



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, APRIL 16, 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. March 20, 2018 Regular Meeting of the Planning Commission
 - B. March 19, 2019 Adjourned Regular Meeting of the Planning Commission
6. RESOLUTIONS
 - A. RESOLUTION NO. 2019-07. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE TO ALLOW CONSTRUCTION OF A BASEMENT LIGHT WELL IN THE FRONT YARD SET BACK AND A MAJOR MODIFICATION TO CHANGE THE PRESCRIBED ORDER OF CONSTRUCTION AND A TWO YEAR EXTENSION RELATING TO PREVIOUSLY GRANTED SITE PLAN REVIEW AND VARIANCE ENTITLEMENTS AT 5 EL CONCHO LANE IN ZONING CASE NO. 916, (LOT 10-GF) ROLLING HILLS, CA (DE MIRANDA).
 - RECOMMENDED ACTION:
 1. Motion to approve/deny Resolution No. 2019-07 as written.
 - B. ZONING CASE NO. 953, 13 PORTUGUESE BEND ROAD, (LOT 77-RH) (CARDENAS).
Due to lack of quorum this case is being continued to the May 21, 2019 Planning Commission meeting.

7. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

A. **ZONING CASE NO. 957.** Request for a Variance from the requirement that utility lines be placed underground, (Sec.17.27.30 of RHMC), in conjunction with the construction of an addition and major remodel at an existing single family residence at **5 Flying Mane Lane**, (Lot 45-SF), (Walker).

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 of 5,835 cubic yards of cut and 5,835 cubic yards of fill and construction of a new 6,972 square foot residence with 1,157 square foot garage and 1,457 square foot covered porches, 2,000 square foot basement and 1,172 square foot swimming pool with a spa and other miscellaneous outdoor amenities; a Conditional Use Permit to construct an 800 square foot guesthouse; and Variances for a driveway that covers more than 20% of the front yard setback area and to exceed the maximum 40% permitted disturbance of the lot in Zoning Case No. 956 at **8 Middleridge Lane South** (Lot 254-UR), Rolling Hills, CA (ZHANG).

RECOMMENDED ACTION:

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

8. NEW PUBLIC HEARINGS

A. **ZONING CASE NO. 955.** Request for a Site Plan Review for a new 6,374 square foot residence with 1,360 square foot porch, 756 square foot attached garage, 934 square foot basement, 1,643 square foot swimming pool & spa and grading of 5,600 cubic yards, total cut and fill; a Conditional Use Permit for a 452 square foot stable and 575 square foot corral, and a Variance for new retaining wall located in the side yard setback at **1 Poppy Trail**, (Lot 90-B2-RH) Rolling Hills, CA, (Yeh).

RECOMMENDED ACTION:

1. Motion to continue the public hearing to a field trip.

9. NEW BUSINESS

10. OLD BUSINESS

11. SCHEDULE OF FIELD TRIPS (May 21, 2019)

1 Poppy Trail
3 Roundup Rd.

12. ITEMS FROM STAFF

A. Political Reform Act - Amendments to the Materiality Standard For Real Property (ORAL)

B. Water Efficient Landscape Ordinance- amendment (ORAL)

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

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, MARCH 20, 2018
ROLLING HILLS CITY HALL
2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274

CALL MEETING TO ORDER

A regular meeting of the Planning Commission of the City of Rolling Hills was called to order by Chairman Chelf at 6:30 p.m. on Tuesday, March 20, 2018 in the City Council Chamber, at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

ROLL CALL

Commissioners Present: Cardenas, Cooley, Seaburn and Chairman Chelf.

Commissioners Absent: Kirkpatrick (excused).

Others Present: Yolanta Schwartz, Interim City Manager.
Jane Abzug, Assistant City Attorney.
Julia Stewart, Acting Planning Director.
Yvette Hall, City Clerk.
Robert Gaudenti, project representative
Luis Amezcuita, Quality Concrete Construction, project representative
John Resich, resident

APPROVAL OF THE AGENDA

Approved as presented.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

None.

APPROVAL OF MINUTES

October 17, 2017 Regular Meeting of the Planning Commission

Commissioner Seaburn moved that the Planning Commission approve the minutes of the regular meeting of the Planning Commission held on October 17, 2017 as presented. Commissioner Cardenas seconded the motion, which carried without objection (Kirkpatrick absent).

February 20, 2018 Adjourned Regular Meeting of the Planning Commission

Commissioner Cooley moved that the Planning Commission approve the minutes of the adjourned regular meeting of the Planning Commission held on February 20, 2018 as presented. Commissioner Cardenas seconded the motion, which carried without objection (Kirkpatrick absent).

OLD BUSINESS

ZONING CASE NO. 934. REQUEST FOR CONTINUANCE. Request for a Site Plan Review and Conditional Use Permit to construct a detached 2,210 square foot mixed use structure including a garage and grading of 779 cubic yards of dirt for the structure at **8 Crest Road East**, (Lot 192-A-2-MS), Rolling Hills, CA, (John Tu). Currently the property is being developed with a new single-family residence and accessory amenities. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA).

At the request of the applicant, consideration of this matter was continued to the next regular meeting of the Planning Commission scheduled for Tuesday, April 17, 2018.

RESOLUTIONS

RESOLUTION NO. 2018-03. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A VARIANCE TO CONSTRUCT A NEW RETAINING WALL WITH A MAXIMUM HEIGHT OF UP TO 4 1/2 FEET LOCATED WITHIN A SETBACK AREA, AND ALLOW AN AS-BUILT PORTION OF A RIDING ARENA LOCATED IN THE FRONT YARD SETBACK IN ZONING CASE NO 937. THE REQUEST IS RELATED TO TWO PREVIOUS ZONING CASES ON THE SITE AND WILL ALLOW FOR COMPLETION OF THOSE APPROVED PROJECTS. THE SUBJECT PROPERTY IS **11 SADDLEBACK ROAD** (LOT 48-1-RH 48-2-RH) ROLLING HILLS, CA, (WARREN). THE PROJECT HAS BEEN DETERMINED TO BE CATEGORICALLY EXEMPT (CLASS 3) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15303.

Chairman Chelf introduced the item and asked for staff's comments. Acting Planning Director Stewart reviewed the applicant's request in Zoning Case No. 937 at 11 Saddleback Road, and stated that at the February Planning Commission meeting, the Commission directed staff to bring a Resolution approving the project with a condition for an enhanced landscaping. She indicated that the applicant is requesting two variances to allow the construction of a retaining wall and a portion of an as-built arena in the front setback. Acting Planning Director Stewart stated that as requested at the last meeting, the applicant has submitted an enhanced landscaping plan, and that there is a condition in the resolution requiring large plants to be planted along the south and western portion of the project to screen the arena from neighboring properties.

Chairman Chelf called for public comment.

Bob Gaudenti, project representative, commented that minimum of 24-inch box trees will be planted on the top row and a minimum of 15-gallon trees on the lower rows surrounding the south side of the arena. He also explained why the wall in the front setback makes much more sense than the previously approved rear wall that was located along a bridle trail.

Commissioner Cardenas moved that the Planning Commission adopt Resolution No. 2018-03 in Zoning Case No. 937 at 11 Saddleback Road granting approval of the applicant's request including planting of the trees. Commissioner Cooley seconded the motion, which carried without objection (Kirkpatrick absent).

PUBLIC HEARINGS ON ITEMS CONTINUED FROM A PREVIOUS MEETING

ZONING CASE NO. 938. Request for a Variance and Site Plan Review to re-construct a 5-foot high retaining wall that does not average out to 2 1/2 feet in height located within a side yard setback area, in Zoning Case No. 938, at 2910 Palos Verdes Drive North, (Lot 993-3-RH), Wong. The project has been determined to be categorically exempt (Class 3) pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303.

AND CONSIDERATION OF A RESOLUTION: RESOLUTION NO. 2018-04. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A VARIANCE AND A SITE PLAN REVIEW TO RE-CONSTRUCT A 5-FOOT HIGH RETAINING WALL THAT DOES NOT AVERAGE OUT TO 2 1/2 FEET IN HEIGHT LOCATED WITHIN A SIDE YARD SETBACK, IN ZONING CASE NO. 938, AT 2910 PALOS VERDES DRIVE NORTH, (LOT 993-3-RH), WONG. THE PROJECT HAS BEEN DETERMINED TO BE CATEGORICALLY EXEMPT (CLASS 3) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Interim City Manager stated that the Planning Commission viewed the request in the morning at a field trip. She stated that the project entails a request to reconstruct a failing wall in the same location. A Site Plan Review is required due to the wall being more than 3' in height and a Variance is requested to keep the wall in the side setback. She stated that the wall was poorly constructed and there are no records of building permits for the wall. The reconstructed retaining wall would be constructed with the proper reports already submitted to the Building and Safety Department, such as soils and geology and the County engineer has also reviewed the structural plans for the retaining wall. The Building Department is ready to issue a building permit, pending City's approval of the project. Ms. Schwartz stated that since the applicants are ready to start construction and have submitted all of the necessary documents to the Building Department, in order to expedite the City's approval, staff prepared a Resolution of approval of the project for Planning Commission's consideration. She stated that if the Planning Commission concurs, it would be appropriate to vote on the resolution.

Chairman Chelf called for public comment.

Luis Amezcuita, contractor, explained that the footings of the original wall were properly constructed; however the wall itself is not reinforced and needs to be replaced. He stated that he is ready to pull a permit for the wall and that no other construction is proposed.

There being no other comments or discussion, Commissioner Seaburn moved that the Planning Commission adopt Resolution No. 2018-04 granting approval of the applicant's request in Zoning Case No. 938 at 2910 Palos Verdes Drive North as presented. Commissioner Cardenas seconded the motion, which carried without objection (Kirkpatrick absent).

NEW PUBLIC HEARINGS

None.

NEW BUSINESS

None.

SCHEDULE OF FIELD TRIPS (April 17, 2018)

The Planning Commission scheduled a tentative field trip to the following property to be held on Tuesday, April 17, 2018 beginning at 7:30 a.m.

ITEMS FROM STAFF

Interim City Manager Schwartz stated that the City received an inquiry and a complaint about a property under construction at 40 Eastfield Drive. She provided the history and a status update of the project stating that the applicant has received approvals for several of the previously as built elements and that the grading in the rear of the residence as well as a temporary path for construction purposes from Outrider Road was also approved with a condition that following completion of the grading, it be restored to its pre-construction condition. She stated that the house is not two stories, and that the rear of the house is not yet completed. She stated that this project is monitored by a third party engineering firm, and that the owners' engineer will need to certify the construction which will be checked by the City's selected third party engineer.

Interim City Manager Schwartz informed the Planning Commission that the City Council reorganization would be held on Monday, March 26, 2018 and invited them to attend.

ITEMS FROM THE PLANNING COMMISSION

None.

ADJOURNMENT

Hearing no further business before the Planning Commission, Chairman Chelf adjourned the meeting at 6:47 p.m. to an adjourned regular meeting of the Planning Commission scheduled to be held on Tuesday, April 17, 2018 beginning at 7:30 a.m. for the purpose of conducting a site visit to 9 Johns Canyon. The next regular meeting of the Planning Commission is scheduled to be held on Tuesday, April 17, 2018 beginning at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

City Clerk

Approved,

Brad Chelf
Chairman

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

PRESENT FOR THE FIELD TRIPS WERE:

Chairman Chelf, Commissioners Kirkpatrick, Cardenas, Cooley and Seaburn

Yolanta Schwartz, Planning Director
Leah Mirsch, resident
Tavisha Ales, Bolton Engineering
Joseph Spierer, Architect

Chairman Chelf called the meeting to order at 7:30 AM at 5 El Concho Lane

A. ZONING CASE NO. 916-MOD#2. Request for a Variance to encroach into the front yard setback with a light well and a major 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).

Planning Director Schwartz reviewed the project and provided a brief history regarding the previous approvals. She stated that this project came to the City's attention several years ago as a code enforcement case, and as part of the required actions the applicant submitted plans to bring the violations to compliance. She stated that in 2017 the following development was approved, and that it was to be carried out in two phases.

She stated that the building department requires a light well from the basement; which the applicant proposes at 25 sq.ft. to be located in front setback. She stated that, per the building code, the previously built walls along the pathways are no longer allowed, and must be replaced utilizing another methodology. MSE (Mechanically Stabilized Earth) walls are proposed instead, which require greater amount of over-excavation and re-compaction of dirt. In addition, due to erosion, the repair of the slope requires more dirt. She stated that this is the reason the applicant is asking for the Variance for the light well in the front setback and to be allowed to excavate the basement and use the dirt from the basement for the phase one repairs, rather than having to import dirt.

She further stated that the resolution stipulates that the approval for phase two expires two years from completion of phase one, and that the applicant seeks an extension due to the fact that phase one is not completed. She explained that in order to complete phase one the applicant seeks modification to include the excavation of the basement in phase one. No building permits would be granted for framing of the basement.

In response to Commissioners Cardenas and Chelf, Tavisha Ales, Engineer, explained the construction of the MSE walls and that in this case they are preferred to conventional walls, which would require deep caissons. In response to Commissioner Cardenas

regarding screening of the walls, Joe Spierer, Architect stated that they could plant creeping plants that would grow over the walls.

Commissioner Seaburn stated that the request makes sense and Chair Chelf stated that there is no reason to have to import dirt for the repairs if dirt was available from the basement. The rest of the Commissioners concurred with Commissioner Seaburn and Chair Chelf.

Commissioner Seaburn moved that staff prepare a Resolution of approval for this project, including screening of the walls. Commissioner Cardenas seconded the motion, which carried unanimously. Planning Director Schwartz stated that the Resolution will be provided to the Commission at their April meeting.

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

B. ZONING CASE NO. 956. 8 Middleridge Lane South (Lot 254-UR), (ZHANG). Per the applicant request the field trip was continued to April 16, 2019.

The Planning Commission unanimously agreed to postpone the hearing to the field trip on April 16, 2019.

Respectfully Submitted,

Yolanta Schwartz,
Planning Director

Date

Approved:

Brad Chelf, Chairman

Date



Agenda Item No.: 6A

Mtg. Date: 04-16-19

**TO: HONORABLE CHAIRMAN AND MEMBERS OF THE
PLANNING COMMISSION**
FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

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

RESOLUTION NO. 2019-07. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE TO ALLOW CONSTRUCTION OF A BASEMENT LIGHT WELL IN THE FRONT YARD SET BACK AND A MAJOR MODIFICATION TO CHANGE THE PRESCRIBED ORDER OF CONSTRUCTION AND A TWO YEAR EXTENSION RELATING TO PREVIOUSLY GRANTED SITE PLAN REVIEW AND VARIANCE ENTITLEMENTS AT 5 EL CONCHO IN ZONING CASE NO. 916, (LOT 10-GF) ROLLING HILLS, CA (DE MIRANDA).

RECENT PLANNING COMMISSION REVIEW:

The applicants requested a Major Modification to the previously approved project for a variance to encroach with a 25 sq.ft. light well into the front setback; to change the prescribed order of the approved improvements and to request a two-year time extension in order to continue working on the project.

The Planning Commission held public hearings in this case in the field on March 19, 2019 and at the evening meeting on the same day. At the March 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 the draft Resolution No. 2019-07 for approval. Resolution No. 2019-07 combines the current and the

two prior requests and incorporates all of the recitals, findings and conditions of the two prior resolutions, Resolution No. 2017-08 adopted by the Planning Commission on May 16, 2017 and Resolution No. 2018-05 adopted by the Planning Commission on July 17, 2018, which modified the previous approval. Specifically the draft resolution addresses the following:

- Repeats the recitals setting forth the history of Case No. 916
- The findings from the prior resolutions for Site Plan Review and Variances are restated
- The draft resolution reflects that the Second Major Modification (current) does not affect the findings as stated in the prior two resolutions
- The draft resolution approves a two year extension to complete phase one and commence phase two improvements, and is set in Condition A of the draft resolution
- The draft resolution approves the 25 sq.ft. light well in front setback
- The draft resolution approves the requested order of the excavation of the basement in the first phase, so that the dirt could be utilized for the repair of the slopes
- The draft resolution includes minor clean up revisions to reflect current City policy; such as addition of conditions for a fence and construction trailer and deletion of a condition regarding perimeter easements
- The draft resolution rescinds Planning Commission Resolutions Nos. 2017-08 and 2018-05, as all findings are restated in the new resolutions and all conditions are also restated or revised.

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 needs 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.

In the most recent request, filed in January 2019, the applicant seeks further modification to the project, which includes a light well in the front setback, to modify the time line by which development must take place and a time extension to complete the project.

The approval granted in 2017 by Resolution 2017-08 stipulates 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 AND APPLICANT'S JUSTIFICATION

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 failed slope, and allow a foundation only permit for the basement walls and the foundation from the Building Department.
2. A variance for addition of a 25 sq.ft. light well in the front yard setback.
3. A two-year time extension to complete phase one and commence phase two.

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 heights or uses of basements, 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 qualifies as a Class 4 Exemption (State of CA Guidelines, Section 15304 - Minor Land Alteration) and is therefore categorically exempt from environmental review under the California Environmental Quality Act.

Project Summary

SITE PLAN REVIEW	EXISTING AND PREVIOUSLY APPROVED		PROPOSED PROJECT	
RA-S- 1 ZONE SETBACKS 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> STRUCTURES (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.	(1,448sf new)	
	Porches	274 sq. ft.	Stable	450 sq. ft.
	Entryway	217 sq.ft.	Porches	274 sq.ft.
	Outdoor Kitchen	30 sq. ft.	Entryway	217 sq.ft.
			Outdoor Kitchen	0 sq.ft.
			Light well	25 sq.ft.
	TOTAL	5,381 sq.ft	TOTAL	5,376 sq.ft
STRUCTURAL LOT COVERAGE (20% maximum)	13.6% (with deductions)		13.6% (with deductions)	
TOTAL LOT COVERAGE (35% maximum)	29.5% (with deductions)		28.9% (with deductions)	
BUILDING PADS (30% guideline) Residential pad	94% residence pad coverage		94% residence pad coverage	
GRADING 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 be balanced on site Reduced grading - 3,365 c.y.;	
DISTURBED AREA (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)	
STABLE (min. 450 SQ.FT. & 550 SQ.FT. CORRAL)	450 s.f. future stable set aside; 550 s.f.		450 s.f. future stable set aside; 550 s.f. (included in calculations)	
STABLE ACCESS	N/A		Pathway from motor court and driveway	
ROADWAY ACCESS	Existing driveway approach		Existing driveway approach	
VEWS	N/A		Planning Commission condition	
PLANTS AND ANIMALS	N/A		Planning Commission condition	

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.

Applicant's 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.

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RESOLUTION NO. 2019-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE TO ALLOW CONSTRUCTION OF A BASEMENT LIGHT WELL IN THE FRONT YARD SET BACK AND A MAJOR MODIFICATION TO CHANGE THE PRESCRIBED ORDER OF CONSTRUCTION AND A TWO YEAR EXTENSION RELATING TO PREVIOUSLY GRANTED SITE PLAN REVIEW AND VARIANCE ENTITLEMENTS AT 5 EL CONCHO LANE IN ZONING CASE NO. 916, (LOT 10-GF) ROLLING HILLS, CA (DE MIRANDA).

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

Section 1. Recitals.

A. In order to legalize certain municipal code violations on his property, in January 2017, an application was duly filed by Mr. Sean De Miranda ("Applicant" or "Property Owner") with respect to real property located at 5 El Concho Road, Rolling Hills (Lot 10-GF) requesting variances to retain impermissible as-graded and as-built conditions, including (1) the construction of a patio with an outdoor kitchen and supporting 5' retaining wall (which was failing); (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, which had been constructed to alleviate the damage caused by a ruptured drain pipe located along the property line of the subject site.

The Applicant 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), with related improvements of a light well and stairs; (2) a new concrete retaining wall (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.

The as graded and as built elements and the new proposed elements of the development require Planning Commission review and approvals pursuant to the Site Plan Review and Variance requirements, Chapters 17.46 and 17.38 of the Rolling Hills Zoning Ordinance. The Applicant designated a set aside area for a future stable and corral at the end of one of the switchbacks, which, if constructed, would require the approval of a Conditional Use Permit.

B. On February 21, 2017, the Planning Commission held a duly noticed public hearing and public field trip, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information on the record, including evidence presented by Mr. Shane Lamb (the Applicant's agent). The Planning Commission

expressed concern regarding the ruptured drainpipe and the damage that occurred during recent rains. At the conclusion of the February 21, 2017 meeting, the Planning Commission directed the Applicant to immediately address the drainpipe issue in order to protect the property from additional damage in the event of additional rain. Further, the Planning Commission requested that the Applicant's engineer be present at the next meeting to present a plan of action to address the drainage issue, ascertain that the railroad tie walls along the paths, which the Applicant proposes to reduce to 3' in height (in areas where they exceed 3'), would be adequate to support the slopes between the paths, address the basement and show what other improvements (i.e. additional walls or slope restoration) would be necessary in order to make the repairs, both to the slope and the drainpipe.

C. On March 21, 2017, the Planning Commission held a duly noticed public hearing and reviewed and considered the staff report. Despite the Planning Commission's request of the previous meeting, neither the Applicant, the Applicant's contractor, nor the Applicant's engineer was present at the March 21st meeting. At the conclusion of a brief discussion of this item, the Planning Commission once again requested the presence of these individuals and continued the discussion of the project to its April 18, 2017 meeting.

D. On April 18, 2017, the Planning Commission held a duly noticed public hearing, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information on the record, including evidence presented by Mr. Lamb, the Applicant's contractor, and the City's Drainage and Grading Engineer. At the conclusion of the April 18, 2017 meeting, the Planning Commission directed staff to prepare a resolution of approval, subject to the condition that the Applicant first repair the broken drain pipe along the south side of the property, (and maintain the as built retaining wall in the setback, if it was found by the City's Grading and drainage engineer that the wall was necessary in support of the repaired drain pipe), as well as remediate the failed slope below the side yard and construct a retaining wall, if necessary, to support the repaired slope. The resolution of approval was to be conditioned on the satisfactory completion of these two items before the Applicant could proceed with the construction and completion of the following: (1) the as built retaining wall in the side yard setback, unless necessary for the repair of the drainpipe; (2) grading to retain the graded paths; (3) the construction of a 1,322 sq. ft. basement, 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.

The Applicant was further directed to work with the appropriate Building and Safety personnel to identify the best method of repairing the storm drain pipe and the failed slope that would bring the rear slope as close to 2:1 grade as possible, and present the plan to the Planning Department. In addition, all of the as graded and as built features on the property were to be reviewed and approved by the appropriate Building and Safety staff, plans submitted to the Planning Department and permits obtained, following the repair of the drain pipe and slope remediation.

E. At its regular meeting on May 16, 2017, the Planning Commission of Rolling Hills approved Resolution No. 2017-08, a resolution approving a Variance for a 1,322 square foot basement a portion of which would be in the front setback under the existing residence

and a Site Plan Review for grading, including excavation for the basement. Resolution 2017-08 approved the project subject to conditions, including Condition A that required the repairs of the drainpipe and the slope obligations to take place in Phase One, which was to be completed within two years from the effective date of Resolution 2017-08, and the construction of the basement and other items to take place in Phase Two, which was to commence upon completion of Phase One and to expire two years following completion of Phase One.

F. On May 23, 2019, an application was duly filed by Joseph Spierer Architects on behalf of the Property Owner requesting a modification to the size of the previously approved basement from 1,322 square feet to 1,448 square feet, a portion of which would be in the front setback, and to increase the grading quantities due to the greater excavation of the basement from 3,014 cubic yards to 3,638 cubic yards. A minor change to the interior of the residence was also proposed without adding any square footage.

G. Pursuant to Section 17.38.065 of the RHMC staff deemed the modification to be a Major Modification (the "First Major Modification") and set the matter before the Planning Commission.

H. On June 19, 2018, the Planning Commission conducted a duly noticed public hearing and accepted and considered all public testimony on the First Major Modification. At the conclusion of the June 19, 2018 meeting, the Planning Commission directed staff to prepare a resolution of approval to allow the proposed First Major Modification which would allow the Applicant to increase the size of the previously approved basement to 1,448 square feet within the front setback area underneath the footprint of the house and increase grading quantities to a total of 3,638 cubic yards of dirt.

I. On July 17, 2018, the Planning Commission adopted Resolution No. 2018-05, affirming all the previous findings described in Resolution 2017-08 in Zoning Case No. 916 and all previous conditions of approval and amending Condition E to reference the amended site plan on file in the City Planning Department, Condition I to reference the increased cubic yards of grading, and Condition J to reference the increased square footage of the basement.

J. In January 2019, an application was duly filed by Joseph Spierer Architects on behalf of the property owner requesting a Major Modification to the prescribed order of completion of the development (the "Second Major Modification"), a Variance to construct a light well that would encroach into the front setback, and a two year time extension to complete Phase One and commence Phase Two identified in Resolution 2017-08.

K. On March 19, 2019 the Planning Commission conducted duly noticed public hearings and accepted and considered all public testimony on the Second Major Modification, Variance, and time extension.

L. The Planning Commission desires to allow the Second Major Modification, which would allow the Applicant to amend a portion of the order in which the project would be constructed, the Variance, which would allow the Applicant to construct a light well in the front setback, and the time extension to allow a two year extension to complete Phase One and commence Phase Two.

Section 2. The findings for Site Plan Review entitlements from Resolution No. 2017-08 and Resolution No. 2018-05 are restated below.

Section 17.46.030 requires the submission of a development plan for site plan review and approval before any development requiring a grading permit or the construction of any building or structure. With respect to the Site Plan for the as built retaining wall in the side yard setback; the grading to retain the graded paths; the construction of the basement; the demolition of the barbecue area and removal of the barbecue; and the reconstruction of the slope behind the existing barbecue, the Planning Commission makes the following findings of fact:

A. The proposed development is compatible with the General Plan, the Zoning Ordinance and surrounding uses because the as built/as graded and the proposed development comply with the General Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures. The size of the as built elements and proposed development will not exceed the maximum permitted development standards on the lot, except for the disturbance of the lot. The proposed project is screened from the road and adjacent neighbors to reduce the visual impact of the development. The proposed remediation of the side slope is necessary to prevent further sloughing of the slope and damage to the property. The proposed retaining wall and grading along the south side yard is necessary to repair a ruptured storm drain pipe to assure health and safety of the property and its residents. The illegal barbeque area will be remediated and brought to the original condition, therefore restoring the natural terrain of that portion of the lot.

B. The topography and the configuration of the lot has been considered, and it was determined that the "as graded" condition will not adversely affect or be materially detrimental to adjacent uses, buildings, or structures because the development is harmonious in scale and mass with the site, the natural terrain and surrounding residences because the walls will not exceed 3' in height of exposed area above grade, are located along paths leading to the lower portion of the lot at a lower elevation of the lot, and will integrate into the natural terrain and follow the natural contours of the site and the wall along the path will retain a slope to prevent erosion and sloughing of the dirt above it. The area will be screened and landscaped with trees and shrubs, are of sufficient distance from nearby residences so that they 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.

C. The development plan substantially preserves the natural and undeveloped state of the lot by minimizing building coverage because the development will not cause the lot to look overdeveloped. Significant portions of the lot will be left undeveloped. The project is located in the rear of the existing residence and will be further screened from neighbors by introducing landscaping between the terraced paths and remediated slopes. The as built and proposed elements are minor and will not affect the scale of the existing development on the lot.

D. It shall be required that the development plan introduce drought-tolerant landscaping, which is compatible with and enhances the rural character of the community, and the landscaping will provide a buffer or transition area between private and public areas.

E. The development is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles because it does not affect or change the existing access to the property.

F. The project is exempt from the requirements of the California Environmental Quality Act.

Section 3. The findings for the Variance entitlements from Resolution No. 2017-08 and Resolution No. 2018-05 are restated below.

The Applicant seeks a variance from the 40% maximum disturbed area standard set forth in Section 17.16.070, as well from front and side yard setbacks for the basement and retaining wall as set forth in Section 17.12.250 of the Rolling Hills Municipal Code. Sections 17.38.010 through 17.38.050 of the Code permit approval of a variance from the standards and requirements of the Zoning Ordinance when, due to exceptional or extraordinary circumstances applicable to the property and not applicable to other similar properties in the same zone, strict application of the Code would deny the property owner substantial property rights enjoyed by other properties in the same vicinity and zone. With respect to this request for variances for 48.8% disturbance of the net lot area, to encroach with the basement into the front setback and with retaining wall into the side setback, the Planning Commission finds as follows:

A. There are exceptional and extraordinary circumstances and conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone because the topographic nature of the subject property is such that the slopes behind and on the side of the residence and the graded paths must be re-graded to repair a failed slope and to reconstruct a ruptured drain pipe. As a condition of this Resolution, the grading will comply with all applicable development standards of the Building Code. Per the Zoning Ordinance, such grading of slopes is considered disturbance and when added to the existing disturbance the total disturbance would be 48.8%. Additionally, due to the configuration of the property and location of the existing residence in the front setback, the proposed basement would be located under the existing residence in the front setback and will not be visible from the outside of the residence. These factors and nature of the lot make it infeasible to comply strictly with Sections 17.16.060 and 17.12.250.

B. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question because the method of construction, previous failure of the drain pipe and the slope and the location of the residence in the front setback has an impact on the disturbed area, and encroachment into the setback with the basement.

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. The proposed development proposes to improve slope stability, repair a ruptured drain pipe and correct the existing water flow pattern, which will be beneficial to the property owner as well as the neighboring properties.

D. 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. The overage requested is mostly due to the topography and nature of the lot and is required in order to repair a dangerous condition, and therefore does not undermine the spirit or intent of the Zoning Ordinance.

E. The variance does not grant special privilege to the Applicant, as the grading is necessary to comply with the city's requirements and grading standards of the Building Code.

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 because there is no hazardous waste facilities at issue in this case.

Section 4. The Planning Commission finds that the Second Major Modification to change the prescribed order of completion of the project does not affect the findings for Site Plan Review (above) because allowing grading and excavation of the basement in Phase One rather than Phase Two does not change the project; it merely changes the timing for the project and obviates the need to import dirt. The project still complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance. By allowing the Applicant to grade and excavate dirt from the basement to use to restore the failed slope, the Applicant will avoid seeking another variance to import dirt to the property. (See RHMC Section 17.16.230.) The project still substantially preserves the natural and undeveloped state of the lot because the previously approved amount of grading and excavation for the basement is underneath an already developed piece of the lot and is still taking place despite the Second Major Modification. It is only occurring earlier in the project. The project is still harmonious in scale and mass with the site despite the change in the timing of the grading of the basement because no new construction is being approved. The project is more harmonious with the site by virtue of the fact that it is utilizing dirt from grading on site to restore a failed slope on site rather than importing dirt from off site. The project still preserves and integrates into the site design existing topographic features of the site by utilizing dirt from grading and excavation of the basement on the site to restore failed slope elsewhere on the site. The grading on the property still has been design to follow natural contours of the site and to minimize the amount of grading to create the building area by using the dirt excavated from the basement underneath an already developed piece of the lot to restore failed slope elsewhere on the property. The grading required by the Second Major Modification will still not modify existing drainage channels or redirect drainage flow because the same grading and excavation that was previously approved will take place underneath an already developed piece of the lot. The grading will only take place in Phase One rather than Phase Two. The project still preserves surrounding native vegetation and mature trees despite the change in when the grading and excavation of the basement will take place; the grading and excavation will take place underneath an already developed piece of the lot. The project is

still sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles despite the change in when the grading and excavation of the basement will take place; the grading and excavation will take place underneath an already developed piece of the lot. The project still confirms to the requirements of CEQA despite the change in when the grading and excavation of the basement will take place.

Section 5. The Planning Commission finds that the Second Major Modification to change the prescribed order of completion of the project does not affect the findings for Variance (above) because the grading and excavation of the dirt from the basement will still take place in the same dimensions of the front yard setback underneath a previously developed piece of the lot. The only change to the project is the timing itself; instead of the excavation taking place in Phase Two of the project when construction of the basement will occur, it will take place in Phase One of the project when restoration of the failed pipe and slope will take place. There are still exceptional or extraordinary circumstances and conditions to the property that do not apply generally to other properties in the same vicinity which are not affected by the change in timing of the excavation and grading of the basement in Phase One rather than Phase Two. The variances are still necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied to the property in question despite the change in timing of the excavation and grading of the basement in Phase One rather than Phase Two. The variances would still not be materially detrimental to the public welfare of injurious to the properties or improvements in such vicinity despite the change in the timing of the excavation and grading of the basement in Phase One rather than Phase Two. By allowing the Applicant to use the dirt from grading and excavation of the basement in Phase One rather than Phase Two, the property itself and other nearby properties will be benefitted by the fact that dirt will not need to be imported to the property to restore the failing slope. It will also allow the Applicant to restore the slope more efficiently and quickly. The spirit and intent of the Zoning Ordinance will still be observed since by allowing the Applicant to grade and excavate dirt from the basement to use to restore the failed slope, the Applicant will avoid seeking another variance to import dirt to the property. (See RHMC Section 17.16.230.) The variances will still not grant a special privilege to the applicant because the same grading underneath an already developed piece of the lot will still take place just at a different time in the project. The variances are still consistent with the portions of the Los Angeles County Hazardous Waste Management Plan because the change in the timing of the grading and excavation of the basement will not affect where the grading and excavation will take place, which is underneath an already developed piece of the lot. The variances are still consistent with the General Plan of the City because the change in the timing of the grading and excavation of the basement will not affect where the grading and excavation will take place, which is underneath an already developed piece of the lot.

Section 6. The Planning Commission finds that Applicant submitted a timely request for an extension of the Site Plan Review and Variance entitlements subject to Resolution No. 2017-08. The Planning Commission finds that allowing expiration of the Site Plan Review entitlements subject to Resolution 2017-08 would constitute an undue hardship on the Property Owner and that granting a two year extension of the Site Plan Review entitlements subject to Resolution 2017-08 would not be materially detrimental to the health, safety, and general welfare of the public. Granting the two year extension will allow the Applicant to

complete the scope of the work to bring the property into compliance without requiring the Applicant to reapply for entitlements causing additional delay and risk to the failed slope on the property. Granting the two year extension will provide Applicant with the time to excavate the basement for dirt to be used to repair the failed slope and obviate the need to haul in dirt to the property. Hauling such dirt could destabilize the slopes on the property. Therefore, the Planning Commission grants a two-year extension to complete Phase One and commence Phase Two referenced in Resolution No. 2017-08 for the Site Plan Review and Variance entitlements. Such extension is specifically set forth in Condition A of this Resolution..

Section 7. The Applicant seeks a variance to construct a light well for the basement in the front yard setback. 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 Section 17.16.150 of RHMC is required due to the location of the light well in the front yard setback. With respect to the aforementioned request for a variance, the Planning Commission finds as follows:

A. There are exceptional circumstances and conditions on the subject property. Due to the configuration of the property and location of the existing residence in the front setback, with the basement under the footprint of the residence, the proposed light well would be located next to the basement in the front setback and will not be visible from the outside of the residence. The light well is a requirement of the Building Code and due to the location of the proposed septic system and the existing deck, the only location for the light well is in the southerly side of the residence which is in the setback.

B. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and zone but which is denied to the property in question by strict application of the code because a light well is required by the Building Code and due to the location of a septic tank and other structures on the lot and the fact that over 50% of the residence and the basement underneath it is located in the front setback, there is no other place to locate the required light well.

C. The granting of the variances would not be materially detrimental to the public welfare or injurious to the properties or improvements in such vicinity because a light well is required by the Building Code and due to the location of a septic tanks and other structures on the lot there is no other place to locate a light well. The light well will not be visible from any other property and it is underground without walls or railings around it.

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. The requested variance for the light well is due to the

building code requirements and therefore does not undermine the spirit or intent of the Zoning Ordinance.

E. The variance does not grant special privilege to the Applicant, as the light well is necessary to comply with the Building Code requirement and there is no other feasible location to construct the light well.

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 because there is no hazardous waste facilities at issue in this case.

G. The variance is consistent with the general plan of the City of Rolling Hills. Although the variance will allow a small light well of 25 square feet to be located in the front yard setback, it is underground and will allow the Property Owner to make a safe use of the basement. 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.

Section 8. The Planning Commission finds that the project qualifies as a Class 4 Exemption (State of CA Guidelines, Section 15304 - Minor Land Alteration) and is therefore categorically exempt from environmental review under the California Environmental Quality Act. The Planning Commission also finds that the project qualifies for the "common sense" exemption (State of CA Guidelines, Section 15061(b)(3)) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission also finds that the project qualifies as a Class 1 Exemption (State of CA Guidelines, Section 15301 - Existing Facilities) and is therefore categorically exempt from environmental review under CEQA because the project relates to restoration or rehabilitation of a deteriorated structure on the property and an addition to an existing structure that does not result in an increase of more than 50% of the floor area of the structures before the addition or 2,500 square feet.

Section 9. Based upon the foregoing findings and the evidence in the record, the Planning Commission hereby grants approval of the Major Modification to previously approved Site Plan Review and Variance entitlements, the Variance to construct a light well in the front yard setback, and the two year time extension with the following conditions restated and revised below in accordance with this Resolution and subject to minor cleanup revisions reflecting current City policy:

A. The approval of this application shall be implemented in two phases. Phase One shall consist of the repair of the ruptured drainpipe, excavation of dirt from the basement and shoring up the basement foundation, repair of the failed slope and the construction of up to two (2) retaining walls no more than 5' high. Said retaining walls shall be constructed in a manner and location pursuant to a determination by the City's grading and drainage engineer that said retaining walls are necessary for the repairs of the drainpipe and the slope. The dirt from the basement is to be used for the repair of the failed slope. A building permit for basement framing and other basement improvements shall not be granted with Phase One.

Phase one approval shall expire within four years from June 16, 2017 or on June 16, 2021. No additional extension may be granted. This resolution of approval is conditioned on the satisfactory completion of the items identified in Phase One before the Applicant may proceed with the construction and completion of Phase Two, which consists of the following: (1) 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 do not exceed 3' in height; (3) the completion of a 1,448 sq. ft. basement, partially located in the front setback, including the light well; (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. The approval for Phase Two shall expire 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.

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 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 suspension and 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 suspension and 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 Rolling Hills Municipal Code (RHMC).

C. All requirements of the Building Code and the Zoning Ordinance including outdoor lighting requirements, roofing material requirements, stable and corral area set aside requirements and all other requirements of the zone in which the subject property is located must be complied with, unless otherwise set forth in this approval.

D. The Applicant is required to work with the City's Building and Safety and Public Works officials to identify the best method of repairing the storm drain pipe and the failed slope that would bring the rear slope as close to 2:1 grade as possible, and present the plan to the Planning Department. In addition, all of the as graded and as built features on the property must be reviewed and approved by the appropriate Building and Safety staff, plans submitted

to the Planning Department and permits obtained, following the repair of the drain pipe and slope remediation.

E. The project shall be developed and maintained in substantial conformance with the site plan on file in the City Planning Department dated February 16, 2017, as amended by a site plan dated May 24, 2018, and as further amended by a site plan dated March 12, 2019 on file in the City Planning Department, or as may be further amended and approved by the Los Angeles County Building Department and the City's Planning Director in order to preserve all the conditions of approval.

F. This project shall be reviewed and approved by the RHCA. Any deviations to this project that the RHCA may require, or changes requested by the Applicant or which result from field conditions, which would trigger additional grading, require additional walls or affect any of the herein approved development shall be submitted for reviewed to the Planning Department. The Planning staff shall determine if the modifications are minor or major, and if major, the project shall be reviewed by the Planning Commission pursuant to Section 17.38.065 and 17.46.070.

G. Prior to submittal of final plans to the Building Department for issuance of grading and construction permits, the plans for the project shall be submitted to staff for verification that the final plans are in compliance with this Resolution. The conditions of approval specified herein shall be printed on the plans submitted to the Building and Safety Department for plan check review and on all subsequent plans, including job site plans. Building and grading permits shall be obtained from the Building and Safety Department, first for phase one and once phase one is completed then for phase two of the development.

H. Structural lot coverage shall not exceed 5,381 square feet or 13.6% in conformance with structural lot coverage limitations and includes a 450 sq.ft. future stable. Total lot coverage of structures and paved areas shall not exceed 12,809 square feet or 32.3% in conformance with lot coverage limitations.

I. The disturbed area of the lot shall be 48.8%, or as it may be amended due to requirements of the soils and geology division of the Building Department for slope and drainage repair. The grading for the as graded paths, including the terracing and the basement excavation shall not exceed 1,819 cubic yards cut, 1,819 cubic yards fill. However, the grading quantities may be amended due to the required drainpipe and slope repairs.

J. The basement shall not exceed 1,448 square feet., and the light well shall not exceed 25 square feet.

K. Residential building pad coverage on the 4,901 square foot residential building pad (not in setback) shall not exceed 94%.

L. The property on which the project is located shall contain a set aside area to provide an area meeting all standards for a stable, corral with access thereto.

M. The property owner and/or his/her contractor/applicant shall be responsible for compliance with the no-smoking provisions in the Municipal Code. 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

It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions.

N. Pursuant to Section 17.46.020 of the Rolling Hills Municipal Code the Planning Commission shall review any future development or construction on the property. Construction of a stable, if requested, shall be subject to the Municipal Code requirements at the time of the request.

O. All graded areas, including the terraced areas between the paths shall be landscaped. Landscaping shall be designed using well established plants, which shall not grow into views from neighboring properties. If trees and shrubs are planted, they shall not at any time exceed the ridge height of the residence. A landscaping plan shall be submitted to the Planning Department prior to obtaining a grading permit for the slope repair. The landscaping shall include water efficient plants and irrigation that incorporates a low gallonage irrigation system, utilizes automatic controllers, incorporates an irrigation design using "hydrozones," considers slope factors and climate conditions in design, and utilizes means to reduce water waste resulting from runoff and overspray. The property shall be maintained free of dead trees and vegetation.

P. Drainage dissipater or pipe (as may be required by the Building and Safety Dept.) shall be constructed outside of any easements, unless approved by the RHCA. The drainage system shall be approved by the Los Angeles County Department of Building and Safety. If an above ground swale and/or dissipater is required, it shall be designed in such a manner as not to cross over any equestrian trails or discharge water onto a trail, shall be stained in an earth tone color, and shall be screened from any trail, road and neighbors' view to the maximum extent practicable, without impairing the function of the drainage system.

Q. During construction, dust control measures shall be used to stabilize the soil from wind erosion and reduce dust and objectionable odors generated by construction activities in accordance with South Coast Air Quality Management District, Los Angeles County and local ordinances and engineering practices. During construction, conformance with local ordinances and engineering practices so that people or property is not exposed to landslides, mudflows, erosion, or land subsidence shall be required.

R. During construction, all parking shall take place on the project site and, if necessary, any overflow parking shall take place within the unimproved roadway easements, and shall not obstruct neighboring driveways. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City.

S. 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 only, when construction and mechanical equipment noise is permitted, so as not to interfere with the quiet residential environment of the City of Rolling Hills.

T. The property owner shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of storm water drainage facilities.

U. 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.

V. 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.

W. If the electrical panel is to be upgraded, electrical lines lengthen or the panel relocated, all utility lines shall be placed underground.

X. 65% of the demolition and construction materials must be recycled/diverted. Prior to granting a final inspection, verification shall be submitted to staff verifying recycling.

Y. Prior to finaling of the project an "as graded" and an "as constructed" 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 and this resolution. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan.

Z. The Applicant shall execute an Affidavit of Acceptance of all conditions of the Site Plan Review approval, or the approval shall not be effective.

AA. All conditions, when applicable, must be complied with prior to the issuance of a grading or building permit from the Building and Safety Department.

Section 10. The Planning Commission hereby rescinds Planning Commission Resolution Nos. 2017-08 and 2018-05, as all findings are restated herein and conditions are restated and revised herein.

PASSED, APPROVED, AND ADOPTED this 16th day of April 2019.

Brad Chelf
Chairman

ATTEST:

City Clerk

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

I certify that the foregoing Resolution No. 2019-07 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE TO ALLOW CONSTRUCTION OF A BASEMENT LIGHT WELL IN THE FRONT YARD SET BACK AND A MAJOR MODIFICATION TO CHANGE THE PRESCRIBED ORDER OF CONSTRUCTION AND A TWO YEAR EXTENSION RELATING TO PREVIOUSLY GRANTED SITE PLAN REVIEW AND VARIANCE ENTITLEMENTS AT 5 EL CONCHO LANE IN ZONING CASE NO. 916, (LOT 10-GF) ROLLING HILLS, CA (DE MIRANDA).

was approved and adopted at a regular meeting of the Planning Commission on April 16, 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

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.



MEMORANDUM TO RECUSE

TO: Honorable Chairman and Members of the Planning Commission

FROM: Yolanta Schwartz, Planning Director

SUBJECT: Zoning Case No. 957 – 5 Flying Mane Lane

DATE: April 16, 2019

Due to the proximity of the property of **Commissioner Kirkpatrick** and **Chairman Chelf** to the subject property, **Commissioner Kirkpatrick** and **Chairman Chelf** should recuse themselves from consideration of Zoning Case No. 957, 5 Flying Mane Lane. They may however, take a seat in the audience and participate as residents.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No. 7A
Mtg. Date: 4-16-19

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO.	ZONING CASE NO. 957
SITE LOCATION:	5 FLYING MANE LANE (LOT 45-SF)
ZONING AND SIZE:	RAS-1, 1.8 ACRES
APPLICANT:	RICHARD WALKER
REPRESENTATIVE:	JOSEPH SPIERER, ARCHITECTS
PUBLISHED:	APRIL 4, 2019
ATTACHMENTS:	LETTERS FROM INDUSTRY SEPCIALISTS

PROJECT DESCRIPTION AND RECOMMENDATION

The applicant requests a Variance from the requirement of Section 17.27.30 of the Zoning Ordinance, that all utility lines be undergrounded in conjunction with an addition.

The Planning Commission opened the public hearing in the field to viewed the site and considered this application in the morning of April 16, 2019. It is recommended that the Planning Commission continue the public hearing and provide direction to staff.

BACKGROUND

In February 2013, the property owners received an administrative approval (over-the counter) for a 992 square foot addition and major renovation to the residence. In June of 2015 an administrative approval was granted for a new 790 square foot swimming pool. The applicant has completed the construction and is awaiting final sign off of the residential structure, subject to either undergrounding of the utility lines or obtaining a variance from the requirement. The swimming pool construction has been finaled.

One of the conditions of the approval was to underground all of the utility lines. Section 17.27.030 of the Zoning Ordinance states in part that "All utilities servicing the

building in question or any residentially zoned parcel shall be installed underground upon: (B) Remodeling of a primary or accessory building which entails enlargement of the structure or alteration of the building footprint, and (D) Relocating or increasing the electrical panel servicing a building or parcel”.

The property is located below street level. The utility pole from which the applicant is drawing power is located above the residence. The existing above ground utility lines cross a steep slope on subject property and connect to a panel located on the northeastern wall of the house.

Prior to finaling the residence, both, the City staff and the building inspector required that the utility lines be placed underground.

Staff met with the owner and spoke to the Edison planner to discuss alternatives, such as trenching in a different direction or around the hill and connecting to the new panel from a different angle or trenching closer to the surface. The applicant stated that he considered these options and spoke to experts in this field and was advised that these are not feasible alternatives.

REPORTS SUBMITTED

The owner engaged several companies who submitted letters to explain the difficulty in undergrounding the lines. The letters are enclosed with this staff report.

1. T.I.N Engineering Company completed a geologic investigation for the slope between the house and the power pole. Although the report does not address why the utility lines could not be placed underground, it describes the steep slope and bedrock being close to the surface of the slope. Edison requires 30” deep trench, for placing their lines underground and trenching in bedrock is difficult.

2. E C M, Earth, Construction and Mining contractor submitted a letter stating that due to the location of bedrock one would have to use dynamite to create a trench for undergrounding. He also states that the vibration, besides creating a nuisance for neighbors, can travel through the rock strata and can cause slope failure and/or subsidence at a later date due to land movement or water saturation.

3. Robert Storrie of Checker Construction submitted a letter stating that in his opinion as a contractor, the undergrounding from the power pole to the house panel would be “fiscally, environmentally and structurally irresponsible”.

4. Kevin Van Duong, Edison Co. Planner states that he has concerns with the soils integrity due to “the sharp pitch of the hill side slope” between the power pole and the panel location.

APPLICANT’S JUSTIFICATION

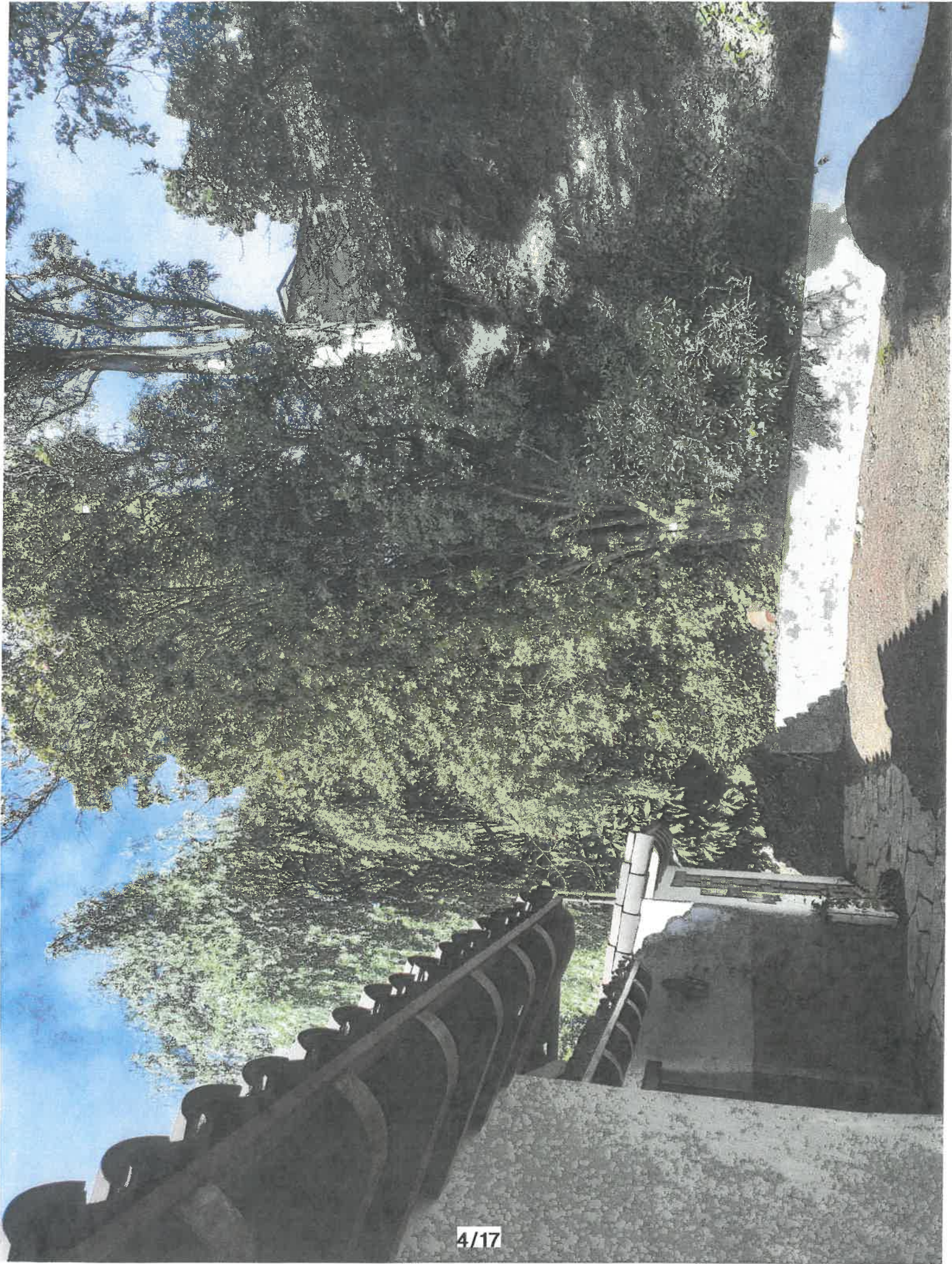
In response for justification for the Variance to allow the applicant to not to underground the utility lines, the applicant’s agent states in part as follows:

1. The area where the power/utility lines are located is steep and made of bedrock
2. Tempering with the land where the existing power pole is located would destroy the integrity of the hill as well as the over 50-year old trees and shrubs. Such landscaping is normally difficult to grow on bedrock. It would also endanger the foundation, walls and driveway of the neighboring property.
3. Undergrounding of utilities would require heavy equipment and large amounts of explosives which would vibrate adjacent structures and greatly disturb neighbors and their pets.
4. There is no advantage in removing the power pole and in undergrounding the utilities. If the pole remains, the site and vicinity will remain unharmed. The existing power pole is hidden by existing trees. Approximately only 10 feet of wire is visible.

REVIEW BY OTHER AGENCIES

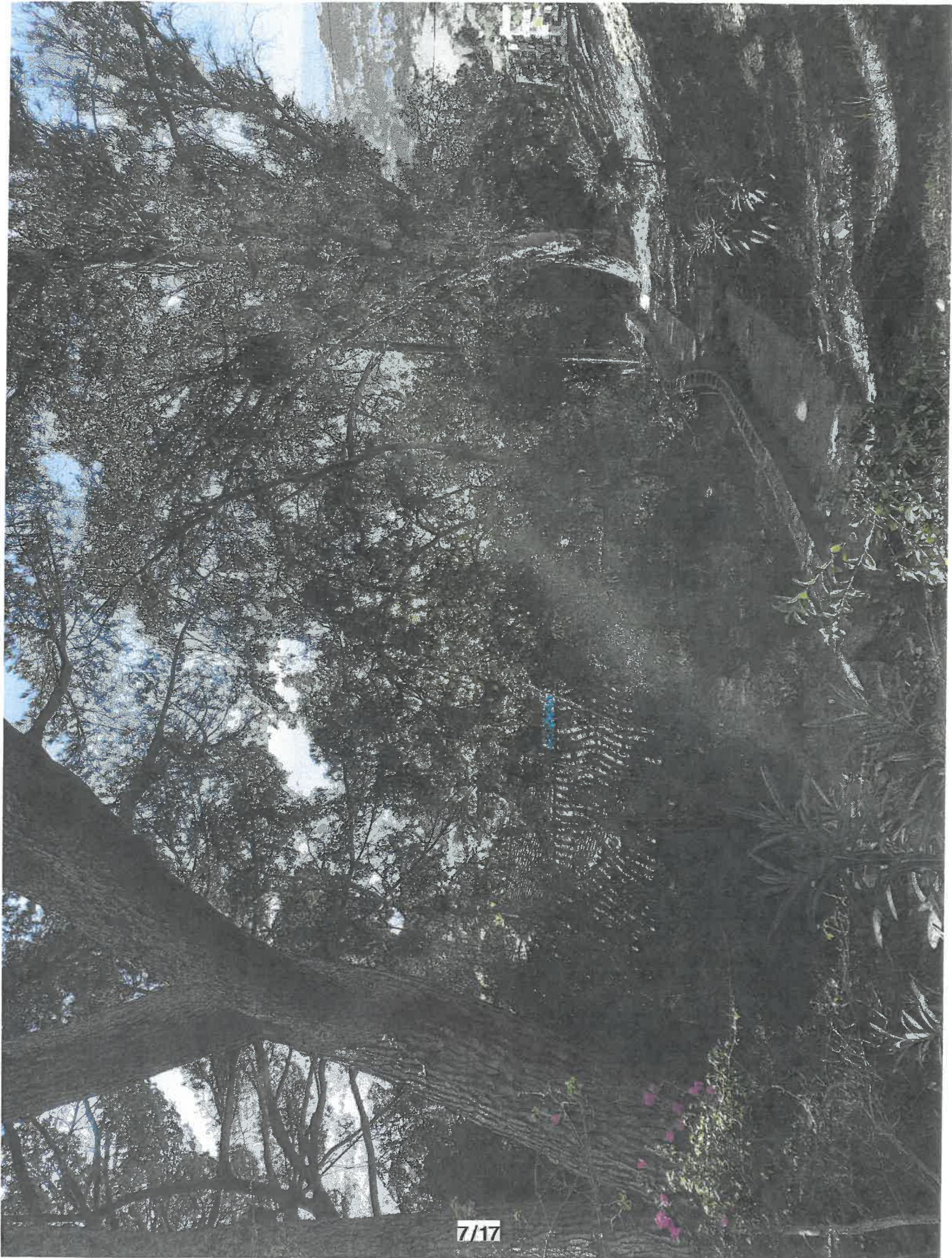
The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA).

VARIANCE REQUIRED 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; and
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; and
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; and
D.	That in granting the variance, the spirit and intent of this title will be observed; and
E.	That the variance does not grant special privilege;
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.













T.I.N. ENGINEERING COMPANY

Geotechnical • Structural • Environmental

17834 Bailey Drive • Torrance, CA 90504

Tel/Fax: (310) 371-7045 • tinsoilsheep@gmail.com

File No.: 121888

January 26, 2019

Mr. Richard Walker
P. O. Box 2924
Palos Verdes Peninsula, California 90274

SUBJECT: Geologic Opinion Letter for On-Site Existing Eastern Ascending Slope at #5 Flying Mane Lane, Rolling Hills, California

- REFERENCES:**
1. Limited Combined Soil and Geologic Engineering Investigation and Report for Proposed House Additions, House Remodeling, and New Pool at #5 Flying Mane Lane, Rolling Hills, California, dated May 10, 2012.
 2. County of Los Angeles, Geologic and Soils Engineering Review Sheet, dated August, 28, 2015.
 3. T.I.N. Engineering Company, Addendum Letter No. 1 - Response to County Geologic and Soils Comments, for Proposed Pool at #5 Flying Mane Lane, Rolling Hills, California, dated September 2, 2015.

Dear Mr. Walker:

In accordance with your request, we have completed this geologic opinion letter for the existing eastern ascending slope of the subject site. It is our understanding that the on-site existing descending slope, approximately up to 20 feet high, is an approximately 3/4:1 to 2:1 slope. This eastern slope is a bedrock cut slope. This slope is currently retained by an existing 3-foot high retaining wall to the east and a 2-foot high garden wall to the northwest. The slope above the 3-foot high garden wall is approximately 3/4:1 to 1 1/2:1 in gradient. The slope above the 2-foot garden wall is approximately 1 1/2:1 to 2:1 in gradient. Bedrock outcrops were observed on this bedrock cut slope as shown on Geologic Map, Plate 1. A dip-in bedding condition was observed on the existing bedrock outcrops which provides a favorable geologic condition for the eastern ascending slope. The encountered bedrock consisted of a light brown, gray, creamy white, and yellowish brown, moist, firm, bedded, siltstone shale, sandstone shale, and siliceous shale interbedded. The observed bedding planes were striking North 10 - 50 degrees to East and West and dipping approximately 36 - 50 degrees to South and North. This eastern bedrock cut slope is considered to be a geologically stable. However, surficial sloughing may occur due the steep gradient of the eastern ascending slope.

Mr. Richard Walker

- 2 -

January 26, 2019

Three test pits, T-6 through T-8, were excavated on the west side of the existing 3-foot high garden wall. These test pits were located between the 3-foot high garden wall and the northwest corner of the existing residential building. An approximately 1 to 1.5 feet deep of the fill was encountered. Below the fill, bedrock was encountered. The encountered bedrock consisted of a light brown, gray, creamy white, and yellowish brown, moist, firm, bedded, siltstone shale, sandstone shale, and siliceous shale interbedded. Locations of these three test pits are shown on Geologic Map, Plate 1.

Thank you for this opportunity to be of service. If you have any questions regarding this opinion letter, please contact the undersigned at the letterhead location.

Very truly yours,

T.I.N. ENGINEERING COMPANY

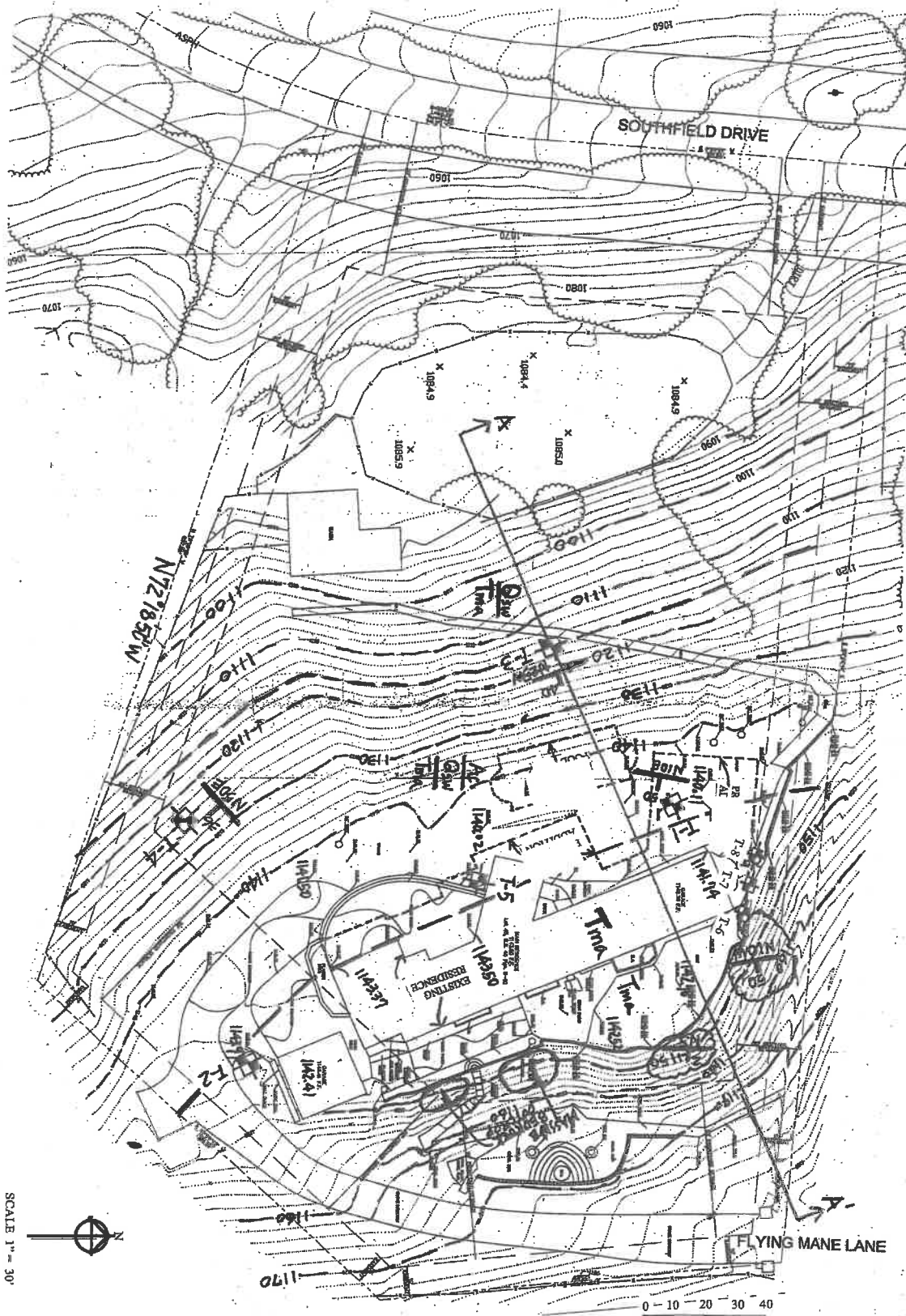


Tony S. C. Lee, M.S., P.E.
Project Engineer

TSCL: ir

Enclosures: Geologic Map.....Plate 1

Distribution: Client (3)

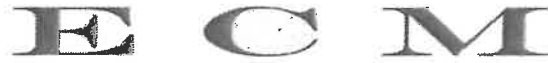


LEGEND

EXPLORATORY TEST TRENCH T-1
 T-1
 BEDDING ATTITUDE
 N10E
 FILL OVER SLOPE
 WASH OVER SHALE
 Af
 Qcd
 Tma

MR. RICHARD WALKER #5 FLYING MANE LANE RANCHO PALOS VERDES, CALIFORNIA	GEOLOGIC MAP	
	SCALE 1" = 30'	PLATE 1
DATE: JANUARY 26, 2019	T.I.N. ENGINEERING COMPANY	
JOB NO.: 121888		

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Earth, Construction, & Mining

CA LIC. NO. 651848 · NV LIC. NO. 0071919

11542 Knott Street #10, Garden Grove CA 92841 · PH: 714-897-4ECM [4326] · FX: 714-897-2016

Mr. Richard Walker
P. O. Box 2924
Palos Verdes Peninsula, California 90274

February 5, 2019

SUBJECT: General Evaluation Letter for explosives excavation for trench at the Existing Eastern Ascending Slope at #5 Flying Mane Lane, Rolling Hills, California

Dear Mr. Walker,

Several factors bear upon our evaluation for your proposed project of excavation. As indicated by your geotechnical consultant T.I.N. Engineering Company and our conversations it would appear that high explosives, i.e. dynamite, will have to be applied, therefore and as follows;

Public relations: there may be significant concerns, and occasionally drastic over reaction, from your local community in transporting via placarded vehicles with high explosives signs through your neighborhood. It usually requires substantial public relations efforts and communications to inform the community of the process for explosives logistics and application.

Vibration attenuation in adjacent structures: All thermal dynamic explosives detonations yield low frequency vibrations for a significant distance through the ground. Even small blasting events can create a substantial concern for structural degradation either real or perceived.

Overpressures, audible and inaudible sound waves: All detonations create overpressures, the movement of air, that can rattle windows or create the boom that startles people and pets.

Degradation of existing sub-surface geological formation(s): The above referenced vibrations can travel through the rock strata opening micro seams, joints and bedding planes. This disturbance of existing soils and rock can lead to slope failure and/or subsidence at a later date as a result of earth quake or water saturation due to rain or utility issues.

In conclusion: We pride ourselves in our abilities to perform very difficult surgical explosives excavation projects. We utilized our skills to modify the Space Shuttle Launch Pad facilities and various other facilities for NASA/JPL. However, the use of explosives always comes with some inherent risk. Considering the magnitude of your project and assumed budget it would be my opinion that your interest would be best served utilizing alternative methods or engineering solutions. If you have any questions or concerns do not hesitate to call.

A handwritten signature in dark ink, appearing to read "C. Bean", is positioned above the printed name.

Chuck Bean, ECM Explosives Manager and Principal

CONFIDENTIALITY NOTICE: This communication contains legally privileged and confidential information sent solely for the use of the intended recipient. Any use, review, disclosure, reproduction, distribution, copying of, or reliance on, this communication and any attachment is strictly prohibited except for the specific project identified and to which it applies. If you are not the intended recipient of this communication you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

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January 30, 2019

Analysis of Undergrounding Main Line

To Whom It May Concern:

Having completed site investigation and after reviewing the soils opinion letter completed by T.I.N. Engineering, I am of the opinion that undergrounding the main line from the power pole to the house on 5 Flying Mane Lane would be fiscally, environmentally, and structurally irresponsible.

Undergrounding in a straight line from the pole to the home would require heavy equipment, and quite likely, explosives to remove the material necessary to underground this line. The bedrock extends in both directions along the subject and neighboring properties. Going around the site in another direction than straight down is even less feasible than going straight to the home. For this reason, there is also no advantage to relocating the power main on the home.

Per the soils letter, the bedrock consists of moist, silty shale. Disturbing this ground material could have the following dramatic unintended consequences.

1. Foliage and Natural Landscape: The hill is filled with large trees and well-established landscape. Much of this would likely be destroyed. The foliage is currently keeping the topsoil on the extreme slope. Without this foliage, this soils would slough off and potentially cause mudslides and continued land movement.
2. Cost: This work will cost a small fortune. Between surgery like demolition and excavation, to the re-stabilization of the extreme slope with concrete and landscape, the cost will be astronomical.
3. Neighborhood Destabilization: The existing power pole is very close to the neighboring property. The moist, silty shale is susceptible to long term earth movement. Excavating will most likely destroy the integrity of the hill creating an increased likelihood of foundation and wall cracks as well as future soil movement underneath the neighboring structures and driveways.

While, undergrounding this line is technically possible (and of course I would love the work for my company), as a professional and a man of high integrity, I cannot, in good conscience recommend this as a viable path forward as it could have expensive and potentially devastating consequences.

Sincerely,

Robert Storrie
Checker Construction

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Joseph Spierer <joe@calarchitect.com>

RE: (External):5 Flying Mane Lane

1 message

Kevin Duong <Kevin.Duong@sce.com>
To: Joseph Spierer <joe@calarchitect.com>
Cc: "Angel Mejia Jr." <Angel.Mejia@sce.com>

Wed, Feb 13, 2019 at 4:28 PM

Hello Joseph,

Please print out this email as confirmation from SCE that maintaining an Overhead Conductor Service for the proposed 200Amp Panel upgrade for this address is permissible with SCE, as it meets our guidelines and code requirements for 200Amp Top Fed Panels.

I did see concern for the support soil's integrity due to the sharp pitch of the hill side slope from the power source down to this customer's panel location.

Let me know should have any additional concerns or questions.

Thank you,

Kevin Van Duong

Electrical Distribution Planner

South Bay Local Planning

Ofc: (310) 783-9302 | Cel: (310) 713-4910 | Pax 33302

SCE Rules | SCE Rates | SCE Underground Structures | SCE Electrical Service Requirements





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. 7B
Mtg. Date: 04-16-19

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO.	ZONING CASE NO. 956
SITE LOCATION:	VACANT LOT APN: 7569-020-004
	8 MIDDLE RIDGE LANE SOUTH (LOT 254-UR)
ZONING AND SIZE:	RAS-2, 3.45 ACRES (EXCL. ROADWAY EASEMENT)
APPLICANT:	KEVIN ZHANG
REPRESENTATIVE:	CRISS GUNDERSON, ARCHITECT
PUBLISHED:	FEBRUARY 7, 2019

The Planning Commission visited the site earlier in the morning on April 16, 2019.

LOCATION AND LOT DESCRIPTION

Zoning and Land Size

The property is zoned RAS-2 and excluding roadway easement the lot is 3.45 acres in size. For development purposes the net lot area is 3.1 acres, (137,810 sq.ft.). The lot is vacant. The lot is long and narrow, having a very long frontage along Middleridge Lane South. The rear of the lot slopes to a bridle trail that crosses the lot.

PROJECT DESCRIPTION AND RECOMMENDATION

The Project

The project consists of the construction of a new residence and appurtenant structures, on a vacant lot. The request includes a Site Plan Review, Conditional Use Permit and a Variance.

Site Plan Review

The applicant is requesting a Site Plan Review (SPR), for grading of 5,835 cubic yards of cut and 5,835 cubic yards of fill (to be balanced on site) and to construct a 6,972 square

ZC NO. 956 vacant lot known as 8 Middleridge Ln. S.

foot residence (previously proposed-7,364 sq.ft.), with 2,000 square foot basement, 1,053 square foot garage (previously 1,157 square foot garage), 1,457 square foot covered porches, 200 square foot entry, 237 square foot trellis, 1,172 square foot swimming pool with 40 square foot pool equipment, 100 square foot water feature, 400 square foot outdoor kitchen, and 100 square foot service yard area. The house design follows the shape and contours of the lot. A SPR is also requested for two not to exceed 5' high retaining walls; one abutting the guest house building pad and one along the driveway.

Conditional Use Permit

A Condition Use Permit is requested to construct an 800 square foot guest house with 337 square foot attached porch.

Variances

The applicant is requesting Variances to exceed the maximum permitted disturbance of the lot by 7% to up to 47%, where maximum permitted is 40%; and to exceed the 20% maximum permitted coverage of a setback with a driveway. The driveway is proposed to cover 33.3% of the front setback. The proposed driveway follows the length of the house and its configuration is dictated by the Fire Department, based on the design of the residence.

Recommendation

It is recommended that the Planning Commission continue the public hearing and provide direction to staff.

AMENDED PROJECT

Since the original submittal the applicant revised the project by reducing the size of the residence by 382 sq.ft by removing the southwesterly wing of the house by the garage plus 104 sq.ft. from the garage. This change allows for elimination of the long wall previously proposed along the driveway; reduction of approximately 1,350 sq.ft. of the building pad and allows for a more natural undulating terrain in the area of the reduction of the structure. The architect was also able to lower the pad by about a foot in the area of the garage and the west wing of the residence and stepped down the ridge height portions of the residence, on both sides of the entry by two and a half feet.

TRAFFIC COMMISSION REVIEW

Driveway

Prior to applying to the City for development and a driveway, the architect developed a conceptual plan of the house, fitting it on the flattest portion of the lot, where least amount of grading would be required, and submitted the plan to the Fire Department. For the proposed design, the Fire Department requires a 20' wide driveway, plus two turn-out areas for the fire trucks, so that they could access the rear of the house with fire hoses.

Subsequently, the architect submitted an application to the Traffic Commission for a driveway apron. Originally, he proposed the driveway apron along the bend of Middleridge Ln. S., approximately 240' south of the northerly property line of the lot. The City's Traffic Engineer questioned the sight distance for visibility of on-coming traffic for the proposed apron, and after providing a sight distance triangle study and a proposal to remove some vegetation on the property for clearer visibility, the Traffic Engineer concurred that this would be an acceptable location. The applicant staked the driveway apron and Traffic Commissioners went to the field to view it. Several adjacent property owners objected to the location of the proposed driveway apron on the basis that it would be too close to their driveways across the street, and if leaving at the same time, the lights from the car could blind the drivers from across the street. They also felt that it would be located in the most curved portion of the road and be dangerous. In the field, several other options were explored. Some of the residents suggested that the driveway apron be moved further up the road and up the hill, on the opposite side of the property line. One property owner objected to that location, and the Traffic Engineer also recommended against it. A suggestion was made to locate the driveway apron further north along the road, in an area where the road is straight. The Traffic Commissioners agreed to that location. The Traffic Engineer had no objection to this preferred driveway location, (by the Traffic Commissioners and neighbors). Following discussion regarding the amount of grading required for this proposed configuration and the length of the driveway, the Traffic Commission voted to recommend that the driveway apron be located near the northerly property line of the site, as suggested at the field trip. This recommendation will be provided to the City Council when the project is presented to them, following Planning Commission's decision on the development. The City Council makes the final decision on Traffic Commission's recommendations.

MUNICIPAL CODE COMPLIANCE

Grading

The low point of the proposed development is the northwesterly corner of the site. Grading will consist of cut and fill of 5,835 cubic yards each and will be balanced on site. The eastern portion of the proposed building pad will be cut to up to 10' in depth (southerly portion of driveway spur along the eastern side of the house); and the western portion of the building pad is proposed to be filled to maximum of 15' at the west end of the residence. A portion of the existing flat area of the building pad is proposed to be lowered 4-5 feet to preserve views over the new house from homes to the south. The resulting slopes will range from 3:1 in the front area to 2.5:1 and 2:1 in the rear of the house.

The applicant did soils investigation on the lot, and the soils engineer deemed the lot buildable.

Disturbance

The disturbance of the lot is proposed to be 64,200 square feet or 47%; a variance is requested.

ZC No. 956 vacant lot known as 8 Middleridge Ln. S.

Height

The highest ridgeline of the house is proposed at 19'2", along the middle span of the residence. The side spans of the residence will be 16'8" in height; the guest house will have a height of 14'10" along the north elevation and 13'10' elsewhere.

Since the previous meeting the architect made few changes to the project. He lowered the pad by about a foot in the area of the garage and stepped down portions of the roof line, on both sides of the entry by two and a half feet.

Drainage

This project is subject to the Low Impact Development (LID) requirements pertaining to stormwater management, including provisions for retention of run-off on the property.

The drainage design will collect and convey storm runoff from the project area to the northwest corner and discharge into the street, (near the proposed drwy entry). Energy dissipation will be provided to slow the discharge. Biofiltration units and other LID BMPs will be utilized, as required by the Building Department to treat and retain the runoff. The rear portion that will be undisturbed will continue sheet flow to the rear.

Lot Coverage

The proposed structural coverage on the lot will be 13,318 sq.ft. or 9.5% (previously 13,594 sq.ft. or 9.86%), (accounting for deductions), in conformance with the lot coverage limitations, (20% max. permitted); the proposed total coverage, (structures and flatworks) will be 29,950 sq.ft. or 21.7% (previously 30,454 sq.ft. or 22.1%), accounting for deductions) in conformance with the lot coverage limitations, (35% max. permitted).

Once graded, the residential building pad will be 34,800 sq.ft. a reduction from 36,150 sq.ft.. There exists approximately 4,000 square foot of level area, which will become a part of the larger pad; and will be lowered by about 4-5' from its current elevation. The structural coverage on this pad is proposed to be 11,716 sq.ft. or 33.6% of the pad, (accounting for deductions), (30% guideline); the 1,290 sq.ft. stable pad will have coverage of 36%, if the minimum size stable is developed.

Walls

Two, not to exceed 5' high retaining walls, approximately 50' long are proposed in two locations. One along the driveway, and one to create a small yard area by the guesthouse; all walls will average out to 2.5' in height.

Guest house

Section 17.16.210 (5) of the RH Zoning Ordinance allows guest homes with a Conditional Use Permit with the following restrictions.

- Shall not exceed 800 sq.ft.
- Shall not be located in the front yard or any setback
- A kitchenette and sanitary facility of shower, sink, toilet shall be permitted
- No vehicular access or paved parking area shall be developed within fifty feet of the guest house

- Renting of a guest house is prohibited
- Occupancy of the guest house shall be limited to persons employed on the premises, the immediate family of the occupants of the main residence or by the temporary guests of the occupants of the main residence. No temporary guest may remain in occupancy for more than thirty days in any six-month period
- All requirements of this title must be complied with unless otherwise set forth in the permit or approved plan
- A landscaping plan shall be submitted to the City of Rolling Hills Planning Department staff or Planning Commission, if requested, for approval. The plan submitted must comply with the purpose and intent of site plan review as specified in Chapter 17.16. of this Title.

The proposed guest house meets these conditions; it will be required that a floor plan be submitted.

Utility Lines / Septic Tank

All utility lines for the development shall be placed underground. The Los Angeles County Public Health department will review the septic system.

Stable/corral

A 1,000 square foot area for a future stable and corral has been designated in the north area of the lot, in proximity to the driveway entrance to the lot. Access will be taken from the driveway.

Planning Commission Responsibilities

When reviewing a development application, the Planning Commission must consider whether the proposed project meets the criteria for a Site Plan Review, Conditional Use Permit and Variances, as written below.

Environmental Review

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

Rolling Hills Community Association Review

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

PUBLIC PARTICIPATION

During the Traffic Commission's review several residents objected to the location of the originally proposed driveway apron. One resident objected to the location of the house, size and massing and stated that the house would block his view. Following notification for the Planning Commission meeting and prior to the first public hearing, the owners of 6 Middleridge Lane S. reviewed the plans and expressed objections to the location of the driveway apron, which is approximately 40 feet from their driveway. Other neighbors on the street reviewed the plans and expressed concerns with the massing

and size of the house, visibility of the long driveway, which parallels Middleridge Lane and inquired about screening of the driveway. Few other neighbors reviewed the plans and did not express objections, but stated that the house is big.

At the 2-19-19 public hearing meeting, the neighbors expressed the same concerns.

NEIGHBORING PROPERTIES

Address	Lot Size In Acres- Excl. Roadway Easement	Size In Sq.Ft. House; Garage if known
1 Middleridge S.	5.75	4,541 / 2,263
3 Middleridge S.	3.4	5,190 / 1,038
5 Middleridge S.	3.27	2,650
7 Middleridge S.	3.48	4,095 / 947
9 Middleridge S.	5.69	5,600 / 800
11 Middleridge S.	3.20	3,626
2 Middleridge S.	1.88	5,239 / 980
4 Middleridge S.	1.84	2,790
6 Middleridge S.	3.40	3,869 / 806
10 Middleridge S.	2.22	3,657 / 773 (proposed hs 4,531)
Proposed: 8 Middleridge S.	3.48	6,972/1053

Project Summary

REVIEW	EXISTING		PROPOSED	
<u>RA-S- 2 ZONE SETBACKS</u> Front: 50 ft. from front easement line Side: 35 ft. from property line Rear: 50 ft. from rear easement line	VACANT LOT		NEW SINGLE FAMILY RESIDENCE WITH GARAGE, BASEMENT; GUEST HOUSE, NEW DRIVEWAY; MISCL. ACCESSORY STRUCTURES	
Construction of a new residence/garage requires a SPR; Guest house requires a CUP; Exceedance of disturbance of the lot and coverage with a drwy requires a Variance			Residence	6972 sq.ft.
			Garage	1053 sq.ft.
			Pool/spa	1172 sq.ft.
			Pool eqpm.	40 sq.ft.
			Guest house	800 sq.ft.
			Stable-future	450 sq.ft.
			Attch. porches	1794 sq.ft.
			Entry	200 sq.ft.
			Attcht. Trellis	237 sq.ft.
			Outdoor kitchen	400 sq.ft.
			Water feature	100 sq.ft.
			Service yard	100 sq.ft.
			Basement (not counted towards coverages)	2,000 sq.ft.
			TOTAL	13,318 sq.ft.
<u>STRUCTURAL LOT COVERAGE</u> (20% maximum)			13,098 sq.ft. (w/deductions) or 9.5% of 137,810 sq.ft. net lot area	
<u>TOTAL LOT COVERAGE</u> (35% maximum)			29,958 sq.ft. (w/deductions) or 21.7% of 137,810 sq.ft. net lot area	
<u>BUILDING PADS (30% guideline)</u> Residence, pool, guest hs, & miscl.			11,716 sq.ft. or 33.6% of 34,800 sq.ft. pad (w/deductions)	
Stable			36% of 1,290 sq.ft. pad -future	
<u>GRADING</u> Site Plan Review required if excavation and/or fill or combination thereof that is more than 3' and covers more than 2,000 sq.ft.) must be balanced on site.			5,835 c.y. cut and 5,835 c.y. fill to be balanced on site	
<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.)			64,200 sq.ft. or 47% of the net lot area (Variance requested)	
<u>STABLE (min. 450 SQ.FT. & 550 SQ.FT. CORRAL)</u>			Set aside 1,000 sf	
<u>STABLE ACCESS</u>			Future	
<u>ROADWAY ACCESS-</u>			Proposed new driveway approach. Variance requested for covering 33.3% of the front setback (max. permitted 20%)	
<u>VIEWS</u>			Planning Commission review	
<u>PLANTS AND ANIMALS</u>			Planning Commission review	

SITE PLAN REVIEW CRITERIA

17.46.010 *Purpose.*

The site plan review process is established to provide discretionary review of certain development projects in the City for the purposes of ensuring that the proposed project is consistent with the City's General Plan; incorporates environmentally and aesthetically sensitive grading practices; preserves existing mature vegetation; is compatible and consistent with the scale, massing and development pattern in the immediate project vicinity; and otherwise preserves and protects the health, safety and welfare of the citizens of Rolling Hills.

17.46.050 *Required findings.*

A. The Commission shall be required to make findings in acting to approve, conditionally approve, or deny a site plan review application.

B. No project which requires site plan review approval shall be approved by the Commission, or by the City Council on appeal, unless the following findings can be made:

1. The project complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance;
2. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. Lot coverage requirements are regarded as maximums, and the actual amount of lot coverage permitted depends upon the existing buildable area of the lot;
3. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences;
4. The project preserves and integrates into the site design, to the greatest extent possible, existing topographic features of the site, including surrounding native vegetation, mature trees, drainage courses and land forms (such as hillsides and knolls);
5. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area;
6. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course;
7. The project preserves surrounding native vegetation and mature trees and supplements these elements with drought-tolerant landscaping which is compatible with and enhances the rural character of the community, and landscaping provides a buffer or transition area between private and public areas;
8. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles; and
9. The project conforms to the requirements of the California Environmental Quality Act.

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.

CRITERIA FOR APPROVAL OF CONDITIONAL USE PERMIT

17.42.050 *Basis for approval or denial of conditional use permit.*

The Commission (and Council on appeal), in acting to approve a conditional use permit application, may impose conditions as are reasonably necessary to ensure the project is consistent with the General Plan, compatible with surrounding land use, and meets the provisions and intent of this title. In making such a determination, the hearing body shall find that the proposed use is in general accord with the following principles and standards:

- A. That the proposed conditional use is consistent with the General Plan;
- B. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, building or structures;
- C. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed;
- D. That the proposed conditional use complies with all applicable development standards of the zone district;
- E. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities;
- F. That the proposed conditional use observes the spirit and intent of this title.

SOURCE: City of Rolling Hills Zoning Ordinance.

Justification from Applicant

The Applicant's representative states, in part as follows:

Site Plan Review -

- The construction of a single family residence with accessory structures is a permitted use in the City. Grading is required, and the pad will be pushed down 5-6' in the middle of the lot to preserve views of homes to the south.
- The project is slightly larger in size than its neighbors. Its lot area is also larger. Setbacks are exceeded, substantially for most of the construction.
- The building pad is created with a cut or slice of earth that parallels the existing topography and the road. The earth generated is placed in natural appealing curved shape which fills an existing depression.
- With the pad pitched as the existing site slopes, fill slopes follow Middleridge in a natural form. There is no grading in the canyon and all drainage courses remain the same.
- Existing street trees will mostly remain and fire fuel plants and dead vegetation will be removed. The canyon area will remain untouched.
- The residence is sited on a spacious pad with large setback separation beyond the minimum. The large lot at over 3 acres net allows for this rambling house to follow the topography of the lot in a harmonious manner.
- The Traffic Commission, Traffic Engineer and the neighbors agreed on the location of the driveway apron. A path for pedestrians is preserved at the street and there is ample off-street parking due to Fire Prevention access requirement.
- All proposed grading and excavation shall be balanced on site. All standard Best Management Practices for grading and construction shall be employed.

Variances -

- The property is unimproved, and therefore a new driveway is proposed. The Traffic Commission determine the best location of the apron be located towards the north-east corner of the property.
- Topography dictates the residence be sited to the east. Also Fire Prevention requires access to the east and north-east wings of the home. These requirements force driveway front yard coverage of 33% and area of disturbance of 47%.
- Middleridge Ln. S. has exceptionally poor sight lines due to tight curves and steepness. The selected driveway apron location leads to a long driveway in the front setback and additional grading. The recommended location of the apron controls design parameters.

Conditional Use Permit-

- Guest houses are permitted uses and are common in Rolling Hills.



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. 8A
Mtg. Date: 04-16-19

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO. ZONING CASE NO. 955
SITE LOCATION: 1 POPPY TRAIL (LOT 90 B2-RH)
ZONING AND SIZE: RAS-2, 5.5 ACRES (GROSS)
APPLICANT: ROGER YEH
REPRESENTATIVE: JOSEPH SPIERER, JOSEPH SPIERER ARCHITECTS
TAVISHA ALES, BOLTON ENGINEERING
PUBLISHED: JANUARY 3, 2019
APRIL 4, 2019

PROJECT DESCRIPTION AND BACKGROUND

The Project

The project entails the construction of a new residence with a basement, garage, covered porch, stable with corral, retaining walls, new swimming pool and other outdoor amenities. City staff issued a public notice for a public hearing for the development to be held on January 15, 2019 Planning Commission meeting. Upon further review and evaluation of CEQA and upon legal advice of the City Attorney's office, it was determined that the proposed project may be subject to a new CEQA review of one of the components of CEQA, the Biological Resources, because it may no longer be covered by the mitigated negative declaration document used in the landslide remediation on the site. Therefore, additional time was required to evaluate the environmental status for the proposed development, and the project was continued to an un-specified date. The project was re-noticed in the Newspaper and neighbors within 1,000' radius of subject property were also notified.

Zoning and Land Size

The property is zoned RAS-2 and the gross lot area is 5.5 acres. The net lot area of the lot is 204,383 square feet or 4.69 acres. The lot is vacant but has a graded, previously created building pad as well as a 15' wide driveway leading to the building pad. Poppy

ZC NO. 955 1 Poppy Trail

Trail road traverses the lot and the Geroeff Trail is also located on the lot. Access is taken over the adjacent lot, at 0 Poppy Trail. The area across Poppy Trail (to the east of the road) has been designated as an easement to the RHCA and as a Significant Ecological Area (SEA). There are bridle trails leading to/from Hesse's Gap riding ring through this portion of the lot. SEA cannot be disturbed, as it has been identified as having biological resources. Following the remediation and the entitlements, the SEA was so noted on the Final Parcel Map and recorded.

Past Property Approval

In 2005, an active landslide took place on what was, at the time, 1 Poppy Trail. The roadway easement (Poppy Trail) was covered by dirt from the slide and a series of remediation steps were taken to stabilize the land and reconstruct Poppy Trail. As a result of that stabilization, two vacant lots were formed, 1 Poppy Trail and the adjacent property, 0 Poppy Trail.

At the conclusion of remediation of the landslide, the City approved a number of elements on the lot that allow for future development and a subdivision, including determination of setbacks, variances for greater than permitted disturbance for both lots (55% on subject lot and 65% on 0 Poppy Trail lot), a set of slopes steeper than 2:1, the driveway aprons, the set aside area for stables and corrals, utility line placement, slopes greater than 30 feet in height, walls located in the setbacks, walls higher than five feet tall, landscaping on slopes, grading and export of dirt. To create the two lots, lot line adjustments between several parcels in the vicinity were approved, as well as a subdivision, zoning map and a zone change.

In 2017 approval was granted for the development of a residence with appurtenant facilities on one of the lots, 0 Poppy Trail.

Site Plan Review

The applicant requests a Site Plan Review for a new 6,374 square foot residence with 756 square foot attached garage and 934 square foot basement, a 1,643 square foot swimming pool & spa, a retaining wall ranging in height from 6" curb to 5' along the north western limits of the building pad, a portion of which is in the side setback, and overall grading of 5,600 cubic yards. Also proposed are several outdoor amenities, such as a BBQ, service yard and water feature. 520 cubic yards of dirt is proposed to be exported from the basement and pool excavation. Although those elements of the proposal are not subject to a SPR, they are a part of the development.

Conditional Use Permit

A Conditional Use Permit is requested for a new 452 square foot stable and 575 square foot corral.

Variances

A Variance is requested for approximately 160' of the retaining wall to encroach between 1-foot to 2.5 feet into the side setback. The Building Code requires certain

distance from structures to an ascending slope. In order to comply, the applicants propose to slightly enlarge the building pad, by 860 square feet, to create more flat area between the house and the slope and construct an up to 5' high retaining wall into the setback to support the slope.

During the remediation of the landslide, the lot was graded and slopes reconstructed and at that time a variance for disturbance of the lot was granted of 55%, (40% max. permitted). According to new evaluation of the disturbed area of the lot by the Civil Engineer, calculated specifically for this application, the disturbance of the lot is 69.6%, and is greater than the variance of 55% granted in 2010. Therefore, a new variance is required for the 69.6% disturbance.

(See more detail on the disturbance under the Disturbance description below).

The project will be re-noticed to include the Variance for disturbance and neighbors will be notified before the next Planning Commission meeting.

Driveway and Motor Court

The applicants propose to widen the existing driveway to 20' and size of the motor court to meet Fire Department requirements. The slope of the driveway is 7% or less for the first twenty feet and never greater than 17% grade at any point. The Traffic Commission previously reviewed and recommended approval of the driveway apron. The City Council approved the driveway apron at the time the lot was subdivided on October 4, 2010.

MUNICIPAL CODE COMPLIANCE

Grading and Stabilization

Due to the engineering of the lot and surrounding slope, there are limitations to grading on the slope of the property. The only proposed improvement near the engineered slope is the widening of the driveway; and pushing the building pad out a few feet. Overall grading will include 2,800 cubic yards cut and 2,800 cubic yards fill, 1,500 cubic yards over excavation, and 2,000 cubic yards re-compaction. The total grading for the site is proposed to be 5,600 cubic yards with 520 cubic yards of dirt to be exported from the site coming solely from the pool and basement excavation.

Disturbance

As reported in the variance section, existing disturbance of the lot is 69.6%. This percentage is based on an updated survey conducted by the project engineer. There will be no additional disturbance as a result of the proposed project. All development is being constructed within a previously disturbed area. While reviewing the development proposed on 0 Poppy Trail in 2017, it became apparent that it is necessary to amend the previously prepared and adopted Mitigated Negative Declaration (MND) for the landslide remediation project, (of a landslide that occurred in 2005 at this location), to reflect the correct disturbance on both lots. The original MND prepared for the landslide remediation project was undertaken by the previous owners (CJPIA).

Prior to the remediation of the landslide it was reported that the projected lot disturbance would be 65% on the lot that became 0 Poppy Trail and 55% on the lot currently under consideration, which is 1 Poppy Trail, whereas a current survey of the property show disturbance at 69.6%, including for the stable and corral. In 2017 staff prepared an addendum to the MND explaining the discrepancy in reporting of the disturbed area. It was determined that all of the areas of the lot where grading or remediation took place were reviewed by geotechnical, soils and civil engineer consultants prior to any grading being implemented, and is substantiated by the geotechnical reports that are on file at City Hall, including a final analysis for the as remediated project. The lower percent reported in the original project application for the landslide remediation was a numerical error provided by the Civil Engineer. The amended MND was adopted by the Planning Commission on August 15, 2017 and is included with this report.

Height

The height of the highest residence ridgeline is proposed to be 18.25 feet. The highest ridgeline of the stable is proposed to be 12.25 feet. The basement is proposed to be 9 feet deep.

Drainage

The existing condition of the site includes an extensive swale system with outlets into the natural drainage course and weep holes in the retaining walls. The run-off is directed away from the building pad. The new swales to be constructed behind the wall along the limit of the building pad, will collect water from above the project site and direct it away from the building pad.

The remediation of the landslide was previously subject to the Storm Water Pollution Prevention Plan (SWPPP), which included stormwater management for the grading of the driveway and building pad. This application is subject to the City's Low Impact Development (LID) ordinance requirements for retention of water on site and biofiltration, and the City's Water Efficient Landscaping Ordinance where the applicants must implement low water usage planting, comply with a water budget and prescribed irrigation devices and certify compliance. The previously landscaped slopes and walls must remain and be maintained in good condition. All of these requirements will be reviewed at the plan check review process and monitored during construction.

Lot Coverage

The net lot area of the lot is 204,383 square feet. The proposed overall total (structural and flatwork) coverage on the lot (with exclusions) is 27,979 square feet or 13.7% in conformance with the lot coverage limitations, (35% max.). The proposed structural net lot coverage (with exclusions) is 10,746 square feet or 5.25% in conformance with the lot coverage limitations, (20% max.). The building pad has been graded and is 23,750 square feet. The applicant proposes to enlarge it by 860 square feet to 24,610 sq.ft. Building coverage on this pad is proposed at 43.7%, which includes the stable, (30% guideline).

Walls

There are several existing walls on the subject property. These walls were used to stabilize the lot and have previously been approved as part of the remediation of the landslide in 2005. This includes some walls higher than 5 feet and/or located within setback areas.

The proposed project includes one, approximately 340' long retaining wall, ranging from a 6" curb to 5' in height along the northwestern limits of the building pad, portion of which encroaches between 1' to 2.5' into the side setback. A 55' long wall not to exceed 3' is also proposed along a portion of the back wall, at the northwestern end of the residence. The walls will average out to 2½ feet in height. A drainage swale will be constructed behind the wall to collect run-off from the slope and divert it around the building pad.

Stable Access

Stable access is proposed for both vehicles and horses off the main driveway. Since Georgeff Trail is located on the property, access to the trails is very convenient.

CONDITIONAL USE PERMIT SUMMARIES

A Conditional Use Permit is required for the stable pursuant to Section 17.18.060.

The proposed stable will be 452 square feet with a 575 square foot corral.

Pursuant to the zoning code requirements the following is applicable to this request:

REQUIREMENTS	PROPOSED
Not less than 6' wide roughened access; if greater than 1,000 sq.ft. stable access to comply with Fire Dept. requirements.	Proposed 20' wide vehicular access off driveway and over 6' horse access from easement bridal trail.
Stable, corral not to be located on slopes greater than 4:1	Located on area with a slope no greater than 4:1
Not in front yard or side or front setback. May be located up to 25' in rear setback.	Stable and corral comply
Min. 35' from any residential structure	Complies with requirement
Building to be designed for rural and agricultural uses only, but may include storage of vehicles and household items	Building is proposed to look like a stable and be used for a stable
Size to include the entire footprint including loft, if any	452 square foot stable with no loft.
Minimum of 60% of the size of the structure shall be maintained for agricultural uses	Agricultural spaces include one stall, and is 327 sq.ft. or 72.3% of the size of the structure
Maximum of 40% of the size of the structure, but not to exceed 800 s.f. may be maintained for a tack room	Tack room is 125 sq.ft. 27.6% of the structure
Tack room may have sanitary and kitchenette amenities	Not proposed at this time
Tack room may have glazed openings	No window proposed in tack room

Entry doors to agricultural space to be min. 4' wide & 8' high; appearance of a stable door	To comply- to be reviewed by the Architectural Committee.
Loft is permitted	No loft proposed
Loft plate height may not exceed 7'	No loft
Exterior area of stables may not to be paved	Unpaved corral adjacent to the stable and a short pervious access
Corral shall be fenced	Proposed fenced corral
Access not to exceed 25%	Access complies
Corral to be contiguous to stable. Planning Commission may determine the size of a corral based on the size of the stable	Corral to be contiguous to stable.
Commercial uses or sleeping is not allowed	Applicant is not proposing any commercial uses or sleeping in the stable

Utility Lines / Septic Tank

It will be a requirement that utility lines to all of the proposed structures be placed underground. Much of this infrastructure was already provided for during the landslide remediation and stub outs for the utilities are in the ground.

The previous remediation of the site also requires that any future development of a residence include a percolation test. This is to accommodate the septic tank. The applicant has conducted this test and has indicated on the plans a septic tank location consistent with the results of the test.

Additional Environmental Review

As stated earlier, the project review was continued from January 2019 to allow staff to determine if the proposed project may be subject to a new review of one of the components of CEQA, the Biological Resources, because it may no longer be covered by the mitigated negative declaration document used in the landslide remediation on the site. Therefore, additional time was required to evaluate this issue.

A portion of the property is designated as a Significant Ecological Area (SEA). This means that biological resources were identified in the area and it needs to remain undisturbed. Prior to the landslide remediation the impact of grading and disturbance of the property was analyzed in the CEQA document prepared at the time. The proposed new development is consistent with that analysis. That SEA was identified by the Environmental consultant that was hired prior to remediation of the lot to study the biological resources and is recorded with the Final Parcel Map.

During the review of this project staff came across information that there may be an adjacent ecologically sensitive area located in the area of the proposed widening of the driveway. Normally a single family development with appurtenant structures is exempt from CEQA (14 CCR Section 15303). To process the application the City needed to analyze whether an exception to that exemption applies because of the new information.

Based on the City's evaluation we found that the project is exempt and that there is no evidence to suggest that an exception to the exemption would apply. The MND prepared for the remediation project concluded that the project would not have a significant adverse effect on the environment. The biological resources section analyzed the following: five vegetation communities, including the urban/developed, disturbed habitat, southern mixed chaparral, non-native grassland, and southern willow scrub; two sensitive habitats, including the southern mixed chaparral and southern willow scrub; twenty-five sensitive plant species; and sixteen sensitive animal species, and only found the presence of a few sensitive resources (southern mixed chaparral, southern willow scrub, as well as riparian area) on the east side of Poppy Trail, and was designated as an ESA. (See attached the Biological Resources section of the CEQA documents prepared for the remediation.)

In addition, the City sought out the opinion of a biologist to compare the conclusions in the former MND with the new County SEA to see whether the former MND covered the same environmental sensitivities as in the County SEA. The biologist concluded that there are no sensitive biological resources within the proposed project footprint, and therefore no significant impacts would result from the project implementation. The biologist also found that the area currently in question was already developed or was in a disturbed condition as a result of the landslide and that no sensitive biological resources were located in the area currently proposed for development at the time the MND was prepared in 2010, (see attached biologist's opinion.)

Environmental Determination

The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) under Class 3, Section 15303 New Construction. Earlier approved elements and anticipated development activities for the subject property were previously reviewed and mitigations are covered by a Mitigated Negative Declaration adopted in October 2010, and as corrected in 2017.

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 findings for a Site Plan Review, Conditional Use Permit, and Variances as seen below.

Development Comparables

NEARBY PROPERTIES

(For information only)

Address	House size in sq.ft. (built/add or remodel)	Lot Area (gross acres)
0 Poppy Trail	Approved 4,859*	4.08
2 Poppy Trail	4,377	2.24

ZC No. 955 1 Poppy Trail

3 Poppy Trail	3,598*	5.13
25 Portuguese Bend Road	5,136*	7.99
24 Portuguese Bend Road	8,661	4.48
100 Saddleback Road	5,951	3.91
1 Poppy Trail	Proposed 6,374	4.08

NOTE: The above do not include garages, basements and other accessory structures.

SOURCES: Assessors' records * City records

Project Summary

SITE PLAN REVIEW	PROPOSED OVERALL TOTAL	
<u>RA-S- 2 ZONE SETBACKS</u> Front: 50 ft. from front easement line Side: 35 ft. from property line Rear: 50 ft. from rear easement line	NEW RESIDENCE WITH STABLE	
<u>STRUCTURES</u> (Site Plan Review required for grading, new structures including new residence and if size of addition increases by more than 999 sq.ft. in a 36-month period).	Residence	6,374 sq.ft.
	Garage	756 sq.ft.
	Pool and spa	1,643 sq.ft.
	Pool Equipment	41 sq. ft.
	Stable	452 sq.ft
	Service yard	96 sq.ft
	Covered Porches	1,360 sq.ft.
	Outdoor firepit	25 sq.ft.
	Outdoor BBQ	53 sq. ft.
	Water feature	9 sq.ft.
	Basement	934 sq.ft.
	TOTAL	10,809 sq.ft
<u>STRUCTURAL LOT COVERAGE</u> (20% maximum)	10,746 sq.ft. or 5.25% (with deductions) (5.28% no deductions)	
<u>TOTAL LOT COVERAGE</u> (35% maximum)	27,979 sq.ft. or 13.69% (with deductions); 13.7% -no deductions	
<u>BUILDING PADS (30% guideline)</u> Residence, pool, other misc. structures STABLE	43.7% % residence pad coverage (with deductions) . It includes stable	
<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.	2,800cy cut and 2,800 cy fill, for a total of 5,600 cy. 520 cy to be exported from excavation of basement and pool	
<u>DISTURBED AREA</u> (40% maximum; any graded building pad area, any remedial grading (temporary disturbance), any graded	69.6% Variance previously granted for 55%.	

ZC No. 955 1 Poppy Trail

slopes and building pad areas, and any nongraded area where impervious surfaces exist.)	
STABLE (min. 450 SQ.FT. & 550 SQ.FT. CORRAL)	452 s.f Stable 575 s.f. Corral
STABLE ACCESS	Off bridal trail and driveway
ROADWAY ACCESS	Existing driveway approach already approved
VIEWS	Planning Commission review
PLANTS AND ANIMALS	Planning Commission review

SITE PLAN REVIEW CRITERIA

17.46.010 *Purpose.*

The site plan review process is established to provide discretionary review of certain development projects in the City for the purposes of ensuring that the proposed project is consistent with the City's General Plan; incorporates environmentally and aesthetically sensitive grading practices; preserves existing mature vegetation; is compatible and consistent with the scale, massing and development pattern in the immediate project vicinity; and otherwise preserves and protects the health, safety and welfare of the citizens of Rolling Hills.

17.46.050 *Required findings.*

- A. The Commission shall be required to make findings in acting to approve, conditionally approve, or deny a site plan review application.
- B. No project which requires site plan review approval shall be approved by the Commission, or by the City Council on appeal, unless the following findings can be made:
 1. The project complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance;
 2. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. Lot coverage requirements are regarded as maximums, and the actual amount of lot coverage permitted depends upon the existing buildable area of the lot;
 3. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences;
 4. The project preserves and integrates into the site design, to the greatest extent possible, existing topographic features of the site, including surrounding native vegetation, mature trees, drainage courses and land forms (such as hillsides and knolls);
 5. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area;
 6. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course;
 7. The project preserves surrounding native vegetation and mature trees and supplements these elements with drought-tolerant landscaping which is compatible with and enhances the rural character of the community, and landscaping provides a buffer or transition area between private and public areas;
 8. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles; and

9. The project conforms to the requirements of the California Environmental Quality Act.

CRITERIA FOR APPROVAL OF CONDITIONAL USE PERMIT:

17.42.050 *Basis for approval or denial of conditional use permit.*

The Commission (and Council on appeal), in acting to approve a conditional use permit application, may impose conditions as are reasonably necessary to ensure the project is consistent with the General Plan, compatible with surrounding land use, and meets the provisions and intent of this title. In making such a determination, the hearing body shall find that the proposed use is in general accord with the following principles and standards:

- A. That the proposed conditional use is consistent with the General Plan;
- B. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, building or structures;
- C. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed;
- D. That the proposed conditional use complies with all applicable development standards of the zone district;
- E. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities;
- F. That the proposed conditional use observes the spirit and intent of this title.

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 Statements

Regarding compatibility to the zone and variance for the wall, the applicant states the following:

"In order for the site to maintain H/2 ratio surrounding the residence, we are in need of placing retaining walls in setback. The retaining walls in setback would only be visible to owner and not adjacent properties. The area in need of additional retaining walls in setback have a higher slope than most of site.

The variance is necessary for the preservation of the site for the property and neighboring properties. The retaining walls in setback will not be visible.

The retaining walls in setback will not be materially detrimental to the vicinity. They are located in the back of the site behind the residence. Retaining walls will match adjacent wall styles and below HOA height restrictions.

The variance would be consistent with the portions of the County of LA Hazardous Waste Management Plan for the sitting criteria for hazardous waste facilities. All requirements would be met and maintained.

The variance request would be consistent with the general plan of the City of Rolling Hills and would meet all requirements."

Regarding the overall development of a new residence and appurtenant structures on a vacant lot, the applicant states in part as follows:

The project is compatible and fits with the surrounding sites of neighboring houses. It is located at the most feasible location to maximize drainage courses, land forms and vegetation. No impact from grading will result as the lot was previously graded. The development is minimal in regards to lot coverage. The project is harmonious in scale and mass with the site and adjacent properties. The rear setback encroachment is due to necessity of a retaining wall and a swale required to maintain the slope. The wall would only be visible from the residence and not adjacent properties.

Regarding the CUP for the stable and corral, the applicant states in part:
Stables and corrals are a requirement of the City and this project is consistent with the General Plan. The project site is adequate in size and shape to accommodate the stable and corral.

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City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

0 POPPY TRAIL PROJECT AND PROPERTY LOCATED AT 1 POPPY TRAIL

City of Rolling Hills, California

SECOND ADDENDUM TO MITIGATED NEGATIVE DECLARATION, AUGUST 15, 2017

Project Description: This document is a Second Addendum to the Mitigated Negative Declaration (the "MND") for the remediation of a 2005 landslide which originated from 1 Poppy Trail Road. The displacement of dirt caused by the landslide affected two adjacent lots. During the remediation process, and following several lot line adjustments between the affected parcels, two lots were eventually created: 0 Poppy Trail Road and 1 Poppy Trail Road. Following the landslide, the City of Rolling Hills and the Rolling Hills Community Association undertook various improvements and, between April and October of 2010, detailed project plans were developed for remediation of the failed slope. (Hereinafter referred to as the "Landslide Remediation Project."). The purpose of the remediation was to remediate the failed slope and to allow for future development of the site with single family homes. With relation to the Landslide Remediation Project, the City Council adopted a resolution in 2010 approving a variance to disturb 65% of the net lot area of what is now 0 Poppy Trail Road and 55% disturbance of the net lot area of what is now 1 Poppy Trail. Pursuant to an updated survey of 0 Poppy Trail Road, the existing disturbance is actually 78.95%. There is no additional disturbance planned for the proposed project at 0 Poppy Trail Road; any slight grading that will be conducted in connection with the proposed project at 0 Poppy Trail Road consists of smoothing and evening out the existing building pad.

An updated survey was not conducted for the lot known as 1 Poppy Trail, as there is no development application pending; however, staff believes that the disturbance of the lot located at 1 Poppy Trail also exceeds the percentage that was reported relative to the Landslide Remediation Project. A rough estimate of the disturbance of the second lot (according to staff) is also about 78% of the new lot area.

The overall purpose of this Second Addendum is to modify the minor technical discrepancy between the approved disturbance percentage (65%) and the actual

disturbance percentage (78.95%) for 0 Poppy Trail and the approved disturbance (55%) and the estimated disturbance percentage of 1 Poppy Trail. There is a pending development application for 0 Poppy Trail Road; the lots for both 0 and 1 Poppy Trail Road have been remediated to allow for the development of one single family residence on each lot. There will be no environmental impact from the grading or development of a single family home, therefore it will not cause new significant impacts not identified in the previously certified MND or result in a substantial increase in the severity of previously identified significant impacts related to the Landslide Remediation Project.

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I. INTRODUCTION

A. LANDSLIDE REMEDIATION PROJECT

On March 5, 2005, a landslide originating from the property located at 1 Poppy Trail Road caused a large amount of dirt to be displaced. Following the landslide, the City of Rolling Hills and the Rolling Hills Community Association undertook various improvements and, between April and October of 2010, detailed project plans were developed for remediation of the failed slope.

In the summer of 2010, a preliminary geotechnical finding and analysis was prepared (relative to the slope failure and repair), as well as a review of the grading plan and tentative parcel map. These reports were prepared by GMU Geotechnical, Inc. and were reviewed and approved by Willdan Engineering, the City's contracted Building and Safety/Public Works Engineers.

By the fall of 2010, the California Joint Powers Insurance Authority ("JPIA") had requested discretionary approval from the City in order to (1) subdivide the land in question into two single-family residential lots fronting Poppy Trail Road; (2) allow for a lot line adjustment; (3) allow for a grading plan; (4) allow for a zone change; (5) allow for a site plan review; and (5) seek variances to repair the slope failure. (Hereinafter collectively referred to as the "Landslide Remediation Project.") Specifically, with relation to the variances, the JPIA sought a variance from the City's requirement that a maximum of 40% of any lot be disturbed;¹ in order to remediate the landslide and to create residential building pads and access thereto, the JPIA proposed to disturb no more than 65% of the net lot area of 0 Poppy Trail Road and 55% of the net lot area for 1 Poppy Trail Road. Additionally, the JPIA sought variances in order to construct retaining walls, grade steeper slopes, provide a set-aside for a future stable and corral in the front yard of 0 Poppy Trail Road, and export 5,000 cubic yards of dirt.

In connection with the Landslide Remediation Project, the JPIA prepared an Initial Study and determined that, with the implementation of mitigation measures, no negative effect on the environment would result. Therefore, an MND was prepared; on October 4, 2010, the City Council approved the MND. (Hereinafter referred to as the "2010 MND.")

In December of 2010, prequalified contractors were invited to submit bids related to the Landslide Remediation Project. During this time, the JPIA determined that it would be possible to reduce or eliminate some of the retaining walls through selected modifications of the grading plan and proposed its modifications related thereto to the City. These project modifications comprised four main elements: (1) a reduction in the number and height of the walls for the project by increasing the slope steepness; (2) additional dirt to be exported from the site; (3) reduction in grading quantities for remediation of the slopes; and (4) changes in the landscape plan consistent with the

¹ See Section 17.16.070(B) of the Rolling Hills Municipal Code which limits the amount of disturbance on a lot to forty percent of the net lot area.

proposed slope modifications. The City determined that the modifications proposed by the JPIA to the Landslide Remediation Project would require Planning Commission approval, an amendment to the resolution of approval related to the site plan review, and an addendum to the 2010 MND. Following geotechnical review of the revised grading plan for 0 and 1 Poppy Trail Road, the first addendum to the 2010 MND was processed and approved by the City Council on February 28, 2011. (Hereinafter referred to as the "First Addendum.") Collectively, the 2010 MND and First Addendum may be referred to as MND.

On July 19, 2011, a revised corrective grading and geogrid configuration was considered relative to the Landscape Remediation Project. Similarly, on October 5, 2012, a report of geotechnical observation and testing of the Landslide Remediation Project was prepared. These reports were again prepared by GMU Geotechnical and were reviewed and approved by Willdan Engineering. Furthermore, with relation to the Landslide Remediation Project, the Los Angeles County Building Department conducted intense geotechnical evaluations with respect to the soil, hydrology, geology, compaction, and excavation of the site. Pursuant to these studies, it was concluded that the methods proposed by the Landslide Remediation Project would result in safe and stable parcels suitable for development.

B. PROJECT MODIFICATION REGARDING 0 POPPY TRAIL

The proposed project at 0 Poppy Trail Road consists of a new 4,859 square foot residence with 1,000 square feet of covered porches, a 1,232 square foot garage, a 96 square foot service yard, a 560 square foot pool and spa, a 220 square foot detached solid-roof covered patio and outdoor kitchen, a 64 square foot enclosed space for pool equipment, a 54 square foot gatehouse leading to an outdoor courtyard with a 100 square foot fountain, and overall grading of 2,726 cubic yards. (Hereinafter referred to as the "0 Poppy Trail Project.") An updated survey conducted by the 0 Poppy Trail Project engineer concluded that the existing disturbance of the lot is 78.95%; not 65%, as was previously calculated with relation to the Landslide Remediation Project. There is no additional disturbance planned for the 0 Poppy Trail Project. The slight grading, which consists of smoothing and evening out the building pad, will take place on the existing building pad. Two recent reports prepared relative to the 0 Poppy Trail Project indicated that the building pad created by the remediation is safe for construction and the percolation testing for the proposed septic tank indicate that the geologic conditions on the site are adequate for construction of the proposed septic system. As this building pad was previously graded and disturbed with relation to the Landslide Remediation Project, the 0 Poppy Trail Project does not introduce potentially significant environmental impacts that were not addressed in the 2010 MND.

C. PROPOSED MODIFICATION REGARDING 1 POPPY TRAIL

1 Poppy Trail is currently vacant and the City has not received a development application at this time. An updated review conducted by City staff indicates that the existing disturbance of this lot is closer to 78%; not 55%, as was previously calculated

with relation to the Landslide Remediation Project. An updated survey, as well as geotechnical and percolation reports, will be required before any development could be approved on 1 Poppy Trail. With that said, however, the Landslide Remediation Project included creating a building pad on 1 Poppy Trail; therefore, no additional disturbance will be necessary. For these reasons (explained in further detail below) future development of 1 Poppy Trail Road will not introduce potentially significantly environmental impacts that were not addressed in the MND.

D. ADDENDUM PURPOSE & NEED

In order to account for the discrepancy between the disturbance calculations in the Landslide Remediation Project and the 0 Poppy Trail Project, the applications for both Projects were thoroughly compared. In doing so, City staff noted that the Landslide Remediation Project calculations for the property located at 0 Poppy Trail Road failed to take into consideration a disturbed area which existed prior to the 2005 landslide. Additionally, these calculations failed to account for the disturbance of the area necessary for future construction of a stable and corral. When considered together, the existing disturbance area prior to the 2005 landslide and the set aside area for the future construction of a stable and corral account for approximately 4.6% of the lot. Therefore, the disturbance for 0 Poppy Trail which should have been reported with relation to the Landslide Remediation Project is 69.6%. Lastly, in comparing the actual plans which delineate the lot disturbances for both Projects, the disturbances for the Landslide Remediation Project and the 0 Poppy Trail Project are nearly identical (with the exception of the 4.6% described above).

In order to account for the discrepancy between the disturbance calculations in the Landslide Remediation Project and the 1 Poppy Trail Road parcel, the "as graded plans" prepared at the final stages of the Landslide Remediation Project and the originally submitted plans for the remediation were thoroughly compared. In doing so, City staff noted that the Landslide Remediation Project calculations for the property located at 1 Poppy Trail Road failed to take into consideration a disturbed area, which existed prior to the 2005 landslide. Additionally, these calculations failed to account for the disturbance of the area necessary for future construction of a stable and corral. When considered together, the existing disturbance area prior to the 2005 landslide and the set aside area for the future construction of a stable and corral account for approximately 5% of the lot. Therefore, the disturbance for 1 Poppy Trail which should have been reported with relation to the Landslide Remediation Project is 60%.

The purpose of this addendum is to reconcile the new information (i.e. the variation in disturbance area) and demonstrate that the deviation does not change the conclusions in the MND such that the MND can be used by decision makers in making the discretionary decision as to whether or not to approve the project. Typically, single family homes are exempt from CEQA review under 15303 (new construction of small structures). Due to the existence of the landslide on the site, the City is relying on the MND prepared for the Landslide Remediation Project (which acknowledged this future

development on the site) to confirm that there will be no significant environmental impacts from the project.

The information presented above indicates that the proposed modifications to the Landslide Remediation Project relative to the disturbance percentage constitutes a minor technical change pursuant to Section 15164 (b) of the CEQA Guidelines and does not represent a substantive change to the Project or the circumstances in which the Landslide Remediation Project (or any future site development) will be undertaken, nor would the changes introduce potentially significant environmental impacts that were not previously addressed in the adopted MND.

The California Environmental Quality Act ("CEQA") and CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur after a project has been approved. Section 15164 (b) of the CEQA Guidelines states that:

"An addendum to an adopted negative declaration may be prepared only if minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."

Section 15162 of the CEQA Guidelines states that preparation of a subsequent EIR or negative declaration is required when there are substantial changes proposed to a project, or substantial changes occur with respect to circumstances, or new information becomes available which could lead to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, California Public Resources Code ("PRC") Section 21166 states that unless one or more of the following events occur, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

This Second Addendum analyzes the 78.95% disturbance for the 0 Poppy Trail Project and a disturbance in excess of 55% on 1 Poppy Trail, and potential environmental impacts associated therewith in light of the environmental impacts identified for the Landslide Remediation Project. As discussed in the sections that follow, for all environmental issues, the Second Addendum demonstrates that the disturbance on both lots would not result in new significant impacts not identified in the Landslide Remediation Project's previously certified MND or substantially increase the severity of previously identified impacts such that a supplemental or subsequent environmental

impact report is required. As presented below, none of the conditions described in State CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental document has occurred. As a result, an addendum is the appropriate CEQA document for analysis and consideration of the proposed project modification.

II. DESCRIPTION OF PROJECT MODIFICATION & NECESSARY ACTIONS

This Second Addendum, along with the First Addendum and the 2010 MND, are intended to cover all discretionary approvals that may be required to construct or implement the Landslide Remediation Project and development of single family homes on the site. The following discretionary actions are addressed by this Second Addendum, and are added to those discretionary approvals listed in the Landslide Remediation Project's 2010 MND (as amended on February 28, 2011).

The 0 Poppy Trail Project includes the construction of a single family residence, including amenities and structures appurtenant thereto; as such, the Project is categorically exempt from CEQA under Class 3, Section 15303 ("New Construction"). However, while the updated survey related to the 0 Poppy Trail Project calculates a necessary disturbance of 78.95% - for which the project applicant is seeking a variance - the restrictions imposed by the Landslide Remediation Project preclude any disturbance on the 0 Poppy Trail property in excess of 65%. Therefore, in order for the City to properly process and consider the appropriateness of the variance requested by the 0 Poppy Trail Project applicant, the disturbance percentage must be accurate. With that said, the calculations made with relation to the Landslide Remediation Project do not include the existing disturbance area prior to the 2005 landslide, the set aside area for the future construction of a stable and corral, and the changes in the soil from 2011 to the present reflected in the current condition of the property.

The allowable uses for 1 Poppy Trail include the construction of a single family residence, as well as any amenities and structures appurtenant thereto; development of this kind would also be categorically exempt from CEQA under Class 3, Section 15303 ("New Construction"). However, Staff's review of the Landslide Remediation Project has indicated that residential development on 1 Poppy Trail would require a disturbance in excess of 55% - which is prohibited by the development conditions imposed relative to this lot. In anticipation of any future development project at 1 Poppy Trail Road, the disturbance percentage must be accurate. With that said, the calculations made with relation to the Landslide Remediation Project do not include the existing disturbance area prior to the 2005 landslide, the set aside area for the future construction of a stable and corral, and the changes in the soil from 2011 to the present reflected in the current condition of the property.

This Second Addendum is required to correct a minor technical discrepancy between the approved disturbance percentages (65% and 55%) and the actual disturbance percentages (78.95% and 78%) for 0 Poppy Trail and 1 Poppy Trail, respectively. As indicated by the geotechnical studies of the landslide remediation project and as shown on the geological, grading and drainage plans for the landslide remediation project, the

limit of remediation (thus disturbance), plus the disturbance of the areas of the lots prior to the remediation calculate to the 78.95% and 78% of the net lot area for each lot and not to the previously reported 65% and 55% disturbance. Reviewing these documents, one can state with certainty that the area of disturbance as currently calculated for each lot have been addressed in the MND and the remediation methodology proposed and implemented by the Landslide Remediation Project included all these areas. Therefore, a modification to address the minor technical discrepancy between the approved disturbance percentage (55%) and the actual disturbance percentage (approximately 78%) will not cause new significant impacts not identified in the 2010 MND or result in a substantial increase in the severity of previously identified significant impacts related to the Landslide Remediation Project such that a supplemental or subsequent environmental impact report is required.

III. ENVIRONMENTAL ASSESSMENT

The potential environmental impacts associated with the discrepancy between the actual disturbance percentages relative to the approved disturbance percentages for 0 Poppy Trail and 1 Poppy Trail identified within the 2010 MND for the Landslide Remediation Project are discussed below for each environmental issue area analyzed in the 2010 MND. The comparative analysis (1) discusses whether impacts are increased, decreased, or unchanged from the conclusions discussed in the 2010 MND; and (2) addresses whether any changes to mitigation measures are required. The 2010 MND and this Second Addendum found less than significant impacts to occur to the following environmental issue areas included in the State CEQA Guidelines Appendix G Environmental Checklist: Aesthetics, Agricultural Resources, Archeological Resources, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, Mandatory Significance Findings, and Greenhouse Gas Emissions; therefore they are not discussed in this Second Addendum.

This second Addendum is required to correct a minor technical discrepancy between the approved disturbance percentages (65% and 55%) and the actual disturbance percentages (78.95% and 78%) for 0 Poppy Trail and 1 Poppy Trail, respectively.

The environmental issue area that the proposed disturbance percentage change may affect the most is Geology and Soils - which is addressed first, followed by the remaining issues.

A. GEOLOGY & SOILS

Based on the exploration, testing, and analysis conducted with relation to the Landslide Remediation Project, it was determined that the failed portions of the slope could be repaired such that the lots could be redeveloped for residential use without adverse impacts to adjacent properties. Therefore, with relation to the 2010 MND, no mitigation measures were provided beyond the recommendations provided by the consultants and engineers for the Project. These recommendations included excavation of a keyway within the bedrock and removal of all failed material on the slope; removal of existing fill and colluvial soils where the slope was to be re-graded; placement of geogrids for reinforcement and stability; construction of seepage pits; construction of MSE walls, and retaining walls.

A change in the disturbance percentages would have no bearing on the remediated landslide area for which an MND and First Addendum were prepared and approved by the City. The 0 Poppy Trail Project consists of the construction of a single family residence and accessory structures which do not alter or change the previously approved scope of the Landslide Remediation Project (including the retaining walls, slopes, bridle trails, streets or building pads which were repaired or constructed in connection therewith). In reviewing the 0 Poppy Trail Project, a discrepancy was noted with regard to the calculation of the disturbance percentage on the lot. As explained in further detail above, a variance was granted to the JPIA for the purpose of landslide remediation to disturb 65% (this percentage was more than the 40% maximum allowed by Section 17.16.070(B) of the Rolling Hills Municipal Code). Notwithstanding the reported disturbance, prior remediation of the site involved extensive geotechnical and geological evaluation and scrutiny. These studies included (1) a June 16, 2012 preliminary geotechnical finding and analysis (related to the slope failure and repair); (2) an August 6, 2010 report of geotechnical studies and review of the grading plan and parcel map; (3) a February 21, 2011 geotechnical review of revisions to the grading plan and parcel map; (4) a July 19, 2011 revised corrective grading and geogrid configuration; and (5) an October 5, 2012 report of geotechnical observation and testing of landslide repair grading. These studies indicate that the landslide remediation resulted in a safe and buildable lot.

With the new proposal for development on the remediated parcel and on the existing building pad, the project engineer for the 0 Poppy Trail Project calculated that the disturbed area of the lot is actually closer to 79%; this calculation includes the disturbance for a future stable and corral. There is no additional disturbance planned for either the 0 Poppy Trail Project or the 1 Poppy Trail parcel; any grading for residential development on either parcel will be slight and will consist of smoothing and evening out the existing building pads. The Landslide Remediation Project calculations for the property located at 0 and 1 Poppy Trail Road failed to take into consideration a disturbed area which existed prior to the 2005 and the set aside area for the future construction of a stable and corral on each lot. Thus this is an exercise to verify the conclusions are correct and there is no physical change to the environment that will result (other than building the home on the pad- which is generally exempt from CEQA).

Overall, changing the approved disturbance percentage to the actual disturbance percentage does not represent a substantive change to the Landslide Remediation Project or the circumstances in which the Project will be undertaken, nor would the changes introduce significant impacts or substantially worsen previously identified impacts with regard to geology and soils. Therefore, there would be no geological impacts and no new mitigation measures would be necessary.

B. AIR QUALITY

The project modification would not result in changes to construction equipment, durations or use, vehicle trips, or the types of construction activities described in the 2010 MND. This is because the project modification will not increase the number of days that construction occurs or increase the intensity of construction analyzed in the MND. There is no additional disturbance planned for the 0 Poppy Trail Project. The slight grading, which consists of smoothing and evening out the building pad, will take place on the existing building pad. Because the building pad was created for future construction on the 1 Poppy Trail lot, no additional disturbance is anticipated for that lot as well, should it be developed in the future. The underlying construction of a single family home is typically exempt and does not create air quality impacts. The underlying grading and remediation has already been done. Therefore, there would be no changes in emissions described in the 2010 MND and no new mitigation measures would be necessary.

C. BIOLOGICAL RESOURCES

The project modification would not increase impacts to habitat or species as it would not result in increased structural area, fill or construction activities. The slight grading, which consists of smoothing and evening out the building pad, will take place on the existing building pad. Furthermore, the project modification does not propose any development in the Sensitive Environmental Area previously designated by the Landslide Remediation Project. The underlying construction of a single family home is typically exempt and does not create impacts to biological resources. The underlying grading and remediation has already been done. Therefore, there would be no biological impacts and no new mitigation measures would be necessary.

D. CULTURAL RESOURCES

The project modification would not cause a substantial change in the significance of an archaeological resource; destroy a paleontological resource or unique geological feature; or disturb any human remains. The extensive soil excavation and remediation activities undertaken with regard to the Landslide Remediation Project did not result in the discovery of significant unique archaeological resources and have already taken place. The development proposed for the 0 Poppy Trail Project, and any future development of 1 Poppy Trail, will take place solely upon the previously created building pads. The underlying construction of a single family home is typically exempt and does not create impacts to cultural resources. The underlying grading and remediation has already been done. Therefore, the project modification would not result in new impacts and no new mitigation measures are required.

E. HAZARDS & HAZARDOUS MATERIALS

The project modification does not change the nature of the hazardous materials that will potentially be released by the 0 Poppy Trail Project or a future development on 1 Poppy Trail. The project modification would not result in a change of hazardous materials used or handled, and would not result in additional sources or quantities of hazardous material. The underlying construction of a single family home is typically exempt and

does not create hazards and hazardous materials impacts. The underlying grading and remediation has already been done. Therefore, the project modification would not result in new impacts and no new mitigation measures are required.

F. HYDROLOGY & WATER QUALITY

The proposed modification would not result in the increased potential for discharges or any changes to the water quality or hydrology impacts described in the 2010 MND, and no new impacts have been identified. The underlying construction of a single family home is typically exempt and does not create hydrology and water quality impacts. The underlying grading and remediation has already been done. Therefore, no new mitigation measures are required.

G. NOISE & VIBRATION

The 2010 MND evaluated the primary sources of construction noise (i.e., heavy equipment and truck traffic). The extensive excavation and remediation activities undertaken with regard to the Landslide Remediation Project have since concluded (resulting in two safe and stable parcels suitable for development). The development proposed for the 0 Poppy Trail Project, and any future development of 1 Poppy Trail, will take place solely upon the previously created building pads, so necessary truck trips will be significantly less than those analyzed with relation to the Landslide Remediation Project. Furthermore, any construction noise and vibration generated by residential development on these lots will be considered "normal" and will not be in excess of local standards/ordinances; and will not increase either existing or ambient noise levels. The underlying construction of a single family home is typically exempt and does not create noise and vibration impacts. The underlying grading and remediation has already been done. Therefore, the project modification would not result in new impacts and no new mitigation measures are required.

H. RECREATION

The proposed modification will not impact the enhancements already made to the two equestrian trails, Poppy Trail Road, the two bridle trails or riding rings. The development proposed for the 0 Poppy Trail Project, and any future development of 1 Poppy Trail, will take place solely upon the previously created building pads. The underlying construction of a single family home is typically exempt and does not create recreation impacts. The underlying grading and remediation has already been done. Therefore, the project modification would not result in new impacts and no new mitigation measures are required.

I. TRANSPORTATION & TRAFFIC

The project modification would not result in increased traffic. Truck and worker vehicle trips for the overall project were assessed in the 2010 MND and work on either the 0 Poppy Trail Project or any future project at 1 Poppy Trail Road would not increase the total trip calculations. This is because the project modification will not increase the intensity of construction analyzed in the 2010 MND. The underlying construction of a single family home is typically exempt and does not create transportation and traffic impacts. The underlying grading and remediation has already been done. The project modification would not conflict with applicable congestion management programs for designated roads or highways nor result in additional traffic impacts or require new mitigation measures.

J. UTILITIES & SERVICE SYSTEMS

The project modification would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or require construction of new water or wastewater treatment facilities. Most homes in the City of Rolling Hills are on individual septic systems, and the 0 Poppy Trail Project is proposed to be served through an individual septic system. In fact, the percolation testing for the proposed septic tank indicates that the geologic conditions on the site are adequate for construction of the proposed septic system.² Additionally, should 1 Poppy Trail Road be developed in the future, it too will be served through an individual septic system. Furthermore, the proposed modification will not require construction of new storm water drainage facilities and there are sufficient water supplies and landfills to serve both parcels when developed.

IV. CONCLUSION

Based on the foregoing, the analyses conducted and the conclusions reached in the previously certified MND remains valid, and no supplemental environmental review is required for the change in disturbance from 65% to 78.95% for 0 Poppy Trail and greater than 55% for 1 Poppy Trail. These modified disturbance percentages would not cause new significant impacts not identified in the previously certified MND or result in a substantial increase in the severity of previously identified significant impacts. No changes have occurred with respect to circumstances under which the Landslide Remediation Project was undertaken (or the associated residential development) that would cause significant environmental impacts to which the change in disturbance to 78.95% (for 0 Poppy Trail) and greater than 55% (for 1 Poppy Trail) would result in a cumulatively considerable contribution. There is no new information that shows that these changes in disturbance would cause new significant environmental impacts that were not already analyzed in the previously certified version of the MND. Therefore, pursuant to CEQA Guidelines Section 15164, no supplemental environmental review is required beyond this Second Addendum.

² See May 24, 2017 Report of Percolation Resting for Proposed Septic System, Geotechnical Engineering Services – 0 Poppy Trail, Rolling Hills, California prepared by GMU Geotechnical, Inc.; see also May 11, 2017 Geotechnical Foundation and Structure Design Parameters – 0 Poppy Trail, Rolling Hills, California prepared by GMU Geotechnical, Inc.

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EVERETT AND ASSOCIATES
ENVIRONMENTAL CONSULTANTS

ESTABLISHED IN 1975

POST OFFICE BOX 1085
LA JOLLA, CALIFORNIA 92038

(858) 456-2990 TELEPHONE
everett@esrc.org EMAIL

13 February 2019

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

Re: Poppy Trail Project, City of Rolling Hills

Dear Yolanta,

At your request I have reviewed documentation that you have provided regarding the County of Los Angeles designation of a portion of the property in question as being within a Significant Ecological Area (SEA), and the impact of that designation on a proposed single-family residence with associated driveway improvements.

You will recall that I worked on the Poppy Trail Landslide Remediation Project from 2010 through 2012. In your files you have my Biological Resources Technical Report, which analyzed conditions on the site prior to the remediation activities and discussed impacts to sensitive biological resources. Attached is the figure from the report showing the existing vegetation communities prior to the remediation activities. Please note that the areas currently in question were either already developed or were in a disturbed condition as a result of the landslide (an Act of God). Note that no sensitive biological resources were located in the area currently proposed for development and improvement. Also attached is a 2012 Google Earth image of the site, showing the entire area that was cleared pursuant to the landslide remediation.

Because no biological resources of any kind occur or have occurred in the area where the currently proposed improvements are planned, the SEA designation must have been an error. Certainly, the George F. Canyon and riparian area on the east side of Poppy Trail are sensitive habitat, but those areas were not and will not be disturbed.

Given the vast areas mapped throughout Los Angeles County as SEAs, it is not surprising that the boundaries of these areas can sometimes be vague. Many of the areas were derived from hand-drawn maps from the 1970s, which were later digitized. Most of the SEAs have never actually been surveyed providing precise boundaries. Boundaries shown on the County maps can easily be off, sometimes by hundreds of feet or more.

Furthermore, the areas to be improved meet none of the six SEA designation criteria, as described in Appendix E - Conservation and Natural Resources Element Resources (pages 85 and 86) of the Los Angeles County General Plan.

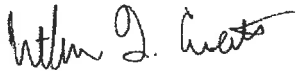
CELEBRATING 44 YEARS OF ENVIRONMENTAL EXCELLENCE

Yolanta Swartz, Page two
13 February 2019

Given that there are no sensitive biological resources within the proposed project footprint, it is difficult to imagine any way that significant impacts would result from project implementation.

If you have any questions at all, please call me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "William T. Everett". The signature is fluid and cursive, with the first name "William" and last name "Everett" clearly distinguishable.

William T. Everett, PhD, FN, FRGS

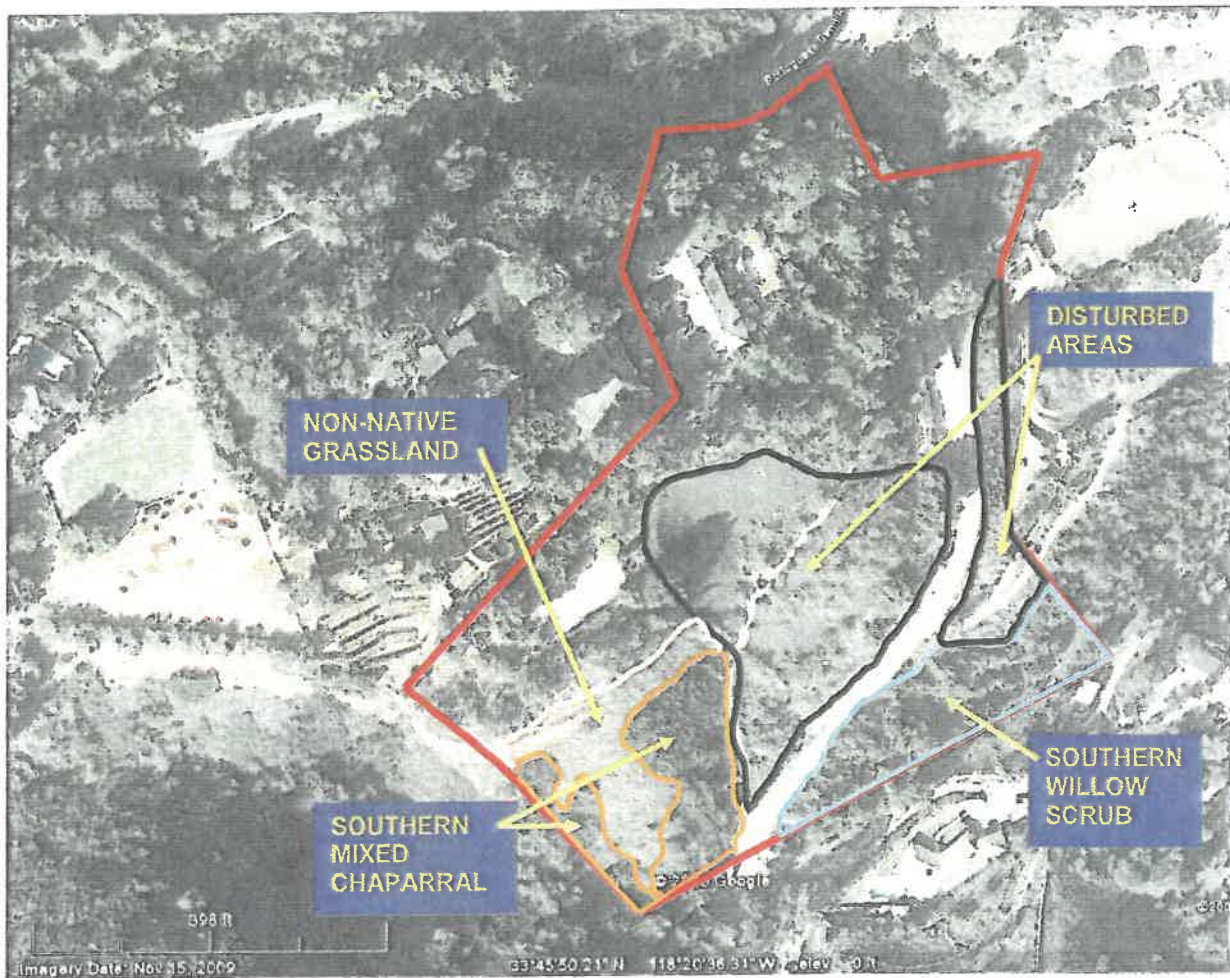


Figure 9. Biological Resources (Vegetation) Map of the project site. All areas not specifically defined are Urban/Developed.



Satellite image of the project site in 2012, showing the complete absence of vegetation (of any kind) from the project site.

BIOLOGICAL RESOURCES TECHNICAL REPORT



PROJECT NAME:

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

ROLLING HILLS, LOS ANGELES COUNTY, CALIFORNIA

PREPARED FOR

THE CITY OF ROLLING HILLS
2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA 90274

BY

EVERETT AND ASSOCIATES
ENVIRONMENTAL CONSULTANTS
POST OFFICE BOX 1085
LA JOLLA, CALIFORNIA 92038
858 456-2990

26 JULY 2010

William T. Everett, MS, FN, FRGS
Certified Biological Consultant

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POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

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9. Biological Resources (Vegetation) Map of the project site

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- A. List of plant species observed on-site
- B. List of animal species detected on-site
- C. Photographs of the project site
- D. Preparer qualifications

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

SUMMARY

The Poppy Trail Road Landslide Remediation project is multi-faceted effort to remediate a landslide that occurred in 2005. In addition to removing and replacing the landslide mass, the project includes road repair, lot line adjustments, and creation of an additional parcel. Upon project implementation, the site will contain two legal parcels totaling 10.16 acres (gross).

The project site is located on Poppy Trail Road in the City of Rolling Hills, on the Palos Verdes Peninsula in Los Angeles County.

Five vegetation communities occur on-site: Urban / Developed, Disturbed Habitat, Southern Mixed Chaparral, Non-Native Grassland, and Southern Willow Scrub.

Habitat Assessments were conducted on-site for California Gnatcatchers and Palos Verdes Blue Butterflies. No sensitive species were detected or are considered likely to occur.

The project will result in the loss on-site of 0.16 acres of Southern Mixed Chaparral. This loss is not deemed significant. An area of Southern Willow Scrub (wetland) on the site will not be impacted and will be protected from future disturbance by designation by the City as an Environmentally Protected Area.

All impacts of the project are below a level of significant pursuant to the California Environmental Quality Act. No mitigation is required.

INTRODUCTION

The purpose of this report is to document the biological resources identified as present or potentially present on the project site; identify potential biological resource impacts resulting from the proposed project; and recommend measures to avoid, minimize, and/or mitigate significant impacts consistent with federal, state, and local rules and regulations including the California Environmental Quality Act (CEQA).

BACKGROUND

On March 5 2005, a landslide occurred in the City of Rolling Hills. The landslide originated on property located at 1 Poppy Trail Road (the "Sheen property") and terminated just below the roadway easement for Poppy Trail Road. The landslide buried a portion of Poppy Trail Road, which is the sole means of ingress and egress for nine residential lots. The entire project area is located within the City of Rolling Hills, and Poppy Trail Road is located on land owned mostly by the City of Rolling Hills.

Immediately following the landslide, the City and the Rolling Hills Community Association undertook various emergency measures including winterization of the landslide mass, construction of a temporary access road at the toe of the landslide, and construction of a temporary debris wall along Poppy Trail Road (Photograph 1). Over the ensuing months, various legal actions were initiated among and between parties that were impacted by the landslide. The disputes were ultimately resolved through a Settlement Agreement that was approved in April 2010. Among the Agreement conditions is a requirement calling for a subdivision map creating two parcels where a single parcel now exists. Remediation of the lands and improvements that were impacted by this landslide will be incorporated into the subdivision map and associated discretionary actions including a lot line adjustment, a grading plan, a zone change, and site plan review and variances.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

PROJECT LOCATION AND DESCRIPTION

The project site and all project elements are located on Poppy Trail Road in the City of Rolling Hills (Figures 1 and 2). The site is dominated by a steep, east-facing slope. It is this slope that slipped during the landslide. The site is situated between 720 and 925 feet above sea level. The approximate USGS coordinates of the site are 33°46'N, 118°21'W (Torrance 7.5 minute series quadrangle, Figure 3). The upper portions of the site contain an existing residence (now abandoned), and associated improvements such as a tennis court and riding stables. The lower portions of the site contain much of the landslide mass, the emergency post-slide alignment of Poppy Trail Road, a small area of natural and naturalized vegetation, and a deeply incised drainage with an intermittent blue line stream flowing in its bottom. The drainage contains dense riparian associated vegetation.

The site is bordered on the northwest and west by Portuguese Bend Road and a single family residence, respectively. To the south is a large undeveloped parcel containing native vegetation. To the southeast, across Poppy Trail Road, is single family residence. To the east and northeast, across Poppy Trail Road, is a large City-owned parcel containing a riding arena, picnic facilities, and undeveloped land.

Central elements of the proposed project are to fully remediate the area of the landslide (removing the slumped soil and replacing it as an engineered fill), to create two residential lots for future sale, to reconstruct Poppy Trail Road to full standards in the location of the temporary road, to reconstruct the existing bridle pathway along Poppy Trail Road and create a new bridle trail on a structural terrace. Discretionary actions to be taken include:

Subdivision: Two parcels will be created through the remediation and grading plans. Parcel 1 will have a net area of 2.68 acres and Parcel 2 net area of 4.76 acres. Total project area encompasses 7.44 acres (net).

Lot Line Adjustment: The two new parcels will be comprised in part of land that was the original Sheen property. However, to facilitate optimum layout and design, and in accordance with elements of the Settlement Agreement, lot lines will be adjusted including the incorporation of limited acreage from two surrounding parcels. One of the donor parcels is owned by the City of Rolling Hills and includes 3.99 acres of land on and around the Poppy Trail Road alignment beginning about 150 feet south of Portuguese Bend Road and ending just short of the curve at the Willow Creek trailhead. The second donor parcel is owned by Saridakis Construction Inc. and includes 1.17 acres contained in a triangular parcel that abuts the City-owned property and extends north of the remaining Saridakis Construction Inc. acreage. The lot line adjustment has multiple purposes; (a) the City seeks to divest ownership of that portion of the lot where the Poppy Trail Road right of way is located, consistent with city policy; (b) transfer of the Saridakis Construction, Inc. parcel will facilitate resolution of financial repercussions sustained by that owner as a result of the landslide; (c) transfer of both parcels will facilitate implementation of a Settlement Agreement provision that calls for the creation of two or three parcels to replace the existing Sheen property; and (d) sale of the parcels will enable the California Joint Powers Insurance Authority (the Project Applicant) to recover a portion of the costs incurred in this remediation project.

This report and analysis is limited to the footprint of the existing parcel and those portions of the contiguous two donor parcels that will be incorporated into the new parcels.

Additional details regarding the required zoning changes and site plan review and variances can be found in the Mitigated Negative Declaration (MND) for the project. These details are not germane to analysis of biological impacts.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

SURVEY METHODS AND LIMITATIONS

Prior to the initial visit, I reviewed variety of sources to ascertain the potential and possible occurrence of sensitive species at the project site. I conducted records searches for the USGS quadrangle and surrounding quads of the California Natural Diversity Data Base (CNDDB) and California Native Plant Society (CNPS) On-Line Inventory of Rare and Endangered Plants. Any sensitive species known to occur in the vicinity were given special attention, and available natural history information was reviewed. Seasonal occurrence patterns (e.g., annual plants, migratory birds) were factored into survey plans in the event that site visits are made during time periods when certain species are not present or conspicuous. Information sources include the Jepson Manual (1993), U.S. Fish and Wildlife Service Recovery Plans for Threatened/Endangered Species, and numerous other references, publications, and on-line resources. Typically, 15-20 field guides to various taxa are taken into the field for quick reference if necessary.

A list of sensitive species with potential to occur at the site was also reviewed prior to field work. All species requiring directed or focused protocol surveys were noted and given special attention.

In the field, potentially sensitive plants species not readily identified *in situ* were photographed and/or collected for identification via keys or other methods.

To assess the biological resources of the project location, I visited the site on 17 June and 7 July 2010. During both visits I was able to examine the entire project site and adjacent areas. The first visit lasted from 1115 to 1400, the second from 1100 to 1530. Conditions for observation during both visits were excellent, with temperatures in the low 70s to mid 80s, no cloud cover, and light winds. Observations on-site were recorded as they were made, and form the basis of this report and the Biological Resources Map. Animals were identified using scat, tracks, burrows, vocalizations, or by direct observation with the aid of 10X42 Leica binoculars. Vegetation mapping was conducted in accordance with vegetation community definitions as described in Holland (1986). In addition, vegetation mapping on-site was aided by the use of a digital satellite photograph. I took photographs of the site during the visits (Appendix C). It should be noted that all vegetation community mapping is verified on the ground to the greatest degree possible in the absence of a systematic land survey.

During site visit, all habitats were assessed for their suitability for occupation by any sensitive species with potential to occur.

RESULTS¹

Botany

Five vegetation communities occur on-site: Urban / Developed, Disturbed Habitat, Southern Mixed Chaparral, Non-Native Grassland, and Southern Willow Scrub. A complete floral species list compiled from the site survey is provided in Appendix A.

¹ Scientific and common names for plant species are derived from The Jepson Manual, 1993, U.C. Press; scientific and common names for birds from the A.O.U. Check-list of North American Birds, 1998, Allen Press, Inc.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

Vegetation Communities (See Biological Resources Map)

Urban / Developed (Holland Code 12000) - 2.70 Acres

The area incorporated into this category includes most of the Sheen parcel (Figure 6) and contiguous ornamental landscaped areas. Poppy Trail Road is also included.

Disturbed Habitat (Holland Code 11300) - 5.67 Acres

The footprint of the landslide area is classified as Disturbed. Since the landslide, this area has been heavily invaded by several noxious species of weeds, including castor bean *Ricinus communis*, tree tobacco *Nicotiana glauca*, and sweet fennel *Foeniculum vulgare* (Photograph 2). Also included is an area between Poppy Trail Road and the northern site boundary (Photographs 5 and 6). This area is frequently mowed for fire abatement purposes.

Southern Mixed Chaparral (Holland Code 37120) - 0.68 Acres

This vegetation community is limited to a small area in the southeast corner of the project site (Photograph 3). It is dominated by several dense, tall stands of toyon *Heteromeles arbutifolia* and lemonade berry *Rhus integrifolia* plants. Associated plant species include California bush sunflower *Encelia californica*, arroyo lupine *Lupinus succulentus*, ashy-leaf buckwheat *Eriogonum cinerium*, purple sage *Salvia leucophylla*, and Cliff Malacothrix *Malacothrix saxatilis*.

Non-Native Grassland (Holland Code 42200) - 0.48 Acres

Another small area in the southeast corner of the site contains this habitat type (Photograph 3). Typical invasive weedy grasses and forbs dominate, including species from the genera *Avena*, *Brassica*, *Bromus*, and *Hordeum*.

Southern Willow Scrub (Holland Code 63320) - 0.63 Acres

The area designated as being within a wetland on the Biological Resources Map contains this habitat type (Photographs 7, 8, and 9). Willows *Salix* sp., Mexican elderberry *Sambucus mexicana*, poison oak *Toxicodendron diversilobum*, wild cucumber *Marah macrocarpus*, California blackberry *Rubus ursinus*, and stinging nettle *Urtica dioica* ssp. *holosericea* dominate. The drainage contains both U.S. Army and California Department of Fish and Game jurisdictional wetlands. This area will be protected by City designation as an Environmentally Protected Area, which will prohibit any grading, clearing or development. This habitat type will not be impacted by project implementation.

Zoology

Wildlife recorded during the surveys include common and expected species for the habitats that occur on-site. A total of 14 species of birds, one species of mammal, and one species of reptiles were recorded during the site surveys. A complete list of animals detected on-site is provided in Appendix B. Additional common wildlife species likely occur on the site.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

Sensitive Resources

Sensitive plants or animals are defined here as species of rare, threatened, or endangered status, or depleted or declining species according to the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), or California Native Plant Society (CNPS). Sensitive habitats include those which are considered rare in the region, or support sensitive plants or animals.

Sensitive Habitats

Southern Mixed Chaparral and Southern Willow Scrub are considered sensitive habitats. Significant impacts to these habitat types requires mitigation to reduce impacts to below a level of significant. In addition, impacts to wetlands or non-wetland Waters of the United States, as defined by the U.S. Army Corps of Engineers and California Department of Fish and Game (Section 404 of the Clean Water Act 33 U.S.C. 1344 and Section 1600 *et seq* of the California Fish and Game Code, respectively) require permits and/or a Streambed Alteration Agreement.

As noted above, the survey was conducted with special attention to looking for habitats that are considered sensitive according to the USFWS, CDFG, CNPS, that are listed on the CDFG's Natural Diversity Database (CNDDB) record for the Torrance 7.5 minute quadrangle. The site lacks the appropriate habitat to support most sensitive species.

Sensitive Plants

The following sensitive plant species were evaluated for their potential to occur on the project site and/or specifically looked for during the site survey:

Aphanisma	<i>Aphanisma blitoides</i>
Ventura marsh milk-vetch	<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>
Coastal dunes milk-vetch	<i>Astragalus tener</i> var. <i>titi</i>
South coast saltscale	<i>Atriplex pacifica</i>
Parish's brittlescale	<i>Atriplex parishii</i>
Davidson's saltscale	<i>Atriplex serenana</i> var. <i>davidsonii</i>
Orcutt's pincushion	<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>
Salt marsh bird's-beak	<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>
Beach spectaclepod	<i>Dithyrea maritima</i>
Coulter's goldfields	<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>
Santa Catalina Island desert thorn	<i>Lycium brevipes</i> var. <i>hassei</i>
Spreading navarretia	<i>Navarretia fossalis</i>
California orcutt grass	<i>Orcuttia californica</i>
Ballona cinquefoil	<i>Potentilla multijuga</i>
Lewis' evening-primrose	<i>Camissonia lewisii</i>
Lyon's pentachaeta	<i>Pentachaeta lyonii</i>
Island green dudleya	<i>Dudleya virens</i> ssp. <i>insularis</i>
Catalina crossosoma	<i>Crossosoma californicum</i>
Southern tarplant	<i>Centromadia [=Hemizonia] parryi</i> ssp. <i>australis</i>
Vernal barley	<i>Hordeum intercedens</i>
San Bernardino aster	<i>Symphyotrichum defoliatum</i>
Estuary seablite	<i>Suaeda esteroa</i>
Coast woolly-heads	<i>Nemacaulis denudata</i> var. <i>denudata</i>

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

Brand's star phacelia	<i>Phacelia stellaris</i>
San Fernando Valley spineflower	<i>Chorizanthe parryi</i> var. <i>fernandina</i>

None of these species were observed during the site survey or are considered likely to occur because there is no suitable habitat within the project area or the project area is outside of their known range. No other sensitive plant species were detected or are considered likely to occur.

Sensitive Wildlife

The following sensitive animal species were evaluated for their potential to occur on the project site and/or specifically looked for during the site survey:

Reptiles

Coast horned lizard	<i>Phrynosoma coronatum</i>
---------------------	-----------------------------

Mammals

South coast marsh vole	<i>Microtus californicus stephensi</i>
Pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>
Big free-tailed bat	<i>Nyctinomops macrotis</i>
Pacific pocket mouse	<i>Perognathus longimembris pacificus</i>
Southern California saltmarsh shrew	<i>Sorex ornatus salicornicus</i>
American badger	<i>Taxidea taxus</i>

Birds

Burrowing owl	<i>Athene cunicularia</i>
California black rail	<i>Laterallus jamaicensis coturniculus</i>
California least tern	<i>Sternula antillarum browni</i>
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>
Belding's savannah sparrow	<i>Passerculus sandwichensis beldingi</i>
Tricolored blackbird	<i>Agelaius tricolor</i>

None of these species were observed during the site survey or are considered likely to occur because there is no suitable habitat within the project area or the project area is outside of their known range.

Two sensitive animal species are known to occur near the project site, and are given special consideration here.

Coastal California Gnatcatcher

Polioptila californica

The California Gnatcatcher is a federal threatened species, a state species of concern, and is a "target species" of the NCCP process. This species is a non-migratory resident whose range covers the coastal plains and foothills of Southern California and northern Baja California. It was formerly widespread in coastal lowlands below about 2,000 feet elevation and typically occurs in or near Coastal sage Scrub. The California Gnatcatcher is seriously declining due to loss of habitat. Between 85% and 90% of this species' habitat has been lost to urban or agricultural development. It is almost extirpated from Ventura, San Bernadino, and Los Angeles counties. The population is estimated to be just under 5000 pairs.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

California Gnatcatchers require Coastal Sage Scrub (CSS) habitat, with a significant vegetative component of California sagebrush *Artemisia californica*. On the project site there is no CSS, only a small area of dense Southern Mixed Chaparral dominated by dense, mature toyon and lemonade berry plants. The nearest habitat potentially suitable for this species is located approximately 1/3 mile north and south of the project site. Given the lack of suitable habitat on or adjacent to the project site, U.S. Fish and Wildlife Service protocol surveys should not be necessary and are not recommended.

Palos Verdes Blue Butterfly

Glaucopsyche lygdamus palosverdesensis

[The following status, distribution, and habitat information is excerpted from the U.S. Fish and Wildlife Service 2008 5-Year Review for this species under the Endangered Species Act (ESA)].

The Palos Verdes Blue Butterfly was listed as Endangered under the ESA in 1980. Historically, the Palos Verdes Blue Butterfly occurred throughout the Palos Verdes peninsula in Los Angeles County, California. When the Palos Verdes Blue Butterfly was recognized as a distinct subspecies in the 1970's, its range and distribution were already reduced by grazing, agriculture, and residential and urban development. The type locality (where the subspecies was first collected and identified) on the Alta Vista Terrace was developed for residential use in 1978, and the Palos Verdes Blue Butterfly population was extirpated from the location. By the early 1980's, Palos Verdes Blue Butterflies were found at only 10 locations, and none were observed between 1983 and 1993, leading to the conclusion that the Palos Verdes Blue Butterfly was likely extinct. However, they were discovered in 1994 on the Defense Fuel Support Facility, San Pedro. The only area currently known to be consistently occupied by the Palos Verdes Blue Butterfly includes the Defense Fuel Support Facility and the former Palos Verdes Navy housing area. The Navy committed to conserving the species within both areas.

In 1994, a captive rearing program was established from the population at the Defense Fuel Support Facility. The butterflies have been successfully reared in captivity every year since the program was established, and in 2007 a secondary rearing facility was established at Moorpark College, Moorpark, California. While the success of the captive breeding program varied since its inception, the establishment of the secondary rearing facility and improved rearing procedures made 2007 the most successful year on record with over 4,000 Palos Verdes Blue Butterfly pupae (resting stage "cocoons") produced in captivity. In March 2008, a reintroduction effort was initiated on the Palos Verdes Peninsula.

Palos Verdes Blue Butterfly pupae from the Defense Fuel Support Facility captive rearing program were introduced to the 28.5 acre Linden H. Chandler Preserve (Chandler Preserve) in the City of Rolling Hills Estates following habitat restoration efforts in 2000.

Palos Verdes blue butterflies require suitable larval host plants for oviposition and larval development. Coast locoweed *Astragalus trichopodus lonchus* was once thought to be the exclusive larval host plant for the species. However, larvae are now known to feed also on deerweed *Lotus scoparius*. Both of these host plants are naturally distributed within disturbed patches in coastal sage scrub communities throughout the Palos Verdes peninsula. Both plant species invade cleared areas following disturbance. Palos Verdes Blue Butterflies require some minimum number of larval host plants and nectar resources to successfully exploit a habitat patch over extended periods.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

During the site survey no locoweed or deerweed plants were observed. There is no Coastal Sage Scrub on or adjacent to the project site. Consequently the site is not suitable for occupation by the Palos Verdes Blue Butterfly.

To be certain of this conclusion on 7 July 2010 I was accompanied to the site by David K. Faulkner, a renown Southern California Entomologist and expert on rare and sensitive butterfly species. He evaluated the site and also concluded it is not suitable for the species.

The nearest known sites for the species are the Chandler Preserve (~ one mile northwest) and the ocean side of the peninsula, over one mile to the south.

The project will have no impacts on the Palos Verdes Blue Butterfly.

Wildlife Movement Corridors and Nursery Sites

A wildlife corridor can be defined as a linear landscape feature allowing animal movement between two larger patches of habitat. Connections between extensive areas of open space are integral to maintain regional biodiversity and population viability. In the absence of corridors, habitats become isolated islands surrounded by development. Fragmented habitats support significantly lower numbers of species and increase the likelihood of local extinction for select species when they are restricted to small isolated areas of habitat. Areas that serve as wildlife movement corridors are considered biologically sensitive.

Wildlife corridors can be defined in two categories: regional wildlife corridors and local corridors. Regional corridors link large sections of undeveloped land and serve to maintain genetic diversity among wide-ranging populations. Local corridors permit movement between smaller patches of habitat. These linkages effectively allow a series of small, connected patches to function as a larger block of habitat and perhaps result in the occurrence of higher species diversity or numbers of individuals than would otherwise occur in isolation. Target species for wildlife corridor assessment typically include species such as bobcat, mountain lion, and mule deer.

To assess the function and value of a particular site as a wildlife corridor, it is necessary to determine what areas of larger habitats it connects, and to examine the quality of the corridor as it passes through a variety of settings. High quality corridors connect extensive areas of native habitat, and are not degraded to the point where free movement of wildlife is significantly constrained. Typically, high quality corridors consist of an unbroken stretch of undisturbed native habitat.

The only feature of the project site that could be considered a minor local wildlife corridor is the drainage that runs along the eastern site boundary. This drainage will not be impacted by project implementation, and will be protected by special designation by the City of Rolling Hills. As such, no significant impacts to wildlife movement corridors are anticipated.

Native Wildlife Nursery Sites, which are considered sensitive resources that require protection, are defined as "sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies". Features such as individual raptor or woodrat nests do not constitute places where wildlife *concentrate*, thus they do not meet this definition and are therefore not considered Native Wildlife Nursery Sites. Nesting raptors will be protected by seasonal construction limitations or directed surveys. No Native Wildlife Nursery Sites occur on the site or will be impacted by project implementation.

POPPY TRAIL ROAD LANDSLIDE REMEDIATION PROJECT

WETLANDS SURVEY

The U.S. Army Corps of Engineers USACE frequently requires that formal or informal wetland delineations be conducted under guidelines set forth in the 1987 Corps of Engineers Wetland Delineation Manual. The USACE defines a wetland as “an area... inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” Typically, USACE wetlands are characterized by the presence of hydrophytic vegetation, hydric soils, and wetland hydrology.

In addition to regulating jurisdictional wetlands, Section 404 of the Clean Water Act (33 U.S.C. 1344) requires authorization for discharges of dredged or fill material into Waters of the United States. For non-tidal Waters of the U.S. the extent of jurisdiction is defined as the Ordinary High Water Mark, which is defined as: “the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation or presence of litter and debris.”

Thus, an area determined to be a non-wetland may still be under USACE jurisdiction if certain criteria are met. To aid in identifying characteristics of Waters of the U.S., the USACE has prepared guidelines (USACE 2001) and a matrix detailing potential Waters of the U.S. based on apparent flow regimes, geomorphic features, and surface flow indicators. In addition, determination that a wetland or water body is a Waters of the United States also requires that the area in question is subject to interstate commerce. These criteria were considered as they apply to the project site.
California Department of Fish and Game Wetlands

Typically, the extent of CDFG wetlands is determined by the limits of riparian vegetation as it extends from a stream, creek, river, pond, lake, or other water feature.

The only jurisdictional wetland (USACE & CDFG) that was identified during the survey of the project site is contained within the incised drainage that straddles the eastern site boundary line. The extent of wetland is shown as Southern Willow Scrub on the project Biological Resources Map.

APPLICABLE REGULATIONS

In addition to CEQA and City policy, the project could be subject to analysis under the state and federal Endangered Species acts, if listed species occurred on the site or were considered likely to occur. Because no such species occur, no endangered species regulations apply.

Impacts to wetland habitats could require a permit from the U. S. Army Corps of Engineers, Certification from the California Regional Water Quality Control Board, and a Streambed Alteration Agreement with the California Department of Fish and Game. Because there will be no impacts to wetland habitats, no wetland permitting will be required for project implementation.

PROJECT IMPACTS

Direct Impacts

Impacts associated with the project include the unavoidable loss on-site of 0.16 acres of Southern Mixed Chaparral. A tabulation of habitats on the project site is presented in Table 1.

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Table 1. Existing, impacted, and preserved habitat on the project site

PLANT COMMUNITY	ACREAGE ON-SITE	ACREAGE IMPACTED ON-SITE	ACREAGE IMPACTED OFF-SITE	ACREAGE PRESERVED ON-SITE	TOTAL MITIGATION REQUIRED
URBAN / DEVELOPED	2.70	N / A	N / A	N / A	0
DISTURBED HABITAT	5.67	N / A	N / A	N / A	0
SOUTHERN MIXED CHAPARRAL	0.68	0.16	0	0	0
NON-NATIVE GRASSLAND	0.48	N / A	0	0	0
SOUTHERN WILLOW SCRUB	0.63	0	0	0	0
TOTAL	10.16	0.16	0	0	0

Indirect Impacts

There is the potential for indirect impacts to occur as a result of implementation of the proposed project. The areas where indirect impacts have the potential to occur could extend from the construction or development areas into sensitive habitat due to such activities as excessive landscape irrigation, vegetation trampling outside developed areas, and introduction of non-native species (*e.g.*, argentine ants, cats, non-native invasive plant species). These indirect impacts are referred to as “edge effects.” There is the potential for indirect impacts on animals as a result of an increase in noise, dust, and light during permitted activities and from vehicle use. These indirect impacts are considered unavoidable due to the nature of the project, existing uses on-site, and existing surrounding land uses.

Indirect impacts from edge effects are considered adverse, but not significant, because the area where activities will take place is isolated and existing edge effects are already impacting the site. Additional effects, if any, would be incremental and less than significant.

Cumulative Impacts

Cumulative impacts consider the potential regional effects of a project and how a project may affect an ecosystem or one of its sensitive components beyond the project limits and on a regional scale. Section 15064 of the State CEQA Guidelines governs the determination of significant environmental impacts caused by a project. The evaluation of a project’s cumulative impacts is discussed in Section 15064(h) of the CEQA Guidelines. Cumulative impacts must be discussed when project impacts, although individually limited, may be cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects affecting the same resource (CEQA Guidelines §15064(h)(1)). The mere existence of significant cumulative impacts caused by other projects

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alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable (CEQA Guidelines §15064 (h)(4)).

If significant impacts were identified, the project would have the potential to significantly degrade the quality of the environment. Other effects that would be considered cumulatively considerable would include substantial reduction the habitat of a fish or wildlife species that cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or significantly reduce the number or restrict the range of a rare or endangered plant or animal species. None of these effects apply to the project. The project will not result in impacts that are cumulatively considerable.

SIGNIFICANCE CRITERIA

Direct impacts occur when biological resources are altered or destroyed during the course of, or as a result of, project implementation. Examples of such impacts include removal or grading of vegetation, filling wetland habitats, or severing or physically restricting the width of wildlife corridors. Other direct impacts may include loss of foraging or nesting habitat and loss of individual species as a result of habitat clearing. Indirect impacts may include elevated levels of noise or lighting, change in surface water hydrology within a floodplain, and increased erosion or sedimentation. These types of indirect impacts can affect vegetation communities or their potential use by sensitive species. Permanent impacts may result in irreversible damage to biological resources. Temporary impacts are interim changes in the local environment due to construction and would not extend beyond project-associated construction, including revegetation of temporarily disturbed areas adjacent to native habitats.

The California Environmental Quality Act Guidelines define "significant effect on the environment" as a "substantial, or potentially substantial adverse change in the environment." The CEQA Guidelines further indicate that there may be a significant effect on biological resources if the project will:

- A. Substantially affect an endangered, rare or threatened species of animal or plant or the habitat of the species.
- B. Interfere substantially with the movement of any resident or migratory fish or wildlife species to the extent that it adversely affects the population dynamics of the species.
- C. Substantially diminish habitat for fish, wildlife, or plants.

No impacts to Special Status Wildlife Species are anticipated. The project will not interfere substantially with the movement of any resident or migratory fish or wildlife species to the extent that it adversely affects the population dynamics of the species nor will it substantially diminish habitat for fish, wildlife, or plants.

The area of Southern Mixed Chaparral loss on the site is so small that it does not result in significant impacts to sensitive resources.

MITIGATION AND RECOMMENDATIONS

As proposed, the project will result in the loss on-site of 0.16 acres of Southern Mixed Chaparral. However, no mitigation is required for this loss because it is deemed too minimal to constitute a significant impact.

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I recommend that to avoid any inadvertent impacts to sensitive biological resources:

1. A qualified biologist shall review the final grading plans, access routes and staging areas, monitor all aspects of construction and conduct an on-site training session with construction personnel prior to any site disturbance. This training will educate personnel regarding the sensitivity of on-site and adjacent habitats
2. During grading and slope remediation, the wetland area adjacent to Poppy Trail Road be fenced with orange construction (snow) fencing, and the signage be provided that states "ENVIRONMENTALLY PROTECTED AREA. ABSOLUTELY NO ACCESS".
3. In order to prevent any adverse impacts to any on or off-site resources, it is recommended that adequate measures (Best Management Practices) be taken during construction to prevent runoff from entering the adjacent parcels. This includes silt fencing, straw wattles and sandbags along the top of the drainage that parallels Poppy Trail Road. No fill material shall be placed into this area. These measures should be sufficient to help reduce any possible indirect impacts of the proposed project to a level well below significant.

The project as proposed is deemed not to have significant impacts, and no mitigation is required.

REFERENCES

- American Ornithologists' Union. 1998. Check-list of North American Birds. 7th edition. American Ornithologists' Union, Washington, D.C. 829 pp.
- California Department of Fish and Game (CDFG). July 2010. California Natural Diversity Data Base (CNDDB). Torrance Quadrangle.
- CNPS 2010. Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society Special Publication No. 1 (Internet Edition).
- Hickman, J.C. (ed.). The Jepson Manual: Higher Plants of California. 1993. University of California Press, Berkeley, xvii + 1400 pp.
- Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game, Sacramento, California. iii + 155 pp.
- U.S. Army Corps of Engineers, South Pacific Division. 2001. Final Summary Report: Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest.
- U.S. Geologic Survey. 1978. 1981 photo revised. Torrance Quadrangle 7.5 minute topographical map.
- Wetland Training Institute, Inc. 1995. Field Guide for Wetland Delineation: 1987 Corps of Engineers Manual, Poolesville, MD. WTI 95-3. 143 pp.

FIGURES (see following pages)



Figure 1. Location of project site in regional context (Palos Verdes Peninsula).

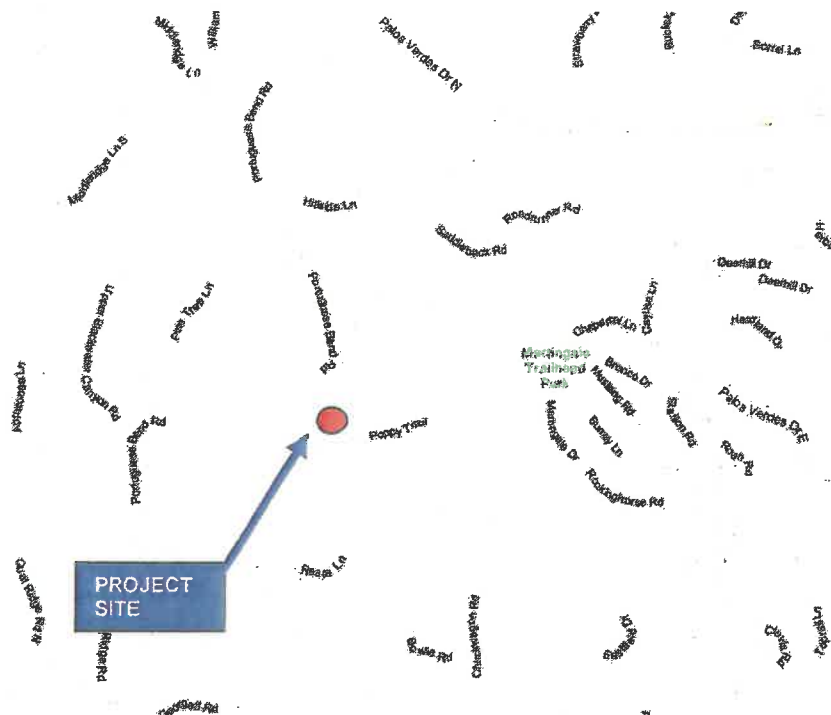


Figure 2. Detail location map of project site.

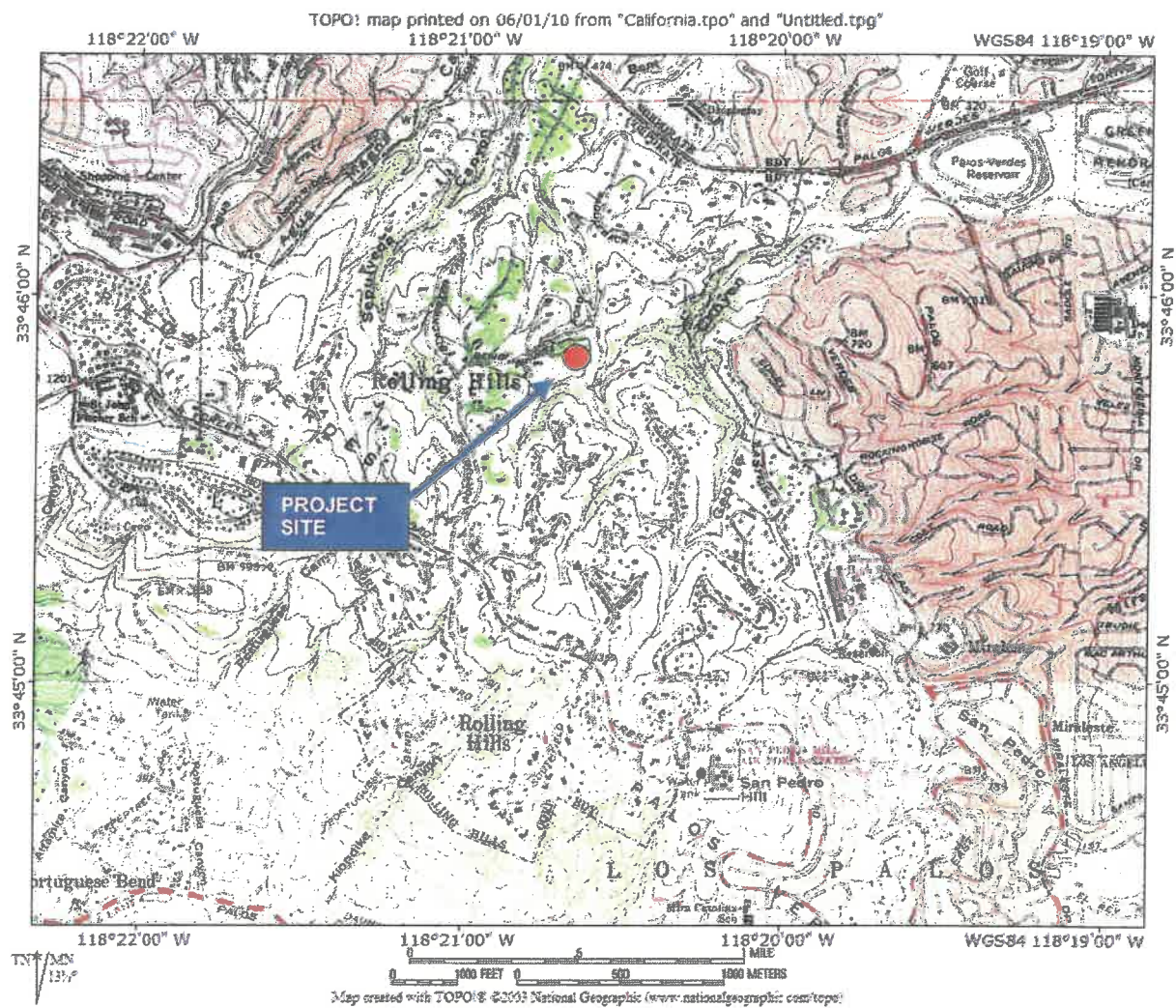


Figure 3. Topographical map showing project site location. Taken from USGS Torrance 7.5 minute series quadrangle.

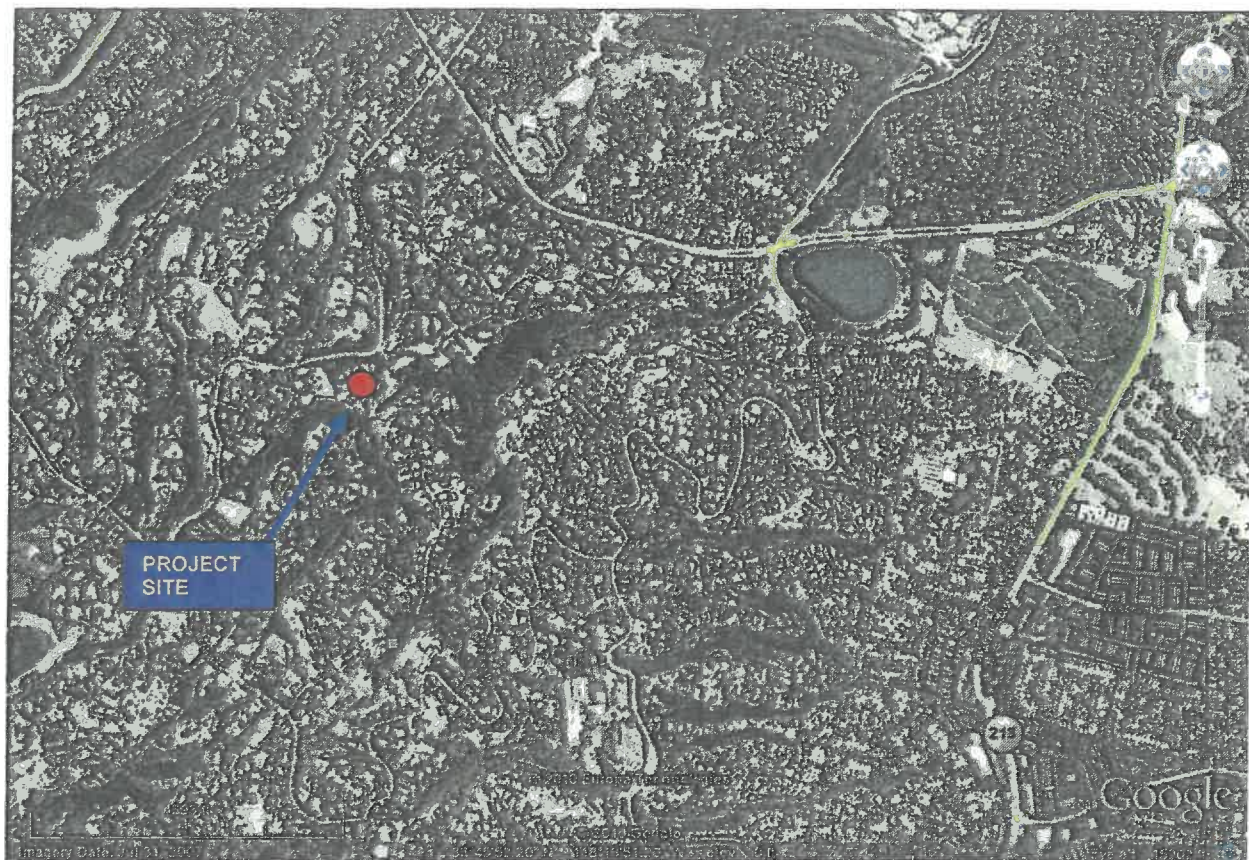


Figure 4. Vicinity satellite photograph of site.

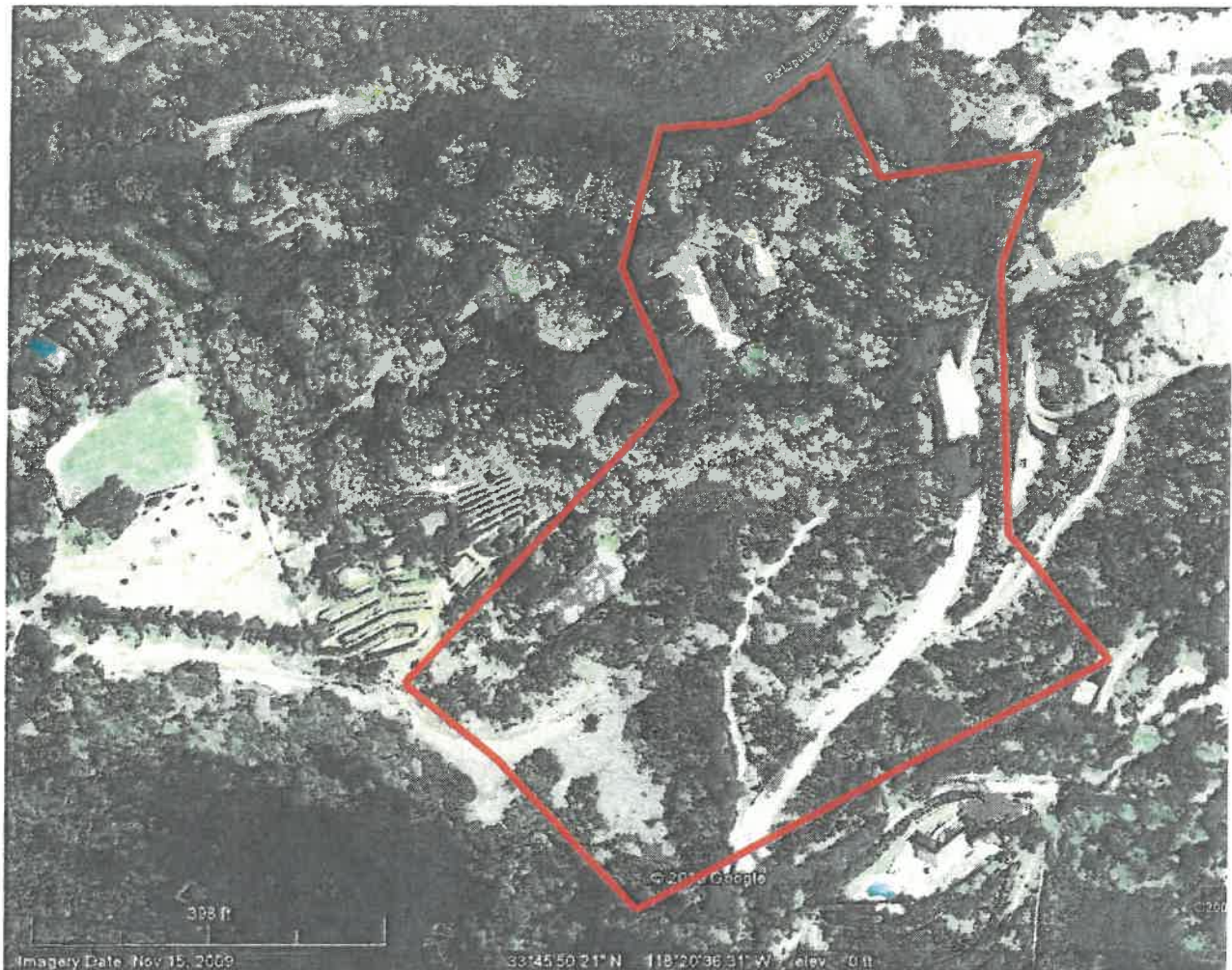


Figure 5. Close-up satellite photograph of the entire project site footprint.

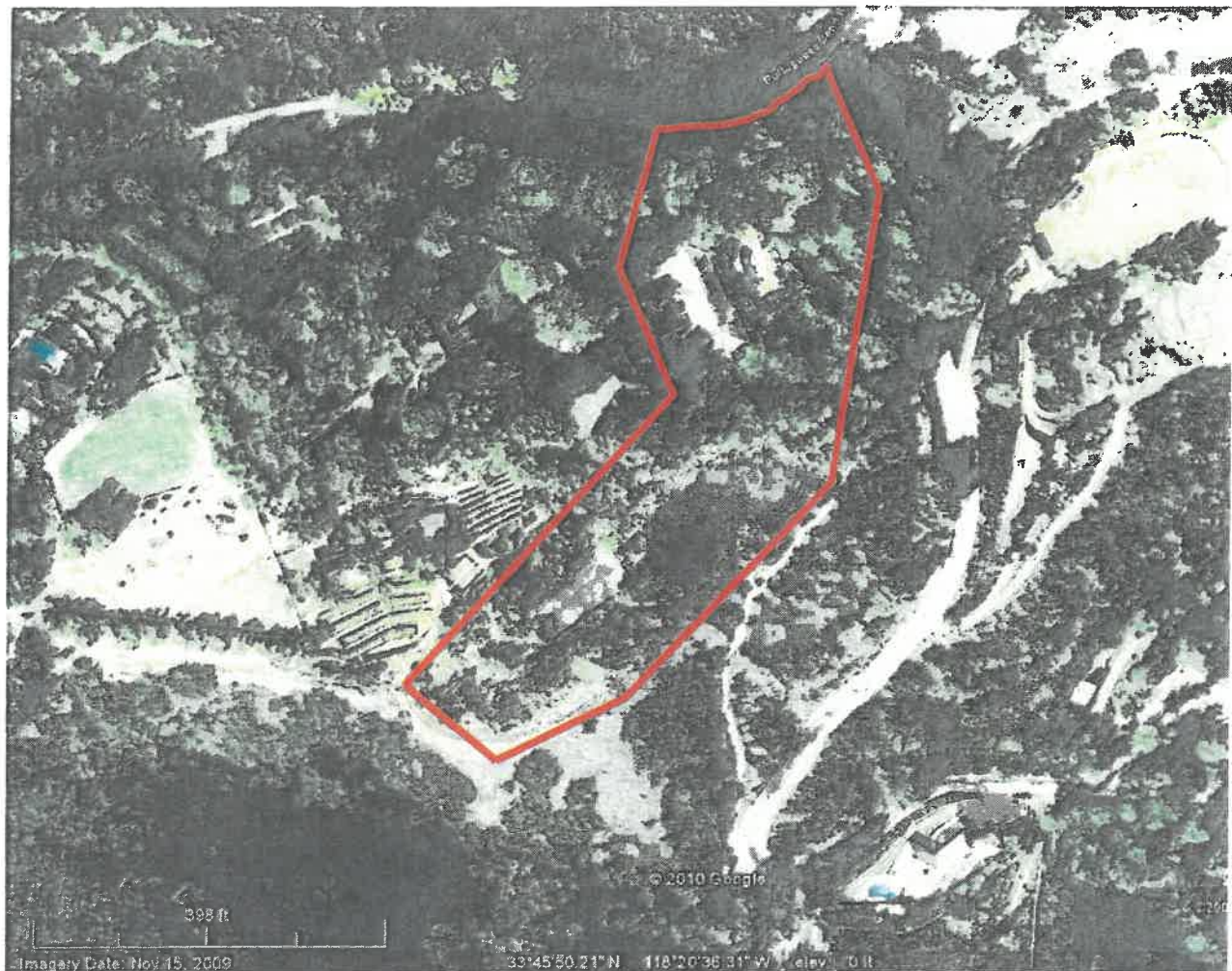


Figure 6. Close-up satellite photograph of initial (Sheen) parcel.

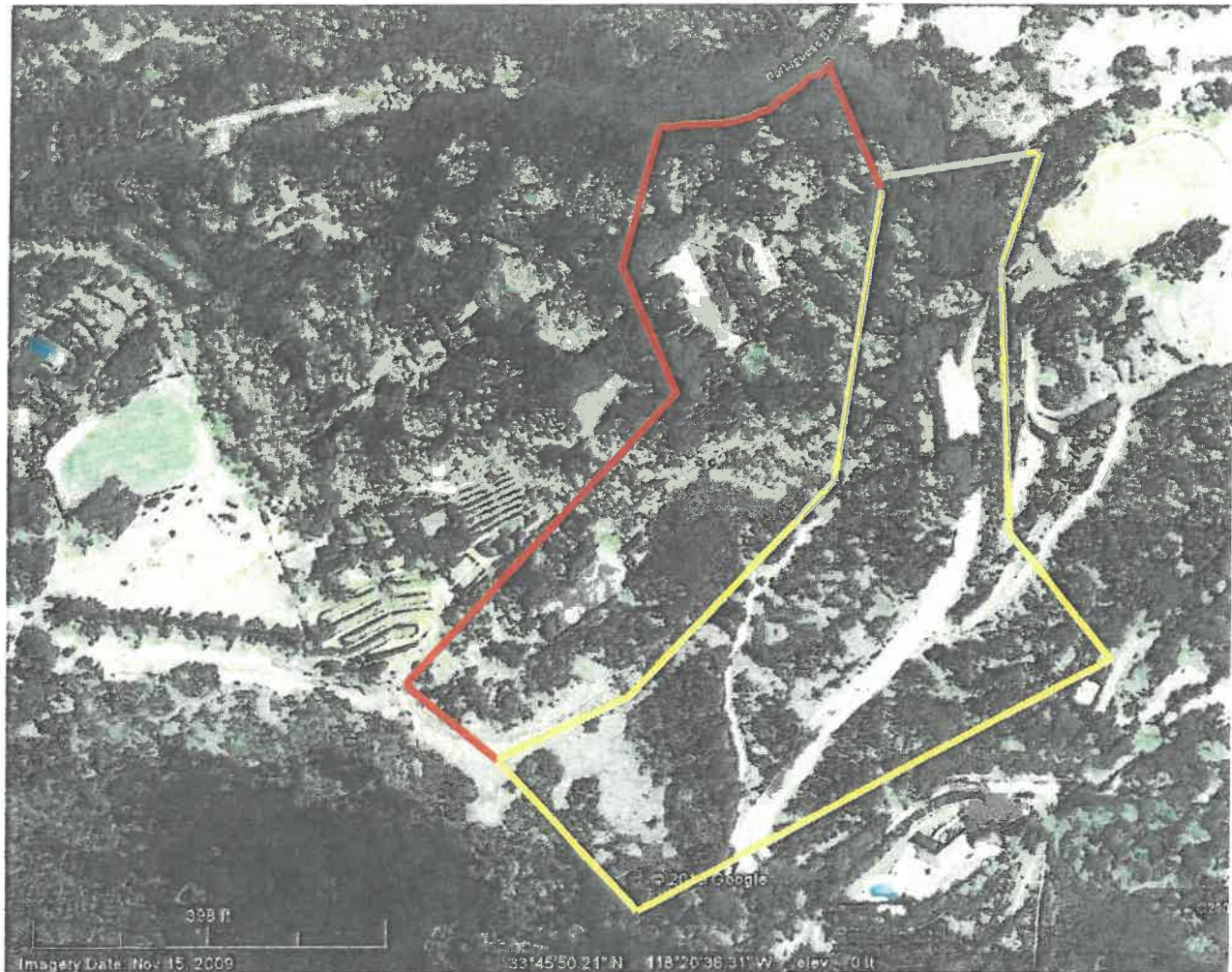


Figure 7. Area (bounded in yellow) to be added by lot line adjustment from contiguous “donor” parcels.

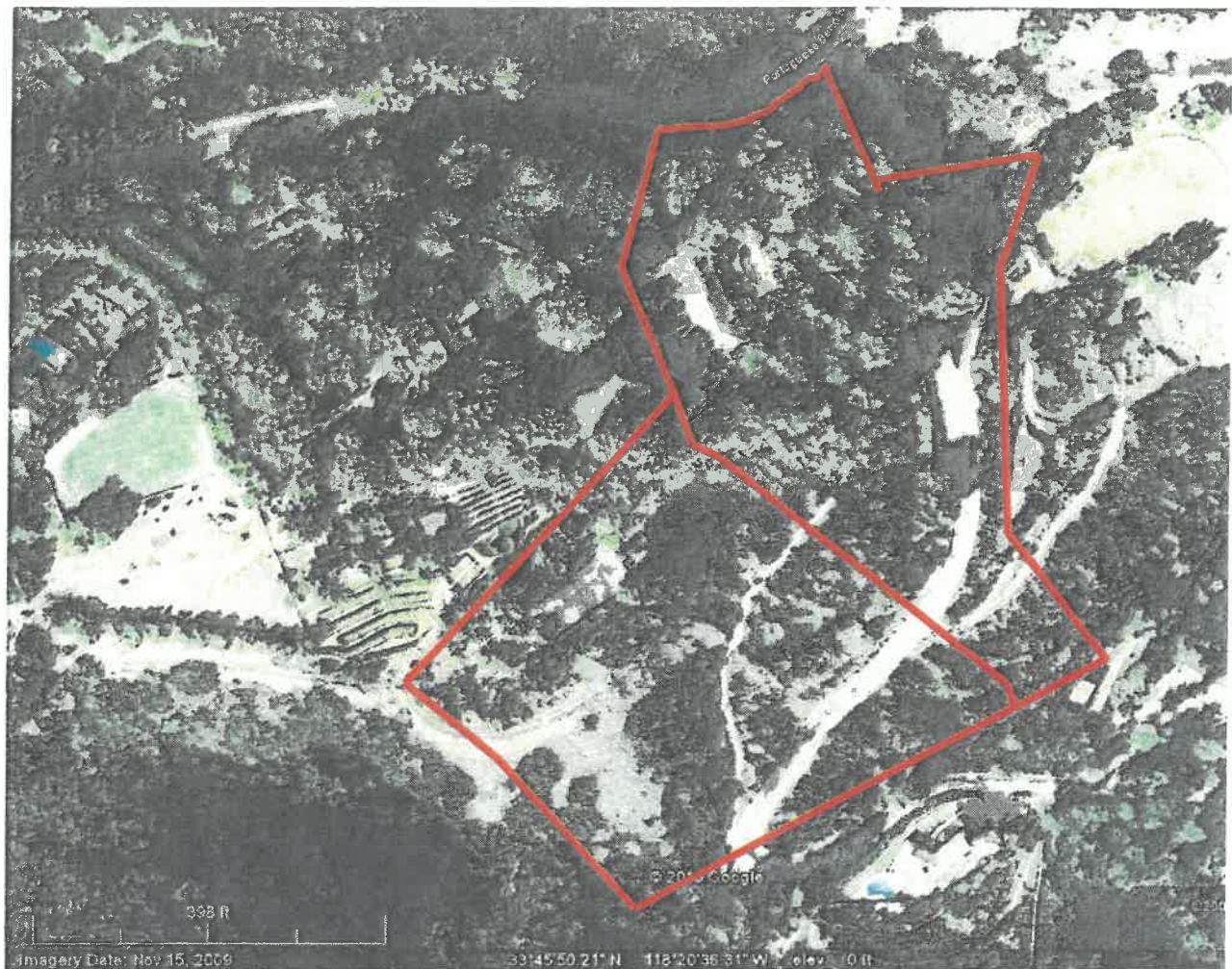


Figure 8. Two parcels that will be created by project implementation.

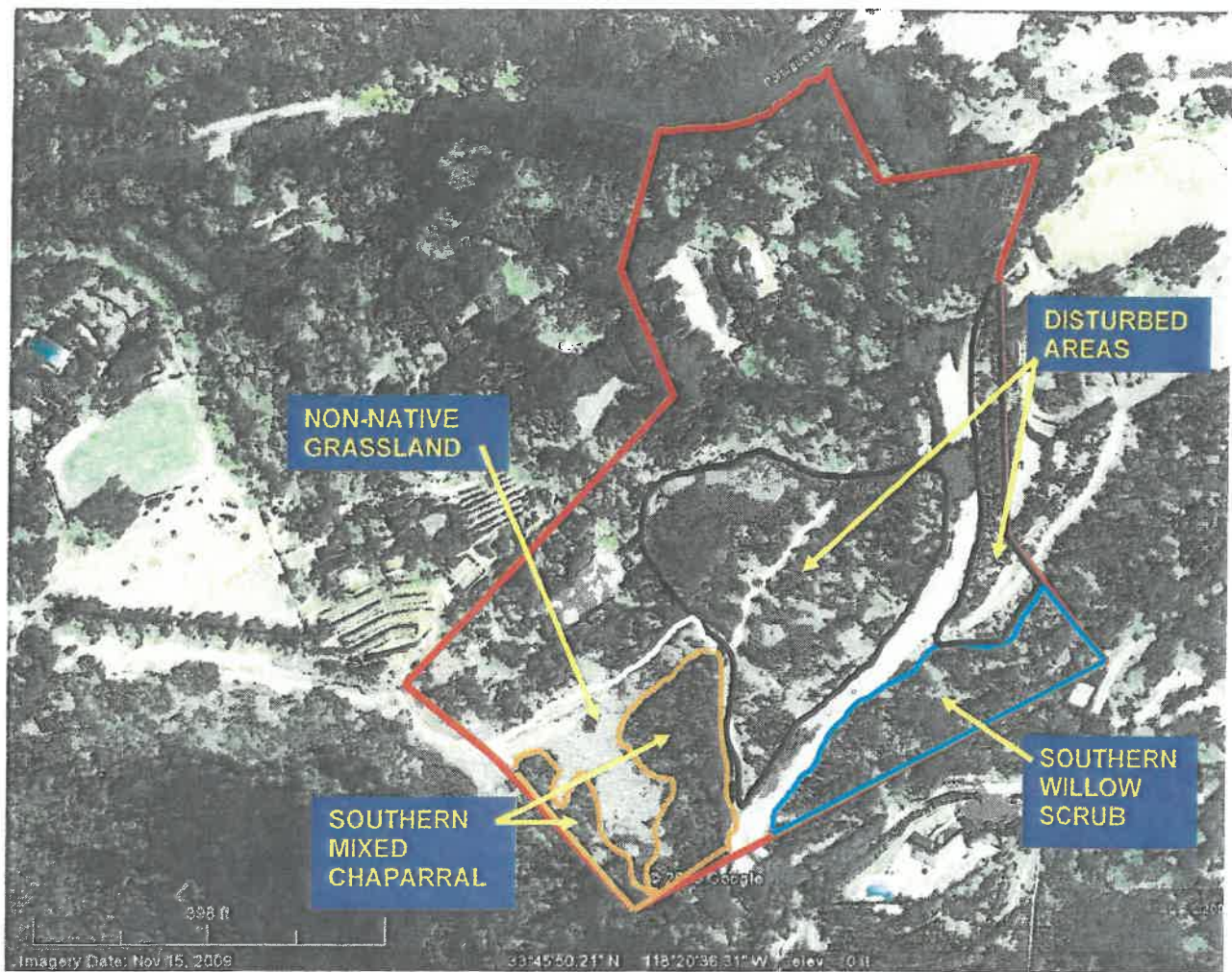


Figure 9. Biological Resources (Vegetation) Map of the project site. All areas not specifically defined are Urban/Developed.

APPENDIX A

PLANT SPECIES OBSERVED ON THE PROJECT SITE

<u>Family</u>	<u>Scientific Name</u>	<u>Common Name</u>
Dicotyledoneae		
Anacardiaceae - Sumac Family		
	<i>Rhus integrifolia</i>	Lemonade Berry
	<i>Toxicodendron diversilobum</i>	Poison Oak
Apiaceae (Umbelliferae) - Carrot Family		
	<i>Foeniculum vulgare</i>	Sweet Fennel
Apocynaceae [Asclepiadaceae] - Dogbane [Milkweed] Family		
	<i>Asclepias fascicularis</i>	Narrow-leaf Milkweed
Asteraceae (Compositae) - Sunflower Family		
	<i>Artemisia californica</i>	California Sagebrush
	<i>Baccharis pilularis</i>	Coyote Brush
	<i>Cirsium</i> sp.	Thistle
	<i>Encelia californica</i>	California Bush Sunflower
	<i>Malacothrix saxatilis</i>	Cliff Malacothrix
	<i>Sonchus asper</i>	Prickly Sow Thistle
Brassicaceae (Cruciferae) - Mustard Family		
	<i>Brassica nigra</i>	Black Mustard
	<i>Raphanus sativus</i>	Wild Radish
Caprifoliaceae - Honeysuckle Family		
	<i>Sambucus mexicana</i>	Mexican Elderberry

Chenopodiaceae - Goosefoot Family

<i>Atriplex semibaccata</i>	Australian Saltbush
<i>Chenopodium sp.</i>	Pigweed
<i>Chenopodium californicum</i>	California Pigweed
<i>Salsola tragus</i>	Russian Thistle

Convolvulaceae - Morning Glory Family

<i>Calystegia macrostegia</i>	Morning-glory
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Cucurbitaceae - Gourd Family

<i>Marah macrocarpus</i>	Wild Cucumber
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Euphorbiaceae - Spurge Family

<i>Chamaesyce albomarginata</i>	Rattlesnake Weed
<i>Ricinus communis</i>	Castor Bean

Fabaceae (Leguminosae) - Pea Family

<i>Lupinus succulentus</i>	Arroyo Lupine
<i>Melilotus alba</i>	White Sweet-clover
<i>Melilotus sp.</i>	Sweet-clover
<i>Vicia villosa</i>	Common Vetch

Geraniaceae - Geranium Family

<i>Erodium cicutarium</i>	Red-stem Filaree
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Hydrophyllaceae - Waterleaf Family

<i>Phacelia sp.</i>	California Blue Bells
<i>Phacelia parryi</i>	Parry Phacelia

Lamiaceae (Labiatae) - Mint Family

<i>Marrubium vulgare</i>	Hore-hound
<i>Salvia apiana</i>	White Sage
<i>Salvia mellifera</i>	Black Sage
<i>Salvia leucophylla</i>	Purple Sage

Malvaceae - Mallow Family

<i>Malva parviflora</i>	Cheeseweed
<i>Malva sylvestris</i>	High Mallow

Papaveraceae - Poppy Family

Eschscholzia californica

California Poppy

Polygonaceae - Buckwheat Family

Eriogonum cinerium

Ashy-leaf Buckwheat

Rosaceae - Rose Family

Heteromeles arbutifolia

Toyon

Rubus ursinus

California Blackberry

Salicaceae - Willow Family

Salix lasiolepis

Arroyo Willow

Scrophulariaceae - Figwort Family

Mimulus aurantiacus

Red Bush Monkey-flower

Scrophularia californica

Coast Figwort, Bee Plant

var. *floribunda*

Solanaceae - Nightshade Family

Nicotiana glauca

Tree Tobacco

Solanum sp.

Nightshade

Solanum americanum

White Nightshade

Solanum xanti

Purple Nightshade

Urticaceae - Nettle Family

Urtica dioica ssp. *holosericea*

Stinging Nettle

Monocotyledoneae

Poaceae (Gramineae) - Grass Family

Avena sp.

Wild Oats

Avena barbata

Slender Wild Oat

Bromus carinatus

California Brome

Bromus diandrus

Ripgut Grass

Bromus hordeaceus

Soft Chess

Bromus madritensis ssp. *rubens*

Red Brome

Leymus condensatus

Giant Wild Rye

Pennisetum setaceum

Fountain Grass

APPENDIX B

WILDLIFE SPECIES OBSERVED OR DETECTED
ON THE PROJECT SITE

BIRDS

Mourning Dove	<i>Zenaida macroura</i>
Anna's Hummingbird	<i>Calypte anna</i>
Allen's Hummingbird	<i>Selasphorus sasin</i>
Western Scrub-Jay	<i>Aphelocoma californica</i>
American Crow	<i>Corvus brachyrhynchos</i>
Common Raven	<i>Corvus corax</i>
Bushtit	<i>Psaltiriparus minimus</i>
Northern Mockingbird	<i>Mimus polyglottos</i>
Spotted Towhee	<i>Pipilo maculatus</i>
California Towhee	<i>Pipilo crissalis</i>
Song Sparrow	<i>Melospiza melodia</i>
Lesser Goldfinch	<i>Carduelis psaltria</i>
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>
House Finch	<i>Carpodacus mexicanus</i>

MAMMALS

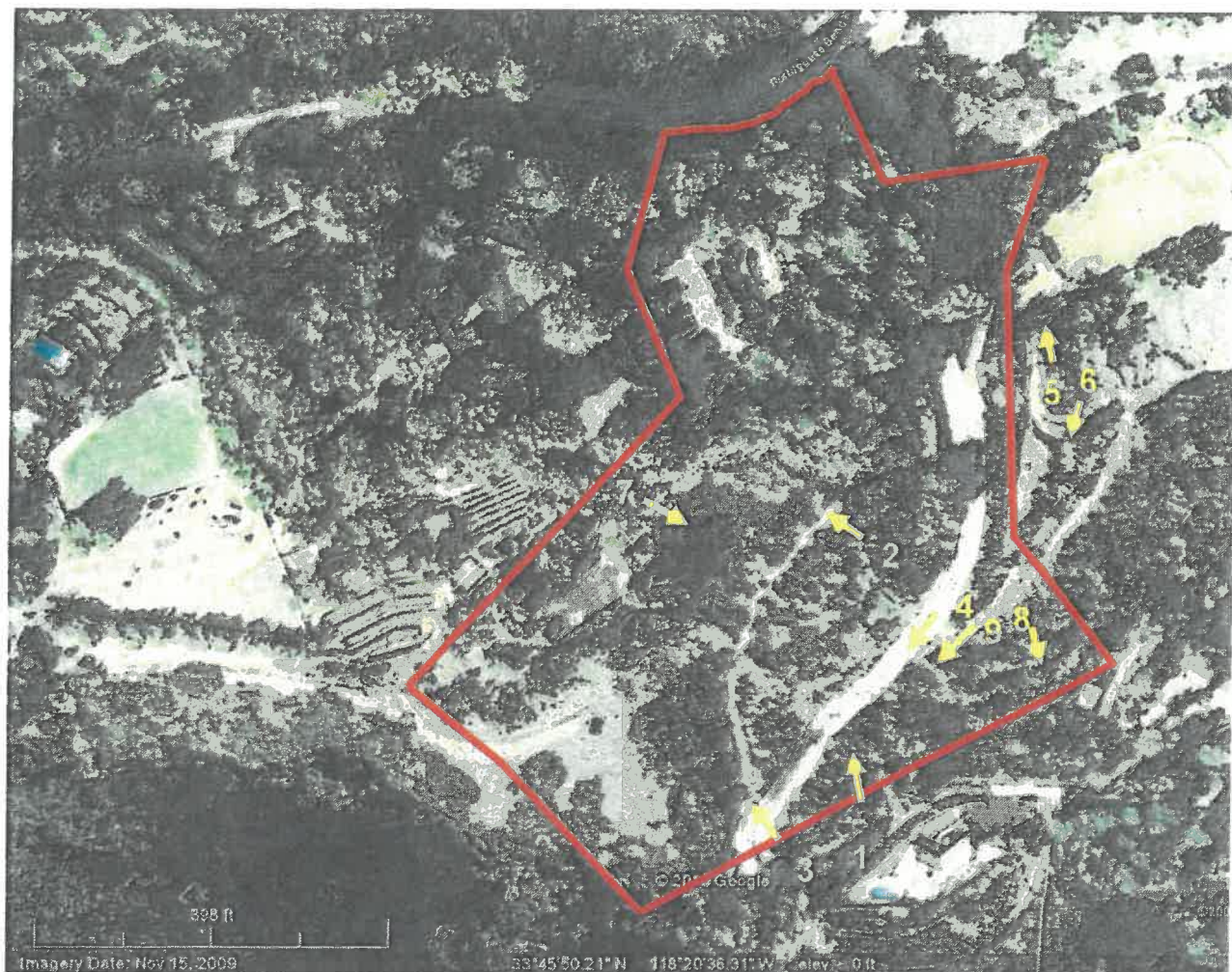
California Ground Squirrel	Observed
<i>Spermophilus beecheyi</i>	

AMPHIBIANS AND REPTILES

Western Fence Lizard	Observed
<i>Sceloporus occidentalis</i>	

APPENDIX C

PHOTOGRAPHS OF THE PROJECT SITE



PHOTOGRAPH INDEX

Yellow arrows and numbers indicate the locations and directions from which the following photographs were taken:



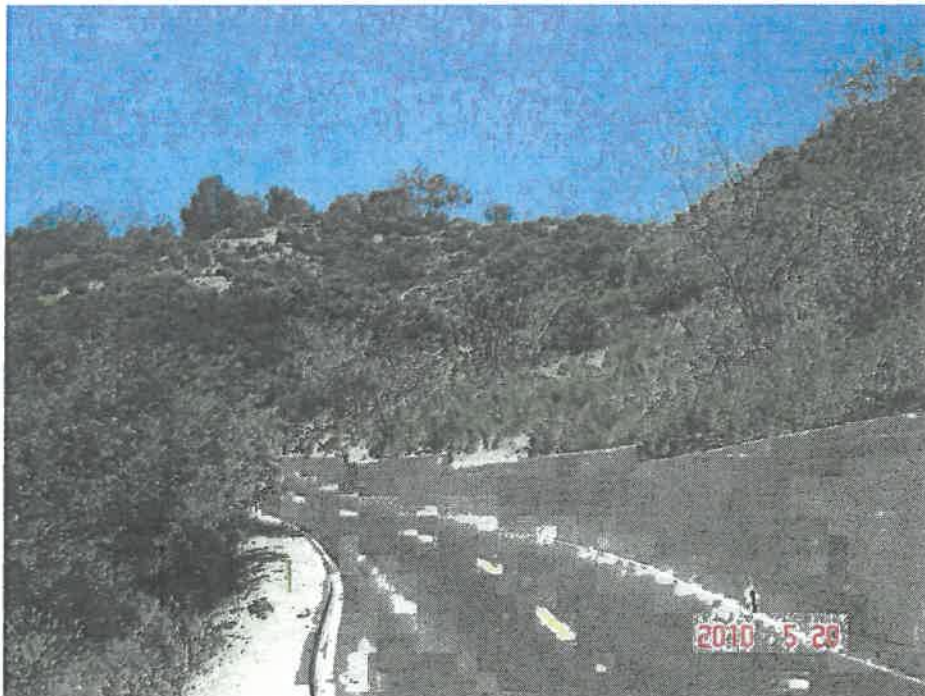
Photograph 1. View of the central portion of the project site. The landslide area is covered in green matting. Poppy Trail Road is in the foreground.



Photograph 2. View of the landslide area with recent invasive weed growth.



Photograph 3. View of the southeast corner of the site. The areas of Southern Mixed Chaparral and Non-Native Grassland are on the left.



Photograph 4. The alignment of Poppy Trail Road with temporary retaining wall. Southern Willow Scrub is on the left.



Photograph 5. The area of Disturbed Habitat on the north side of Poppy Trail Road.



Photograph 6. The area of Disturbed Habitat on the north side of Poppy Trail Road.



Photograph 7. Photograph looking down to drainage area containing Southern Willow Scrub.



Photograph 8. Area containing Southern Willow Scrub.



Photograph 9. Reconstructed road, retaining wall, and Southern Willow Scrub.