number(s): _____ EMAIL(optional) _____

Country Hills Address: _____

Non-Resident Address: _____

Improvement:

- | | |
|---|---|
| <input type="checkbox"/> New Roof or Major Repair | <input type="checkbox"/> Sundeck |
| <input type="checkbox"/> Remodel/Addition/Enlargement | <input type="checkbox"/> Landscaping/Re-Landscaping |
| <input type="checkbox"/> Driveway | <input type="checkbox"/> Walls/Fences |
| <input type="checkbox"/> Windows | <input type="checkbox"/> Exterior Doors & Entrance Ways |
| <input type="checkbox"/> Exterior Paint/Stucco | <input type="checkbox"/> Garage Doors |
| <input type="checkbox"/> Drainage/Gutters | <input type="checkbox"/> Major Exterior Repairs |
| <input type="checkbox"/> Balcony Enclosure | <input type="checkbox"/> Other _____ |

Description: Please provide detailed plans, drawings, statements of work or specifications, along with material samples/colors, the name(s) of manufacturers, contractors. Please estimate work start and end dates. (You may write on reverse or attach description)

CERTIFICATION: I Certify, that I have read and that my request for repair, improvement, addition, remodel and/or enlargement is in compliance with the Country Hills Declaration of Covenants, Conditions & Restrictions and the City of Torrance Hillside and Coastal Overlay Code.

Homeowner/Applicant

Licensed Contractor (when applicable)

Date

Date

.....
Do Not Write Below This Line. ECC Use Only

Date Check Received: _____
Date of Check: _____
Check # _____
Check Amount _____

Owner Contact Date 1: _____
Date 2: _____

- Approved
- Not Approved

Date: _____ By: _____