



# *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**  
**ADJOURNED REGULAR MEETING**  
**OF THE PLANNING COMMISSION**  
**CITY OF ROLLING HILLS**  
**7:30 AM**  
**TUESDAY, FEBRUARY 19, 2019**  
**MEET AT 7 RINGBIT RD. EAST**

1. CALL MEETING TO ORDER
2. ROLL CALL
3. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA
4. FIELD TRIPS

- A. 7 Ringbit Road East – Appeal of a determination and interpretation of a condition of approval of a previously approved project, (Shadden).

**RECOMMENDED ACTION:**

1. Motion to continue discussion to regular Planning Commission meeting in the evening on February 19, 2019.

- 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 OZD-1 -Overlay Zoning District, in Zoning Case No. 954 at 9 **Williamsburg Lane** (Lot 27-RH) Rolling Hills, CA, (MacLean).

**RECOMMENDED ACTION:**

1. Motion to continue discussion to regular Planning Commission meeting in the evening on February 19, 2019.

5. ADJOURNMENT

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



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
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**Agenda Item 4A**  
**Mtg. Date: 02-19-19**

**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 OF CONDITION OF APPROVAL**  
**SITE LOCATION: 7 RINGBIT ROAD E. (LOT 38 SF)**  
**ZONING AND SIZE: RA-S-1, 1.22 ACRES**  
**APPLICANT: MR. JOHN SHADDEN**  
**REPRESENTATIVE: SELF**  
**NOTICED: ADJACENT PROPERTIES- FEBRUARY 7, 2019**

**Attachments: Applicant's request**  
**City's prior approval**  
**Resolution No. 2012-01**  
**Covenant Agreement**

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**REQUEST AND RECOMMENDATION**

1. The applicant, Mr. Shadden, is appealing staff's determination of a condition placed in a Resolution of approval of a Conditional Use Permit in 2012. The approval was granted by Resolution No. 2012-01. The applicant requests a modification to Condition M of Section 9 of the resolution, regarding the type of material allowed on the exterior of the structure.
2. It is recommended that the Planning Commission review the staff report view the project in the field and continue the meeting to the evening Planning Commission meeting, or provide other direction to staff.

## 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. In 2012, 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 as follows:

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).

December 26, 2018

City of Rolling Hills  
Planning Commission  
2 Portuguese Bend Road  
Rolling Hills, CA 90274

Attn: Planning Commission Board Members;

Regarding CUP interpretation of Resolution No. 2012-01 for property 7 Ringbit Road East  
Owners: John and Patricia Shadden

Our interpretation of the original resolution was the existing structure could remain as built but the maintenance and up-keep would be acceptable to match the quality and look when compared to the main residence on the property. When we purchased the property in 2011 it was not disclosed that the then designated guest house had not been properly permitted. We proceeded with the purchase and completely remodeled the main house while working with the planning department to properly permit the guest house resulting in the CUP, Resolution No. 2012-01 with the intent to improve the guest house at a later date. With the recent rains over the last several years the time has come to complete those improvements as outlined below:

Current maintenance to the property requires the items below:

1. Remove termite and dry rot ridden partial wood siding, followed by stucco on the entire guest house to match the main house.
2. Replace windows and doors with matching new weather protected product to match the main house and prevent current leaks.
3. Re-paper roof and replace broken roof tiles to eliminate current leaks.
4. Paint trim and eaves to match main house.

The attachments are outlined below:

1. Building Elevations
2. Rolling Hills examples of matching the look of the main house with the secondary structure.

Please let me know if additional documentation is required.

Best,



John Shadden  
Owner 7 Ringbit Road East

**RECEIVED**

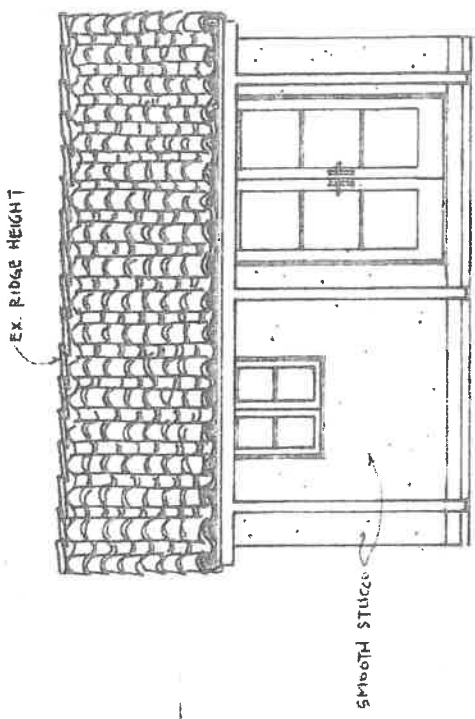
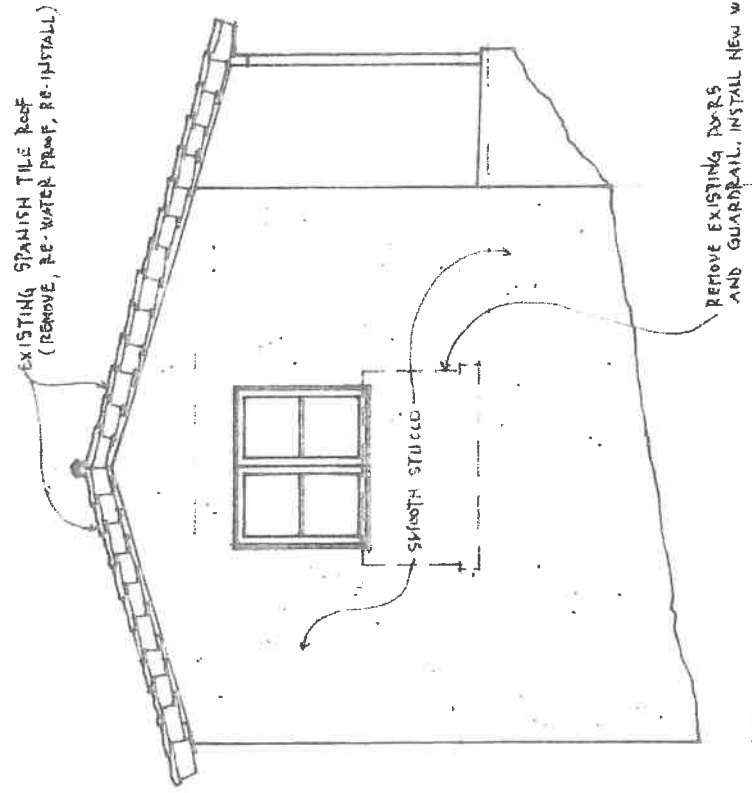
**JAN 18 2019**

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

RECEIVED

JAN 18 2019

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



SOUTH ELEVATION

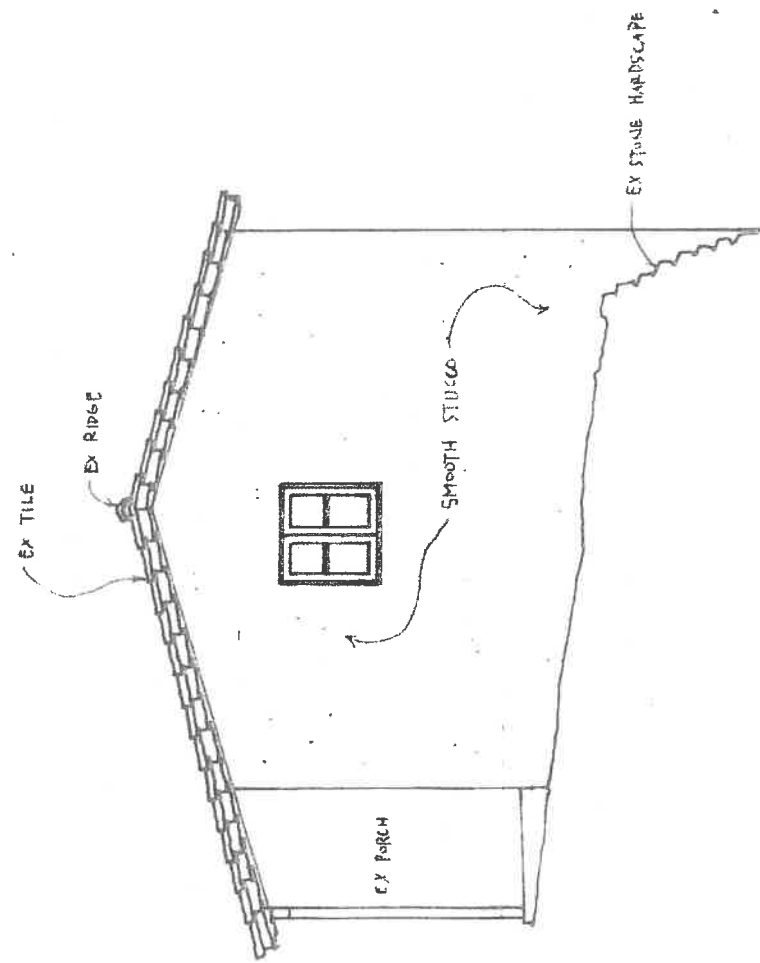
EAST ELEVATION

RECEIVED

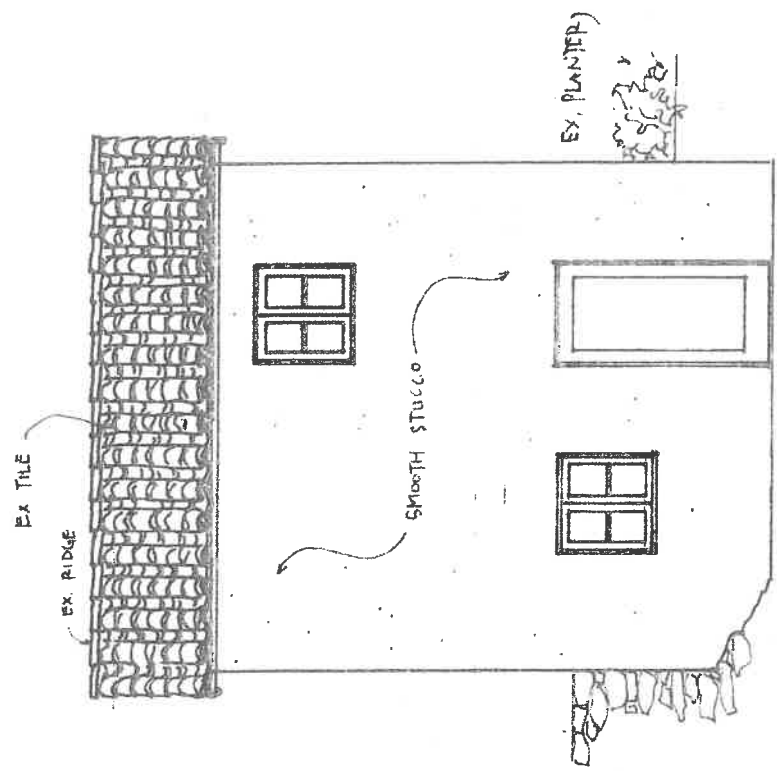
JAN 18 2019

City of Rolling Mills

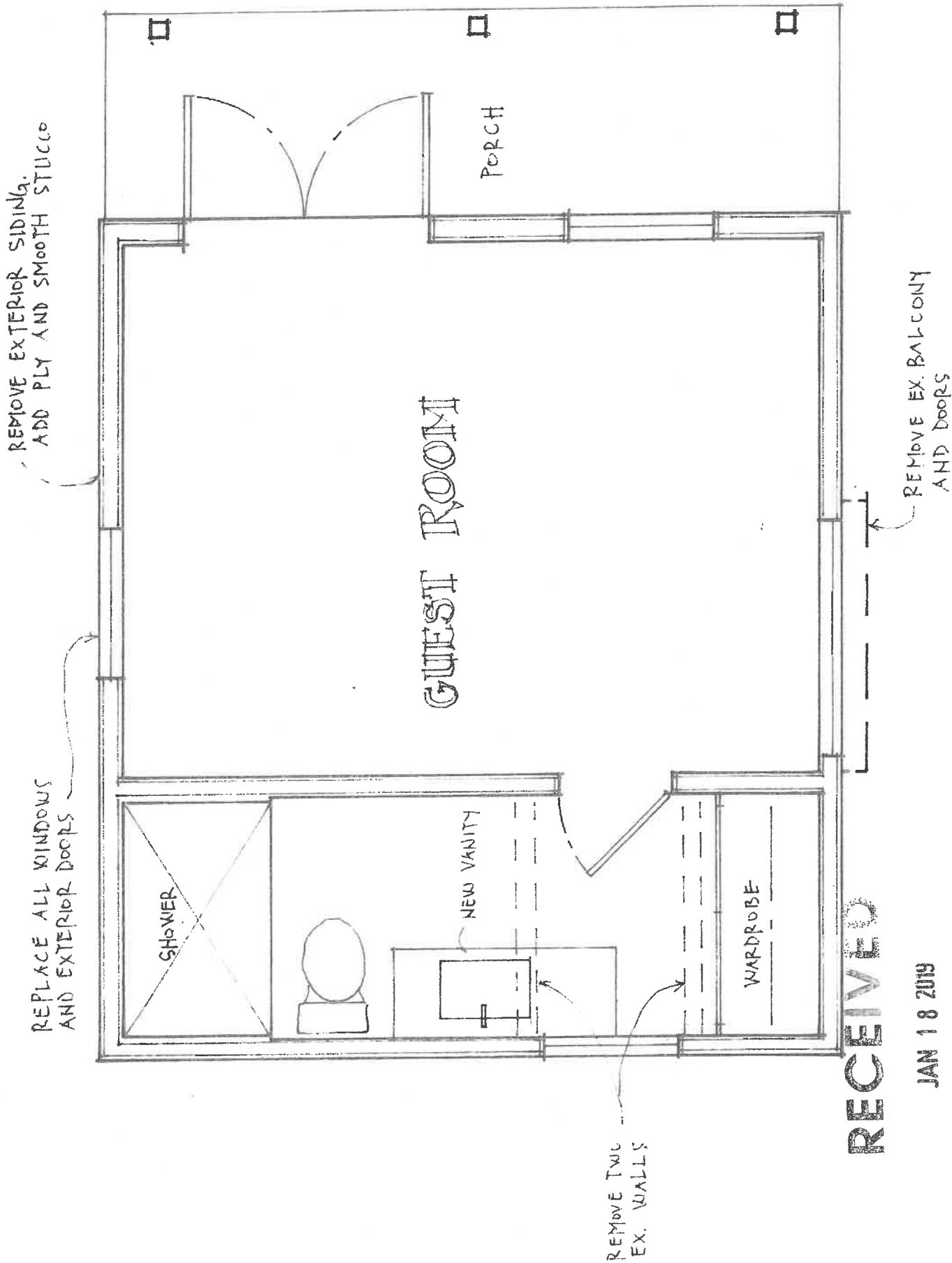
By \_\_\_\_\_



NORTH ELEVATION



WEST ELEVATION



**RECEIVED**

JAN 18 2019

City of Rolling

By \_\_\_\_\_

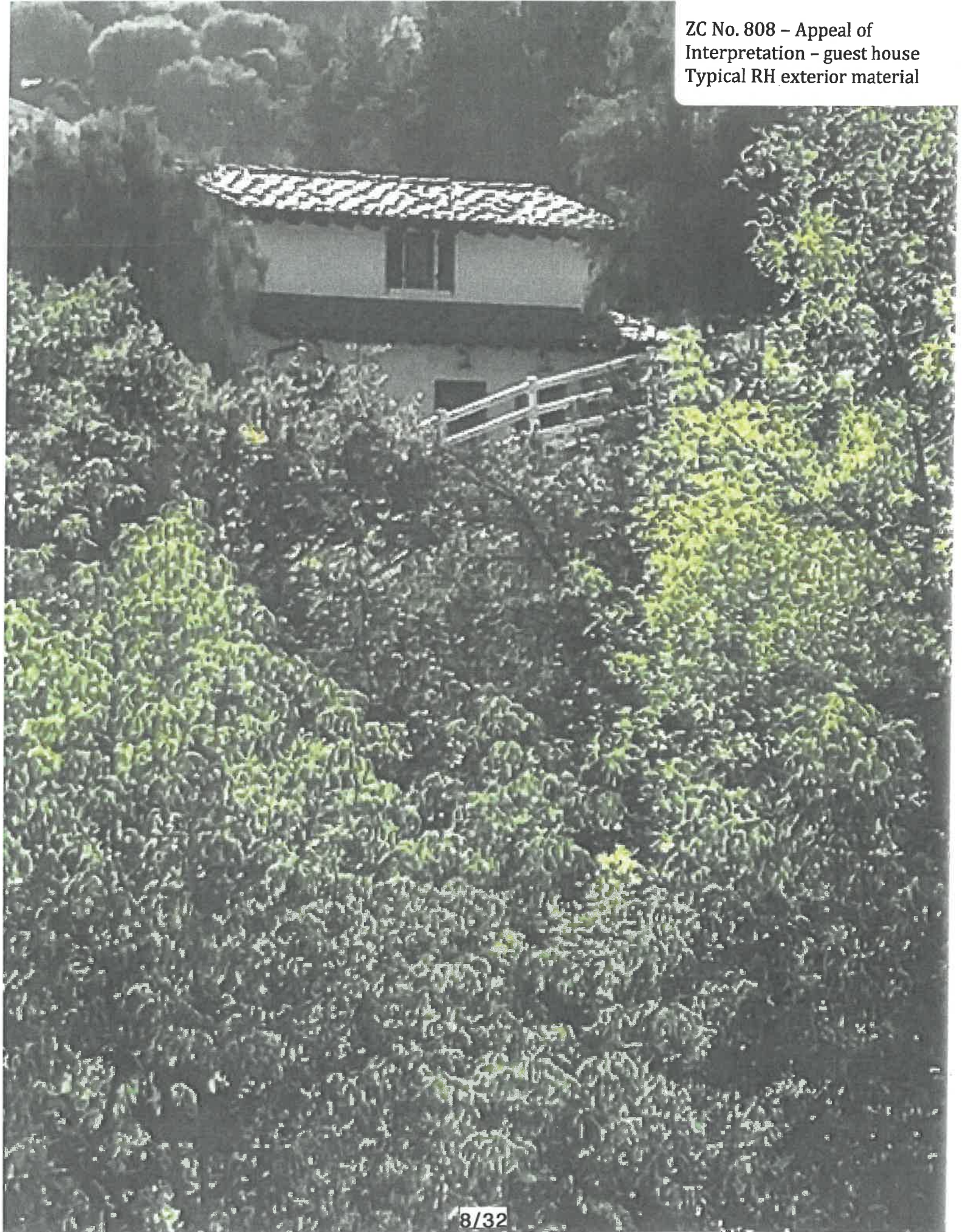


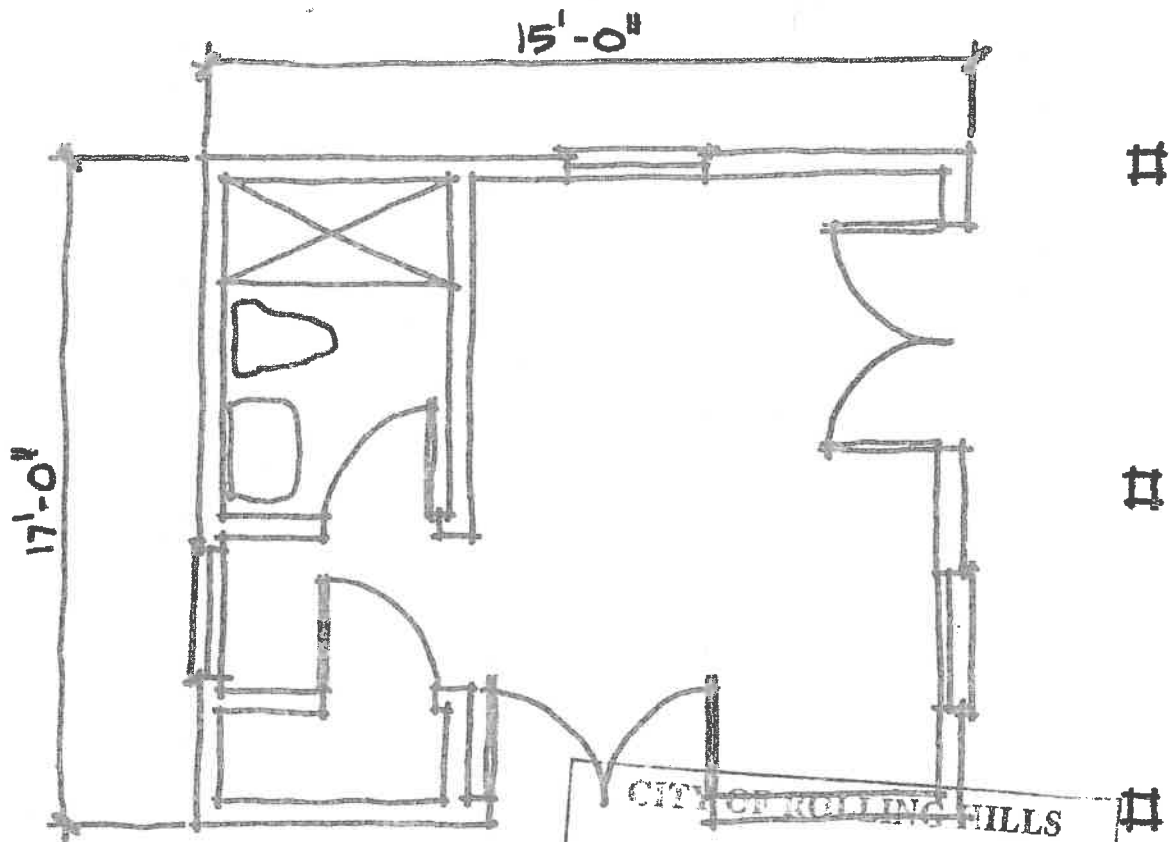
ZC No. 808 – Appeal of  
Interpretation – guest house  
Typical RH exterior material





ZC No. 808 – Appeal of  
Interpretation – guest house  
Typical RH exterior material

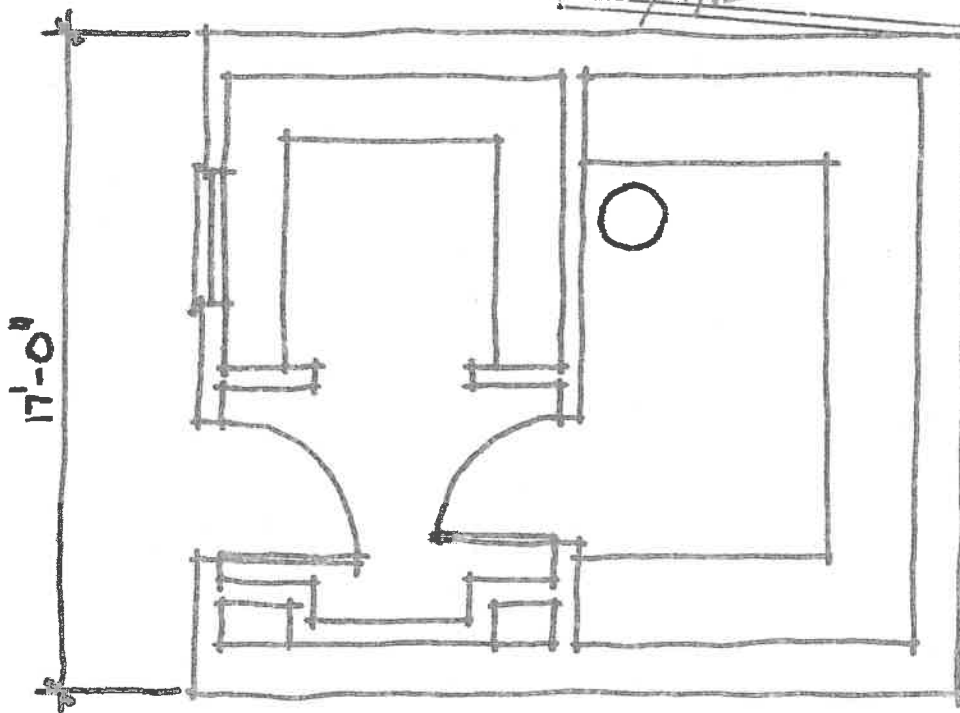




UPPER FLOOR

SCALE 1/4" = 1'-0"

CITY OF ROLLING HILLS  
 Approved BY Resolution 2012-01  
 PLANNING DEPARTMENT Commission  
 w/condition restricting use  
 Date 1/17/12



LOWER FLOOR

RECEIVED

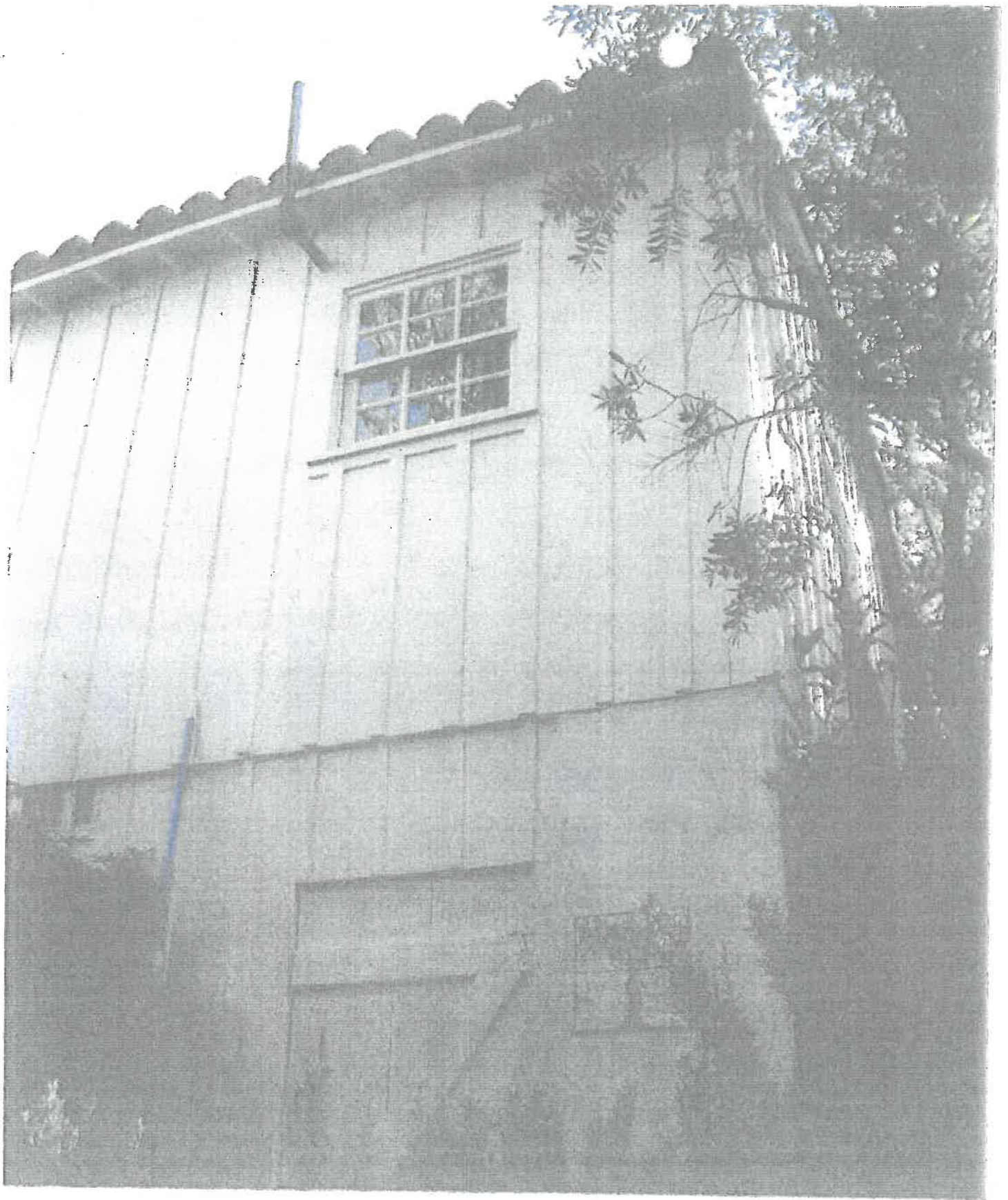
JAN 04 2012

City of Rolling Hills

Z.C. 808

7 RINGBIT E.





Existing door to underfloor area to be removed and filled in with wood siding to match existing siding

WEST ELEVATION





NORTH ELEVATION





SOUTH ELEVATION

RECORDING REQUESTED BY AND  
MAIL TO:

CITY OF ROLLING HILLS  
PLANNING DEPARTMENT  
2 PORTUGUESE BEND RD.  
ROLLING HILLS, CA 90274

(310) 377-1521  
(310) 377-7288 FAX



↑ RECORDER'S USE ONLY  
THE REGISTRAR-RECORDER'S OFFICE REQUIRES THAT THE FORM BE NOTARIZED BEFORE  
RECORDATION.

AFFIDAVIT OF ACCEPTANCE FORM

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

ZONING CASE NO. 808

XX CONDITIONAL USE PERMIT; XX VARIANCE

I (We) the undersigned state

I am (We are) the owner(s) of the real property described as follows:  
7 RINGBIT ROAD EAST, ROLLING HILLS, CA 90274 (LOT 38-SF)

This property is the subject of the above numbered case and conditions of approval

I am (We are) aware of, and accept, all the stated conditions in said ZONING CASE NO. 808

XX CONDITIONAL USE PERMIT XX VARIANCE

I (We) certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Signature

John T. Shadden

Name typed or printed

Signature

Patricia Shadden

Name typed or printed

Address 7 Ringbit Road East

Rolling Hills, CA 90274  
City/State

Address 7 Ringbit Road East

Rolling Hills, CA 90274  
City/State



Signatures must be acknowledged by a notary public.  
See Attached Exhibit "A", RESOLUTION OF APPROVAL NO. 2012-01

State of California )  
County of Los Angeles )

On February 6, 2012 before me,

Kathleen J. Howard, Notary Public,

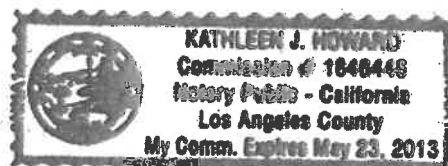
Personally  
appeared John T. Shadden and Patricia Shadden

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledged to me that he/ she/ they executed the same in his/her/their authorized capacity(ies) and that by his/ her /their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS by hand and official seal.

Signature of Notary Kathleen J. Howard ( Seal)



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RESOLUTION NO. 2012-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A CONDITIONAL USE PERMIT TO RETAIN A GUEST ROOM, PREVIOUSLY APPROVED AND CONSTRUCTED AS A TACK ROOM AND REQUEST FOR A VARIANCE TO EXCEED THE MAXIMUM PERMITTED DISTURBANCE OF THE LOT, IF A STABLE AND CORRAL ARE CONSTRUCTED IN THE FUTURE, ON A PROPERTY DEVELOPED WITH A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES IN ZONING CASE NO. 808, AT 7 RINGBIT ROAD EAST, (LOT 38-SF), (SHADDEN). THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

Section 1. Application was duly filed by Mr. and Mrs. John Shadden with respect to real property located at 7 Ringbit Road East requesting 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.

Section 2. A two-story tack room was constructed on the property in 1965. The applicants request a CUP is to retain the two-story structure and which has been used for storage on the first level and guest room on the second level for many years. At the time of the construction of the tack room, records indicate, that a small stable was also constructed in proximity of the tack room. Staff believes the stable was demolished when the pool was constructed in 1997. The applicant proposes to set aside an area for a future stable and coral elsewhere on the lot, which when constructed would require grading.

Section 3. The Planning Commission conducted duly noticed public hearings on the subject application in the field on November 15, 2011 and at public hearings at City Hall on November 15 and December 20, 2011. The applicants were notified of the public hearings in writing by first class mail. Evidence was heard and presented from all persons interested in affecting said proposal and from members of the City staff and the Planning Commission having reviewed, analyzed and studied said proposal. The applicant's representative was in attendance at the hearings.

Section 4. The Planning Commission concluded that the structure is attractive, unobtrusive, conforms to the character of structures in Rolling Hills, located substantial distance from any neighbor and that it would be unreasonable to deem the lower level as habitable space. A neighbor at 5 Ringbit Road E. was present at the public hearings and

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stated that he has no objections to the use of the structure in the same manner as it has been in the recent past, which is for a guest room and storage.

Section 5. Based on the opinion of the City Attorney, the Planning Commission further found that Rolling Hills Municipal Code ("RHMC") Section 17.16.080 restricts buildings within the City to one-story. However, "one-story" is defined as "meaning no interior habitable space shall exist over any other habitable space, except over basements." The lower level of the structure is not habitable space. The applicants do not use, and state that they have no intention to use, the level underneath the living area as "habitable space." Because this is not habitable space, it does not violate the limitation in RHMC Section 17.16.080. With this CUP approval the lower level will be restricted in use to storage and utility equipment storage only and there shall be no habitation of any kind on the lower level. Further, these restrictions will be recorded in title as a covenant to make it more obvious to subsequent purchasers.

Section 6. The Planning Commission finds that the project qualifies as a categorical exemption from environmental review under the California Environmental Quality Act.

Section 7. Sections 17.38.010 through 17.38.050 of the Rolling Hills Municipal Code permit approval of a Variance from the standards and requirements of the Zoning Ordinance when exceptional or extraordinary circumstances applicable to the property and not applicable to other similar properties in the same zone prevent the owner from making use of a parcel of property to the same extent enjoyed by similar properties in the same vicinity. A Variance to Section 17.16.070 (B) is required because it states that the lot disturbance shall be limited to 40.0% of the net lot area. The applicant is requesting a Variance because total disturbance of the net lot area is proposed to be 43.1% when, and if the future, stable, corral and access thereto are constructed. Currently, the disturbed area of the lot is 40.6%. With respect to this request for a Variance, the Planning Commission finds as follows:

A. There are exceptional and extraordinary circumstances and conditions applicable to this property that do not apply generally to the other properties in the same zone. The property is unique in that the front area of the property does not lend itself to construction of a future stable and corral, as it is developed with accessory structures. There is a suitable area in the rear for the future construction of a stable and corral, however it would require grading. 40.6% of the lot was previously disturbed and the additional 2.5% disturbance is minimal for the construction of the future stable and corral.

B. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, but which would be denied to the property in question absent a variance. Many of the properties in the area were graded and disturbed to a greater extent than is currently

b

allowed and the City's requirement for a set aside for a future stable and corral requires additional grading on this property. There is no other area on the lot suitable for a stable. The overage is of 2.5% over the existing disturbance is not significant and the property owner should not be denied the privilege of a future stable and corral because the topographic nature of the lot and the configuration of the existing structures make it infeasible to comply strictly with Section 17.16.170.

C. The granting of the Variance would not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. Significant portions of the lot will be left undeveloped so as to maintain open space on the property. The additional graded area, if graded in the future, is on a portion of the lot which is not intrusive to surrounding properties, and will be screened and landscaped with trees and shrubs from nearby residences and from the street so that the graded condition will not impact the view or privacy of surrounding neighbors, and will permit the owners to enjoy their property without deleterious infringement on the rights of surrounding property owners. It is a requirement that any future grading and construction of a stable be subject to a Conditional Use Permit and be reviewed by the Planning Commission and neighbors notified.

D. In granting the variance, the spirit and intent of the Zoning Ordinance will be observed. The purpose of the Zoning Ordinance is to regulate development in an orderly fashion and in a manner consistent with the goals and policies of the General Plan. Approval of the variance will not impede any goals of the Zoning Ordinance or the General Plan. Rather, the variance will allow the property owner to enjoy the same rights and privileges afforded to other property owners in the vicinity, where the topography of the lots dictate grading requirements for future stable and corral. The overage requested is not substantial and does not undermine the spirit or intent of the Zoning Ordinance.

E. The variance does not grant special privileges to the applicant. To the contrary, absent a variance, the property owner would be deprived of the same rights and privileges afforded to other property owners in the vicinity. Unique circumstances applicable to the subject property make it infeasible for the property owner to comply with Section 17.16.070. The minor overage requested will allow the property owner to enjoy the same rights and privileges afforded to many other properties in the vicinity and zone.

F. 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.

G. The variance request is consistent with the General Plan. The proposed project, together with the variance, will be compatible with the objectives, policies, general land uses, and programs specified in the General Plan.

Section 8. Section 17.16.210(A)(5) of the Rolling Hills Municipal Code permits approval of a guest house under certain conditions, provided the Planning Commission approves a Conditional Use Permit for guest houses over 200 square feet. With respect to this request for a Conditional Use Permit, the Planning Commission finds as follows:

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A. The granting of a Conditional Use Permit for the guest room would be consistent with the purposes and objectives of the Zoning Ordinance and General Plan because the use is consistent with similar uses in the community, meets all the applicable development standards of the Zoning Ordinance and no deviations from the development standards are requested.

B. The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the retention of the previously constructed guest room will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures because the guest room is of sufficient distance from nearby residences and is screened so that the guest room does not impact the view or privacy of surrounding neighbors.

C. The project is harmonious in scale and mass with the site, the natural terrain, and surrounding residences because the guest room complies with the low profile residential development pattern of the community, is located in an area that is flat and is screened from neighbors' view.

D. The proposed conditional use complies with all applicable development standards of the zone district because the 255 square foot size of the guest room does not exceed the maximum permitted under the Municipal Code and the guest room does not encroach into any setback areas and is not located in the front.

E. The proposed conditional use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting criteria for hazardous waste facilities because the project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

F. The proposed conditional use observes the spirit and intent of Title 17 of the Zoning Code because the proposed project meets all of the development standards of the Zoning Regulations and there is adequate room for a future stable and corral.

G. The project conforms to the requirements of the California Environmental Quality Act and is exempt.

Section 9. Based upon the foregoing findings in Sections 7 and 8 the Planning Commission hereby approves the Conditional Use Permit and Variance in Zoning Case No. 808 to retain an "as built" guest room with storage/utility room on the lower level as shown on the Site Plan stamp dated December 1, 2011 and a floor plan stamp dated January 4, 2012 subject to the following conditions:

A. The Conditional Use Permit and Variance approvals shall expire within two years from the effective date of approval as defined in Sections 17.46.080, 17.38.080 and 17.42.070, unless otherwise extended pursuant to the requirements of these sections. The CUP shall run with the land, until such time as the guest room is demolished.

B. It is declared and made a condition of this approval that if any conditions thereof are violated, this approval shall be suspended and the privileges granted thereunder shall lapse; provided that the applicant has been given written notice to cease such violation, the opportunity for a hearing has been provided, and if requested,

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has been held, and thereafter the applicant fails to correct the violation within a period of thirty (30) days from the date of the City's determination.

C. All requirements of the Buildings 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. Building permit shall be obtained for the previously made modifications to the structure, including installation of a water heater and for any modifications proposed and/or required by this resolution.

E. 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, restricting the use of the structure to a guest room on the second level and storage and utility room on the lower level. Further, the covenant shall state that at no time may the lower level be converted to habitable space; that there shall be no additional window openings or doors to either level of the structure and any modification to the structure shall be subject to review and in accordance with City's regulations.

F. Structural lot coverage of the lot shall not exceed 5,999 square feet or 13.7% of the net lot area, which includes the minimum required 450 sq.ft. stable, in conformance with lot coverage limitations (20% maximum).

G. The total lot coverage proposed, including structures and flatwork shall not exceed 12,269 square feet or 28%, of the net lot area, in conformance with lot coverage limitations (35% max).

H. There shall be no grading for the future stable and corral until such use is approved by the Planning Commission and shall be subject to a Site Plan Review and a CUP. The disturbed area, including for the future stable and corral shall not exceed 43.1% of the net lot area.

I. 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 material requirements (RHMC 17.16.190), and all other Zoning and Building Code requirements.

J. The guest room shall not exceed 255 square feet on each level, and shall meet all requirements of the zoning ordinance regarding construction, occupancy and access thereto, Section 17.16.210(5).

K. No parking pad or driveway shall be constructed within 50-feet of the guest room.



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L. The use of the two story structure shall be restricted to a guest room on the upper level and storage room with utility equipment on the lower level and it shall not be modified, except for maintenance.

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.

N. All conditions of the Conditional Use Permit and Variance approvals, that apply, shall be complied with prior to the issuance of any other approvals on the property.

O. 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, and record the Resolution with the County Recorder's Office. In addition, a covenant agreement shall be prepared and recorded regarding the use of the two-story guest room/storage and utility room structure, as specified in paragraph "E" above.

P. 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.

Q. The project must be reviewed and approved by the RHCA.

PASSED, APPROVED AND ADOPTED THIS 17th DAY OF JANUARY 2012

  
JEFF PIEPER, CHAIRMAN

ATTEST:

  
HEIDI LUCE, DEPUTY CITY CLERK

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

I certify that the foregoing Resolution No. 2012-01 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A CONDITIONAL USE PERMIT TO RETAIN A GUEST ROOM, PREVIOUSLY APPROVED AND CONSTRUCTED AS A TACK ROOM AND REQUEST FOR A VARIANCE TO EXCEED THE MAXIMUM PERMITTED DISTURBANCE OF THE LOT, IF A STABLE AND CORRAL ARE CONSTRUCTED IN THE FUTURE, ON A PROPERTY DEVELOPED WITH A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES IN ZONING CASE NO. 808, AT 7 RINGBIT ROAD EAST, (LOT 38-SF), (SHADDEN). THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

was approved and adopted at regular meeting of the Planning Commission on January 17, 2012 by the following roll call vote:

AYES: Commissioners Henke, Smith, Vice Chairman Chelf and Chairman Pieper.

NOES: None.

ABSENT: None.

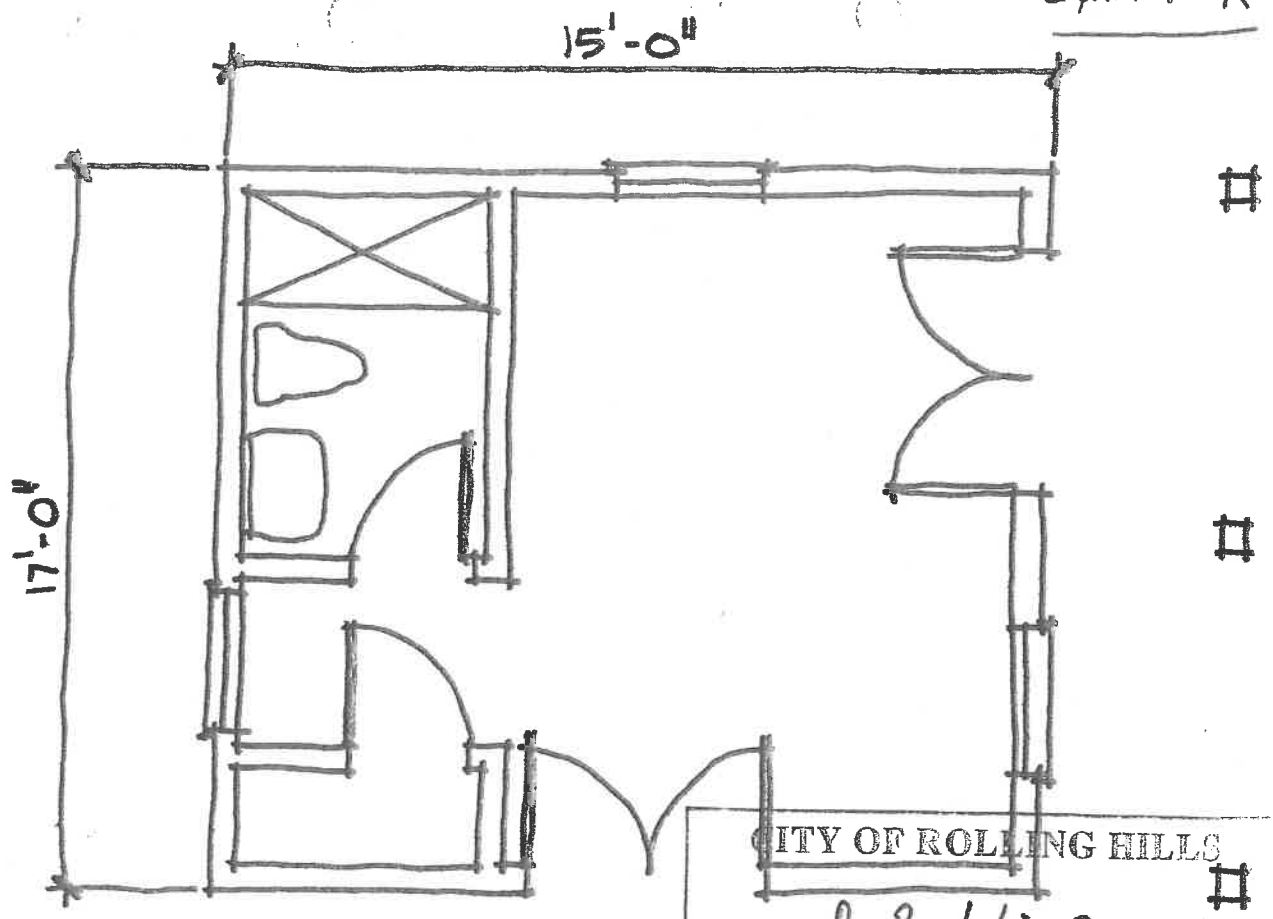
ABSTAIN: Commissioner Mirsch.

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

Administrative Offices

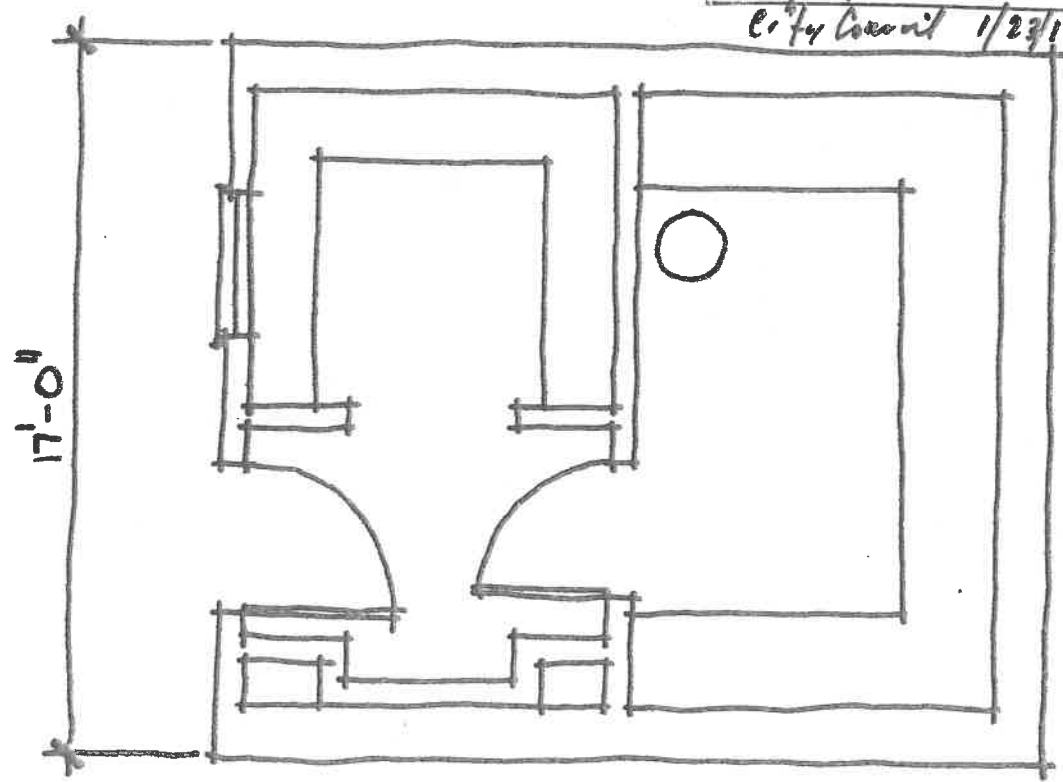


HEIDI LUCE, DEPUTY CITY CLERK



UPPER FLOOR  
SCALE 1/4" = 1'-0"

CITY OF ROLLING HILLS  
Approved By Resolution 2012-01  
PLANNING DEPARTMENT Commission  
with condition restricting use  
Date 1/17/12 & covenant agreement  
City Council 1/23/12



LOWER FLOOR 22/32

RECEIVED

JAN 04 2012  
City of Rolling Hills  
By \_\_\_\_\_

7 RINGBIT E.  
Z.C. 808

**RECORDING REQUESTED BY:**

City of Rolling Hills

**WHEN RECORDED MAIL TO:**

City of Rolling Hills  
2 Portuguese Bend Road  
Rolling Hills, CA 90274  
Attention: Planning Director



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Space Above Line For Recorder's Use  
[Exempt from payment of recording fees pursuant to Government Code § 6103]

**AGREEMENT IMPOSING RESTRICTIONS ON REAL PROPERTY**

THIS AGREEMENT IMPOSING RESTRICTIONS ON REAL PROPERTY is entered into this 19 day of July, 2013 by and between the CITY of Rolling Hills (hereinafter "City") and John T. Shadden and Patricia W. Shadden (hereinafter "Owners").

**RECITALS:**

A. Owners are the legal owners of real property in the City of Rolling Hills, located at 7 Ringbit Road East, and developed with a single family residence, swimming pool and a detached structure utilized for a guest room and storage room, more particularly described as Lot 38, per Record of Survey as recorded in Book 59, Pages 8-10 of Surveys in the office of Los Angeles County Recorder, APN NO. 7567-010-034 (hereinafter referred to as the "Subject Property").

B. Owners desire to make improvements in compliance with City of Rolling Hills Planning Commission Resolution 2012-01 adopted January 17, 2012, attached hereto and incorporated herein by reference. On that date, the Planning Commission determined the detached 255 square foot accessory two-level structure on the Subject Property, referred to as "Guest House" in Resolution 2012-01, being the upper level of the structure, to be a legal nonconforming use. The Planning Commission also determined that the lower level of the detached structure, referred to as "storage" in Resolution No. 2012-01, does not violate the City's Zoning Ordinance definition for a single story, because it is not a habitable space. The Conditional Use Permit (CUP) restricts the lower level to storage and utility equipment storage only and there shall be no habitation of any kind on the lower level. Further, the CUP provides that no exterior modification to the structure be made, including additional doors or windows. The

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CUP requires that a covenant stipulating said conditions be recorded in the Office of the County Recorder.

C. The City will allow the guest room to remain on the upper level and the storage area on the lower level to continue to exist as a legal nonconforming uses with agreement by Owners to the conditions contained in Resolution No 2010-01.

D. Owners intend by this Agreement that the Subject Property is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following covenants, conditions and restrictions. All such covenants, conditions and restrictions shall run with the Subject Property and be binding upon all parties having or acquiring any right, title or interest therein or any part thereof, and shall inure to the benefit of the City, the public and neighboring land owners and be binding upon each successor in interest of the owners thereof.

**NOW, THEREFORE**, in consideration of the foregoing and the terms, conditions and covenants contained herein, the parties agree as follows:

1. CONDITIONS, COVENANTS AND RESTRICTIONS.

Owners covenant, promise and guarantee that:

A. The 255 square foot two story accessory structure shall be used as a guest room (upper level only) and storage and utility storage room (lower level) only.

B. The lower level shall at no times be converted to a habitable use and the use of the entire structure as a separate dwelling unit shall be prohibited.

C. Owners shall obtain all necessary building permits for the heating and other utility unit(s) installed or planned to be installed in the storage area.

D. No parking pad or driveway shall be located within 50-feet of the guest room.

2. OWNERS' REPRESENTATIONS.

A. Owners represent and warrant that they are the lawful owners of the Subject Property, hereafter known as 7 Ringbit Road East.

B. The execution and delivery of this Agreement by Owners and its agreement to the restrictions set forth herein will not, to Owners' knowledge (i) violate any judgment, order, injunction, decree, regulation or ruling of any court or governmental entity or (ii) conflict with, result in a breach of, or constitute a default under any note or other evidence of indebtedness, any mortgage, deed of trust or indenture, or any lease or other material agreement or instrument to which Owners are a party or by which Owners may be bound.

### 3. ENFORCEMENT, ATTORNEYS' FEES AND COSTS.

Owners consent and agree that the City Manager of the City of Rolling Hills or his/her representative may enter the Subject Property at any reasonable time for the purpose of ensuring Owners' compliance with this Agreement and only for such purpose. In addition to any other remedy provided for by the City's Municipal Code, Owners agree that the City may seek specific performance, including interim relief (such as a temporary restraining order or stay) to enforce the provisions of this Agreement, and that damages alone are an inadequate remedy to satisfy the City's zoning ordinance requirements. Any transaction that results in a breach of the terms of this Agreement shall be void and of no effect. In any action brought by the City to enforce this Agreement, the City shall be entitled to recover its reasonable attorney's fees, expert fees and costs of suit.

### 4. SEVERABILITY.

In the event any limitation, condition, restriction, covenant or provision contained in this Agreement is held to be invalid, void or unenforceable by any court of competent jurisdiction, the remaining portions of this Agreement shall, nevertheless be and remain in full force and effect.

### 5. NOTICES.

All notices required under this Agreement shall be sent by certified mail, return receipt requested, to the following addresses:

TO THE CITY OF ROLLING HILLS:      City of Rolling Hills  
2 Portuguese Bend Road  
Rolling Hills, CA 90274  
Attention: Planning Director

TO THE OWNER:                              John T. Shadden and Patricia W. Shadden  
7 Ringbit Road East  
Rolling Hills, CA 90275

Any party may change the address to which notices are to be sent by notifying the other parties of the new address, in the manner set forth above.

### 6. HOLD HARMLESS; INDEMNIFICATION.

As between the City and the Owners, the Owners assume responsibility and liability for, and shall indemnify, defend and hold harmless the City and its City Council,



boards and commissions, officers, agents, servants, and employees from and against any and all claims, loss, damage, liability, charge or expense, whether direct or indirect, to which the City or its City Council, boards and commissions, officers, agents, servants, or employees may be put or subjected, by reason of any damage, loss or injury of any kind or nature whatever to persons or property caused by any action, or any neglect, omission or failure to act when under a duty to act, on the part of the Owners or any of Owners' agents, employees or contractors in their performance hereunder, except for liability arising out of the sole negligence or wrongful conduct of the City.

**7. BURDEN TO RUN WITH PROPERTY**

The covenants and conditions herein contained shall apply to and bind the heirs, successors and assigns of all the parties hereto and shall run with and burden the Subject Property for the benefit of the City, the public, and surrounding landowners. Owners shall expressly make the conditions and covenants contained in this Agreement a part of any deed or other instrument conveying any interest in the property.

**8. AUTHORITY**

Each party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind the party for whom he or she is signing. No consent, waiver, approval or authorization is required from any person or entity in connection with the execution and delivery of this Agreement or the restrictions contemplated hereby by Owner.

**9. INTEGRATED AGREEMENT**

This Agreement constitutes the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, written or oral, regarding the subject matter hereof. This Agreement may be amended or terminated only by a written instrument signed by the parties hereto.

**10. APPLICABLE LAW**

All questions pertaining to the validity and interpretation of this Agreement shall be determined in accordance with the laws of California applicable to contracts made in and to be performed within the state. Venue for any lawsuit brought to enforce the terms of this Agreement shall lie in the Superior Court of the County of Los Angeles.

**11. NO JOINT VENTURE**

Nothing contained in this Agreement shall be construed to render the City in any way or for any purpose a partner, joint venture or associated in any relationship with Owners, nor shall this Agreement be construed to authorize any party to act as agent for

the other.

## 12. RECORDING OF AGREEMENT


City shall cause this Agreement to be recorded against the title to the Subject Property in the Official Records of the County of Los Angeles, the burdens and benefits of which shall run with the land for the benefit of City in the performance of its duties under its Municipal Code and be binding on all Owners' successors in interest, assigns and heirs.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

ATTEST:

CITY OF ROLLING HILLS,  
a municipal corporation

BY

  
Heidi Luce  
Deputy City Clerk

BY

  
~~Anton Bahlerbruch, City Manager~~  
Steve Burrell  
Interim City Manager

APPROVED AS TO FORM:

  
Michael Jenkins  
City Attorney

Owner:

By

  
John T. Shadden

By

  
Patricia W. Shadden

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**ACKNOWLEDGMENT**

State of California

County of Los Angeles

On July 19, 2013 before me,

Kathleen J. Howard, Notary Public  
(insert name and title of the officer)

personally appeared

John T. Shadden and Patricia W. Shadden, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

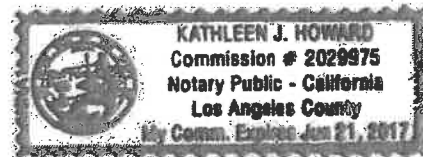
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

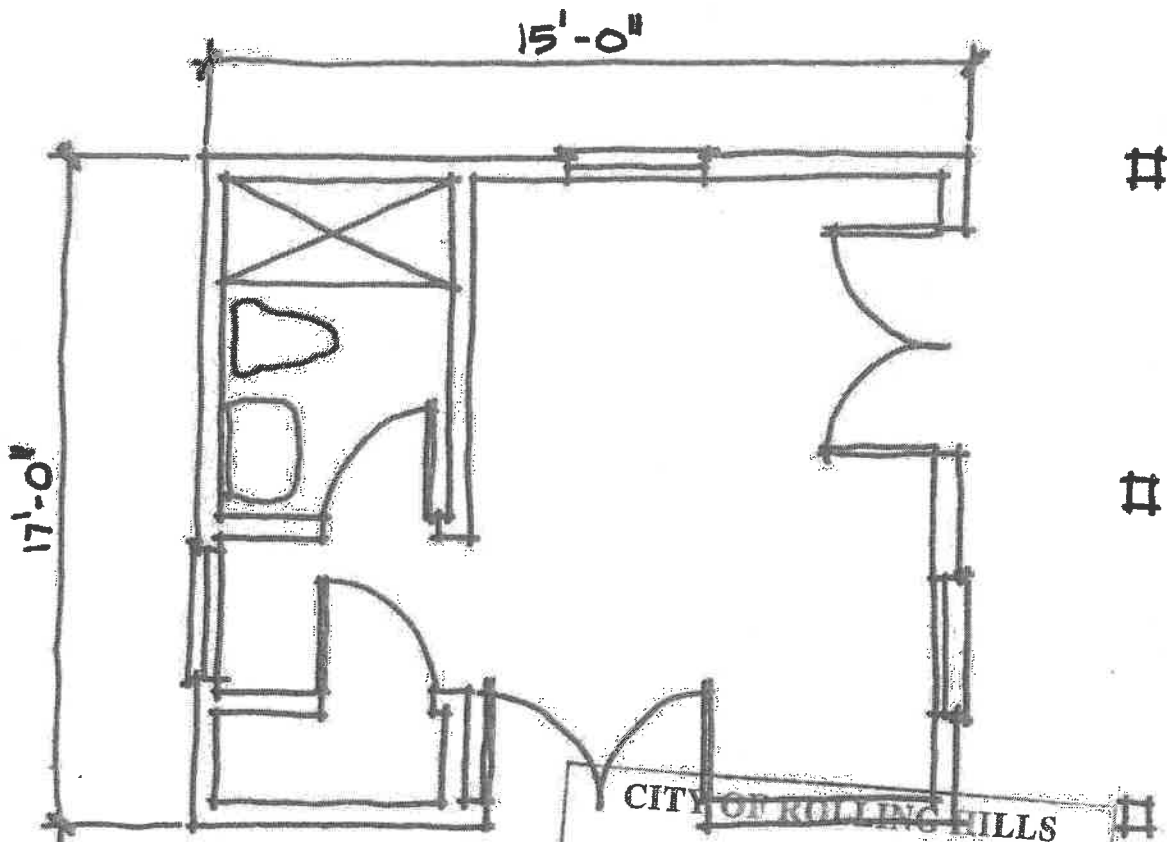
WITNESS my hand and official seal.

Signature

[Handwritten Signature]

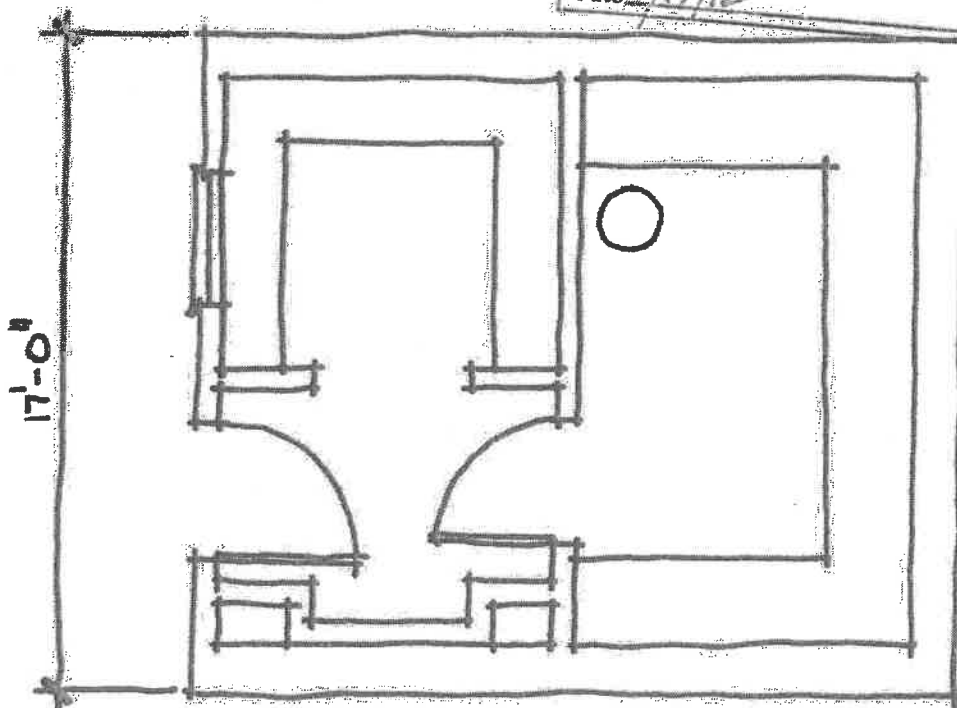
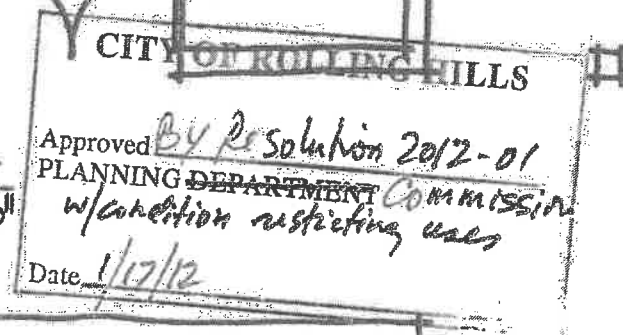
(Seal)





UPPER FLOOR

SCALE 1/4" = 1'-0"



LOWER FLOOR

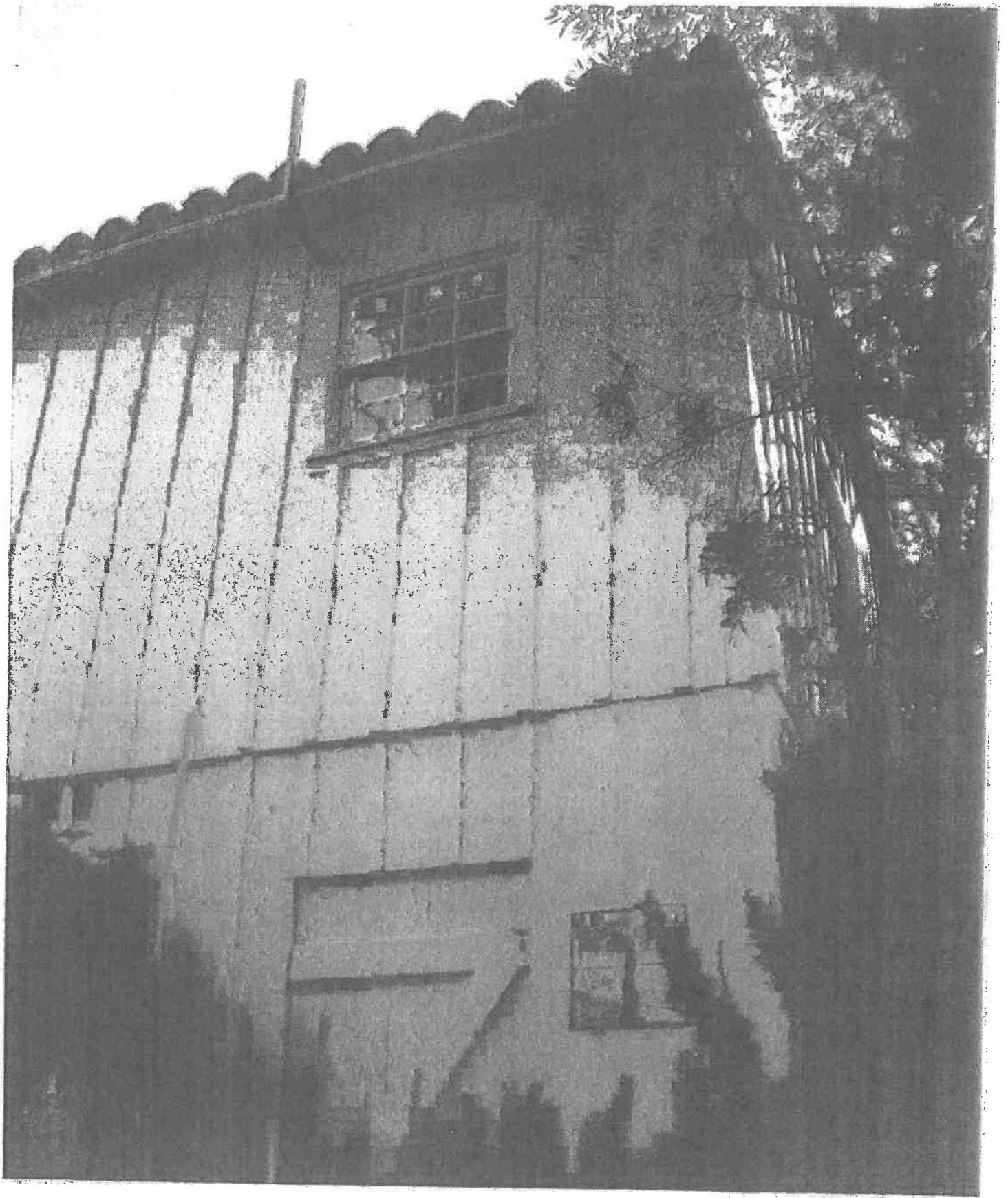
RECEIVED

JAN 04 2012

City of Rolling Hills

Z.C. 808

7 RINGBIT E.



Existing door to underfloor area to be removed and filled in with wood siding to match existing siding

⑦

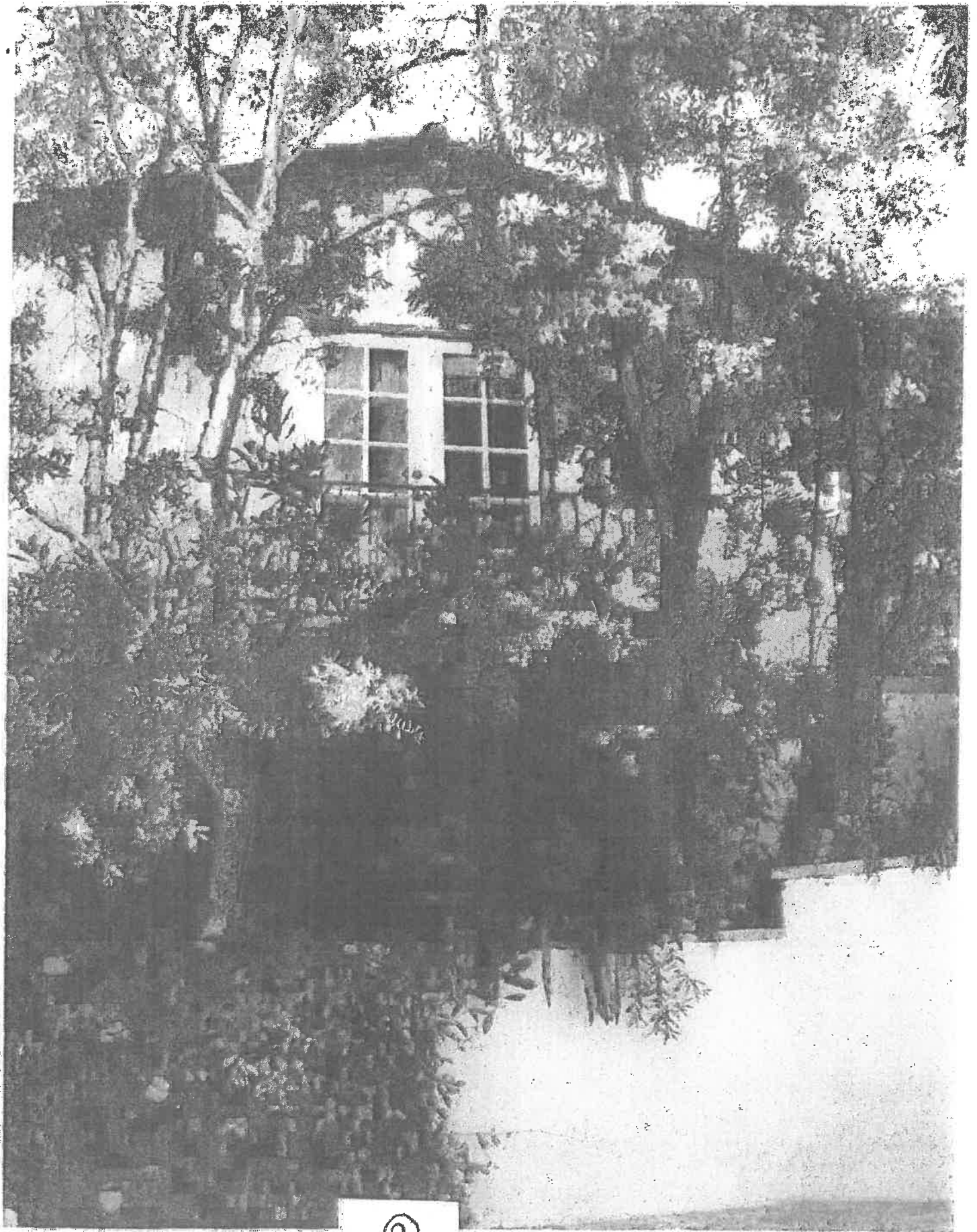
WEST ELEVATION



NORTH ELEVATION

10





⑨

SOUTH ELEVATION



*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. 4B FT**  
**Mtg. Date: 2-19-19**

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

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR**

**APPLICATION NO. ZONING CASE NO. 954**  
**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**

### RECOMMENDATION

It is recommended that the Planning Commission view the project in the field, take brief public comments and continue the meeting to the evening meeting on February 19, 2019.

### 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 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 due to the other lots in the area qualifying for the OZD-1 category; 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 between 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		Excavation -276.3 cubic yards to level off the driveway and backfill wall	
<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	

<u>TOTAL LOT COVERAGE</u> (35% maximum)	6.75% of 92,022 sq.ft. net lot area	19.75% of 92,022 sq.ft. net lot area
<u>BUILDING PAD COVERAGE</u> (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
<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 non-graded area where impervious surfaces exist.)	51.4% -existing	51.4% existing
<u>STABLE</u> (min. 450 S.F. & 550 S.F. CORRAL)	Existing	Existing
<u>STABLE ACCESS</u>	Existing drwy	Existing drwy
<u>ROADWAY ACCESS</u>	Existing driveway approach	Existing apron; drwy to be widened
<u>VIEWES</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.

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.