



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CA 90274  
(310) 377-1521  
FAX (310) 377-7288

**AGENDA**  
REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY OF ROLLING HILLS  
6:30 PM  
**TUESDAY, MARCH 19, 2019**  
ROLLING HILLS CITY HALL  
2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA
5. APPROVAL OF MINUTES
  - A. February 19, 2019 Adjourned Regular Meeting of the Planning Commission
6. RESOLUTIONS

**A. ZONING CASE NO. 953.** 13 PORTUGUESE BEND ROAD, (LOT 77-RH) (CARDENAS).

*Due to lack of quorum this case is being continued to the April 16, 2019 Planning Commission meeting.*

**B. RESOLUTION NO. 2019-03.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A VARIANCE TO ENCROACH WITH GARAGE AND BASEMENT ADDITION INTO THE SIDE YARD SETBACK, IN ZONING CASE NO. 954 AT 9 WILLIAMSBURG LANE, LOT 27-RH. (MACLEAN).

**RECOMMENDED ACTION:**

1. Motion to approve/deny Resolution No. 2019-03 as written.

**C. RESOLUTION NO. 2019-06.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING

APPROVAL FOR A MINOR MODIFICATION TO A CONDITION IN A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT ON APPEAL IN ZONING CASE NO. 808-MOD., AT 7 RINGBIT ROAD EAST, (LOT 38-SF), (SHADDEN).

RECOMMENDED ACTION:

1. Motion to approve/deny Resolution No. 2019-06 as written.

7. PUBLIC HEARINGS ON ITEMS CONTINUED FROM A PREVIOUS MEETING

**A. ZONING CASE NO. 916-MOD#2.** Request for a Variance to encroach into the front yard setback with a light well and modification to a prescribed order of completion of certain elements of a previously approved project and amend the resolution of approval accordingly in Zoning Case No. 916-Mod#2 at 5 El Concho Lane, (Lot 10-GF), (De Miranda).

RECOMMENDED ACTION:

1. Motion to direct staff to prepare a resolution of approval/denial for project as proposed.

**B. ZONING CASE NO. 956.** Request for a Site Plan Review for grading and Construction of a new single family residence and accessory structures, in Zoning Case No. 956 at **8 Middleridge Lane South** (Lot 254-UR), Rolling Hills, CA (ZHANG).

RECOMMENDED ACTION:

1. **Motion to continue this case to the April 16, 2106 Planning Commission field trip meeting.**

8. NEW PUBLIC HEARINGS

None

9. NEW BUSINESS

**A.** Request for time extension -11 Upper Blackwater Canyon Rd. - Construction of a New Residence and Accessory Structures in Zoning Case No. 914.

RECOMMENDED ACTION:

1. Motion to approve/deny the request as written.

10. OLD BUSINESS

11. SCHEDULE OF FIELD TRIPS (April 16, 2019)

5 Flying Mane Lane

8 Middleridge Lane South

12. ITEMS FROM STAFF

13. ITEMS FROM THE PLANNING COMMISSION

14. ADJOURNMENT

*In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.*

*Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.*

*All resolutions and zoning case items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.*

MINUTES OF AN  
ADJOURNED REGULAR MEETING  
OF THE PLANNING COMMISSION  
FEBRUARY 19, 2019

PRESENT FOR THE FIELD TRIPS WERE:

Chairman Chelf, Commissioners Kirkpatrick, Cardenas and Seaburn  
Commissioner Cooley absent and excused

Yolanta Schwartz, Planning Director  
Leah Mirsch, resident  
Mr. John Shadden, applicant for 7 Ringbit E.  
Mr. Jeffrey MacLean, applicant for 9 Williamsburg  
Dan Martinez, Lucas Brothers Construction  
Sergio Lopez, Dalmo Architects & Assoc.

Chairman Chelf called the meeting to order at 7:30 AM at 7 Ringbit Road East.

**A. ZONING CASE NO. 808 MOD.** request for a Minor Modification to a condition in a previously approved Conditional Use Permit on appeal in Zoning Case No. 808-mod., at 7 Ringbit Road East, (Lot 38-SF), (Shadden).

Planning Director Schwartz reviewed the project and stated that the applicant is appealing staff's determination in this case and is requesting the Planning Commission's interpretation of a condition of approval contained in a resolution No. 2012-01, for a CUP to retain a two level structure to be used as a guest room on the upper level and a storage/utility room below. She stated that the condition of approval regulates the use, but also states that no exterior modification is allowed to the structure, except for maintenance and that no additional window or door openings are allowed. She stated that the applicant would like to replace the wood siding with stucco and that he submitted a letter stating that the siding has dry rot and needs to be replaced. He also stated that he would like the surface of this structure to match the main residence, which is stucco. Planning Director Schwartz stated that she interpreted the condition to mean that the type of material on the exterior of the structure is not to be changed. She stated that she interpreted that changing out windows and doors, if like for like, would be allowed. The Planning Commission walked around the structure and in response to Commissioner Kirkpatrick, the applicant stated that there is stucco underneath the wood siding and that the lower level is already stuccoed. In response to Chair Chelf, Ms. Schwartz stated that the adjacent neighbors were notified of the request and that no one inquired about it.

There being no further discussion, the public hearing in Zoning Case No. 808 Mod. was continued to the evening meeting beginning at 6:30 pm.

**B. ZONING CASE NO. 954.** Request for a Variance to construct a new 894 square foot attached 3-car garage with a basement under the footprint of the garage addition, where portions of both will encroach up to 10' into the side yard setback on a property zoned RAS-1, OZD-1 -Overlay Zoning District, in Zoning Case No. 954 at 9 Williamsburg Lane (Lot 27-RH) Rolling Hills, CA, (MacLean).

Planning Director Schwartz reviewed the project and stated that the property is located in the RAS-1 OZD-1 zoning district, which allows for reduced front yard setback of 30' from the roadway easement, rather than what is allowed elsewhere, which is 50' from the roadway easements. She stated that the side yard setback in the OZD zone must meet the 20' setback requirement from the property line for new construction. She explained that in 2012 an Overlay Zone was created in several neighborhoods of the City. She stated that the applicant is requesting a variance to construct an 894 square foot garage with same size basement below, which would encroach 10' into the side yard setback. She stated that no grading is proposed, except for excavation of the basement, and the dirt will be retained on site, and that the applicants plan to widen the driveway, but not the driveway apron. She further stated that no additional disturbance will be created on the lot, as the area of the proposed construction is already disturbed and that there exist a stable and a riding ring on the property. She also stated that the height of the proposed garage, at 21'2" will match the existing house and that Williamsburg has a colonial architecture, which allows for steep roofs. Dan Martinez, contractor, stated that the wood fence currently located in the easement will be relocated to the property line. Mr. Maclean stated that he was in litigation with the next-door neighbor over the location of the driveway and property line and that as part of the ruling the fence is allowed to be moved to the property line. The Commissioners noted that the addition is close to a structure on the adjacent lot. In response to Ms. Schwartz, Mr. MacLean stated that he tried to inform the neighbors of his plans for the addition, and offered to re-do their pavers once the driveway is widened, but that the neighbors have not responded to him. Ms. Schwartz stated that the adjacent residence also encroaches into side yard setback.

There being no further discussion, the public hearing in Zoning Case No. 954 was continued to the evening meeting beginning at 6:30 pm.

Respectfully Submitted,

\_\_\_\_\_  
Yolanta Schwartz  
Planning Director

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Brad Chelf, Chairman

\_\_\_\_\_  
Date



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
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**Agenda Item No. 6B**  
**Mtg. Date: 03-19-19**

**TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR**

**APPLICATION NO. ZONING CASE NO. 954**  
**RESOLUTION NO. 2019-03**  
**SITE LOCATION: 9 WILLIAMSBURG LANE (LOT 27-RH)**  
**ZONING AND SIZE: RAS-1, (OZD-1), 2.4 ACRES (GROSS)**  
**APPLICANT: MACLEAN**  
**REPRESENTATIVE: DAL-MO CHONG ASSOCIATES, INC.**

**PUBLISHED: FEBRUARY 7, 2019**

#### PREVIOUS ACTION AND RECOMMENDATION

The Planning Commission held public hearings in this case in the field on February 19, 2019 and at the evening meeting on the same day. At the February 19, 2019 evening meeting, the Planning Commission directed staff to prepare a Resolution of approval with standard findings and conditions. No one from the public provided input on this project.

It is recommended that the Planning Commission consider Resolution No. 2019-03 for approval. The resolution contains findings and standard conditions, including the conditions recently developed for construction fencing and construction trailers.

#### LOT DESCRIPTION

##### OZD-1 zone

The lot is Zoned RAS-1 with an overlay of OZD-1; where development is subject to Chapter 17.17 of the Zoning Ordinance for properties in the Overlay Zoning District. The overlay zoning district was established in 2012 to promote redevelopment of older homes and construction of new homes in certain areas where most homes in the

ZC NO. 954 9 Williamsburg

neighborhood were developed to less than the currently required 50' front setback; lots that are smaller than typical and lots that are divided by a road or have difficult terrain for redevelopment. Williamsburg Lane is one of the neighborhoods designated as OZD-1 district. Although this lot is over 2 acres in size and is flat, it's part of the neighborhood that qualified for the OZD-1 zoning; and the house and stable were developed in what would currently be the 50' front setback.

## REQUEST AND PROJECT DESCRIPTION

### **The Project**

The applicant is requesting a Variance to construct a new 894 square foot garage attached to the existing residence with a basement of the same size and within the footprint of the garage, which (both) would encroach up to 10' into the side yard setback. Also proposed is a basement light well. The existing garage will be converted into living space. The existing driveway apron is proposed to remain, but the driveway will be reconfigured and widened to gain access around the new garage to the rear yard.

### **Variance**

The applicant requests a variance to encroach at a maximum 10 feet into the required 20-foot side yard setback with a proposed 894 square foot garage addition and basement. Approximately 170 square feet of the addition and basement will encroach into the side setback.

### **Other construction**

The trash service yard will remain in its current location, behind the new garage; a light well to the basement will be constructed and a front portion of the existing garage will be demolished. The driveway will be widened and a short retaining wall will be demolished to allow for the construction of the driveway. The basement will generate 276 cubic yard of dirt, which the applicant plans to use on site for leveling of the driveway. The proposed improvements do not constitute grading for the purpose of a Site Plan Review nor create greater than existing disturbance of the lot, which is 51.4% and is legal nonconforming.

## BACKGROUND

### **Zoning, Land Size and Existing Conditions**

The property is zoned RAS-1, OZD-1 and the gross lot area is 2.4 acres (excluding roadway easement). For development purposes the net lot area of the lot is 92,022 square feet or 2.1 acres. Williamsburg Lane is a narrow street, with a total of 30' roadway easement; 15' on each side of the street.

Properties in the OZD-1 are eligible for reduced front yard setbacks to up to 30' from the roadway easement (rather than the 50' setback in other zones). However, the side yard setback is 20' from the side property line for new construction; but if a portion of a

residence or attached garage encroach into the side yard setback, (by no more than 10'), that portion of the structure, if demolished, could be reconstructed to the pre-existing setback. Other requirements of the OZD-1 zone include allowing only one driveway and the front must be landscaped.

The lot is developed with a 3,482 sq.ft. residence with 457 sq.ft. garage, 590 sq.ft. swimming pool, 473 sq.ft. cabana, 1,163 sq.ft. stable with a riding ring, a 2,269 sq.ft. sports court and other outdoor amenities. The paved access to the stable is legal non-conforming and is allowed to remain. There were several sheds on the property that encroached into the side setback, but they were already demolished.

### **Past Approval for the Property**

Building permits indicate that the house was built in 1951 and in 1994 an addition was constructed and the house was remodeled; the stable was constructed in 1958 and the pool, cabana and sports court between 1951-1955. In 2003 the stable porch was enclosed and stable remodeled and repairs to the house and pool were made.

## **MUNICIPAL CODE COMPLIANCE**

### **Grading and Stabilization**

No grading is proposed for this project, except for excavation for the basement of 276.3 cubic yards of dirt to be used to level the proposed driveway area and backfill the short wall.

### **Disturbance**

The total disturbed area for the project site is 47,292 square feet or 51.4%, and is legal non-conforming. The proposed project will not create greater disturbance at this time. The areas of the lot where the work will take place have been previously disturbed.

### **Height**

The finished roof height of the proposed garage addition will be 21'2" and will match the residence. Height is measured from the finished grade. Williamsburg Lane is permitted by the CC&Rs to have a colonial architecture with dormer windows.

### **Drainage**

As part of the review the Building Department may require a drainage plan.

### **Utility Lines / Septic Tank**

The house utility lines are undergrounded, and the addition will be connected to the existing service. The applicant will have to meet Los Angeles County Public Health Department requirements for septic tank.

### **Lot Coverage**

The structural net lot coverage is proposed at 11,115 square feet or 12.07%, in conformance with the lot coverage limitations, (20% max. permitted). The total lot



coverage proposed (structural and flatwork) will be 18,183 square feet or 19.75%, in conformance with the lot coverage limitations, (35% max. permitted).

The building pad coverage on the 26,165 square foot residential building pad will be 9,296 square feet or 35.5%, (accounting for deductions including the trellis); (the guideline is 30%).

The stable pad is 24,850 square feet and the coverage on this pad is 4.7%.

#### **Walls**

The existing 2.5' retaining wall located in the driveway will be moved to the south to allow for the new driveway. The City allows up to 3' high retaining walls in setbacks along walkways or driveways.

#### **Stable and Corral or Set Aside**

A stable, corral and a riding ring exist on the property.

#### **Environmental**

The project is categorically exempt (Class 1- Existing facilities-additions) pursuant to the California Environmental Quality Act (CEQA) Guidelines.

#### **Rolling Hills Community Association Review**

Rolling Hills Community Association will review this project at a later date.

#### **Planning Commission Responsibilities**

When reviewing a development application, the Planning Commission must consider whether the proposed project meets the criteria for a Variance, as described below.

### Project Summary

DEVELOPMENT STANDARDS	EXISTING		PROPOSED	
<b>RA-S- 1 (OZD-1) ZONE SETBACKS</b> Front: 30 ft. from front easement line Side: 20 ft. from side property line Rear: 50 ft. from rear property line	SINGLE FAMILY RESIDENCE, GARAGE AND ACCESSORY STRUCTURES		NEW ATTACHED GARAGE	
Variance is required for encroachment into side yard.	Residence	3482 s.f.	Residence	3821 s.f.
	Garage	457 s.f.	Garage	894 s.f.
	Stable	1163 s.f.	Stable	1163 s.f.
	Cabana	473 s.f.	Cabana	473 s.f.
	Pool/ pool eqp.	610 s.f.	Pool/ pool eqp.	610 s.f.
	Sports Crt.	2269 s.f.	Sports Crt.	2269 s.f.
	BBQ Area	472 s.f.	BBQ Area	472 s.f.
	Attach porch	30 s.f.	Attach porch	30 s.f.
	Attached trellis	536 s.f.	Attached trellis	536 s.f.
	Service yard	420 s.f.	Service yard	420 s.f.
	Basement	0	Basement	894 s.f.
	TOTAL	9,882	TOTAL	11,115
<b>GRADING</b> Site Plan Review required if excavation and/or fill or combination thereof that is more than 3 feet in depth and covers more than 2,000 sq. ft.) must be balanced on-site.	N/ A		276.3 cubic yards from basement excavation to level off the driveway and backfill wall (no discretionary permit is triggered)	
<b>STRUCTURAL LOT COVERAGE</b> (20% maximum)	10.7% of 92,022 sq.ft. net lot area		12.07% of 92,022 sq.ft. net lot area	
<b>TOTAL LOT COVERAGE</b> (35% maximum)	6.75% of 92,022 sq.ft. net lot area		19.75% of 92,022 sq.ft. net lot area	
<b>BUILDING PAD COVERAGE</b> (30% maximum-guideline)	32.1% of 26,165 sf pad		35.5% of 26,165 sf pad	
Residential				
Stable	4.7% of the 24,850 sf pad area		4.7% of the 24,850 sf pad area	
<b>DISTURBED AREA</b> (40% maximum; any graded building pad area, any remedial grading (temporary disturbance), any graded slopes and building pad areas, and any non-graded area where impervious surfaces exist.)	51.4% -existing		51.4% existing	
<b>STABLE</b> (min. 450 S.F. & 550 S.F. CORRAL)	Existing		Existing	
<b>STABLE ACCESS</b>	Existing drwy		Existing drwy	
<b>ROADWAY ACCESS</b>	Existing driveway approach		Existing apron; drwy to be widened	
<b>VIEWS</b>	N/ A		Planning Commission review	
<b>PLANTS AND ANIMALS</b>	N/ A		Planning Commission review	

### CRITERIA FOR VARIANCES

17.38.050 Required findings. In granting a variance, the Commission (and Council on appeal) must make the following findings:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone;
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question;
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity;
- D. That in granting the variance, the spirit and intent of this title will be observed;
- E. That the variance does not grant special privilege to the applicant;
- F. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities; and
- G. That the variance request is consistent with the general plan of the City of Rolling Hills.

SOURCE: City of Rolling Hills Zoning Ordinance.

### APPLICANT'S JUSTIFICATION/COMMENTS

Applicant's agent states that other properties on Williamsburg encroach into setbacks, including side setbacks, and that the proposed garage development is compatible with the neighborhood. He says that the proposed location for the garage will be the least disrupting to the lot as the driveway already exists, and no grading is required. Any other location for a garage would require relocating the sports court or the pool and cutting a new driveway, all of which would require grading and further disturbance of the lot.

## RESOLUTION NO. 2019-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A VARIANCE TO ENCROACH WITH A GARAGE AND BASEMENT ADDITION INTO THE SIDE YARD SETBACK, IN ZONING CASE NO. 954 AT 9 WILLIAMSBURG LANE, LOT 27-RH, (MACLEAN).

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by the property owners with respect to real property located at 9 Williamsburg Lane, Rolling Hills (Lot 27-RH) requesting a Variance to encroach up to 10' with 170 square feet of an 894 square foot garage and same size basement addition into the required 20' side yard setback. The 894 square foot addition, if not for the Variance could be approved administratively. The existing garage will be used as living space.

Section 2. The Planning Commission conducted a duly noticed public hearing on February 19, 2019 at the site and in the evening of the same day at City Hall Council Chambers. At the February 19, 2019 evening meeting, the Planning Commission provided direction to staff to prepare a resolution of approval for the proposed project.

Neighbors within a 1,000-foot radius were notified by mail of the public hearings and a notice was published in the Peninsula News on February 7, 2019. The applicants and their agents were notified of the public hearings and the applicants and agents were in attendance at the hearings. Evidence was heard and presented from all persons interested in affecting said proposal, and from members of the City staff. No one from the public provided input on this project.

Section 3. The property is zoned RAS-1 with an overlay of OZD-1; where development is subject to Chapter 17.17 of the Zoning Ordinance for properties in the Overlay Zoning District. The overlay zoning district was established in 2012 to promote redevelopment of older homes and construction of new homes in certain areas where most homes in the neighborhood were developed to less than the currently required 50' front setback; lots that encroach into side setbacks; lots that are smaller than typical and lots that are divided by a road or have difficult terrain for redevelopment. Williamsburg Lane is one of the neighborhoods designated as OZD-1 district. The gross lot area is 2.4 acres, and for development purposes the net lot area of the lot is 2.1 acres. Williamsburg Lane is a narrow street, with a total of 30' roadway easement; 15' on each side of the street. The lot is developed with a 3,482 sq.ft. residence with 457 sq.ft. garage, 590 sq.ft. swimming pool, 473 sq.ft. cabana, 1,163 sq.ft. stable with a riding ring, a 2,269 sq.ft. sports court and other outdoor amenities. One of the requirements of the OZD-1 zone, is that only one driveway is allowed into the property. In addition to the driveway to the garage, there exists a driveway apron leading to the stable. That driveway pre-dates the OZD requirements, and is therefore allowed to remain.

Section 4. The Planning Commission finds that the project is exempt from the California Environmental Quality Action (CEQA) pursuant to Class 1, Section 15301 of the CEQA guidelines.

Section 5. Variance. Sections 17.38.010 through 17.38.050 of the Rolling Hills Municipal Code permit approval of Variances granting relief from the standards and requirements of the

Zoning Ordinance when exceptional or extraordinary circumstances applicable to the property prevent the owner from making use of a parcel of property to the same extent enjoyed by similar properties in the same vicinity or zone. A variance from the requirements of RHMC Section 17.16.120 (structures cannot be located in the side setback) is being requested to encroach up to ten feet into the side yard setback with a garage and basement addition. If not for the Variance request, the addition could be approved administratively. With respect to the aforementioned request for a variance, the Planning Commission finds as follows:

A. There are exceptional or extraordinary circumstances and conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone.

There are exceptional circumstances and conditions on the subject property, including the shape of the lot, location of the building pad and the location of the existing development on the lot, all of which constrain further development. All of the existing development is situated along the front of the lot within 30' or less of the roadway easement, which is permitted and there is no other area close to the residence where a garage could be constructed. Due to the location of the building pad and the already existing development on the pad, any other improvements in the proximity of the house would require an encroachment variance. Otherwise, the natural, undulated portion of the remaining of the lot would have to be graded and disturbed to accommodate the addition and the garage.

B. The variances are necessary for the preservation and enjoyment of a substantial property rights possessed by other properties in the same vicinity and zone but which is denied to the property in question.

The existing 2-car garage is too small for family cars, and is therefore not used for parking. The three-car garage would meet the owners' parking requirements and would remove cars from the driveway. A three-car garage is an amenity enjoyed by many property owners in the City and in the neighborhood. Williamsburg is a very narrow street, with only 15' roadway easement along subject property. The unimproved roadway easement is too narrow for a car to park in the roadway easement, and therefore all guest, any service provider or delivery parking must be on site. With residents' cars in the driveway there is no room to park. The proposed encroachment is compatible with other encroachments in the neighborhood and the garage would be conveniently located for the owners' use.

As stated earlier, the existing garage will be converted to living area, and 894 square feet would be added thereto, plus same size basement; of which a portion (approx. 170 sq.ft.) would encroach 10 feet into the side yard setback. The existing garage is inconvenient for its use and is currently used for storage. With the addition and conversion it will be of an adequate size for additional living space.

C. The granting of the variances will not be materially detrimental to the public welfare or injurious to the properties or improvements in such vicinity.

The addition, which would encroach into the side setback, will not be detrimental to the public welfare or injurious to the properties or improvements in such vicinity because the addition will blend into the architecture of the existing house and the adjacent house, as well as others in the neighborhood also encroach into the side setback, therefore it will not stand out as

being incompatible with the neighborhood. The construction of the improvements blends in with the existing house and is located on the same building pad as the existing structures. The remainder of the lot will be undisturbed and its topography maintained as undulated knolls. Anyone driving along the lot will not see any difference in the character of lot, and the lot will retain the feel of openness.

D. In granting the variances, the spirit and intent of the Zoning Ordinance will be observed.

The garage and addition will be within the spirit and intent of the Zoning Ordinance. It will not detrimentally affect the rural and equestrian character of the community. The design of the improvements is orderly and attractive and the style is cohesive with the rural and equestrian character of the neighborhood. The proposed improvements will match the height and the construction of the existing improvements. Additionally, the placement of these improvements allow for a set aside area for a future stable and corral in a very desirable area of the lot, without having to grade or disturb other portions of the lot, if constructed.

E. The variance will not grant special privilege to the applicant.

The variance will not grant special privilege to the applicants because as discussed, the location of the new garage is attached to the residence, making it convenient and very likely usable as a garage, whereas the existing garage is not used for that purpose. And the addition to the existing garage will allow it to be converted to a reasonable size living space. The properties along Williamsburg Lane were developed when the regulations were different and almost every house on the street has an existing encroachment into current setbacks. The overlay zone was established in neighborhoods just like Williamsburg, where encroachments are common.

F. The variances are consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities. The project site is not listed on the current State of California Hazardous Waste and Substances Sites List. It will not affect any existing hazardous waste management facilities.

G. The variances are consistent with the General Plan of the City of Rolling Hills.

Although the variance will allow the garage and the basement to encroach into the side yard setback it will allow the property owner to make greater use of the property. Accordingly, the project is still in line with the General Plan's requirement of low profile, low-density residential development with sufficient open space between surrounding structures. Finally, the project is still in line with the General Plan's requirement of low profile, low-density residential development with sufficient open space between surrounding structures. There is still sufficient space in the rear setback to buffer the property's residential use from other neighboring residences.

Section 6. Based upon the foregoing findings, and the evidence in the record, the Planning Commission hereby approves Applicant's requests in Zoning Case No. 956, a Variance to encroach up to 10' with a garage and basement addition into the required 20-foot side yard setback subject to the following conditions:

A. This approval shall expire within two years from the effective date of approval unless the approval granted is otherwise extended pursuant to the requirements of RHMC Section 17.38.070.

B. If any condition of this resolution is violated, the entitlement granted by this resolution shall be suspended and the privileges granted hereunder shall lapse and upon receipt of written notice from the City, all construction work being performed, if any, on the subject property shall immediately cease, other than work determined by the City Manager or his/her designee required to cure the violation. The stop work order will be lifted once the Applicant cures the violation to the satisfaction of the City Manager or his/her designee. In the event that the Applicant disputes the City Manager or his/her designee's determination that a violation exists or disputes how the violation must be cured, the Applicant may request a hearing before the City Council. The hearing shall be scheduled at the next regular meeting of the City Council for which the agenda has not yet been posted; the Applicant shall be provided written notice of the hearing. The stop work order shall remain in effect during the pendency of the hearing. The City Council shall make a determination as to whether a violation of this Resolution has occurred. If the Council determines that a violation has not occurred or has been cured by the time of the hearing, the Council will lift the stop work order. If the Council determines that a violation has occurred and has not yet been cured, the Council shall provide the Applicant with a deadline to cure the violation; no construction work shall be performed on the property until and unless the violation is cured by the deadline, other than work designated by the Council to accomplish the cure. If the violation is not cured by the deadline, the Council may either extend the deadline at the Applicant's request or schedule a hearing for the revocation of the entitlements granted by this Resolution pursuant to Chapter 17.58 of the RHMC.

C. All requirements of the Building and Construction Ordinance, the Zoning Ordinance, and of the zone in which the subject property is located must be complied with unless otherwise set forth in this permit, or shown otherwise on an approved plan.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file received on February 13, 2019 except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and Safety for plan check review shall conform to the approved development plan. All conditions of the Variance approval shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto building plans submitted to the Building Department for review and shall be kept on site at all times. Any modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed and approved by staff prior to implementing the changes.

E. Prior to submittal of final working drawings to Building and Safety Department for issuance of building permits, the plans for the project shall be submitted to City staff for verification that the final plans are in compliance with the plans approved by the Planning Commission.

F. A licensed professional preparing construction plans for this project for Building Department review shall execute a Certificate affirming that the plans conform in all respects to this Resolution approving this project and all of the conditions set forth therein and the City's Building Code and Zoning Ordinance.

Further, the person obtaining a building and/or grading permit for this project shall execute a Certificate of Construction stating that the project will be constructed according to this Resolution and any plans approved therewith.

G. The applicant shall comply with all requirements of the Lighting Ordinance of the City of Rolling Hills (RHMC 17.16.190 E), pertaining to lighting on said property; roofing and material requirements of properties in the Very High Fire Hazard Severity Zone, and all other ordinances and laws of the City of Rolling Hills and the LA County Building Code.

H. The structural net lot coverage shall not exceed 11,115 square feet or 12.1%, in conformance with the lot coverage limitations, (20% max. permitted). The total lot coverage shall not exceed (structural and flatwork) 18,183 square feet or 19.75%, in conformance with the lot coverage limitations, (35% max. permitted).

The building pad coverage on the 26,165 square foot residential building pad shall not exceed 9,296 square feet or 35.5%, (accounting for deductions including the trellis).

I. The finished roof height of the proposed garage addition shall be no higher than 21'2" and match the residence. Height is measured from the finished grade.

J. There shall be no grading for this project, except that 276 cubic yards of dirt may be excavated from the basement and utilized on site. No additional disturbance on the lot is permitted with this project. The total disturbed area of the lot is 47,292 square feet or 51.4%, and is legal non-conforming.

K. All utility lines to the residence and addition shall be placed underground, subject to all applicable standards and requirements.

L. A drainage plan, if required by the Building Department, shall be prepared and approved by City Staff prior to issuance of a construction permit. Such plan shall be subject to LA County Code requirements.

M. The side setback line and the 10' line therefrom in the vicinity of the construction for this project shall remain staked throughout the construction, to assure that no further encroachment into the setback has occurred. The silhouette (story poles) shall be taken down and removed from the property immediately upon completion of the review process of the project.

N. The property on which the project is located shall maintain an area of minimum of 1,000 square feet to provide an area meeting all standards for a stable (450 square feet) and corral (550 square feet) with access thereto.

O. A minimum of five-foot walkable path and/or walkway, which does not have to be paved, shall be provided around the entire perimeter of the proposed structures, or as otherwise required by the Fire Department.



P. A construction fence may be allowed or may be required by the City or the Building Department staff for the duration of the construction of the project. City staff shall approve the location and height of the fence. The construction fence shall not be placed more than 15 calendar days prior to commencement of the construction and shall be removed within 15 calendar days of substantial completion of the project as determined by City staff or at any given time at the discretion of City staff.

Q. Placement of one construction and one office trailer may be permitted for the duration of on-site construction activities during an active building permit; each shall be no larger than 8' x 40' in size, and must be authorized by City staff with such authorization being revoked at any point deemed reasonable by City staff. Such trailers, to maximum extent practicable shall be located in a manner not visible from the street. Unless otherwise approved by staff, with proof of a good cause, such trailers shall not be located in any setback or front yard, may be placed on the site no more than 15 calendar days prior to commencement of construction and must be removed within 15 calendar days of expiration of a building permit, revocation, or finalization of the project.

R. Minimum of 65% of any construction materials must be recycled or diverted from landfills. The hauler of the materials shall obtain City's Construction and Demolition permits for waste hauling prior to start of work and provide proper documentation to the City.

S. *During construction*, conformance with the air quality management district requirements, stormwater pollution prevention practices, county and local ordinances and engineering practices so that people or property are not exposed to undue vehicle trips, noise, dust, and objectionable odors shall be required.

T. *During construction*, the property owners shall be required to schedule and regulate construction and related traffic noise throughout the day between the hours of 7 AM and 6 PM, Monday through Saturday, when construction and mechanical equipment noise is permitted, so as not to interfere with the quiet residential environment of the City of Rolling Hills.

U. The contractor shall not use tools that could produce a spark, including for clearing and grubbing, during red flag warning conditions. Weather conditions can be found at: [http://www.wrh.noaa.gov/lox/main.php?suite=safety&page=hazard\\_definitions#FIRE](http://www.wrh.noaa.gov/lox/main.php?suite=safety&page=hazard_definitions#FIRE). It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions. Should a red flag warning be declared and if work is to be conducted on the property, the contractor shall have readily available fire distinguisher.

V. Construction vehicles or equipment, employees vehicles, delivery trucks shall not impede any traffic lanes to the maximum extend practical; and if necessary to block traffic in order to aid in the construction, no more than a single lane may be blocked for a short period of time and flagmen utilized on both sides of the impeded area to direct traffic.

W. *During construction*, all parking shall take place on the project site, and, if necessary, any overflow parking may take place within the unimproved roadway easement along the street, if adequate space is available, and shall not obstruct neighboring driveways or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. A minimum of 4' wide path, from the

edge of the roadway pavement, for pedestrian and equestrian passage shall be available and clear at all times.

X. The property owners shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) requirements related to solid waste, drainage and storm water management. Further the property owners shall be required to conform to the County Health Department requirements for a septic system.

Y. Prior to finalizing the project an "as constructed" set of plans and certifications shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built" plan.

Z. The applicant shall execute an Affidavit of Acceptance of all conditions of this permit pursuant to Zoning Ordinance, or the approval shall not be effective. The affidavit shall be recorded together with the resolution.

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF MARCH 2019.

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BRAD CHELF, CHAIRMAN

ATTEST:

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CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Code of Civil Procedure Section 1094.6.

STATE OF CALIFORNIA                 )  
COUNTY OF LOS ANGELES         ) §§  
CITY OF ROLLING HILLS             )

I certify that the foregoing Resolution No. 2019-03 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS  
GRANTING APPROVAL OF A VARIANCE TO ENCROACH WITH A GARAGE AND  
BASEMENT ADDITION INTO THE SIDE YARD SETBACK, IN ZONING CASE NO. 954 AT 9  
WILLIAMSBURG LANE, LOT 27-RH, (MACLEAN).

was approved and adopted at a regular meeting of the Planning Commission on March 19, 2019  
by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

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CITY CLERK



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CA 90274  
(310) 377-1521  
FAX (310) 377-7288

**Agenda Item No. 6C**  
**Mtg. Date: 03-19-19**

**TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR**

**APPLICATION NO. ZONING CASE NO. 808 -APPEAL OF STAFF'S DETERMINATION  
RESOLUTION OF APPROVAL  
SITE LOCATION: 7 RINGBIT ROAD E. (LOT 38 SF)  
ZONING AND SIZE: RA-S-1, 1.22 ACRES  
APPLICANT: JOHN SHADDEN  
REPRESENTATIVE: SELF  
NOTICED: ADJACENT PROPERTIES- FEBRUARY 7, 2019**

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**REQUEST AND PLANNING COMMISSION REVIEW**

1. The applicant, Mr. Shadden, appealed staff's interpretation of a condition placed in a Resolution of approval of a Conditional Use Permit in 2012. The applicant requested a modification to Condition M of Section 9 of the resolution, regarding the type of material used on the exterior of the structure.

2. The Planning Commission held a public hearing and visited and viewed the structure in the field in the morning of February 19, 2019 and at the evening meeting of the Planning Commission on the same day. At the evening meeting, the Planning Commission directed staff to prepare a resolution approving the request. No one from the public provided input on this request.

The attached Resolution, Resolution No. 2019-06 amends the original Resolution No. 2012-01, adopted in 2012.

The Planning Commission found that the modification does not change the use of the structure and is necessary for maintenance, therefore keeping in the spirit of the original approval.

## BACKGROUND

3. In 2012 the Planning Commission approved a CUP to retain a 225 square foot two-story structure, used as a guest room on the top level and utility storage room on the first level and which was constructed as a tack room in 1965. At one time there was a small stable in proximity of the tack room, which from the records indicates that it was demolished when the pool was constructed in 1997. With the 2012 application, the applicant set aside an area for a future stable and coral elsewhere on the lot.

4. The Planning Commission concluded that the structure has charm, conforms to the character of structures in Rolling Hills, is inconspicuous and that it would be unreasonable to consider the lower level as habitable, as it does not meet the definition of a "habitable" space. The Los Angeles County Building Code requires a minimum of 7' tall ceiling in "habitable space". Non-habitable spaces, such as, kitchens, hallways or bathrooms may have a ceiling of not less than 6'8".

As a condition of the 2012 approval, the applicant was required to record a "Use Covenant" agreeing to maintain the upper 225 sq.ft. as a guesthouse and the lower room, same size, for utility storage.

5. Condition M of the Resolution states:

"M. The exterior of the structure shall not be modified, except for maintenance, and there shall be no additional door or window openings in the structure than currently exist".

6. The applicant wishes to change out the exterior of the structure from siding to stucco. He states that this is necessary due to dry rot and termite infestation, and constitutes maintenance. Staff made a determination that the intent of condition "M" is to keep the existing look of the structure, which includes exterior surfaces.

Other work of the exterior is also proposed, which would be considered maintenance and therefore permitted, such as replacement of the roof and paint. Staff determined that changing out of windows and doors would also constitute maintenance, as long as the improvements were like for like.

## ZONING CODE APPLICABILITY

7. Pursuant to Chapter 17.55 of the Zoning Ordinance, an applicant may appeal to the Planning Commission a decision made by the City Manager or a designee. Action on appeal by the Planning Commission is appealable to the City Council.

8. The project is exempt from the requirements of the California Environmental Quality Act (CEQA).

## RESOLUTION NO. 2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A MINOR MODIFICATION TO A CONDITION IN A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT ON APPEAL IN ZONING CASE NO. 808-MOD., AT 7 RINGBIT ROAD EAST, (LOT 38-SF), (SHADDEN).

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AS FOLLOWS:

### Section 1. Recitals.

A. At its regular meeting on January 17th, 2012, the Planning Commission approved Resolution No. 2012-01, a resolution approving a project at 7 Ringbit East, including a Conditional Use Permit to retain as is converted 255 square foot guest room, which includes a bathroom, and storage/utility room below the guest room originally constructed as a tack room and to set aside an area for a future stable and corral elsewhere on the lot; and a Variance to exceed the maximum permitted disturbance of the lot, if and when the stable and corral are constructed in the future.

B. An application was duly filed by Mr. John Shadden, property owner, requesting a modification to Condition M of Section 9 of the resolution, regarding the type of material used on the exterior of the structure. Condition M stipulates that the "exterior of the structure shall not be modified, except for maintenance"; whereas the applicant wishes to change out the existing wood siding to stucco surface. The applicant stated that the change out is necessary due to dry rot and termite damage of the siding.

C. Staff disapproved the applicant's request to change the exterior material and the applicant appealed staff's decision to the Planning Commission.

D. Pursuant to Chapter 17.55 of the Zoning Ordinance, an applicant may appeal to the Planning Commission a decision made by the City Manager or a designee.

E. On February 19, 2019, the Planning Commission conducted duly noticed public hearings in the field and at an evening meeting of the Planning Commission and accepted and considered all public testimony on the request.

Section 2. The Planning Commission desires to allow the proposed Minor Modification, which allows the applicant to change the exterior surface of the guest house structure from wood siding to stucco. The Planning Commission considered the request and CUP findings from the initial application and found that this change does not change the use of the structure and is compatible with and will match the house. The Planning Commission further found that the intent of Condition M was not to prohibit change out of the exterior material for maintenance.

Section 3. The Planning Commission hereby amends Resolution No. 2012-01 by amending Section 9, as set forth below:

Condition No. M shall read as follows:

M. The exterior of the structure shall not be modified, except for maintenance, which includes updating the exterior from wood siding to stucco in response to dry rot and termite damage, and there shall be no additional door or window openings in the structure than currently exist.

Section 4. A covenant agreement shall be prepared by the Applicant, reviewed by the City Attorney, and recorded against the title of the property at 7 Ringbit Road East reflecting amendment to Condition No. M and enclosing this Resolution amending Resolution No. 2012-01.

Further, the applicant shall execute an Affidavit of Acceptance of all conditions of this approval pursuant to Zoning Ordinance, or the approval shall not be effective, and record the Resolution with the County Recorder's Office.

Section 5. The Planning Commission affirms all the previous findings described in Resolution 2012-01 in Zoning Case No. 808 and maintains that in approving Zoning Case No. 808 Mod., all previous conditions of approval shall remain in full force and effect, except as amended herein.

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of March 19, 2019.

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Brad Chelf  
Chairman

ATTEST:

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City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) §§  
CITY OF ROLLING HILLS        )

I certify that the foregoing Resolution No. 2019-06 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS  
GRANTING APPROVAL FOR A MINOR MODIFICATION TO A CONDITION IN A  
PREVIOUSLY APPROVED CONDITIONAL USE PERMIT ON APPEAL IN ZONING CASE  
NO. 808-MOD., AT 7 RINGBIT ROAD EAST, (LOT 38-SF), (SHADDEN).

was approved and adopted at a regular meeting of the City Council on March 19, 2019 by the  
following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

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CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on  
this application must be filed within the time limits set forth in section 17.54.070 of the Rolling  
Hills Municipal Code and Code of Civil Procedure Section 1094.6.





# *City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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**Agenda Item No.: 7A**  
**Mtg. Date: 03-19-19**

**TO: HONORABLE CHAIRMAN AND MEMBERS OF THE  
PLANNING COMMISSION**

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR**

<b>APPLICATION NO.</b>	<b>ZONING CASE NO. 916-M#2</b>
<b>SITE LOCATION:</b>	<b>5 EL CONCHO LANE (LOT 10-GF)</b>
<b>ZONING AND SIZE:</b>	<b>RAS-1, 1.10 ACRES (EXCL. ROADWAY EASEMENT)</b>
<b>APPLICANT:</b>	<b>SHAWN DE MIRANDA</b>
<b>REPRESENTATIVE:</b>	<b>BILL CHIRIBOGA, JOSEPH SPIERER ARCHITECTS TAVISHA ALES, BOLTON ENGINEERING</b>
<b>PUBLISHED:</b>	<b>MARCH 7, 2019</b>

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## **REVIEW:**

The Planning Commission held a public hearing in this matter in the field on March 19, 2019 and continued the hearing to the evening meeting of the Planning Commission.

## **BACKGROUND:**

In January 2017, the applicant, Mr. Sean De Miranda, as a result of a code enforcement action, filed an application requesting a site plan review and variances to retain certain as-graded and as-built conditions, including (1) the construction of a patio with an outdoor kitchen and supporting 5' retaining wall; (2) excavation of a small area underneath the house (planned to be enlarged for the construction of a basement); (3) graded switchback pathways; (4) several railroad tie walls exceeding 3' in height along the pathways; and (5) a retaining wall in the side setback. The wall was constructed to alleviate the damage caused by a ruptured drainpipe located along the property line and in the setback behind the wall on the subject site. The applicant has also submitted additional requests, including (1) the construction of a 1,322 square foot basement (a portion of which would be in the front yard setback under the existing residence; (2) a new concrete retaining wall located below a failed slope (a portion of which would be located in the side setback); (3) walls that average out to more than 2.5'

in height; and (4) to exceed the maximum permitted disturbance of the lot with grading of 3,014 c.y. of dirt. Due to the ruptured drain and heavy rains the year prior, the slope below the switchback paths failed and needed to be remediated. The request was approved by Resolution No. 2017-08, with conditions.

In April 2018, the applicant applied for and was granted a modification to enlarge the basement to 1,448 square feet, a portion of which would be in the front setback and for greater quantities of grading (3,638 c.y.). Resolution No. 2018-05 was adopted, modifying the previous Resolution.

The approval granted in 2017 by Resolution 2017-08 stipulated that the project is to be completed in phases, placing emphasis on the repair or replacement of the ruptured pipe and slope repair.

Phase One construction consists of the repair/replacement of the ruptured drainpipe and repair of the failed slope, retention of the as built wall along the property line where the ruptured pipe was located and construction of the secondary wall below, if needed for the slope repairs, in setback. The approval of phase one expires two years from the approval, (May 2019). The condition further stipulates that phase one improvements are to be satisfactorily completed before the applicant may proceed with the construction and completion of Phase Two, which consists of the following: (1) legalizing the as built retaining wall in the side yard setback, (unless necessary for phase one); (2) grading to retain the graded paths, with retaining walls or railroad ties thereon which are not to exceed 3' in height; (3) the construction of a 1,322 sq. ft. basement, (which was amended to 1,448 sq.ft. in 2018) partially located in the front setback; (4) the demolition of the barbecue area and removal of the barbecue; and (5) the reconstruction of the slope behind the existing barbecue to a maximum slope of 2:1.

Further, Resolution No. 2017-08 states "the approval for Phase Two expires two years following the completion of Phase One. If the Phase Two improvements are not commenced within two years following completion of Phase One, they shall be disallowed and the non-permitted elements are required to be demolished and the land restored to its original condition".

#### CURRENT STATUS:

The applicant replaced the ruptured drainpipe and legalized the retaining wall, behind which the pipe is located, by obtaining a building permit from LA County Building and Safety Department. An architect was retained and is currently processing plans for the basement through the Building Department; and a Civil Engineering firm was retained, rather than a Structural Engineering firm, which was previously engaged. Soils reports were prepared for the failed

slopes and grading areas and a soils engineer retained. The slope repair grading plan is in review with the County Grading/Drainage Engineer, as well as the County Soils/Geology Division. The applicant paid for all of the necessary permits and plan check fees to the County and obtained and paid for extensions thereof. RHCA signed off on all the project elements.

#### REQUEST:

A letter from the applicant's Civil Engineer is attached explaining the request, which is the following:

1. Modify the prescribed order of completion of certain elements of the project to allow excavation of dirt from the basement prior to completion of the remediation of the sloughing slope, and allow a foundation only permit for the basement walls and the foundation from the Building Department.
2. Reduce grading quantities by 273 c.y. from the prior approval
3. A variance for addition of a 25 sq.ft. light well in the front yard setback.
4. A two-year time extension to complete phase one and commence phase two.

#### Description/justification:

1. Per the Resolution of approval, the slope repair of the slough off area and the legalization and obtaining a permit for the switchback paths and switchback walls is to be completed prior to pulling any permits for the basement. The engineers found that there will not be enough dirt to repair the failed slope, due to the erosion of the area and having to remove additional soil due to it not being acceptable material. In order to stabilize the slope and bring it back to pre-construction condition over-excavation to bedrock and re-compaction is needed, which require additional soil. The applicant is therefore requesting to be able to dig out the basement and use the material for the slope repair and stability. Otherwise they would need to import 415 c.y. of dirt, and 385 c.y. of the basement dirt is proposed to be exported. In addition as part of the slope repair, MSE (Mechanically Stabilized Earth) walls will be constructed, which are not designed to withstand loads of heavy machinery. Due to limited staging area for construction machinery on the pad, by excavating the basement prior to construction of the walls, they will be able to limit the amount of heavy equipment going over the GeoGrid, which is part of the MSE walls construction and extends into the slope. The engineer also states that the septic tank is to be located in the area where the heavy equipment would need to be located for the basement excavation; which could affect the septic tank.

It is a common practice in the Building Department's grading permitting process to include the basement excavation and pouring of foundation and basement walls as part of the grading permit. In many of the Rolling Hills projects, the

basement dirt is needed for grading activities, and therefore the basement is dug and walls and foundation poured. No framing of the basement would be allowed until the other required work is completed.

2. The engineers recalculated the grading quantities and determined that a reduction of about 273 c.y. of dirt can be achieved. Staff as minor modification would normally approve such change and no action of the Planning Commission is required.

3. The previously proposed egress/ingress from the basement is not to code and the Building Department requires a light well. To maintain the proper distance from the structure to the septic tank, the only feasible location for the light well is in the front setback.

4. The engineer states that due to the complex nature of this project and change in engineering firm and architects, the project was delayed. According to the Resolution, the first phase was to commence in May of 2019, and although the first part of phase one is completed (replacement of ruptured pipe and permit obtained for the "as-built" wall), the second part has not started, which will push the commencement of Phase Two out more than two years. Therefore, a time extension of the project is requested.

#### PROJECT CHANGE:

The only structural change proposed is the addition of 25 sq.ft. light well. A mezzanine is proposed in the basement; however neither the RHCA nor the City regulates it, as it is 100% interior space.

#### NO FURTHER DEVELOPMENT:

The subject property has a development restriction, which was placed as a condition during multiple prior project approvals. This condition remains, as do all other previous conditions of approval still in effect, for this proposed modification.

#### ENVIRONMENTAL REVIEW:

The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) under Class 3, Section 15303.

### Project Summary

SITE PLAN REVIEW	EXISTING AND PREVIOUSLY APPROVED		PROPOSED PROJECT	
<u>RA-S- 1 ZONE SETBACKS</u> Front: 50 ft. from front easement line Side: 20 ft. from property line Rear: 50 ft. from rear easement line	SINGLE FAMILY RESIDENCE.		SINGLE FAMILY RESIDENCE (with additional basement s.f.)	
<u>All structures are to be listed here.</u> <b>STRUCTURES</b> (Site Plan Review required for grading, new structures including new residence and if size of addition increases by more than 999 s.f. in a 36-month period).	Residence	3,920 sq.ft.	Residence	3,920 sq.ft.
	Garage	490 sq.ft	Garage	490 sq.ft.
	Basement	1,690 sq.ft.	Basement	1,816 sq.ft.
	Stable	450 sq. ft.	Stable	450 sq. ft.
	Porches	274 sq. ft.	Porches	274 sq.ft
	Entryway	217 sq.ft.	Entryway	217 sq.ft.
	Outdoor Kitchen	30 sq. ft.	Outdoor Kitchen	0 sq.ft.
			Light well	25 sq.ft.
	TOTAL	5,381 sq.ft	TOTAL	5,376 sq.ft
<u>STRUCTURAL LOT COVERAGE</u> (20% maximum)	13.6% (with deductions)		13.6% (with deductions)	
<u>TOTAL LOT COVERAGE</u> (35% maximum)	29.5% (with deductions)		28.9% (with deductions)	
<u>BUILDING PADS (30% guideline)</u> Residential pad	94% residence pad coverage		94% residence pad coverage	
<u>GRADING</u> Site Plan Review required if excavation and/or fill or combination thereof that is more than 3 feet in depth and covers more than 2,000 sq.ft.) must be balanced on site.	1,507 c.y. cut, 1,507 c.y. fill		1,819 c.y. cut and 1,819 c.y. fill to w/800 c.y.basement material export  Reduced grading - 3,365 c.y.; w export of 385 c.y.	
<u>DISTURBED AREA</u> (40% maximum; any graded building pad area, any remedial grading (temporary disturbance), any graded slopes and building pad areas, and any nongraded area where impervious surfaces exist.)	46.8%		46.2% (slope by BBQ restored)	
<u>STABLE (min. 450 SQ.FT. &amp; 550 SQ.FT. CORRAL)</u>	450 s.f. future stable set aside; 550 s.f.		450 s.f. future stable set aside; 550 s.f. (included in calculations)	
<u>STABLE ACCESS</u>	N/A		Pathway from motor court and driveway	
<u>ROADWAY ACCESS</u>	Existing driveway approach		Existing driveway approach	
<u>VIEWS</u>	N/A		Planning Commission review	
<u>PLANTS AND ANIMALS</u>	N/A		Planning Commission review	

## CRITERIA FOR VARIANCES

17.38.050 Required findings. In granting a variance, the Commission (and Council on appeal) must make the following findings:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone;
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question;
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity;
- D. That in granting the variance, the spirit and intent of this title will be observed;
- E. That the variance does not grant special privilege to the applicant;
- F. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities; and
- G. That the variance request is consistent with the general plan of the City of Rolling Hills.

# Bolton Engineering Corporation

25834 Narbonne Ave. Suite 210  
Lomita, CA 90717  
tel (310) 325-5580 fax (310) 325-5581

RECEIVED

JAN 15 2019

January 14, 2019

Yolanta Schwartz  
City of Rolling Hills  
2 Portuguese Bend Road  
Rolling Hills, CA 90274

City of Rolling Hills  
By \_\_\_\_\_

## **Subject: 5 El Concho Lane Grading / Basement Modification and Status Update**

Yolanta,

This memo is in regards to the on-going project at 5 El Concho Lane in Rolling Hills for Shawn DeMiranda. The original Resolution of Approval was for three separate projects on the site; (1) replacement and repair of failed storm drain on the property which conveys all of the storm-water from El Concho Lane down into the canyon and legalize previously constructed retaining wall, (2) repair slope failure from storm-water runoff and legalize un-permitted pathway walls, and (3) construct basement under portion of residence.

At this time the status of the above items are as follows:

(1) The storm drain has been replaced and the retaining walls legalized and approved through the County and performed as expected through the 2017 – 2018 rainy season. There is nothing more to be done for this Phase of the project.

(2) The slope repair and wall legalization has been the hardest of the three items to satisfy as the County would not accept the wall type which was processed through Planning Commission originally. Once Bolton Engineering took over on the project, we went back to the drawing board and worked with the County and Soils Engineer to find a set of walls which would be acceptable to all parties. The Soils Engineer prepared an additional report detailing slope repair recommendations, retaining wall design recommendations, and the required recommendations for the basement design. The Slope Repair Grading Plan is currently in review with the County Grading / Drainage Plan Check Engineer, as well as with the County Soils / Geology Division. We have paid plan check extension fees in order to extend our plan check through June 2019. We have processed the plans through the RHCA and they have signed off on all of the items. One major item of concern, from the original Planning Commission meeting, was the bbq. The current Grading Plan shows a complete removal of said bbq and it is instead replaced with a 5' max height wall which averages out to 2.5' in height.

(3) An Architect, Joseph Spierer and Associates, was retained for the project as there had not been an architect previously involved. A minor modification to the basement was processed through Planning Commission in 2018 and they are currently in Plan Check with the County for the basement. We are also requesting an additional minor modification through this application for construction of a light-well in the setback, which is more detailed in the last paragraph.

We have been working through the terms of the Resolution of Approval and in speaking with Yolanta it was determined best to bring the project back before the Planning Commission in order to clarify a few points and process another minor modification. Per the Resolution of Approval for the project the slope repair of the slough off area is to be completed and the legalization of the as-built rail-road tie walls with the County obtained, prior to pulling any permits for the basement construction / legalization. While going through the preparation of the Grading Plan we have found that there will not be enough dirt on-site to repair the slope as the erosion of this area has taken all of the useable soil off the property. As the Resolution is currently worded, we will need to import soil in order restore the slope, as the Soils Engineer is requiring us to remove the top 3' of soil, due to it not being acceptable material. We are also going to be required to over-excavate to bedrock and re-compact the slope in order to stabilize the hillside to hold the soil and walls which is proposed to bring the grade back to pre-construction conditions.

## **Bolton Engineering Corporation**

In order to limit the amount of import and export on-site we are requesting that we be allowed to dig out (export) the basement at the same time as the slope repair / wall legalization in order to utilize the basement dirt for the slope repair. This will limit the amount of trucks going up and down El Concho Lane to truck off the basement material as well as eliminating the need to bring material on-site. The proposed cut / fill for the slope / pathways is 100 c.y. cut and 200 c.y. fill with 975 c.y. over-excavation and 1,290 c.y. re-compaction. The proposed cut for the basement is proposed to be 800 c.y. If allowed to utilize the basement soil for fill material the amount of export off site would be reduced to 385 c.y. If not allowed to utilize the basement material we would need to import 415 c.y. of soil for the slope repair. This required import value (of 415 c.y.) would be below the allowable 500 c.y. which the City Staff would be able to approve over the counter, with an approved Grading Plan on file.

Another reason we are requesting the allowance of the excavation of the basement at the time of the slope repair is to protect the MSE walls which are to be constructed as part of the slope repair. These MSE walls are designed with GeoGrid extending back into the slope and they are not designed to withstand loads of heavy machinery. If we are able to excavate out the basement prior to building these walls we would be able to limit the amount of heavy equipment going over the geogrid material as well as the location of the proposed septic system. The septic system is currently proposed to be located between the residence and the upper retaining wall which is where the heavy equipment will be going over for the basement excavation. The septic would not be installed until the walls were constructed so if we can excavate the basement at the same time as the slope repair we minimize the potential impact to the septic system as well.

Due to the concern regarding the project and ensuring that the walls and slope repair are completed and legalized, we would request that the Resolution of Approval be modified to condition the project so that no building permits, other than a foundation only permit for the basement walls, would be approved or released prior to the Rough Grade approval. This is common practice for all projects in the City of Rolling Hills, being that contractors are allowed to pour basement walls and excavate as needed as part of the Rough Grading because that soil is typically required for the project and also it keeps all of the grading activities combined instead of broken up. The client would not be able to pull any framing or MEP permits until this Rough Grade was approved by the County Building and Safety inspector.

At the same time we are processing the request for the basement dirt excavation timeline modification, we would also like to request a two year extension to the Resolution of Approval expiration date. We have made progress on the project but will not meet the deadline currently specified to begin construction. We have shown a vested interest in working to comply with the deadline, by having plans submitted to the County for Plan Check and paying the required plan check fees with the County. Due to the complex nature of this project and the change in Consultants has delayed the project beyond what may have originally been expected. A third item which we are requesting a modification on through this application is for the addition of a light-well in the side yard setback. While going through the Building Department plan check the proposed egress, already depicted on the plans, was deemed not to code and a light-well is required. Due to the location of the proposed septic system to the west and the existing deck / building to the north and east, the only other location is on the southerly side of the residence which is in the setback. The revised architectural plans reflect the new light-well and we will flag it on the ground for the field-trip. I plan to be at the March Planning Commission Field Trip and Evening meeting to discuss any questions that the Planning Commission may have regarding the project status and our requests.

Feel free to contact me directly with any questions / concerns regarding the project.

Regards,

Bolton Engineering Corp.

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Tavisha Ales (RCE 83446)





**Agenda Item: 9A  
Mtg. Date 03/19/19**

**TO: HONORABLE CHAIRMAN AND MEMBERS OF THE  
PLANNING COMMISSION**

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR**

**SUBJECT: REQUEST FOR TIME EXTENSION – 11 Upper Blackwater  
Canyon Road**

**ZONING CASE NO. 914** Request for Site Plan Review and Conditional Use Permit for grading and construction of a new 11,052 square foot residence and 6,620 square foot basement, 1,446 square foot attached garage, 2,870 square feet of covered porches, a new pool and spa totaling 1,336 square feet, a two-story stable with 504 square foot on the first level and a 240 square foot loft, a new driveway with access to the stable, 800 square foot guesthouse, 6,985 square foot tennis court and miscellaneous outdoor amenities.

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#### BACKGROUND

Attached is a request from Subir Chowdhury, owner of 11 Upper Blackwater Canyon Road for a two-year time extension to commence construction of a previously approved project consisting of grading and construction of a new residence with garage, basement, stable, pool, new driveway, guesthouse, tennis court and other structures in Zoning Case No. 914. The Planning Commission approved this project on March 21, 2017.

Section 8 (A) of Resolution No. 2017-02 requires that the project grading or construction commence within two years from date of the resolution, March 2019. Pursuant to Section 17.46.080 and Section 17.42.070 of the Zoning Ordinance, approvals are valid for the time period specified in a Resolution of approval, but not to exceed two years. The Planning Commission may extend the approval for up to a maximum of two years.

The applicant states that he needs funds for construction from the profits of another property that he owns which is for sale. The applicant has all the required approvals for commencing construction, including LA County Building and Safety Department.

#### RECOMMENDATION

It is recommended that the Planning Commission consider the request and adopt Resolution No. 2019-05 granting a two-year time extension to commence construction of this project. If granted, the entitlement for construction would expire on March 21, 2021.

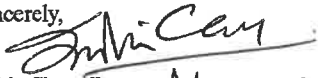
Date: January 9, 2019

Re: 11 Upper Blackwater Canyon  
Rolling Hills Estates

To whom it may concern,

As the owner of 11 Upper Blackwater Canyon I would like to extend resolution 2017-02 for the allowable two years. I have another property that is currently for sale and I need the funds from that sale to fund the construction of 11 Upper Blackwater Canyon. When the sale is finalized I plan to begin construction at 11 Upper Blackwater Canyon. The plans have been approved by the Rolling Hills Community Association as well as the County and permits are ready to be pulled once we are ready to start the project. Please feel free to contact me should you have any questions.

Sincerely,



Subir Chowdhury, Manager, Author Homes, LLC  
310-697-7208

RECEIVED

JAN 22 2019

City of Rolling Hills  
By \_\_\_\_\_

RESOLUTION NO. 2019-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A TWO-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PROJECT FOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT IN ZONING CASE NO. 914, AT 11 UPPER BLACKWATER CANYON ROAD, (LOT 99-B-RH, CHOWDHURY).

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Subir Chowdhury with respect to real property located at 11 Upper Blackwater Canyon Road requesting a two-year time extension to comply with the requirements of Planning Commission Resolution No. 2017-02 to commence construction of the approved project.

Section 2. The Commission considered this item at a meeting on March 19, 2019 at which time information was presented by the applicants indicating that additional time is needed to commence construction of this project.

Section 3. The Planning Commission finds that pursuant to RHMC Section 17.46.080 the expiration would constitute an undue hardship upon the property owner; and the continuation of the approval would not be materially detrimental to the health, safety and general welfare of the public.

Section 4. Based upon information and evidence submitted, the Planning Commission grants two year time extension and does hereby amend Paragraph A of Section 8 of Planning Commission Resolution No. 2017-02, dated March 21, 2017 to read as follows:

Section 8.

A. The Site Plan and Conditional Use Permits approvals shall expire within four years from the effective date of approval as defined in Sections 17.46.080(A) and 17.42.070 of the Zoning Ordinance unless otherwise extended pursuant to the requirements of these sections.

Section 4. Except as herein amended, the provisions and conditions of Resolution No. 2017-02 shall continue to be in full force and effect.

PASSED, APPROVED AND ADOPTED THIS 19th DAY OF MARCH 2019.

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BRAD CHELF, CHAIRMAN

ATTEST:

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CITY CLERK

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES                ) §§  
CITY OF ROLLING HILLS                 )

I certify that the foregoing Resolution No. 2019-05 entitled

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A TWO-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PROJECT FOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT IN ZONING CASE NO. 914, AT 11 UPPER BLACKWATER CANYON ROAD, (LOT 99-B-RH, CHOWDHURY).

was approved and adopted at a regular meeting of the Planning Commission on March 19, 2019 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices

\_\_\_\_\_  
CITY CLERK