



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

AGENDA

ADJOURNED REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM

TUESDAY, JUNE 25, 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. May 21, 2019, Adjourned Regular Meeting of the Planning Commission
 - B. May 21, 2019, Regular Meeting of the Planning Commission
 - C. January 15, 2019, Regular Meeting of the Planning Commission
6. RESOLUTIONS

A. RESOLUTION NO. 2019-08. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW AND A CONDITIONAL USE PERMIT FOR GRADING AND CONSTRUCTION OF A NEW STABLE WITH A LOFT IN ZONING CASE NO. 953 AT **13 PORTUGUESE BEND ROAD**, ROLLING HILLS, CA (LOT 77-RH), (CARDENAS).

RECOMMENDED ACTION:

1. Motion to approve/deny Resolution No. 2019-08 as presented.

B. RESOLUTION NO. 2019-11. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING 689 SQUARE FOOT STABLE, TO A MIXED-USE STRUCTURE IN ZONING CASE NO. 959 AT **49 EASTFIELD DRIVE** (LOT 33-EF) ROLLING HILLS, CA, (WALDMAN).

RECOMMENDED ACTION:

1. Motion to approve/deny Resolution No. 2019-11 as presented.

C. RESOLUTION NO. 2019-10. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW FOR GRADING AND CONSTRUCTION OF A NEW RESIDENCE, SWIMMING POOL, RETAINING WALL, VARIANCE TO EXCEED THE MAXIMUM PERMITTED DISTURBANCE ON THE LOT AND FOR ENCROACHMENT OF A RETAINING WALL INTO SIDE SETBACK; AND CONDITIONAL USE PERMIT FOR A STABLE AND CORRAL IN ZONING CASE NO. 955, AT **1 POPPY TRAIL**, (LOT 90-B2-RH) ROLLING HILLS, CA, (YEH).

RECOMMENDED ACTION:

1. Motion to approve/deny Resolution No. 2019-10 as presented.

7. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING
NONE
8. NEW PUBLIC HEARINGS
NONE
9. NEW BUSINESS
 - A. PRESENTATION AND CONSIDERATION FOR ADOPTION OF STORMWATER QUALITY DESIGN GUIDELINES FOR STABLES/EQUESTRIAN FACILITIES

RECOMMENDED ACTION:

1. Motion to adopt the Stormwater Quality Design Guidelines for Stables/Equestrian Facilities.

10. OLD BUSINESS
11. SCHEDULE OF FIELD TRIPS (July 16, 2019)
12. ITEMS FROM STAFF
13. ITEMS FROM THE PLANNING COMMISSION
14. ADJOURNMENT

The meeting is adjourned to July 16, 2019 at 7:30 a.m. at 3 Roundup Road

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.

MINUTES OF AN
ADJOURNED REGULAR MEETING
OF THE PLANNING COMMISSION
MAY 21, 2019

PRESENT FOR THE FIELD TRIP WERE:

Chairman Chelf, Commissioners Cooley, Cardenas and Seaburn
Commissioner Kirkpatrick –absent and excused
Yolanta Schwartz, Planning Director
Christian Rogge, Agent for 49 Eastfield Dr.
Mr. Waldman, property owner of 49 Eastfield Dr.
Dr. Meyer, neighbor
James Aichelle, resident
Leah Mirsch, resident
Joseph Spierer, Architect for 1 Poppy Trail
Tavisha Ales, Engineer for 1 Poppy Tail

Chair Chelf called the meeting to order at 7:30 AM at 49 Eastfield Drive.

A. ZONING CASE NO. 959 Request for a a Conditional Use Permit to convert an existing 689 square foot stable, to a mixed-use structure which includes a 450 square foot recreation room and a 239 square foot storage space, located at **49 Eastfield Drive** (Lot 33-EF) Rolling Hills, CA, (Craig & Cindy Waldman).

Planning Director Schwartz gave a brief overview of the proposed Conditional Use Permit (CUP) and information related to the request. She stated that this item came to the City's attention as a result of a complaint. She stated that the applicant requests a CUP to convert a previously constructed 689 square foot stable to a mixed use structure, consisting of 450 square foot recreation room and 239 square feet storage space and that the interior dimensions of the proposed uses are the same as they were for the stable. She stated that the applicant is proposing to set aside a 1,000 sq.ft area for future stable and corral in an area of the lot that has been previously graded and is feasible for future development of equestrian uses. In response to Chair Chelf question regarding proximity of equestrian uses to a recreation room, Planning Director Schwartz stated that the 35' distance separation requirement applies to uses used for habitation. Dr. Meyer stated that he has no objections and that it makes sense to use the structure for other than stable use, if the owners have no horses. In response to Mrs. Mirsch, Planning Director Schwartz stated that the structure is 25' from the side property line.

Following a brief discussion among the Commissioners, Commissioner Seaburn made a motion to direct staff to bring a Resolution of approval for the June meeting; Commissioner Cardenas seconded the motion. Planning Director Schwartz stated that this project will be considered at the evening meeting of the Planning Commission. There being no further discussion, the public hearing was continued to the evening meeting beginning at 6:30 pm.

B. 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 Variances to exceed the maximum permitted lot disturbance and for a retaining wall located in the side yard setback at **1 Poppy Trail**, (Lot 90-B2-RH) Rolling Hills, CA, (Yeh).

Planning Director Schwartz gave a brief overview of the proposed project and the history of the property. She stated that the Site Plan Review request is for the construction of the residence, pool and the miscellaneous structures, the Conditional Use Permit is for the construction of the stable and corral and Variance request is to encroach with a retaining wall up to 2.5' into the side setback and to exceed the previously reported disturbance of the lot. She stated that the driveway is proposed to be widened to 20', per Fire Department requirement. The Commissioners viewed the silhouette of the proposed residence, pool and stable. Chairman Chelf inquired about landscaping between the adjacent lot and the pool area. Joseph Spierer, Architect, stated that they will screen the pool from the adjacent lot and that a landscaping plan is being prepared. Commissioner Cardenas commented that although the stable and corral meet all of the requirements for equestrian uses it seems like the corral should be larger. Planning Director Schwartz explained that there was an error in reporting the area of disturbance of the lot during the remediation of the landslide, at which time a Variance was granted to exceed the maximum permitted; but that all of the environmental documents point to the correct analysis of disturbance, and that an amended Mitigated Negative Declaration has been prepared.

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

Respectfully Submitted,

Yolanta Schwartz
Planning Director

Date

Approved:

Brad Chelf, Chairman

Date

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, MAY 21, 2019
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, May 21, 2019 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, Planning Director.
Jane Abzug, Assistant City Attorney.
Karla Rangel, Administrative Clerk.
Criss Gunderson, Architect, 8 Middleridge Lane South.
Joseph Spierer, Architect, 1 Poppy Trail.
Dr. Weinstein, 17 Middleridge Lane South.
Mike Joly, 10 Middleridge Lane South.
Gary Wynn, Engineer, 11 Saddleback Road.
Bob Gaudenti, Contractor, 11 Saddleback Road.
James B. Representative for Mr. & Mrs. Jones, 26 Saddleback Rd.

APPROVAL OF THE AGENDA

Approved as presented.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

None.

APPROVAL OF MINUTES

Planning Director Schwartz stated that two sets of minutes were slightly adjusted per the Assistant City Attorney. She stated that the Assistant City Attorney suggested some changes on the wording.

February 19, 2019 Regular Meeting of the Planning Commission

Commissioner Cardenas moved that the Planning Commission approve the minutes of the regular meeting of the Planning Commission held on February 19, 2019. Commissioner Seaburn seconded the motion, which carried without objection (Kirkpatrick absent).

March 19, 2019 Regular Meeting of the Planning Commission

Commissioner Cooley moved that the Planning Commission approve the minutes of the regular meeting of the Planning Commission held on March 19, 2019 as presented. Commissioner Cardenas seconded the motion, which carried without objection (Kirkpatrick absent).

April 16, 2019, 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 April 16, 2019. Commissioner Seaburn seconded the motion, which carried without objection (Kirkpatrick absent, Chelf recused).

April 16, 2019, 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 April 16, 2019 as presented. Commissioner Cooley seconded the motion, which carried without objection (Kirkpatrick absent, Chelf recused).

RESOLUTIONS

RESOLUTION NO. 2019-09. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE FROM THE REQUIREMENT THAT UTILITY LINES BE PLACED UNDERGROUND IN CONJUNCTION WITH A CONSTRUCTION OF AN ADDITION AND MAJOR REMODEL IN ZONING CASE NO. 957, AT **5 FLYING MANE LANE**, ROLLING HILLS (LOT 45-SF), (WALKER).

Chair Chelf recused himself, due to the proximity of his property to the project site. Commissioner Cardenas chaired.

Commissioner Cardenas introduced the item and asked for staff's comments. Planning Director Schwartz reviewed the applicant's request in Zoning Case No. 957 at 5 Flying Mane Lane. She stated that the Planning Commission approved this project at the previous meeting and requested that staff bring a resolution of approval. She indicated that the request is for a variance to not underground the utilities on the property. She stated that the owners made major improvements to the property, thus that is what prompted the requirement to underground utility lines. She reviewed the site plan. Planning Director Schwartz indicated that there is over 25-foot distance between the bottom and top of the slope. She further indicated that the planning department received correspondence from experts that it would not be possible to trench the slope, because it is rocky and the bedrock is very shallow.

Commissioner Cardenas called for public comment. Hearing none, he closed the public hearing.

The Planning Commissioners stated they had no comments.

Commissioner Cooley moved that the Planning Commission adopt Resolution No. 2019-09 granting approval of the applicant's request in Zoning Case No. 957 at 5 Flying Mane Lane as presented. Commissioner Seaburn seconded the motion, which carried without objection (Kirkpatrick absent, Chelf recused).

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

Due to lack of quorum this case will be continued to the June 18, 2019 Planning Commission meeting.

PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

ZONING CASE NO. 956. Request for a Site Plan Review for grading of 6,790 cubic yards of cut and 5,955 cubic yards of fill with 835 cubic yards of export of dirt and construction of a new 6,273 square foot residence with 1,120 square foot garage and 2,037 square foot covered porches, 3,000 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).

Chairman Chelf introduced the item and asked for staff's comments. Planning Director Schwartz indicated that the planning department received letters, from four residents, requesting continuance of this case. She indicated that the residents stated that they felt they were not notified in a timely fashion that this case was coming before the Planning Commission tonight. She stated that others were traveling, thus were not able to attend the meeting. Planning Director Schwartz indicated that because this item is listed on the agenda, she can make a presentation and the Planning Commission can decide how to move forward.

Chairman Chelf stated that he would like to see the presentation. The other commissioners present concurred with Chairman Chelf.

Planning Director Schwartz gave an overview of the proposed project, which is to construct a residence with a garage and basement, pool, guest house and future stable on a vacant lot. She stated that since the previous meeting the applicant revised some elements of the application.

Chairman Chelf opened the public hearing.

Mr. Gunderson stated that he would like the public hearing to go forward, although some of the neighbors were not able to attend the meeting. He stated that the neighbors not in attendance have expressed their concerns to the committee, previously, in regards to the proposed project. Mr. Gunderson indicated that approximately 700 square feet were removed from the home. He stated that the highest part of the home has been removed. He indicated that they have pushed down the pad 1-

foot since the last proposal and have changed the roof pitch. He stated that these changes have reduced the mass of the home.

In response to Commissioner Cardenas' question, Mr. Gunderson clarified that the ridgeline has come down 2 ½ feet from the previous submission.

Chairman Chelf thanked Mr. Gunderson for reaching out to the neighbors to take their input. He also thanked him for listing to the Planning Commission and shrinking the overall scope of the build, bringing down the ridgeline, and increasing the size of the basement. He stated that the committee does appreciate the hard work that has gone into bringing the project into compliance and the ability to reduce the size from about 7,000 square feet to about 6,000 square feet. Chairman Chelf stated that the Commission will still need to hear from the concerned neighbors.

Mr. Gunderson stated that the homeowner has made significant changes to the project in order to be in compliance with the City's regulations and in order to be considerate of the neighbors.

Mr. Jolly, expressed his appreciation for the ridgeheight being reduced 2 ½ feet. He stated that although 600sf have been removed, 1,000 square feet have been added to the basement. He indicated that although we can't see it, the house is 400 square feet larger now. He indicated that because the basement was increased by 1,000sf, then his thought would be, that 1,000 square feet should have been removed from the top structure. He stated that his other concern is about the covered patio areas, because although some square footage has been removed not enough of the covered roof space is being removed, so the visual of the mass will still be great.

Dr. Weinstein reiterated that four families who are very concerned with this project are currently out of town. He stated that they submitted letters to the Planning Commission. He urged the Committee to table any substantial motions until the next meeting scheduled for June 18th, when the four families will be in attendance.

Mr. Gunderson stated that he and his clients don't want the decision making process to be postponed any longer, because it has already been nine months of trying to get this project approved.

Chairman Chelf explained that the Planning Commission has a process it must follow and although it is understandable that the property owners would like to speed up the process, the Commission has to do what is right for the community.

In response to Commissioner Seaburn's question, Mr. Gunderson concurred that this is the best design possible that meets the needs of the client.

There being no further comments, Chairman Chelf closed the public hearing.

Chairman Chelf commented that although it would be inconvenient to have the applicant restake the property, in this case it really needs to be restaked. He stated that they have done a great job at lowering the structure, but the neighbors can't get a clear vision of it, because the old silhouette is still up, thus it would be beneficial to have the property reflagged.

Commissioner Cooley concurred with Chairman Chelf. She commented that she appreciates all of the time the architect has put into working on the project, with speaking to the neighbors to and trying to address their concerns. She stated that she is still concerned with the family room area being so close to the neighbors, so she would like to see the new flagging to illustrate the changes that have been made.

Commissioner Cardenas commented that although he appreciates that some of the square footage is going into the basement, there are still a lot of areas that are being increased like the garage and covered porch areas. He indicated that the roof that is going to be visible from above is not going to be reduced much, thus he is still concerned with the mass of the structure being a sight issue for the neighbors. He commented that the restaking the property will help everyone to see the changes. He stated that the ridgeline coming down 2 ½ feet is the most positive change. He commented that in regards to the neighbor's concern about the proximity of the wing of the proposed house to their home, it is the neighbors home that is too close to the property line. He indicated that the proximity of the proposed house to the neighbor's home meets the requirements.

Commissioner Seaburn commented that it is reasonable to have the property restaked. He stated that he feels the project is in line with the general plan of the community and is compatible with the neighborhood in general. He further stated that he feels the variances are acceptable.

In response to Chairman Chelf's question Mr. Gunderson stated that he will have the the property reflagged. He reminded the Planning Commission that this project has been going on for nine months, thus his client is paying a lot of holding costs, so he would like to have the process expedited.

Chairman Chelf clarified that until the new silhouette is up, the Commission cannot come to a decision.

Assistant City Attorney Abzug stated that if the Planning Commission needs to see the property in the field again, so it can evaluate the findings, then a motion to schedule a field trip needs to be made.

Following Discussion, Commissioners recommended that the applicant revise the project. After further explanation by the Architect, he agreed to revise the project. Commissioner Cardenas moved that the Planning Commission schedule a field trip to view a revised project on June 18th, 2019. Commissioner Cooley seconded the motion, which carried without objection (Kirkpatrick absent).

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 Variances to exceed the maximum permitted lot disturbance and for a retaining wall located in the side yard setback at **1 Poppy Trail**, (Lot 90-B2-RH) Rolling Hills, CA, (Yeh).

Chairman Chelf introduced the item and asked for staff's comments. Planning Director Schwartz stated that the Planning Commission visited the site in the morning. She indicated that the request is for a single-family residence on a vacant lot. She gave a brief overview of the project.

In response to Chairman Chelf's inquiry Planning Director Schwartz stated that the lot is currently disturbed at 69.6% and other than expanding the road per the fire department's guidelines, there will

be no new grading done on the site. She stated that they are going to be filling a little, but they will be using the dirt from the lot.

Chair Chelf clarified that the disturbance number is so high, because a landslide took place in this area.

Chairman Chelf opened the public hearing.

Mr. Spierer, Architect stated that the pad is fairly small compared to the size of the lot and is also skinny, which is one of the reasons he is asking for variance to enlarge the pad slightly, which puts the wall in the setback to make room for a house and outdoor space. He stated that the project will not obstruct any views.

There being no further comments, Chairman Chelf closed the public hearing

Commissioner Seaburn commented that that it is an exceptional property. He commented that because it is very unique it requires these variances. He stated that the variances are needed in order to enjoy the property. He commented that the project will be good for the community, meets fire safety, and will be good for the surrounding neighbors. He stated that it is a good project given the little space that is available for use.

Commissioner Cooley concurred with Commissioner Seaburn's comments. She stated that she thinks it is a good project. She commented that she was curious as to why part of the retaining wall had to be in the setback and wondered how much smaller the house would have to be if they didn't go into the setback. She commented that she has no problem with the project.

Commissioner Cardenas concurred with both of the commissioners. He stated that his only concern was the odd layout of the barn. He commented that the project fits within the lot and the environment around it, thus he has no issues with the project.

Following public comment and discussion, Commissioner Cardenas moved that the Planning Commission direct staff to prepare a resolution of approval for the project as proposed. Commissioner Seaburn seconded the motion, which carried without objection (Kirkpatrick absent).

ZONING CASE NO. 959 Request for a Conditional Use Permit to convert an existing 689 square foot stable, to a mixed-use structure which includes a 450 square foot recreation room and a 239 square foot storage area, located at **49 Eastfield Drive** (Lot 33-EF) Rolling Hills, CA, (Waldman).

Planning Director Schwartz made a brief presentation stating that the request is for a Conditional Use Permit to convert a stable to a recreation room and storage, and that the applicants have already converted it, but will need to obtain building permits for the conversion. They had set aside an area for a future stable and corral. She stated that, at the field trip, the Planning Commission directed staff to prepare a Resolution of approval, which will be considered by the Planning Commission at the next meeting.

Chairman Chelf opened the public hearing. There being no comments, Chairman Chelf closed the public hearing.

Chair Chelf stated that a motion was made in the field to direct staff to bring a resolution of approval by Commissioner Seaburn and seconded by Commissioner Cardenas.

NEW PUBLIC HEARINGS

ZONING CASE NO. 896-Mod#2. Request for a Major Modification to Zoning Case No. 896 for a Variance to exceed the maximum permitted disturbance of the lot, which exceeds the previously approved variance for disturbance at a property located at **11 Saddleback Road.** (Lot 48-1-RH and 48-2-RH) Rolling Hills, CA, (Warren).

Chairman Chelf introduced the item and asked for staff's comments. Planning Director Schwartz stated that this is a modification from the previous approval on the property for exceedance of the disturbed area of the lot to up to 58%. She stated that the state law requires runoff to be filtered and certain amount of rainwater to be either retained on the property or discharged very slowly. The applicant is required to install stormwater pollution prevention devices to meet the state standards, and one of the methods is to construct biofiltration units. The applicant is proposing to place the units on the slope, which causes disturbance. Ms. Schwartz also stated that there is a mathematical error in the prior approval for the amount of disturbance of the lot and that with this application the applicant wishes to correct it. She stated that there were several modifications since the original approval of this project and that staff will consolidate all of the previous proposals and the findings and conditions into a new Resolution to capture the entire project.

Chairman Chelf opened the public hearing.

Gary Wynn, Engineer for this project, reiterated the storm water management mandate imposed by the state. Mr. Wynn stated that they are in phase two of the development. He stated that they decided to use gravity instead of cisterns for storm water management on this property. He commented that he hopes the Planning Commission will approve these low maintenance features.

There being no further comments Chairman Chelf closed public hearing.

In response to Ms. Schwartz' comment about the dirt stock piles on the property, Bob Gaudenti, the contractor for the project, clarified that the back areas were already disturbed from stock piles of the riding arena and the barn. He stated that once the stock piles are gone the area will go back to a flat condition. Mr. Gaudenti stated that they will then excavate for the biofiltration units.

In response to a representative of Mr. and Mrs. Jones, Gary Wynn explained the science behind the biofiltration devices and that they will act as large plant boxes.

Following public comment and discussion, the Planning Commission, by consensus, continued Zoning Case No. 896 at 11 Saddleback Road to a field trip meeting.

NEW BUSINESS

None.

OLD BUSINESS

None.

SCHEDULE OF FIELD TRIPS (June 18, 2019)

The Planning Commission scheduled a field trip to the following properties to be held on June 18, 2019 beginning at 7:30 a.m.:

11 Saddleback Road
3 Roundup
8 Middleridge Lane South

ITEMS FROM STAFF

None.

ITEMS FROM THE PLANNING COMMISSION

Chair Chelf stated that the Planning Commission should considerer revisiting the disturbance requirements, because of the fire department's requirements for 20-foot wide driveways.

ADJOURNMENT

Hearing no further business before the Planning Commission, Chairman Chelf adjourned the meeting at 7:59 p.m. to an adjourned regular meeting of the Planning Commission scheduled to be held on Tuesday, June 18, 2019 beginning at 7:30 a.m. for the purpose of conducting a site visit to 11 Saddleback Road, 3 Roundup, 8 Middleridge Lane South. The next regular meeting of the Planning Commission is scheduled to be held on Tuesday, June 18, 2019 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

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, JANUARY 15, 2019
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 6:33 p.m. on Tuesday, January 15, 2019 in the City Council Chamber, at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

ROLL CALL

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

Commissioners Absent: None.

Others Present: Yolanta Schwartz, Planning Director.
Jane Abzug, Assistant City Attorney.
Julia Stewart, Senior Planner.
Karla Rangel, Administrative Clerk.
Deborah Richie-Bray, Richie-Bray Architects, 15 Georgeff Road.
Mrs. Gebhard, Neighbor, 11 Portuguese Bend Rd.
Dr. Gebhard, Neighbor, 11 Portuguese Bend Rd.
Sanford Davidson, Speaker on behalf of Dr. and Mrs. Gebhard.
Sean Cardenas, Applicant, 13 Portuguese Bend Rd.

APPROVAL OF THE AGENDA

Approved as presented.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

None.

APPROVAL OF MINUTES

December 19, 2019 Regular Meeting of the Planning Commission

Commissioner Cooley moved that the Planning Commission approve the minutes of the Regular Meeting of the Planning Commission held on December 19, 2017 as presented. Commissioner Cardenas seconded the motion, which carried without objection.

December 12, 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 December 12, 2018 as presented. Commissioner Cardenas seconded the motion, which carried without objection.

RESOLUTIONS

RESOLUTION NO. 2019-01. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR VARIANCES TO CREATE A PARKING PAD WITHIN 30 FEET OF THE ROADWAY EASEMENT AND CONSTRUCT A TRASH ENCLOSURE WITHIN THE FRONT YARD SETBACK IN ZONING CASE NO. 948 AT **15 GEORGEFF ROAD**, LOT 29-GF, (LAURA HATCH).

Chairman Chelf introduced the item and asked for staff's comments. Senior Planner Stewart reviewed the applicant's request. She stated that the Planning Commission was sent a new set of plans, because the applicant made an adjustment to the project. She reviewed the new revised site plan. She reviewed the revisions to the grading plan. Senior Planner Stewart stated that the special condition of approval prohibiting storage in the area is contained in the resolution. Senior Planner Stewart stated that the project is categorically exempt and gave the Commissioners the opportunity to ask questions.

Chairman Chelf called for public comment.

Deborah Richie-Bray addressed the Planning Commission. Ms. Richie-Bray stated that they made some of the adjustments to the project recommended by the Planning Commission. She stated that with the adjustments made to the plan, the parking space will now be hidden from the street and they will be able to landscape the perimeter to make it more visually pleasing.

Chair Chelf expressed appreciation to the landscape architect for listening to the Planning Commission's recommendations and making the changes.

Hearing no further comment, Chair Chelf closed the public hearing.

In response to Vice Chair Kirkpatrick's question, Planning Director Schwartz stated that there was no need to change the wording in the resolution since staff had already prepared the resolution, reflecting the change, in preparation for tonight's meeting.

Following public comment and discussion, Commissioner Cardenas moved that the Planning Commission adopt Resolution No. 2019-01 granting approval of the applicant's request in Zoning Case No. 948 at 15 Georgeff Road as presented. Vice Chair Kirkpatrick seconded the motion, which carried with one objection from Commissioner Seaburn.

RESOLUTION NO. 2019-02. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 660 SQUARE FOOT DETACHED GARAGE AND VARIANCE TO ENCROACH WITH THE GARAGE AND WITH A RESIDENTIAL ADDITION INTO THE REAR YARD SETBACK, IN ZONING CASE NO. 952 AT 2 **CHUCKWAGON ROAD**, LOT 38-A/38-BEF. (KIRMSE/GALVIN).

Chairman Chelf introduced the item and asked for staff's comments. Planning Director Schwartz reviewed the applicant's request. She reviewed the site plan. She stated that the development standards all fall within the code. She stated that the lot is disturbed over 56% but that this is an existing condition. Planning Director Schwartz stated that they are not going to disturb it any further. She indicated that the resolution was prepared based on the direction of the Planning Commission and staff.

Chairman Chelf called for public comment.

Hearing no comments, Chair Chelf closed the public hearing.

Commissioner Seaburn stated that he had no comment.

Commissioner Cardenas stated that he continues to be comfortable with the project. He stated that the project is out of necessity. Commissioner Cardenas indicated that even though it doesn't count towards the additional permeable space, the fact that the old driveway is being landscaped is a positive.

Following public comment and discussion, Commissioner Cardenas moved that the Planning Commission adopt Resolution No. 2019-02 granting approval of the applicant's request in Zoning Case No. 952 at 2 Chuckwagon Road as presented. Commissioner Seaburn seconded the motion, which carried without objection.

PUBLIC HEARINGS ON ITEMS CONTINUED FROM A PREVIOUS MEETING

ZONING CASE NO. 953

13 Portuguese Bend Road (Lot 77-RH) Rolling Hills, CA, (Cardenas)

PROPOSED PROJECT:

Request for a Conditional Use Permit to construct a new 2,464 square foot stable with a 758 square foot tack room and a 896 square foot loft; and a Site Plan Review for 1,470 cubic yards of grading.

Chairman Chelf introduced the item and asked for staff's comments. Chairman Chelf stated that Planning Commissioner Cardenas would recuse himself, because it is his project, and Planning Commissioner Seaburn would also recuse himself, because he lives within a 500-foot radius. Senior Planner Stewart reviewed the applicant's request. She stated that the PC reviewed the project, in the field, this morning. She reviewed the plans for the project. Senior Planner Stewart indicated that the applicant provided the city staff with a revised set of plans with a notation that any glazing that was used in that area would be removable. She showed the view from the neighbor to the south and the view from the residence, and the view from the back. She stated that the coverages for the property all fall within

the limits, except for the disturbance, but there is no new disturbance being proposed. She indicated that it is existing legal non-conforming. She stated that there is no proposed export of dirt for the site. Senior Planner Stewart stated that the planning department did have concerns expressed about the project via two letters. She stated that the letters were available on the dais and they were also circulated with the agenda packet. She stated that they expressed a variety of concerns, mostly having to do with massing, any redirection of water, airflow, any possible conflicts of interest, given the small quorum, the possible effects on neighboring property values, and the location of the barn itself. She stated the project is categorically exempt from CEQA.

Chairman Chelf called for public comment

John F. Gebhard, neighbor to the north, stated that he expressed his concerns via two letters and during the site visit this morning. He indicated that he is concerned about the impacts this project will have on his and his family's property, on their quality of life, and possibly their property values. He stated he is ready to answer any questions the Planning Commission may have. He stated that he hopes he and the Planning Commission can come to a resolution. He stated that his goal is not for the project not to happen rather he would like the applicants to find different solutions, so the project can be less of a mass, less high, and less impingent on their property. He stated that he wishes his letters were read.

Chair Chelf stated that the Planning Commission appreciates the letters and appreciate him allowing them onto their property, during the field visit, so as to view the project from their vantage point. Chair Chelf stated that it is difficult to get a real sense of the mass of the project, because right now it is only flagged.

Mr. Gebhard, stated that he understands the point made by Chair Chelf in regards to flagging. He stated that he doesn't feel the silhouette is giving him a false impression, because he feels the flagging is a good indication of what will be there later. He reiterated that he feels they will be greatly impacted by the proposed project, and thus he is concerned.

Mrs. Gebhard stated that she feels like this project came upon them very suddenly. She stated that she feels impacted by it and feels that other people aren't going to voice their opinions, because in her view, they will be the only ones negatively affected by it. She stated that in regards to the flags, she does feel they are representative of the mass, because she watched the silhouette go up, thus she watched how meticulous they were when measuring. She stated that she feels she will lose her privacy due to the size of the project. She indicated that she feels there are other alternatives, to the proposed project, like reducing its size or changing its location. She indicated that she would like to have the project slowed down, and she would like to come to a good compromise for both families.

Shawn Cardenas, applicant, indicated that if there is anything he can do to make the project more amenable to the Gebhard's, he is definitely open to it. He stated that he doesn't feel the project is being rushed. He mentioned that the project was in front of the PC at the last meeting, but it got pushed to this meeting, because the property wasn't able to get staked on time. He stated that time isn't a consideration for them. He indicated that the barn project is wholly within the code and that they are not asking for any variances. He stated that it is in the exact same spot although slightly larger than the existing barn, so it can't be put anywhere else. He stated that they can potentially shift it a foot or two, but that is not going to change the size of the barn. He explained that the size of the barn is built around a four-stall barn, 12x12, with 3 feet on the end of that for trash, thus making the footprint smaller would eliminate a

stall. He stated that the barn was fully screened from the Gebhard's property, about 3 months ago, before the fire. He stated that there were 50-foot bamboo shoots around the property that created a full hedge and explained that when they asked the Gerhards to remove the hedge, they responded that they needed the hedge for privacy. Mr. Cardenas stated, that since the fire there has been new plantings on the Gebhard's side of the fence, and stated that he assumes those are hedged trees that will grow and block that view again. He stated that he and his family have maintained horses on the property for nearly 13 years. He reiterated that the project is in compliance with the City's code.

Sandford Davidson, friend of Gebhards, Mr. Davidson stated that he is a City Council Member of Palos Verdes Estates, but is here as a private citizen. He handed out a Google Maps aerial view map of 13 Portuguese Bend Rd. Mr. Davison referenced the City's website "The approval process, size, and location of barns and stables are currently under review by the City and may change." He stated that rushing to judgment at this time, not only goes against the welfare of his good friends, the Gebhard's, but also against the City Council. Mr. Davidson quoted the definition of recusal as defined in the Webster's dictionary and stated that the fact that two planning commissioners are being allowed to speak, even though there is an evident conflict of interest, doesn't meet the definition of "recusal". He stated that in his opinion, the barn proposed is too large for the location. He stated that the massing for this barn is perfect, but for a 100-acre ranch in Wyoming, not directly overlooking a neighbor's backyard, bedroom, and bathroom. Mr. Davison stated that he does not think it is appropriate for a member of the PC to be bringing this project for review. He stated that the location of the barn impacts privacy, brings noise pollution, and unpleasant smells from the barn contents. He questioned the vehicular access to the barn, because he feels this could easily become an auxiliary unit, as now permitted by the state. He indicated that the 4,400sf proposed for four stalls is unnecessary. He stated that he would like the project to be denied or sent directly to the City Council as a conflict of interest, because of the two PC members involved. Mr. Davison reiterated that he came to the meeting as a private citizen.

Chair Chelf questioned Mr. Davidson's view point that if one is a Planning Commissioner, he/she have no rights as a private citizen.

The group referred to the Assistant City Attorney, Jane Abzug. Ms. Abzug referenced 2 CCR § 18707 section of the California Code of Regulations for public officials who recuse themselves and that have residential property interests. She stated that according to the exceptions in this section, the two recused members may speak as members of the public. Ms. Abzug stated that the comments from the two recused Planning Commission members have been narrowly tailored to the effects of the project on the property.

Vice Chair Kirkpatrick stated that the Planning Commission is well aware of its responsibility and conflict of interest rules. He stated that the Planning Commission follows the rules and that there is always an attorney present, which is not a common practice for other planning commissions and city councils. He commented that this group is aware of the bounds of which they are ethically making decisions. He indicated that a few of them are in the real-estate business, so they know the rules. He stated that the Planning Commission takes the concerns of residents very seriously. He indicated that the biggest issue here is that the applicants replacing a barn in the exact location. He stated that the new barn will improve the property. He commented that the applicants are not getting any variances. He stated that planting the new hedges was a good idea, because once they grow out, they will block the view of the barn. He indicated that only a small portion of the Gebhard's view will be restricted and it is to the east of the property, so it won't be directly in line with their house. He commented that he doesn't feel the project

will impact them negatively. He commented that a barn new barn will improve the property. He stated that no one is going to be living above the barn, so the concern with loss of privacy won't be an issue. He commented that he does not object to the project as it has been drawn up.

Commissioner Cooley thanked everyone that spoke. She commented that the concern in regards to the equestrian activities is not valid, because the Cardenas family has been engaging in equestrian activities on the property for a number of years. She indicated that the barn is not outfitted for living space, and the loft is reserved for hay storage. She stated that the vehicular access is for the fire department use. In regards to the silhouette, she commented that the scale seems to be in proportion with the height of the trees. She stated that the impact is not as great as it has been made out to be. She indicated that the barn is further than the required 35 feet from a residence. She commented that the new barn will be a positive. She stated that this is a good project, and that it is within the guidelines.

Chair Chelf commented that the Planning Commission takes these matters seriously. He stated that the planning commissioners viewed the project from the Gebhard's vantage point. He indicated that he agrees with the comments of the other commissioners, the project does not seem to have a great impact on the Gebhard's property. He stated that there is an existing barn in the same location, and the only difference is the proposed loft area. In regards to the barn he stated that barns are a mainstay of this equestrian community. He commented that he agrees with the other commissioners that the new barn will increase the value of the Gebhard's property. He stated that he has no problem with the design of the barn.

Following public comment and discussion, Vice Chair Kirkpatrick moved that the Planning Commission direct staff to prepare a resolution of approval for project in Zoning Case No. 953 at 13 Portuguese Bend Road as proposed. Commissioner Cooley seconded the motion, which carried without objection (Commissioners Cardenas and Seaburn recused).

Chair Chelf commented that the Planning Commission will meet again next month to have another discussion, and at that point, the project will be approved or denied. He commented that from there it will go to the City Council. He stated that once at City Council a resident(s) can appeal the Planning Commission decision to the City Council.

NEW PUBLIC HEARINGS

ZONING CASE NO. 955.

Request for a Site Plan Review for grading and construction of a new 6,310 square foot residence with 1,360 square feet covered porches, 934 square foot basement and 756 square foot attached garage and a new 1,643 square foot swimming pool & spa; a Conditional Use Permit for a new 452 square foot stable, and a Variance for new retaining wall located in the side yard setback. Also proposed are various outdoor amenities at **1 Poppy Trail** (Lot 90-B2-RH) Rolling Hills, CA, (Yeh).

It was recommended that this case be postponed to a date uncertain.

ZONING CASE NO. 954.

Request for Variances for a new 894 square foot attached garage with a basement underneath the footprint of the garage addition, where portions of both will encroach up to 10' into the

side yard setback and to retain a second driveway on a property zoned OZD-1-Overlay Zoning District, at **9 Williamsburg Lane** (Lot 27-RH) Rolling Hills, CA, (MacLean).

It was recommended that this case be continued to the February 19, 2019 Planning Commission field trip meeting.

NEW BUSINESS

None.

OLD BUSINESS

None.

SCHEDULE OF FIELD TRIPS (January 19, 2019)

The Planning Commission scheduled a field trip to the following property to be held on, February 19, 2019 beginning at 7:30 am.

7 Ringbit Road E.

9 Williamsburg Rd.

ITEMS FROM STAFF

None.

ITEMS FROM THE PLANNING COMMISSION

None.

ADJOURNMENT

Hearing no further business before the Planning Commission, Chairman Chelf adjourned the meeting at 7:24 p.m. to an adjourned regular meeting of the Planning Commission scheduled to be held on Tuesday, February 19, 2019 beginning at 7:30 a.m. for the purpose of conducting site visits to 7 Ringbit Road E, and 9 Williamsburg Rd. The next regular meeting of the Planning Commission is scheduled to be held on Tuesday, January 19, 2019 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

-7-

Minutes
Planning Commission Meeting
January 15, 2019



MEMORANDUM TO RECUSE

TO: Honorable Planning Commissioners

FROM: Yolanta Schwartz, Planning Director

SUBJECT: Zoning Case No. 953
13 Portuguese Bend Road

DATE: June 25, 2019

Due to the proximity of the property of Planning Commissioner Seaburn to the subject property, **Commissioner Seaburn** should recuse himself from consideration of Zoning Case No. 953 at 13 Portuguese Bend Road. He may, however, take a seat in the audience and participate as a resident.



MEMORANDUM TO RECUSE

TO: Honorable Planning Commissioners

FROM: Yolanta Schwartz, Planning Director

SUBJECT: Zoning Case No. 953
13 Portuguese Bend Road

DATE: June 25, 2019

Due to the fact that the applicant for this project is also a Planning Commissioner, **Commissioner Cardenas** should recuse himself from consideration of Zoning Case No. 953 at 13 Portuguese Bend Road. He may, however, take a seat in the audience and participate as an applicant.



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.6A
Mtg. Date: 06/26/19

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO.	ZONING CASE NO. 953
SITE LOCATION:	13 PORTUGUESE BEND ROAD (LOT 77-RH)
ZONING AND SIZE:	RAS-1, 2.12 ACRES (GROSS)
APPLICANT:	SEAN CARDENAS
REPRESENTATIVE:	TAVISHA ALES, BOLTON ENGINEERING
PUBLISHED:	NOVEMBER 29 2018

Request

A Resolution of approval has been prepared for Planning Commission's consideration for the following:

The Project

The applicant is requesting a Site Plan Review for the grading of 1,470 cubic yards of dirt total and a Conditional Use Permit to construct a 2,464 square foot stable, which includes a 702 square foot tack room and 56 square foot bathroom; plus 1,024 square feet of stable covered porches, an 896 square foot loft and exterior stairs.

The height of the highest ridgeline of the proposed loft will be 24 feet from finished grade. A cupola above the ridge is also proposed. The applicant proposes to retain the existing corral, which is located in the front yard and is legal nonconforming, due to its location, and to demolish the existing stable (single-story, 1,505 square feet) and a 100 square foot shed located in the side setback.

Planning Commission Review

The Planning Commission held public hearings on this matter at their meeting on December 12, 2018 and January 15, 2019 and at a field trip on January 15, 2019. At the

January 15, 2019 regular meeting, the Planning Commission directed staff to prepare a resolution of approval for this project. Due to lack of quorum, staff was unable to bring the Resolution to the Planning Commission for consideration and decision sooner.

Neighbors' Communication

Dr. and Mrs. Gebhard of 11 Portuguese Bend Road, and a representative on their behalf, objected to the project on the basis that it is too massive, looming over their house, is too large and too close to their property and that their privacy will be diminished. They attended the meetings and submitted several letters, the latest one dated February 13, 2019. A memo included with the February 13, 2019 letter questions if improper communication transpired between the Commissioners and therefore resulted in violation of Dr. Gebhard's civil rights. He also questions the fairness of the proceedings. The Assistant City Attorney will address Dr. Gebhard's concerns at the meeting. The correspondence is attached.

Zoning and Land Size

The property is zoned RAS-1 and the gross lot area excluding is 2.12 acres. For development purposes the net lot area of the lot is 79,761 square feet or 1.83 acres.

MUNICIPAL CODE COMPLIANCE

Drainage

Storm water runoff and erosion control will comply with City's Low Impact Development requirements and LA County requirements for utilizing Best Management Practices (BMPs) for storm water management. The existing drainage direction on the property is not anticipated to change, but will be reviewed by the Building Department drainage and grading engineer.

Lot Coverage

The existing structural coverage on the lot is 8,514 (with deductions) or 10.67%. The overall structural net lot coverage once the proposed project is included is 10,497 square feet (with deductions) or 13.16% (20% max. permitted). The total lot coverage proposed (structural and flatwork) is proposed to be 21,637 square feet overall (with deductions) or 27.13% (35% max. permitted). This is an increase from the previous overall coverage by 3.85%

The residential building pad is 24,360 square feet. The total pad structural coverage is 6,909 square feet (with deductions) or 28.36%, (30% guideline). The coverage includes the residence, detached garage, swimming pool and spa, pool equipment, and service yard structures. The stable building pad is proposed to be 12,170 square feet with proposed pad coverage of 3,342 square feet (with deductions) or 27.46% (30% guideline).

Disturbance

All work is proposed to be conducted within the previously disturbed portion of the lot. The existing legal non-conforming disturbed area is 67.1%. No variance is needed.

Stable Access

Stable access is proposed for vehicles off the main driveway. Equestrian access can be taken from Blackwater Canyon Trail or from the easement that runs along the corral off of Portuguese Bend Road. Access to the loft will be taken from an exterior staircase.

Environmental Review

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

CONDITIONAL USE PERMIT SUMMARIES

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

The proposed stable will have a 2,464 square foot footprint including the 702 square foot tack room and 56 square foot bathroom; plus a 896 square feet loft area but excluding the covered porches and exterior stairway.

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

<u>REQUIREMENTS</u>	<u>PROPOSED</u>
Not less than 6' wide roughened access; if greater than 1,000 sq.ft. stable access to comply with Fire Dept. requirements.	Proposed slightly less than 20' wide vehicular access off driveway and over 6' horse access from easement and 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- over 50 feet from neighboring structures
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	4,475 sq.ft. including the stable footprint with loft, covered porches and exterior stairway.
Minimum of 60% of the size of the structure shall be maintained for agricultural uses	Agricultural spaces include 4 stalls, and storage and tool rooms and is 71% 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 of 702 sq.ft. (plus 56 square foot bathroom) - 29% of the structure
Tack room may have sanitary and kitchenette amenities	Proposed bathroom adjacent to Tack Room
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	896 s.f. loft proposed

Loft plate height may not exceed 7'	To comply
Exterior area of stables may not to be paved	Unpaved corral adjacent to the stable; D.G. on one side only to allow for vehicular and Fire Dept. 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 coral 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

RECOMMENDATION

It is recommended that the Planning Commission review and consider the attached Resolution No. 2019-07, which contains standard findings of fact and conditions.

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.

SOURCE: City of Rolling Hills Zoning Ordinance

Applicant's Justification

The applicant states the following in regards to the project:

"[The applicant is] building a new barn with a hay loft to replace [the] existing barn as allowed per Zoning Code 17.16.210.A.4. The new barn/stable will include the desired features for equestrian use including run-ins, tack room, hay storage and stalls.

The proposed conditional use is consistent with the current use and the General Plan. The proposed stable will be used for equestrian purposes and will meet all requirements for the CUP.

The surrounding lots all (11,14 & 15 PBR & 1 Lower Blackwater) have been developed in a similar manner with stables. The adjacent structure at 11 PBR has also a stable.

The proposed stable will be located in the same area as the existing stable and will not require any variances.

All applicable development standards are being met by keeping the size, location, design and disturbance within the standards".

RESOLUTION NO. 2019-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW AND A CONDITIONAL USE PERMIT FOR GRADING AND CONSTRUCTION OF A NEW STABLE WITH A LOFT IN ZONING CASE NO. 953 AT 13 PORTUGUESE BEND ROAD, ROLLING HILLS, CA (LOT 77-RH) (CARDENAS).

THE PLANNING COMMISSION DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Mr. Sean Cardenas, to request a Site Plan Review and Conditional Use Permit to construct a new 2,464 square foot stable, including a 758 square foot tack room, plus an 896 square foot loft and 1,024 square feet covered porches. Proposed also is 1,470 cubic yard of grading, total cut and fill; dirt will be balanced on site. With the proposed grading, the disturbed area of the lot would be the same as the existing at 67.1%.

Section 2. The Planning Commission conducted duly noticed public hearings to consider the application on December 12, 2018 and January 15, 2019 and at a field trip on January 15, 2019. At the January 15, 2019 evening meeting, the Planning Commission directed staff to prepare a Resolution of approval. Two Planning Commissioners were recused from voting on the project. Neighbors within a 1,000-foot radius were notified by mail of the public hearings and a notice was published in the Peninsula News on November 29, 2018. Due to lack of quorum, the Resolution could not be decided on at the February, March, April or May 2019 Planning Commission meetings, and was continued to the June 25, 2019 Adjourned Planning Commission meeting. The applicant and his agent were notified of the public hearings and the applicant was in attendance at the hearings. Evidence was heard and presented from all persons interested in affecting said proposal, and from members of the City staff. Adjacent neighbors voiced written and verbal objections to the project.

Section 3. The property is zoned RAS-1 and the gross lot area is 2.12 acres. For development purposes the net lot area of the lot is 79,761 square feet. The property is currently developed with a 3,436 square foot residence, 1,213 square foot detached garage, a 1,505 square foot stable with corral, and a swimming pool and spa. The corral is located in the front yard area and is legal non-conforming.

Section 4. The Planning Commission finds that the project is categorically exempt pursuant to Section 15303, Class 3 of the California Environmental Quality Act (CEQA).

Section 5. Section 17.18.040E of the Rolling Hills Municipal Code permits approval of a stable over 200 square feet, corral and riding arena with a Conditional Use Permit provided the uses are not located in the front yard or in any setbacks. No portion

of the stable is proposed to be in any setback and the location of the corral is an existing legal nonconforming condition with respect to being located in setback areas. No change in the corral location is proposed. With respect to this request for a Conditional Use Permit, the Planning Commission finds as follows:

A. Conditionally permitted uses are not outright permitted by the Rolling Hills Municipal Code. The Commission must consider applications for conditional use permits and may, with such conditions as are deemed necessary, approve a conditional use which will not jeopardize, adversely affect, endanger or to otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use. The stable is considered to be without adverse affect or detrimental because the City of Rolling Hills is an equestrian community and the proposed stable reinforces the equestrian use of the property. Further, the new stable construction is consistent with the principles set forth in the Stable Guidelines adopted by the City Council.

B. The granting of a Conditional Use Permit for the new stable is consistent with the purposes and objectives of the Zoning Ordinance and General Plan because the use is consistent with similar uses in the community, and meets all the applicable code development standards for a stable and corral, and is located in an area on the property that is adequately sized to accommodate such equestrian use. The proposed use is appropriately located in that it will be sufficiently separated from nearby structures used for habitation or containing sleeping quarters, with over 35 feet in distance. The development would be constructed in furtherance of the General Plan goal of promoting and encouraging equestrian uses.

C. The nature, condition, and development of adjacent structures have been considered, and the project will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures because the proposed stable orientation places the openings with the most frequent use away from neighbors and its general location is of sufficient distance from nearby residences so as to not impact views of surrounding neighbors. The proposed stable is to be located separate from all living areas on the property, and will be located generally in the same location as an existing stable is located, which will be demolished.

D. The project is harmonious in scale and mass with the site, the natural terrain, and surrounding residences because the stable complies with the City's adopted Stable guidelines and development pattern of the community. The lot is 1.83 acres in size, for development purpose, and 2.12 acres gross, and is sufficiently large to accommodate the proposed use.

E. The proposed equestrian conditional use complies with all applicable development standards of the zone district and requires a Conditional Use Permit pursuant to Sections 17.18.090 and 17.18.100 of the Zoning Ordinance.

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

Section 6. Section 17.46.030 requires a development plan to be submitted for Site Plan Review and approval before any grading requiring a grading permit or any new building or structure may be constructed.

With respect to the Site Plan for grading, the Planning Commission makes the following findings of fact:

A. The proposed grading is compatible with the General Plan, the Zoning Ordinance and surrounding uses because its purpose is to grade for an equestrian facility, which is encouraged by the City and the grading will be performed on a previously graded area, where only leveling of the area will be needed, due to the demolition of an existing stable, and a small addition to the footprint of the new stable. The development will be compatible with low-density residential development with sufficient open space between surrounding structures and maintaining sufficient setbacks to provide buffers between residential uses. Although the disturbed area exceeds the maximum permitted amount of 40%, the existing disturbance already exists and there are no proposed changes in disturbance. The equestrian use made possible by the grading promotes the rural, equestrian aesthetic of Rolling Hills.

The project conforms with Zoning Code lot coverage requirements, except for disturbance. The disturbed area of the lot is proposed remain at 67.1%.

B. The grading substantially preserves the natural and undeveloped state of the lot by minimizing lot disturbance. The only grading for the proposed project is directly related to the engineering of the new stable. Further, the footprint of the proposed stable fully encompasses the existing stable footprint so there is neither a significant change in the location of existing equestrian uses nor changes to the property, and no additional disturbance of the lot is proposed.

C. The proposed grading is harmonious in scale and mass with the site, and is consistent with the scale of the neighborhood. Portions of the lot will be left undeveloped. The grading will be conducted larger on and around the same location as the existing stable, in an area that was previously graded.

D. The grading is compatible with and enhances the rural character of the community, and will provide a pad for construction of a stable on level ground, generally in a location of the existing stable, which will be demolished.

E. The proposed grading is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles because it allows the stable and

corral to be accessed from the main driveway for heavier vehicles ingress/egress and from the trail located behind the property for horses.

Section 7. Based upon the foregoing findings, the Planning Commission hereby approves Zoning Case No. 953 a Site Plan Review and Conditional Use Permit to construct a new 2,464 square foot stable, including a 758 square foot tack room, plus an 896 square foot loft and 1,024 square feet covered porches and 1,470 cubic yards of grading to be balanced on site, subject to the following conditions:

A. The Conditional Use Permit and Site Plan approvals shall expire within two years from the effective date of approval as defined in Sections 17.46.070 and 17.42.080 of the Zoning Ordinance, unless otherwise extended pursuant to the requirements of these sections.

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

D. The lot shall be developed and maintained in substantial conformance with the site plan on file dated January 2, 2019, except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and Safety

for plan check review shall conform to the approved development plan. All conditions of the Site Plan Review and Conditional Use Permit approvals shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto building plans submitted to the Building Department for review and shall be kept on site at all times.

Any modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed and approved by staff prior to implementing the changes.

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

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

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

G. Structural lot coverage of the lot shall not exceed 10,497 square feet or 13.16% of the net lot area (accounting for deductions), in conformance with lot coverage limitations (20% maximum).

The total lot coverage proposed, including structures and flatwork, shall not exceed 21,637 square feet or 27.13%, of the net lot area, (accounting for deductions) in conformance with lot coverage limitations (35% maximum).

H. The disturbed area of the lot, including the approved stable and corral shall not exceed 67.1%. Grading for this project shall not exceed a total of 1,470 cubic yards with no export or import of dirt.

I. The stable building pad is proposed at 12,170 square feet and coverage shall not exceed 27.46%.

J. The ridge height of the stable shall not exceed 24' from the finished grade to the finished surface of the roof. A cupola may be constructed, subject to the RHCA Architectural Committee review and approval.

K. The loft, if used for other than storage of hay and feed, may have removable glazed openings. The loft may not be used as a tack room.

L. Direct access to the stalls shall be of decomposed granite or like, 100% pervious material; direct access to the tack room may not be entirely paved.

M. A minimum of five-foot walkable path and/or walkway, which does not have to be paved, shall be provided around the entire perimeter of the stable.

N. At any time there are horses on the property, Best Management Practices (BMPs) shall be applied for manure control, including but not be limited to removal of the manure on a daily basis or provision of a receptacle with a tight closing lid that is constructed of brick, stone, concrete, metal or wood lined with metal or other sound material and that is safeguarded against access by flies. The contents of said receptacles shall be removed once a week. It is prohibited to dispose of manure or any animal waste into the Municipal Separate Storm Sewer System (MS4), into natural drainage course or spread on the property.

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

P. All utility lines to the stable shall be placed underground, subject to all applicable standards and requirements.

Q. Hydrology, soils, geology and other reports, as required by the Building and Public Works Departments, and as may be required by the Building Official, shall be prepared.

R. Prior to issuance of a building permit, if Fire Department Fire Fuel Modification plan is required, such approved plan shall be submitted to the City. If any trees or shrubs are to be planted for the stable project, such shrubs or trees shall not grow into a hedge or impede any neighbors' views and the plan shall provide that they shall be maintained at a height no higher than the roofline of the stable. The landscaping plan shall utilize to the maximum extent feasible, plants that are native to the area, are water-wise and are consistent with the rural character of the community. If applicable, the landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC).

S. The north property line, easement line and setback line in the vicinity of the construction of this project shall remain staked throughout the construction. The silhouette (story poles) shall be taken down and removed from the property immediately upon completion of the review process of the project.

T. Minimum of 65% of any construction materials must be recycled or diverted from landfills. The hauler of the materials shall obtain City's Construction and Demolition permits for waste hauling prior to start of work and provide proper documentation to the City.

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. Prior to any demolition of the existing structures associated with the project, an investigation shall be conducted for the presence of hazardous chemicals, lead-based paints or products, mercury and asbestos-containing materials (ACMs). If hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, remediation shall be undertaken in compliance with California environmental regulations and policies.

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

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

Z. *During construction*, all parking shall take place on the project site, and, if necessary, any overflow parking may take place within the unimproved roadway easements and shall not obstruct neighboring driveways or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the

contractor shall car-pool into the City. A minimum of 4' wide path, from the edge of the roadway pavement, for pedestrian and equestrian passage shall be available and clear at all times.

AA. *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.

AB. 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.wrhn.noaa.gov/lox/main.pho?suite=safety&page=hazard_definitions#FIRE. It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions. Should a red flag warning be declared and if work is to be conducted on the property, the contractor shall have readily available fire extinguisher.

AC. The property owners shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) requirements related to solid waste, drainage and septic tank construction and maintenance in conformance with the County Health Department.

AD. Prior to finaling of the project an "as graded" and "as constructed" plans and certifications, including certifications of the ridgeline of the stable, shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modification made to the project during construction, shall be depicted/listed on the "as built/as graded" plan.

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

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF JUNE 2019.

BRAD CHELF, CHAIRMAN

ATTEST:

CITY CLERK

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

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

I certify that the foregoing Resolution No. 2019-08 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW AND A CONDITIONAL USE PERMIT FOR GRADING AND CONSTRUCTION OF A NEW STABLE WITH A LOFT IN ZONING CASE NO. 953 AT 13 PORTUGUESE BEND ROAD, ROLLING HILLS, CA, (LOT 77-RH) (CARDENAS).

was approved and adopted at an adjourned regular meeting of the Planning Commission on June 25, 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

JOHN F. GEBHARD, M.D.
LESLIE JAYNE GEBHARD
#11 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA 90274

RECEIVED

FEB 19 2019

City of Rolling Hills
By _____

February 13, 2019

VIA FIRST CLASS MAIL TO CITY CLERK

Dear Rolling Hills Planning Commission Members,

This is our third letter to you regarding Zoning Case 953. It should be included as an extension of the previous concerns to us in regard to the proposed barn. We will try not to restate those concerns in this letter, but they are still valid from our perspective. Those letters were dated 12/3/2018 and 1/8/2019 and are attached.

We do have additional concerns regarding the present presented plans in addition to those in our two previous letters to you. They would include:

- Septic system issues in light of the proposed toilet
- Lighting issue considering the size of the barn
- issues with activity at the barn with regard to potential boarders

In a broader sense, we are more concerned with the general concept problems, which we feel, were not addressed in the previous Planning Commission meetings and field trips. The first is the mass, size, and height of the barn. Under section 1v.46.050 Required findings 3. "The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences ". There is nothing harmonious or in the scale of the surrounding neighborhood. This barn is two stories and approaching 2/3rd the size of the house on its' lot or my house for that matter. There are not any two level structures anywhere nearby.

JOHN F. GEBHARD, M.D.
LESLIE JAYNE GEBHARD
#11 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA 90274

Page-2

Under 1v.42.050 Basis for approval or denial of conditional use permit: "that nature, condition, and development of adjacent uses, buildings and structures have been considered, and the use will not adversely affect or be materially detrimental to these adjacent uses, buildings or structures. " While the planning commission has told me repeatedly that the project will increase my property value, I am in procession of at least one realtor's opinion that it will decrease my property value. It interferes with my light, airflow and privacy. It will negatively effect my quality of life and property value.

Under the Ad Hoc Report on Location of Stables-bullet point three: "Proximity to any neighbor's livable structures should be taken into account. Stables are encouraged to be placed away from neighboring uses as much as feasible." This barn directly affects my patio and two of our bedrooms. It was suggested during the field trip by a commissioner that the whole barn could be placed to the east to front Portuguese Bend Rd. That would mitigate some of my issues with my bedroom and patio living. During the Planning Commission meeting there was absolutely no attempt to try to rectify in any way our needs.

Finally, the fact that two of the Commissioners had to recuse themselves on this case has to again be visited. I don't feel my concerns and needs were heard at all by the Planning Commission. I have little doubt that this project will be approved at the meeting scheduled Feb 19 but would hope that the City Council would take it under its' consideration and revisit the whole process. I would expect not to have to pay a fee to appeal this case considering the facts. I have attached a Memorandum forwarded to the City Clerk for all your consideration.

Sincerely

Jayne and John Gebhard

A handwritten signature in cursive script, appearing to read "Jayne Gebhard", is written over a large, stylized circular flourish or scribble.

MEMORANDUM

To: City Clerk of the City of Rolling Hills for Distribution to Affected Members of the Planning Commission, and Whomever Else as Appropriate

From: Dr. John Gebhard, Affected Neighbor

Date: February 12, 2019

Re: Zoning Cse No. 953 - 13 Portuguese Road

Hello Honorable Members of the Planning Commission,

I want to share with you a conversation I had with a patient of mine, a retired former city attorney. Being on inactive status, he could not represent me and made it clear he was not giving me legal advice. But, we had an interesting discussion.

"The obvious gorilla in the room," he said, "is the Civil Rights Act." He went on to say most people see the Civil Rights Act as stuff related to race. Well, according to him, it's not. He says the Act says any person under color of law who deprives any other person of a right guaranteed by the Constitution violates the civil rights of that person.

"Obviously," he went on to say, "you have the Constitutional right to a fair hearing. Equally obvious is the fact that the members of Planing Commissions are acting under color of law when conducting public hearings."

He said in my case he saw the potential of real risk in the voting members of the Planning Commission. There's the reasonable suspicion they had to vote for their Planning Commission buddy. In the ordinary course of human events, buddies want to help buddies. When that happens, warning flags are raised.

He reminisced about his mentor and warning flags. As his mentor would say: "Don't worry about the red flags, the police and prosecutors will take care of them. Beware of flags painted tainted."

He went on and said it's all about a fair hearing and the right to contest any facts or feelings used by the trier of fact in reaching a decision. "With reference to your case," he said, "do you have a right to know if and what the presumed buddies talked about in the hallway, or over drinks, or in the car on the way to the meeting, if such are the facts? It's a constant battle. The continuing issue is what must be disclosed in writing or orally at public hearings so it can be contested by the Applicant."

I pointed out that the City said the Application complied with all the rules. I asked, "If all the rules were complied with, how can a buddy help a buddy?"

His answer was that if all that was to be discussed at the hearing was compliance with the rules then the Commissioner should be replaced by a computer. The computer is better at identifying rules. The computer knows rules the Commissioner never heard of. If such were the case, every other Tuesday a couple computers could meet and make decisions. In fact it's more than rule compliance.

He pointed out if there were not areas of discretion at Planning Commission hearings, why are they having a hearing? He said there are probably some guidelines concerning quality-of-life in the Ordinance that needs be decided. He said he would tell his Planning Commissions the goal is their decisions be based only upon the evidence presented at the hearing. Obviously that standard is seldom reached 100%, but when it's "painted tainted," you must pay attention. Wariness is essential. You may have crossed the line. You may have unintentionally violated somebody's civil rights. He said violation of the Civil Rights Act can result in actual and punitive damages against the City and individual violators. Attorney's fees are granted to the prevailing party. Courts don't like violation of Civil Rights. Violators shine like bullies at trials. "It's serious stuff," he added.

"The good news for Planning Commissioners," he said, "is they can get protection from

the city attorney. If they seek the city attorney's advice and follow it, they have protection. The liability is on the city attorney, assuming the Commissioners fully disclose to the city attorney."

I'm not sure I'm fully aware of all of the gray areas, but I assure you, I don't want my civil rights violated, any more than you would want your civil rights violated.

In that context, in the exercise my rights as a citizen of the City of Rolling Hills, I request the issues of a fair hearing in this matter be referred to the city attorney for full review through meetings with the planning commissioners and staff and whomever, and a written opinion be submitted to the appropriate parties by the city attorney.

Respectfully Submitted



John Gebhard

JOHN F. GEBHARD, M.D.
LESLIE JAYNE GEBHARD
#11 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA 90274

January 8, 2019

HAND DELIVERED

ROLLING HILLS PLANNING COMMISSION

C/O Julia Stewart

Dear Ms. Stewart,

This letter is in follow-up to, and in addition to my letter to you dated December 3, 2018. I have attached a copy of my previous letter for your reference. In addition to our three principal concerns outlined in that letter, we have expanded and additional concerns now that the proposed site of construction has been flagged over this past weekend.

The size and height of the proposed structure has even more mass than conjured up from the drawn plans. There is absolutely no doubt that the structure will impact and limit the light entering the entire South-side of our home. There is little doubt the structure will impact and limit the air flowing into the South -side of our home.

We are concerned that the increased square-footage of the structure will have a negative impact on the water-drainage from the South-side of the hill which is always a problem during even moderate rains.

Page-2

We are particularly concerned that from a Planning Commission of five individuals, two had to recuse themselves from the process of evaluating this project. The potential conflict that here is suspicious to say the least.

We understand that while the structure may have met the building requirements of the City of Rolling Hills, it does not fit the Community. Where is there another property in the city where anyone's home is adjacent to a Two-story building? This structure is at least 35 feet above our property elevation. It looks directly down on our bedrooms, bathroom and patio and pool. It will greatly affect our privacy

Mr. Seabourne, the recused commissioner, during the comment period of the December 12 meeting stated that he supported the project because it would increase his property values if approved. I have absolutely no doubt it will do the same to my home's value. Put this structure adjacent to Mr. Seabourne's "backyard" and he would no doubt have a different perspective. The simple fact is that we are the only family negatively impacted by this project.

Finally, we have been residents of Rolling Hills since 1981. We have tried to be good citizens and good neighbors. We don't want ~~not~~ to have Sean and Monique have a new barn, but not this concept. It's the wrong place and the wrong size.

We end, after all the negative stuff, by thanking Sean for fishing my two-year-old grand son out of our pool on a cold winter day. Where he came from we still don't know, but for that we will be eternally grateful.

Jayne and John Gebhard

JOHN F. GEBHARD, M.D.
LESLIE JAYNE GEBHARD
411 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA 90274

Agenda Item No.: 4EFT
Mtg. Date: 12-12-18

RECEIVED

DEC - 4 2018

City of Rolling Hills
By _____

Dec. 3, 2018

HAND DELIVERED

Dear Julia Stewart,

We appreciate being made aware of the process for Rolling Hills' consideration of the proposed barn construction at 13 Portuguese Bend Rd. We have three principal concerns:

The first is the proximity of the proposed barn to our property line. It appears to be ten feet closer. Is the barn as proposed within a setback area? Would a location further away be acceptable?

The second is the size and height of the barn. Twenty-five feet tall and 2700 square feet is a big barn. Again it will be closer to our house. A smaller structure would be more palatable to us.

Finally, we noted the loft area of the proposed barn has plumbing. Is the barn intended as a dwelling unit? The possibility of human habitation so close to our house is not appealing.

Would you please make the Planning Commission aware of our concerns? We are happy to appear at the Planning Commission meeting scheduled next week. Thank you for your consideration.

John and Jayne Gebhard

10/10

24/24



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. 6B
Mtg. Date: 06/25/19

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO.	ZONING CASE NO. 959
SITE LOCATION:	49 EASTFIELD DRIVE (LOT 33-EF)
ZONING AND SIZE:	RAS-1, 1.17 ACRES (EXCL. ROADWAY EASEMENT)
APPLICANT:	CRAIG AND CINDY WALDMAN
REPRESENTATIVE:	CHRISTIAN ROGGE
PUBLISHED:	MAY 9, 2019

PROJECT DESCRIPTION

At the May 21, 2019 hearing the Planning Commission directed staff to bring a resolution approving the project. The attached Resolution was prepared for Commission's consideration and includes the standard findings of facts and conditions for a mixed-use structure.

The Project

The applicant converted an existing 689 square foot stable to a mixed-use structure without proper approvals. The project also includes setting aside a 1,000 sq.ft. area for a future stable and corral.

Conditional Use Permit

The applicants request a Conditional Use Permit to legalize a conversion of an existing 689 square foot stable to a mixed-use structure which includes a 450 square foot recreation room and a 239 square foot storage space. There is also 211 square feet of covered porch.

BACKGROUND

Zoning, Land Size and Existing Conditions

ZC NO. 959 49 Eastfield Mixed-Use Structure

The property is zoned RAS-1 and the gross lot area is 1.30 acres and 1.17 acres excluding the roadway easement. The net lot area for development purposes is 0.97 acres or 42,295 square feet.

Driveway and Motor Court

There is no change proposed in vehicular access to the mixed-use structure.

Past Approval for the Property

In March 2012 an administrative approval was granted to construct a 971 square foot addition with 1,196 square foot basement and for a major remodel of the residence, where most of the walls were to be demolished, as well as to relocate and change the shape of the existing swimming pool, which is not to exceed 756 square feet. The house remodel, addition and basement was completed and the residence is now 3,261 square feet with 1,196 square foot basement, 2 separate garages of 948 square feet total and a pool and spa of 756 square feet. In 2013, a Conditional Use Permit for a stable was approved, which was also completed.

MUNICIPAL CODE COMPLIANCE

Grading and Stabilization

There is no new construction proposed so no grading is included in the CUP proposal.

Disturbance

The lot was graded in the past and the disturbed area is 71.6%. The applicants propose to stay within the previously disturbed area when designating a stable/corral set aside area.

Height

The height of the mixed-use structure will remain unchanged from the previously constructed stable height.

Drainage

The previously approved drainage and erosion control plans are not proposed to change.

Lot Coverage

The existing structural coverage of 15.4% (20% max. permitted) and total lot coverage of 30.13% (35% max. permitted) are only changing based on the added stable set aside area of 450 square feet. The proposed structural coverage is 16.5% (20% max. permitted) and total lot coverage is proposed to be 31.17% (35% max. permitted).

Walls

No walls are included in the proposed project.

Stable and Corral Set Aside

The applicants propose to set aside a 1,000 sq.ft. area for a future stable and corral in an area north of the mixed-use structure. Access to the future stable corral is available through the existing access pathways. The stable and corral set aside area is located within the previously disturbed corral area.

CONDITIONAL USE PERMIT TABLE

A Conditional Use Permit is required for the mixed-use structure.

Mixed-Use Structure Requirements

Pursuant to the Zoning Ordinance, mixed-use structures are allowed uses with a Conditional Use Permit and the following regulations apply:

Definition: "Mixed use structure" means a structure detached from the primary building and used or designed to be used for a garage or for two or more of the following uses: garage, keeping of horses or other permitted animals, storage of equestrian, agricultural and general household goods, recreational purposes, an office, a study or other uses. Two or more of the same uses within the structure are not permitted. If any of the uses include keeping of horses or other permitted animals, no portion of the structure may contain a guest-house or sleeping quarters for humans.

Conditions: Mixed Use Structures. A mixed use structure, as defined by this title, shall be subject to the following conditions:

- a. Mixed use structures shall not be located in the front yard or any setback;
- b. That portion of the structure intended to be used for other than a garage use, shall not exceed eight hundred square feet in size;
- c. Vehicular access to the garage or mixed use structure shall not occur within an easement or within twenty-five feet of the side or rear lot line;
- d. If a portion of the structure is designed or intended to be used for a garage, that portion shall be separated by an interior common wall from the portion of the structure used as a stable, barn, office, study, recreational use or other use. The interior common wall shall be constructed in the same manner as found in attached townhouse construction. No access from the interior of the portion used for a garage to the interior of the portion used for the other use shall be permitted;
- e. If a portion of the structure is intended to be used as a stable, that portion of the structure, in addition to meeting the requirements of this subsection shall be subject to the requirements of Chapter 17.18 of this title.

- f. If a portion of the structure is intended to be used as a garage, there shall be no sleeping quarters, occupancy, kitchen or kitchenette facilities, but a sanitary facility including a sink and toilet maybe permitted. The remainder of the structure and its uses shall comply with the provisions of this section for each individual use.
- g. A loft area may be constructed only over the stable portion of the mixed use structure, subject to the requirements of Chapter 17.18 of this title.
- h. Where the garage, stable or any other use that is specified on the approved plan is converted to another use, or if the proportions of any approved use is changed without required approvals, the permit granting the mixed use structure may be revoked, pursuant to Chapter 17.58, and the structure shall be removed at the cost of the property owner;
- i. If any conditions of the permit are violated, or if any law, statute or ordinance is violated, the permit may be revoked and the privileges granted by the permit shall lapse, provided that the property owner has been given written notice to cease such violation and has failed to do so for a period of thirty days, and further provided that the owner has been given an opportunity for a hearing.

The proposed structure meets the above conditions and will be so stipulated in the Resolution, if the project is approved and no variance applies. A building permit will be required for the modifications made to the structure.

Utility Lines / Septic Tank

All utility lines have already been placed underground. There are no anticipated changed to the septic tank.

General

In describing the application the applicants' agent states, in part, that the proposed mixed-use structure is an exchange of the existing stable to a recreational [and storage] room and is consistent with current building allowances.

Rolling Hills Community Association Review

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

Planning Commission Responsibilities

When reviewing a development application, the Planning Commission must consider whether the proposed project meets the criteria for a Conditional Use Permit, as attached below.

Environmental Review

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

Project Summary

SITE PLAN REVIEW	PREVIOUS PROJECT-APPROVED	PROPOSED																																														
RA-S- 1 ZONE SETBACKS Front: 50 ft. from front roadway easement line Side: 20 ft. from property line Rear: 50 ft. from rear property line	ADDITION AND MAJOR REMODEL STABLE/CORRAL	MIXED USE STRUCTURE																																														
STRUCTURES (Site Plan Review required for new structures or when size of residence increases by more than 999 s.f. in a 36-month period & grading; CUP for Mixed-Use Structure)	<table><tr><td>Residence</td><td>3,261 sq.ft.</td></tr><tr><td>Garage/w service area</td><td>948 sq.ft.</td></tr><tr><td>Stable</td><td>689 sq.ft.</td></tr><tr><td>Service yard</td><td>96 sq.ft.</td></tr><tr><td>Att. Porches</td><td>258 sq.ft.</td></tr><tr><td>Stable porches</td><td>211 sq.ft.</td></tr><tr><td>Pool/spa</td><td>756 sq.ft.</td></tr><tr><td>Pool eqpm.</td><td>32 sq.ft.</td></tr><tr><td>Basement</td><td>1,196 sq.ft.</td></tr><tr><td>Detach. Trellis</td><td>255 sq.ft.</td></tr><tr><td>TOTAL</td><td>6,506 sq.ft.</td></tr></table>	Residence	3,261 sq.ft.	Garage/w service area	948 sq.ft.	Stable	689 sq.ft.	Service yard	96 sq.ft.	Att. Porches	258 sq.ft.	Stable porches	211 sq.ft.	Pool/spa	756 sq.ft.	Pool eqpm.	32 sq.ft.	Basement	1,196 sq.ft.	Detach. Trellis	255 sq.ft.	TOTAL	6,506 sq.ft.	<table><tr><td>Residence</td><td>3,261 sq.ft.</td></tr><tr><td>Garage/w service area</td><td>948 sq.ft.</td></tr><tr><td>Mixed-Use Struct</td><td>689 sq.ft.</td></tr><tr><td>Service yard</td><td>96 sq.ft.</td></tr><tr><td>Att. Porches</td><td>258 sq.ft.</td></tr><tr><td>Mixed-Use porch</td><td>211 sq.ft.</td></tr><tr><td>Pool/spa</td><td>756 sq.ft.</td></tr><tr><td>Pool eqpm.</td><td>32 sq.ft.</td></tr><tr><td>Basement</td><td>1,196 sq.ft.</td></tr><tr><td>Stable-future</td><td>450 sq.ft.</td></tr><tr><td>Detach. Trellis</td><td>255 sq.ft.</td></tr><tr><td>TOTAL.</td><td>6,956 sq.ft.</td></tr></table>	Residence	3,261 sq.ft.	Garage/w service area	948 sq.ft.	Mixed-Use Struct	689 sq.ft.	Service yard	96 sq.ft.	Att. Porches	258 sq.ft.	Mixed-Use porch	211 sq.ft.	Pool/spa	756 sq.ft.	Pool eqpm.	32 sq.ft.	Basement	1,196 sq.ft.	Stable-future	450 sq.ft.	Detach. Trellis	255 sq.ft.	TOTAL.	6,956 sq.ft.
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STRUCTURAL LOT COVERAGE (20% maximum)	15.4%	16.5% (with stable set aside)																																														
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BUILDING PADS (30% guideline)	Res. Pad 29.4%	31.5% (with stable set aside)																																														
GRADING Site Plan Review required if	716 c.y. cut and fill (existing)	No change.																																														
DISTURBED AREA (40% maximum; any existing or proposed graded areas. Re-grading of previously graded areas is not counted)	71.6%	No change.																																														
STABLE (min. 450 SQ.FT. & 550 SQ.FT. CORRAL)	689 sq. ft.	450 sq. ft. Future – set aside																																														
STABLE ACCESS	Existing	Existing																																														
ROADWAY ACCESS	Existing driveway approach; widened drwy	Existing driveway approach ; widened drwy																																														
VIEWS	Planning Commission condition	Planning Commission review																																														
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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.

RESOLUTION NO. 2019-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING 689 SQUARE FOOT STABLE, TO A MIXED-USE STRUCTURE IN ZONING CASE NO. 959 AT **49 EASTFIELD DRIVE** (LOT 33-EF) ROLLING HILLS, CA, (WALDMAN).

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

Section 1. Application was duly filed by Mr. and Mrs. Waldman with respect to real property located at 49 Eastfield Drive (Lot 33-EF) requesting a Conditional Use Permit to convert an existing 689 square foot stable to a mixed use structure, 450 square foot recreation room and a 239 square foot storage space, while reserving an area for future stable and corral elsewhere on the lot.

Section 2. The property is zoned RAS-1 and consists of 1.17 acres, excluding the roadway easement. The net lot area for development purposes is 0.97 acres or 42,295 square feet.

Section 3. The property is currently developed with a 3,261 square foot residence with 1,196 square foot basement, 948 square foot garage, 689 square foot stable, service yard, swimming pool and equipment area. The stable was built in 2013 and in 2012 additions were made to the residence and the residence underwent a major remodel.

Section 4. The structure that was originally constructed as a stable is currently not used as a stable. The applicants propose to use this structure as a recreation room and storage room and allocate an area elsewhere on the lot for a future stable and corral subject to a Conditional Use Permit.

Section 5. On May 21, 2019 the Planning Commission conducted a duly noticed public hearing on the subject application in the field at 49 Eastfield Drive and at its evening meeting on May 21, 2019. The applicant and his agent were notified of the public hearings in writing by first class mail and they were present at the hearings. Evidence was heard and presented from all persons interested in affecting said proposal and from members of the City staff.

Section 6. The Planning Commission finds that the project qualifies as a Class 1 Exemption, Existing Facilities, and is therefore categorically exempt from environmental review under the California Environmental Quality Act.

Section 7. Section 17.16.210(A)(6) of the Rolling Hills Municipal Code permits approval of a mixed-use structure under certain conditions, provided the Planning Commission approves a Conditional Use Permit. With respect to this request for a Conditional Use Permit, the Planning Commission finds as follows:

A. The granting of a Conditional Use Permit for the conversion of a structure previously approved as a stable, into a mixed use would be consistent with the purposes and objectives of the Zoning Ordinance and General Plan because the use is consistent with similar uses in the community, meets all the applicable code development standards for a mixed use structure, and the area being set aside and proposed for the future stable and corral is located in an area on the property that is adequately sized to accommodate a 450 square foot stable and 550 square foot adjoining corral and appropriately located in that it will be sufficiently separated from nearby structures used for habitation or containing sleeping quarters both on and off the project site.

B. The nature, condition, and development of adjacent structures have been considered, and the interior remodeling of a stable to a mixed use will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures because the structure is located near outdoor recreational amenities including a play field and walkways accessing the residence. The converted structure's orientation is towards the lot interior and main residence, as opposed to towards neighbors and its general location is of sufficient distance from nearby residences so as to not impact the view or privacy of surrounding neighbors.

C. The project is harmonious in scale and mass with the site, the natural terrain, and surrounding residences because the mixed use complies with the low profile residential development pattern of the community and is screened from neighbors view and separated by a bridle trail that will be retained.

D. The proposed conditional use complies with all applicable development standards of the zone district because the 689 square foot size of the mixed use is less than the maximum 800 square feet permitted under the Municipal Code and the structure does not encroach into any setback areas and is not located in the front of the lot.

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

F. The proposed conditional use observes the spirit and intent of Title 17 of the Zoning Code because an adequate area is set aside for the construction of a future

stable structure and adjacent corral and the structure is screened from adjacent properties and is not obtrusive to neighbors.

Section 8. Based upon the foregoing findings, the Planning Commission hereby approves Zoning Case No. 959 for a Conditional Use Permit for conversion of a stable to a recreation room and storage room, with set aside area for a future 450 square foot stable and 550 square foot corral, subject to the following conditions:

A. The Conditional Use Permit approval shall expire within two years from the effective date of approval as defined in Section 17.42.070, unless otherwise extended pursuant to the requirements of this section.

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

D. The lot shall be developed and maintained in substantial conformance with the site plan on file dated May 14, 2019 except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and

Safety for plan check review shall conform to the approved development plan. All conditions of the Conditional Use Permit approvals shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a building permit from the building department.

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

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

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

G. The existing structural coverage of 15.4% (20% max. permitted) and total lot coverage of 30.13% (35% max. permitted) are only changing based on the added stable set aside area of 450 square feet. The proposed structural coverage is 16.5% (20% max. permitted) and total lot coverage is proposed to be 31.17% (35% max. permitted).

H. The lot was graded in the past and the disturbed area is 71.6%. The applicants propose to stay within the previously disturbed area when designating a stable/corral set aside area.

I. There shall be no grading for this project.

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

K. The mixed-use structure shall not be used as sleeping quarters, may not be rented out and may not be used as a separate dwelling. Kitchenette and sanitary facility consisting of a toilet, shower and a sink may be constructed within the recreation room.

L. During remodel for the conversion, 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.

M. During and after construction, all parking shall take place on the project site and, if necessary, any overflow parking shall take place within nearby roadway easements.

N. The property owners shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) requirements related to solid waste and storm water management.

O. The applicant shall execute an Affidavit of Acceptance of all conditions of this permit pursuant to Zoning Ordinance, or the approval shall not be effective.

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

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF JUNE 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. 2019-11 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING 689 SQUARE FOOT STABLE, TO A MIXED-USE STRUCTURE IN ZONING CASE NO. 959 AT **49 EASTFIELD DRIVE** (LOT 33-EF) ROLLING HILLS, CA, (WALDMAN).

was approved and adopted at an adjourned regular meeting of the Planning Commission on June 25, 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



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

Agenda Item No.: 6C
Mtg. Date: 06/25/19

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 YEHL
REPRESENTATIVE: JOSEPH SPIERER, JOSEPH SPIERER ARCHITECTS
TAVISHA ALES, BOLTON ENGINEERING
PUBLISHED: JANUARY 3, 2019; APRIL 4, 2019; MAY 9, 2019

BACKGROUND

The Planning Commission considered the application at several meeting and at the May 21, 2019 hearing the Planning Commission directed staff to bring a resolution approving the project. The attached Resolution was prepared for Commission's consideration and includes the standard findings of facts and conditions.

On May 28, 2019 staff received a letter from property owners at 3 Poppy Trail expressing concerns with the location of the structures on the building pad and that the development is overlooking their home, (see attached). The Architects for the project met with the owners of 3 Poppy Trail and prepared a rendering of a sight distance view from the project site, including a landscaping plan. At the meeting, the architect will present the findings to the Planning Commission.

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.

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 Trail road traverses the lot and the Gerorgeff 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, including a subdivision into two lots, 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 the adjacent lot, 0 Poppy Trail, which is currently under construction.

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 to even out and smooth out the building pad and for excavation of the pool and basement. Also proposed are several outdoor amenities, such as a BBQ, service yard and water feature. 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 a larger yard area between the house and the slope, to construct an up to 5' high retaining wall into the setback and to exceed the lot disturbance to 69.6%.

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).

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 approved for a subdivision 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, balanced on site.

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 available for review at City Hall Planning Department.

Height

The height of the highest ridgeline for the residence from the finished grade is proposed to be 18.25 feet, and it varies between 12', 15' up to the maximum 18.25'. The highest ridgeline of the stable from the finished grade 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, (w/out exclusions 13.73%), (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, (w/out exclusions- 5.28%), (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 2010. 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 and corral pursuant to Chapter 17.18 of the Municipal Code.

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	Not proposed at this time

amenities	
Tack room may have glazed openings	No window is proposed in the 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 coral 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 the January 2019 meeting 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. The Biological Resources section of the CEQA documents and the subsequent evaluation is available for review at City Hall Planning Department.

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.

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 reviewed this project in concept.

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.

RECOMMENDATION

It is recommended that the Planning Commission review and consider the attached Resolution No. 2019-10, which contains standard finding of fact and conditions.

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
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	
RA-S- 2 ZONE SETBACKS Front: 50 ft. from front easement line Side: 35 ft. from property line Rear: 50 ft. from rear easement line	NEW RESIDENCE, GARAGE, POOL and STABLE	
VACANT LOT	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.
STRUCTURAL LOT COVERAGE (20% maximum)	10,746 sq.ft. or 5.25% (with deductions) (5.28% no deductions)	
TOTAL LOT COVERAGE (35% maximum)	27,979 sq.ft. or 13.69% (with deductions); 13.7% -no deductions	
BUILDING PADS (30% guideline) 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.
<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.)	69.6% Variance previously granted for 55%.
<u>STABLE (min. 450 SQ.FT. & 550 SQ.FT. CORRAL)</u>	452 s.f Stable 575 s.f. Corral
<u>STABLE ACCESS</u>	Off bridal trail and driveway
<u>ROADWAY ACCESS</u>	Existing driveway approach already approved to be widened
<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 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.

Received 5/28/19

Sent: Sunday, May 26, 2019 at 6:02 PM

From: "Dawn Jonas" <dbjonas@email.com>

To: info@rhca.net

Subject: 1 Poppy trail

We want to object to the design of the house at 1 Poppy Trail as shown on the sight.

We were quaranteed when the lots were divided and the litigation was settled that the city would not allow a residence to built that would look directy down to our house.

We were told that you would require the house to be set back and landscaping to be planted so that the residents would not be able to look down into our house.

As you will recall, that lot was formally a barn and tennis court.

Please keep your word.

if there is anything else we need to do please let us know.

Bob and Dawn Jonas

3 Poppy Trail

RECEIVED

MAY 28 2019

City of Rolling Hills

30

RESOLUTION NO. 2019-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW FOR THE CONSTRUCTION OF A NEW RESIDENCE WITH GARAGE, RETAINING WALL, SWIMMING POOL, AND ACCESSORY AMENITIES; A CONDITIONAL USE PERMIT TO CONSTRUCT A STABLE AND CORRAL AND VARIANCES TO EXCEED THE MAXIMUM PERMITTED DISTURBANCE OF THE LOT THAN PREVIOUSLY APPROVED AND TO ENCROACH INTO THE SIDE YARD SETBACK WITH A RETAINING WALL, IN ZONING CASE NO. 955 AT **1 POPPY TRAIL, (LOT 90-B2-RH)**, (YEH).

A MITIGATED NEGATIVE DECLARATION (MND) FOR THE PREVIOUSLY APPROVED PROJECT WAS ADOPTED ON OCTOBER 5, 2010 AND AMENDED ON FEBRUARY 11, 2011. AN ADDENDUM TO THE MND REFLECTING THE CURRENTLY PROPOSED MODIFICATION TO DISTURBANCE OF THE LOT HAS BEEN PREPARED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS.

THE PLANNING COMMISSION DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Mr. Roger Yeh for construction of 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 and spa and disturbing of 5,600 cubic yards of dirt including excavation of a pool and basement; a Conditional Use Permit for a 452 square foot stable and 575 square foot corral, and Variances to exceed the maximum permitted lot disturbance and for a retaining wall located in the side yard setback.

Section 2. On March 5 of 2005, a landslide occurred on property located at 1 Poppy Trail Road and terminated just below the roadway easement for Poppy Trail Road. The landslide buried a portion of Poppy Trail Road, which was the sole means of ingress and egress for nine residential lots. The dirt movement affected two adjacent lots. During the remediation process through several lot line adjustments between the affected parcels, two lots were created 0 Poppy Trail and 1 Poppy Trail. Currently both lots are ready for development and 1 Poppy Trail is subject of his Resolution.

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 connection with the Landslide Remediation Project, the property owner 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 and on October 4, 2010, the City Council approved and adopted the MND. A

first amendment to the MND was adopted by the Planning Commission on February 15, 2011 and reported to the City Council. In 2010 several discretionary approvals were granted in for the landslide remediation project, including a variance to disturb 55% of the net lot area of what is now 1 Poppy Trail Road. Pursuant to an updated survey of 1 Poppy Trail Road, the existing disturbance is actually 69.6%. There is no additional disturbance planned for the proposed project at 1 Poppy Trail Road; any slight grading that will be conducted in connection with the proposed project at 1 Poppy Trail Road consists of smoothing and evening out the existing building pad and widening of the driveway, area od which was previously disturbed. In order to approve the overage of the disturbance of the lot, an addendum to the MND and its addendum has been prepared. The overall purpose of this Second Addendum is to modify the minor technical discrepancy between the approved disturbance percentage (55%) and the actual disturbance percentage (69.6%) for 1 Poppy Trail. This change is clerical and 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.

Following the first public hearing on January 15, 2019, and upon further review and evaluation of CEQA, 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. 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 it was 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.

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.

Section 3. The Planning Commission conducted duly noticed public hearings to consider the application at their regular meeting on January 15, 2019, April 16, 2019, May 21, 2019 and at a field trip on May 21, 2019. Neighbors within 1,000-foot radius were notified of the public hearings and notices were published in the Peninsula News on January 3, 2019 and April 4, 2019. The applicant and this agents were notified of the public hearings in writing by first class mail and the applicant's agents were in attendance at the hearings. Evidence was heard and presented from all persons interested in affecting said proposal and from members of the City staff and the Planning Commission having reviewed, analyzed and studied said proposal. Owners of one of the adjacent properties expressed concern with the siting of the structure on the building pad, overlooking their property.

Section 4. The property is zoned RAS-2 and the gross lot area is 5.5 acres. The net lot area of the lot for development purposes 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 Trail road traverses the lot and the Georgeff 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).

Section 5. The Planning Commission finds that the development project is exempt from the California Environmental Quality Act, (CEQA) pursuant to Section 15303 (new construction of single family residence and accessory structures), and Section 15061(b)(3) (common sense exemption) of the CEQA guidelines.

Section 6. Section 17.46.030 requires a development plan to be submitted for Site Plan Review and approval before any grading requiring a grading permit or any new building or structure may be constructed. The new development requires a Site Plan Review. With respect to the Site Plan for the development 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 proposed structures comply with the General Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures and maintaining sufficient setbacks to provide buffers between residential uses. The net lot area of the lot is over 4 acres and the lot is adjacent to other large lots along Poppy Trail. A building pad has been created as a result of grading for slope remediation and the applicants will utilize that pad for the construction. An area for a stable and corral was also previously approved for this lot, and a stable/corral is proposed to be developed in the selected location. The proposed project is screened from the road so as to reduce the visual impact of the development.

B. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. The topography and the configuration of the lot have been considered, and it was determined that the proposed development will not adversely affect or be materially detrimental to adjacent uses, buildings, or structures, because the proposed project will be constructed on the existing building pad, except that the pad will be minimally enlarged, by 860 square feet to provide Fire Department access and a slightly larger yard for the occupants. The development location will be the least intrusive to surrounding properties, will be screened and landscaped with trees and shrubs, is of sufficient distance from nearby residences so that it will not impact the view or privacy of surrounding neighbors, and will allow the owners to enjoy their property without deleterious infringement on the rights of surrounding property owners. The already developed building pad leaves the steeper and more densely vegetated areas in their existing state and the drainage course will not be affected.

C. The proposed development, as conditioned, is harmonious in scale and mass with the site, and is consistent with the scale of the neighborhood when compared to new residences in the vicinity of said lot. The development plan takes into consideration the views from Poppy Trail and the development will be moved back from the Road, so that views from the road will not be blocked.

Significant portions of the lot will be left undeveloped. The project will be screened from the road and all neighbors, and the project in general will retain the existing slopes and vegetation and not affect the lower portion, that was designated as Ecologically Significant Area.

D. The development plan will introduce additional 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 proposed development is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles because the new 20' driveway, as required by the Fire Department, will be safe to drive on as two cars can safely pass one another. There is ample parking in the garages and in the turn around area at the front of the house, outside of all setbacks, so all visitors parking will be contained on site.

F. The project is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303.

Section 7. Section 17.18.050 (A)(1) and (A)(4)) of the Zoning Ordinance contains conditions for stable and corral, subject to approval of a conditional use permit. The proposed stable and corral comply with the provisions of this section. With respect to this request for Conditional Use Permits, the Planning Commission finds as follows:

A. Conditionally permitted uses are not outright permitted by the Rolling Hills Municipal Code. The Commission must consider applications for a Conditional Use Permit and may, with such conditions as are deemed necessary, approve a conditional use which will not jeopardize, adversely affect, endanger or to otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use.

B. The granting of a Conditional Use Permit for the stable and corral would be consistent with the purposes and objectives of the Zoning Ordinance and General Plan because the use is consistent with similar uses in the community, and meets all the applicable code development standards for such use and it is located in an area on the property that is adequately sized to accommodate such use, and on an existing building pad. The proposed use is appropriately located in that it will be sufficiently separated from nearby structures. The project promotes equestrian uses, therefore furthering the City's goal to remain an equestrian community.

C. The nature, condition, and development of adjacent structures have been considered, and the project will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures because the proposed use is located of sufficient distance from nearby residences so as to not impact the view or privacy of surrounding neighbors.

D. The project is harmonious in scale and mass with the site, the natural terrain, and surrounding residences because the proposed use complies with the low profile residential development pattern of the community and will not give the property an over-built look. Sufficient areas of the lot will remain open and unobstructed. The lot is over 4.6 acres net in size, and is sufficiently large to accommodate the stable and corral.

E. The proposed conditional use complies with all applicable development standards of the zone district and requires Conditional Use Permits pursuant to Section 17.18.050 (A)(1) and (A)(4)) of the Zoning Ordinance.

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

Section 7. Sections 17.38.010 through 17.38.050 of the Rolling Hills Municipal Code permit approval of a Variance from the standards and requirements of the Zoning Ordinance when exceptional or extraordinary circumstances applicable to the property and not applicable to other similar properties in the same zone prevent the owner from making use of a parcel of property to the same extent enjoyed by similar properties in the same vicinity. Variances from Section 17.16.070(B), Section 17.12.190 "S" and Section 17.16.190(F) is required because it states that the lot disturbance shall be limited to 40% of the net lot area and that there shall be no structures within the setbacks. The

applicant is requesting Variances for 69.6% disturbance of the net lot area and to encroach with a not to exceed 5'-high retaining wall into the side yard setback.

With respect to this request for Variances, 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 the other property in the same zone because, unlike most other properties in this zone, there was a landslide on the property, which was remediated but required greater than 40% of the lot to be disturbed, and 55% disturbance was approved prior to remediation. This calculation did not take into consideration the graded areas of the lot, which were not affected by the landslide and were therefore not remediated or the final lot lines of the lots that resulted after remediation of the landslide. Pursuant to an updated survey of 1 Poppy Trail Road, the existing disturbance is actually 69.6%. There is no additional disturbance planned for the proposed project at 1 Poppy Trail Road; any slight grading that will be conducted in connection with the proposed project consists of smoothing and evening out the existing building pad. 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 in the geotechnical reports that are on file at City Hall.

During remediation of the lot, a building pad was developed towards the rear of the property, on which the proposed construction will take place. The rear limit of the building pad is located in close proximity to an existing retaining wall. Due to the limited size of the building pad area, this wall is proposed to be moved between 1-2.5' into the setback to create a slightly larger yard and meet the Building Code Requirement of a distance requirement of a slope to a residence and to allow the required Fire Department passage of 5' around the entire structure. The wall would only be visible from the residence and not adjacent properties. The retaining wall will match adjacent wall style and material.

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 would be denied to the property in question. The landslide has resulted in the need to remediate and stabilize the lot, which caused greater than allowed disturbance of the lot. The property owner is not proposing to grade additional area of the lot. The dirt movement for the currently proposed development entails smoothing out the existing, previously graded pad to level it off, widen by 5' the previously graded driveway and get the site ready for construction. The proposed wall is a very minor element of the project and is appropriately located.

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 utilize the previously approved grading for slope stability, which augmented and corrected a landslide condition. The proposed development will not affect the previously approved grading and disturbance for slope stability, drainage, and buttressing of the slopes. The proposed wall will not be detrimental, as it is a very small portion of the development

adjacent to an existing building pad, where no other grading or disturbance will be undertaken, other than to even out the previously graded pad.

D. In granting the variance, the spirit and intent of the Zoning Code will be observed, and the variances do not grant special privilege to the applicant because the remediation of landslides improved the safety and beauty of the land; but exceeded the maximum permitted disturbance. The additional disturbance is a minor technical discrepancy between the approved disturbance percentage (55%) and the actual disturbance percentage (69.6%). This change is clerical and therefore it does not cause new significant impacts or grant special privilege to the applicant. The additional previously non-reported disturbance does not affect the area of previous remediation and stability of the remediated slopes. The wall encroachment is minimal-between 1'-2.5', is sited behind the residence and will be visible only to the residence. The wall encroachment would allow the owners to enjoy a slightly greater yard and maintain the required distance between a slope and structure.

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 are no hazardous waste facilities at issue in this case.

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

Section 8. Based upon the foregoing findings, the Planning Commission hereby approves Zoning Case No. 955 request for construction of 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 moving around of 5,600 cubic yards of dirt including excavation of a pool and basement; a Conditional Use Permit for a 452 square foot stable and 575 square foot corral, and Variances to exceed the maximum permitted lot disturbance and for a retaining wall located in the side yard setback and a second Addendum to the Mitigated Negative Declaration, to replace the previous variance for lot disturbance of 55% to a variance of 69.6% lot disturbance.

A. The Site Plan, Variances, and Conditional Use Permit approval shall expire within two years from the effective date of approval if construction pursuant to this approval has not commenced within that time period, as required by Sections 17.46.080, 17.42.070 and 17.38.070 of the Rolling Hills Municipal Code, or the approval granted is otherwise extended pursuant to the requirements of those sections.

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

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

E. The lot shall be developed and maintained in substantial conformance with the site plan on file dated April 10, 2019 except as otherwise provided in these conditions. All conditions of the Site Plan Review, Variances and Conditional Use Permit approvals shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto building plans submitted to the Building Department for review and shall be kept on site at all times.

Any modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed and approved by staff prior to implementing the changes.

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

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

G. The structural net lot coverage shall not exceed 10,809 square feet or 5.28%, in conformance with the structural lot coverage limitations, (20% max. permitted). The total lot coverage shall not exceed (structural and flatwork) 28,041 square feet or 13.72%, in conformance with the total lot coverage limitations, (35% max. permitted).

H. The disturbed area of the lot, including the area for the stable and corral and including the previously remediated and stabilized area of the lot shall not exceed 69.6%. Grading for this project shall not exceed 5,600 cubic yards, total, to even out and compact the existing building pad and for basement and pool excavation, and is to be balanced on site.

I. The existing residential building pad of 23,750 square feet may be enlarged to 24,610 square feet and shall not exceed structural coverage of 10,809 square feet or 43.9%; and with allowed deductions, 43.7% coverage.

J. A driveway and a turn-around shall be provided per the Fire Department requirements.

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

L. The height of the highest ridgeline of the residence shall not exceed 18.25 feet from the finished grade to the finished surface of the roof. The highest ridgeline of the stable shall not exceed 12.25 feet from the finished grade to the finished surface of the roof.

M. The stable shall not exceed 452 square feet and the corral 575 square feet. All provisions of Chapter 17.18 of the zoning ordinance shall be complied with, including the size of the tack room and agricultural spaces.

N. The conditions of approval enumerated in Resolution No. 2010-21, (Site Plan and Variances for remediation and stabilization of the lot following the landslide), where applicable, shall be complied with and shall include but not be limited to the following:

a. The MSE (Mechanically Stabilized Earth) walls shall be landscaped and maintained in good condition at all times.

b. The previously remediated slopes shall be maintained with suitable deep-rooted ground cover and be in substantial compliance with the landscaping plans approved for the land stabilization and remediation in Zoning Case No. 791.

c. The area of the lot, located across Poppy Trail, (westerly thereof) has been designated as Ecologically Sensitive Area and no construction, parking, staging, storage or any other activity shall take place in this area.

O. Trees or shrubs shall be planted in a manner that their growth does not obstruct views of neighboring properties, but are to be planted to screen the home, stable and accessory structures from neighbors, and shall be maintained at a height of the ridgeline of the structure(s) it is intended to screen. Trees and shrubs shall not result in a hedge like screen. The landscaping shall utilize to the maximum extent feasible, plants that are native to the area, are water-wise and are consistent with the rural character of the community. The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC), and shall be submitted to the City prior to obtaining a grading permit.

P. The pool and pool equipment area shall be screened with landscaping. Sound attenuating equipment shall be installed to dampen the sound from the pool equipment area and the pool pump. The project shall utilize the most quiet and technologically advanced equipment to dampen the sound. Per LA County Building Code, pool barrier/fencing shall be required.

Q. The applicant shall comply with all requirements of the Lighting Ordinance of the City of Rolling Hills (RHMC 17.16.190 E), pertaining to lighting on said property; roofing requirements and material requirements for properties in the Very High Fire Hazard Severity Zone. A copy of the Fire Department approved Fuel Modification plan and certification shall be deposited with the City.

R. All utility lines to all structures on the lot shall be placed underground, subject to all applicable standards and requirements.

S. Hydrology, soils, geology and other reports, as required by the Building and Public Works Departments, and as may be required by the Building Official, shall be prepared.

T. 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.

U. 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.

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

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

X. *During construction*, to the extent feasible, all parking shall take place on the project site, but if necessary, any overflow parking may take place within the unimproved roadway easements along adjacent streets, and shall not obstruct neighboring driveways, visibility at intersections or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. To the extent feasible, a minimum of 4' wide path, from the edge of the roadway pavement, for pedestrian and equestrian passage shall be available and be clear of vehicles, construction materials and equipment at all times. A flagmen shall be used to direct traffic when necessary, including during delivery of large construction equipment or materials.

Y. *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.

Z. 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.wrhn.noaa.gov/lox/main.php?suite=safety&page=hazard_definitions#FIRE.

It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions. Should a red flag warning be declared and if work is to be conducted on the property, the contractor shall have readily available fire distinguisher.

AA. The property owners shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) requirements related to solid waste, drainage, cisterns, and storm water drainage facilities management and to the City's Low Impact development Ordinance (LID), if applicable. Further the property owners shall be required to conform to the County Health Department requirements for a septic system.

AB. Prior to finaling of the project an "as graded" and "as constructed" plans and certifications, including certifications of ridgelines of the structures, shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan.

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

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF JUNE, 2019.

BRAD CHELF, CHAIRMAN

ATTEST:

CITY CLERK

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

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

I certify that the foregoing Resolution No. 2019-10 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW FOR THE CONSTRUCTION OF A NEW RESIDENCE WITH GARAGE, RETAINING WALL, SWIMMING POOL, AND ACCESSORY AMENITIES; A CONDITIONAL USE PERMIT TO CONSTRUCT A STABLE AND CORRAL AND VARIANCES TO EXCEED THE MAXIMUM PERMITTED DISTURBANCE OF THE LOT THAN PREVIOUSLY APPROVED AND TO ENCROACH INTO THE SIDE YARD SETBACK WITH A RETAINING WALL, IN ZONING CASE NO. 955 AT **1 POPPY TRAIL, (LOT 90-B2-RH)**, (YEH).

A MITIGATED NEGATIVE DECLARATION (MND) FOR THE PREVIOUSLY APPROVED PROJECT WAS ADOPTED ON OCTOBER 5, 2010 AND AMENDED ON FEBRUARY 11, 2011. AN ADDENDUM TO THE MND REFLECTING THE CURRENTLY PROPOSED MODIFICATION TO DISTURBANCE OF THE LOT HAS BEEN PREPARED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS.

was approved and adopted at an adjourned regular meeting of the Planning Commission on June 25, 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



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. 9A
Mtg. Date: 06/25/2019

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

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR
KATHLEEN MCGOWAN, MCGOWAN CONSULTING**

**SUBJECT PRESENTATION AND CONSIDERATION FOR ADOPTION OF
STORMWATER QUALITY DESIGN GUIDELINES FOR
STABLES/EQUESTRIAN FACILITIES**

**ATTACHMENT:
1. DRAFT CITY OF ROLLING HILLS STORM WATER QUALITY DESIGN
GUIDELINES**

RECOMMENDATION

Staff recommends that the Planning Commission review and adopt the guidelines for stormwater quality designs for equestrian facilities as presented.

BACKGROUND

In February 2018, the Planning Commission reviewed and approved a set of guidelines for the construction of equestrian facilities in the City. An Ad-Hoc committee consisting of two Planning Commissioners, three representatives of the Caballeros Club and City staff prepared the guidelines. The guidelines were adopted by the City Council in March of 2018. The guidelines are available on the City's website and are provided to anyone inquiring about construction of equestrian facilities. Recently, pursuant to state mandated stormwater management requirements, additional guidelines have been prepared relating to storm water quality from equestrian uses.

The City's consultant, Kathleen McGowan will make a brief presentation on the state requirements and content of the guidelines.

DISCUSSION

The state law requires all new development and redevelopment projects to control pollutants and runoff originating from the project site. This requirement also applies to post-construction maintenance of stormwater best management practices for all structures on the property. The previously prepared guidelines address construction of equestrian facilities. The recently prepared guidelines address run-off from equestrian facilities, such as from areas where manure is present. Manure from stables and horse facilities have a severe impact on the environment if not handled or disposed of properly. The nutrients (nitrogen and phosphorus), sediment and fecal bacteria from manure that reach local streams and creeks through the storm drain system can adversely affect the water quality.

The City's stormwater consultants together with staff prepared Storm Water Quality Design Guidelines for stables and equestrian facilities; similar guidelines have also been developed for Rolling Hills Estates. The City of Rolling Hill is unique, in that the City does not have a continuous storm water drainage system and run-off from small rain events infiltrates into soft bottom canyons, before exiting the City. Therefore the City's stormwater requirements are somewhat different from the other cities on the Peninsula.

The attached Storm Water Quality Design Guidelines address the siting of stables, corrals and other equestrian facilities; provide examples of typical and acceptable methods to keep rain water clean and at the same time keep the horses healthy, such as biofiltration, bioretention and filter strips; provide a list of plants selected to be used in areas where equestrian facilities are located that are tolerant to the nutrients present in discharges from equestrian areas; and provide recommendations for manure storage and horse wash areas.

The guidelines incorporate relevant requirements already codified in City's Municipal Code, such as requiring a vehicular access to stables for removal of waste and removal of the manure on a weekly basis. It also makes references to the construction guidelines for equestrian facilities previously adopted. Certain provisions in the Guidelines are mandated by State law, such as locating animal keeping areas within certain distance of the banks of a blue line stream or within a drainage course of any other kind, unless the stormwater is diverted to the satisfaction of the Building Official.

These guidelines will be added to the previously prepared construction guidelines for equestrian facilities and will be available on City's website and at City Hall.

CONCLUSION

Following Planning Commission's adoption of the guidelines, they will be presented to the City Council at a future date.

City of Rolling Hills

Storm Water Quality Design Guidelines: Stable/Equestrian Facilities

These guidelines apply to projects that are subject to a building permit (120 square feet (SF) of building/roof) or discretionary review (200 SF building/roof). Property owners are also encouraged to follow these guidelines in making minor improvements and retrofits to existing facilities

1. **Stable Siting** (or siting of any building that houses horses or other animals)
 - 1.1. Do not site stables, paddocks, or corrals over septic leach fields.
 - 1.2. Stables must be set back no less than 25 FT from the side of the property line in RAS-1 zone and no less than 35 FT from the side of the property line in RAS-2 zone and shall not be permitted in the front yard or rear yard setback and must be a minimum of 35 FT from any residential structure.¹
 - 1.3. Site away from steep slopes. A slope of 5% or less is recommended and slopes no more than 25% are allowed. Run-in sheds are subject to the same slope requirements as an enclosed stable due to similar pollutant concerns.
 - 1.4. No horse-keeping area shall be located within the banks of a blueline stream under any circumstances. No horse-keeping area shall be located within a drainage course of any other kind until stormwater is diverted to the satisfaction of the Building Official.
 - 1.5. Minimum preferred setback of horse keeping areas should be 50 FT from banks of blueline streams or drainage courses preservation or restoration of at least 25 FT of native habitat buffer between equestrian areas and blue line streams.² If this setback is not possible and the stables are or will be used for keeping horses or other livestock, one of the following alternative mitigation measures must be installed and maintained:
 - 1.5.1. Establish a Vegetated Filter Strip per VEG-5 with slope between 2% and 4% beyond the reach of horses to filter sheet flow from stable area.
 - 1.5.2. Runoff from stable areas with slopes greater than 5% and/or channelized flow from stable areas cannot be managed by a filter strip and must be diverted/directed to a Biofilter or Bioretention system.
2. **Drainage design** should have the dual objective of keeping rain water clean and horses healthy.
 - 2.1. Use roof gutters and downspouts to divert roof runoff away from horse keeping areas and bare, unvegetated areas and away from septic systems including leach fields.
 - 2.2. Divert drainage from upslope areas away from the horse keeping and manure storage areas as well as any bare unvegetated areas, trails, and septic systems.
 - 2.3. Design for effective drainage in horse keeping areas to prevent muddy conditions thereby protecting the health of horses and promoting percolation of rainwater and urine into the soil (see Additional Resources for footing material options).

¹ RH Municipal Code Chapter 17.18.040.4

² If there is any discharge or construction within the banks of a stream, a streambed alteration agreement is required. [consult with CA Dept. of Fish and Wildlife Streambed Alteration Team]

- 2.4. If horse keeping area (paddock, corral, turnout) is sited on a slope steeper than 5%, utilize a Biofilter or Bioretention system to address runoff from the sloped horse keeping areas.
- 2.5. Any channelized drainage from horse keeping areas also must be directed into a Biofilter/Bioretention system.

3. Paddocks/Corrals/Turnouts/Riding Rings

- 3.1. Corral/Exercise space should make up 60% of the total equestrian space on the subject property. Turnouts should run the width of the stall and should also have a slope between 2-10% and good drainage.³
- 3.2. The corral, turnout, riding ring or paddock must be set back no less than 25 FT from the side of the property line in RAS-1 zone and no less than 35 FT from the side of the property line in RAS-2 zone and shall not be permitted in the front yard or rear yard setback and must be a minimum of 35 FT from any residential structure.⁴
- 3.3. At least 25% of the equestrian space should have a slope of 2-10%. The remaining space is also encouraged to have a slope of 2-10% but may be sloped no more than 25%.⁵
- 3.4. Select and construct footing material in turnouts, paddocks and corrals to minimize dust and promote percolation of rainfall with minimal ponding. A range of self-draining footing design options are available such as sand or layers of crushed gravel and/or pea gravel which can be protected/stabilized by geotextile underlayment, plastic interlocking grid, and/or edging boards (see Additional Resources below).
- 3.5. Provide an accessway at least 6 feet wide for vehicular access for delivery of feed and removal of waste.⁶

4. Manure storage area shall not be allowed to accumulate or leach runoff.⁷

- 4.1. Manure storage should be located on a flat area whenever possible and otherwise on a slope not greater than 5%.
- 4.2. Provide leak-proof manure storage containers with lids with sufficient capacity for 15 cubic feet of manure and soiled bedding storage per horse⁸ (equal to one week of storage).
- 4.3. Manure must be removed weekly.

5. Horse wash area

- 5.1. Equip horse wash with quick-release fixtures to conserve water and minimize runoff.
- 5.2. Elevate wash pad if needed to promote drainage.

³ City of Rolling Hills Equestrian Guidelines p. 7

⁴ RH Municipal Code Chapter 17.18.040.4

⁵ City of Rolling Hills Equestrian Guidelines p. 11

⁶ RH Municipal Code Chapter 17.18.030.A.

⁷ RH Municipal Code 17.18.130

⁸ Equestrian-Related Water Quality Best Management Practices—A Cooperative Effort among Private and Public Entities in Orange and San Diego Counties, California. June 2004.

- 5.3. Wash water should drain away from the wash area into a rain garden, bioswale, biofilter or bioretention system to intercept, capture and infiltrate/filter all wash rack runoff below planting soil level in less than 48 hours and completely drain within 96 hours to prevent mosquito breeding.
- 5.4. Consider placement of horse wash area so that wash water from horse wash areas can be utilized to maintain plants in biofilter/bioretention system serving the horse keeping area during dry weather.
- 5.5. Properties with sanitary sewer connection may construct wash area with roof and concrete pad plumbed to sanitary sewer and equipped with filter/clean-out to remove horse hair or utilize a treatment system as described in 5.3.

6. Vegetated Filter Strips, Biofilter/Bioretention Systems

- 6.1. Vegetated Filter Strips can be utilized to address sheet flow runoff from stable areas with slopes less than 5%. Vegetated Filter Strip design dimensions should be consistent with LACDPW LID Standards Manual VEG-5⁹ with modifications for planting to address Additional Criteria to Reduce Dissolved Contaminants, Suspended Solids and Associated Contaminants in Runoff and Excessive Sediment in Surface Waters as discussed in USDA Conservation Practice Standard for Filter Strips (see Attachment 2).
- 6.2. The filter strip flow path length should be a minimum of 15 FT (25 FT is preferred) and as wide as the sheet flow runoff area in order to address sediment and other contaminants from horse keeping areas.
- 6.3. A filter strip may not be installed on a slope greater than 4% or less than 2% to prevent concentration of flow or ponding, respectively.
- 6.4. The Vegetated Filter Strip should be planted with vegetation able to withstand partial burial from sediment deposition.¹⁰ A suggested plant list is provided in Attachment 1.
- 6.5. Stables on slopes greater than 5% and/or stables where runoff is channelized must utilize a Biofilter/Bioretention System to treat runoff designed consistent with Attachment H of the LA MS4 Permit¹¹ (see Attachment 4) and also with the LACDPW LID Standards Manual RET-1¹² and BIO-1¹³ (see Additional Resources).
- 6.6. The LACDPW LID Standards Manual notes that typically “native, drought-tolerant plant species that do not require fertilization and can withstand wet soils for at least 96 hours are selected”. However, due to heavy nutrient loading from equestrian areas, some such species may not thrive well, therefore the list of plants provided in Attachment 1

⁹ County of Los Angeles Department of Public Works Low Impact Development Standards Manual, Appendix E, VEG-5: Vegetated Filter Strip, pp. E-114 to E-125. February 2014 (LACDPW LID Standards Manual)

¹⁰ USDA Natural Resources Conservation Service. *Conservation Practice Standard—Filter Strip. Code 393-CPS-1.* September 2016.

¹¹ NPDES Permit No. CAS004001 *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County. Attachment H Bioretention/Biofiltration Design Criteria.*

¹² County of Los Angeles Department of Public Works Low Impact Development Standards Manual, RET-1: Bioretention, pages E-1 to E-9. February 2014 (LACDPW LID Standards Manual)

¹³ County of Los Angeles Department of Public Works Low Impact Development Standards Manual (BIO-1: E-53 to E-68)

has been specifically selected to meet those characteristics but also for their additional tolerance of nutrient laden runoff typical in agricultural settings.

Attachments:

1. Plant Selections for Treatment of Runoff from Equestrian Areas
2. Schematics- typical methods of addressing runoff from equestrian areas
3. USDA Natural Resources Conservation Service, Conservation Practice Standard--Filter Strip. Code 393-cps-1
4. Attachment H. Bioretention/Biofiltration Design Criteria. Order No. R4-2012-0175, NPDES No. CAS004001.

Additional Resources:

- Equestrian-Related Water Quality Best Management Practices—A Cooperative Effort among Private and Public Entities in Orange and San Diego Counties, California.
 - https://www.sanelijo.org/sites/sanelijo.org/files/Resources/Equestrian_BMPs_Final.pdf
- Footing Material Options:
 - [https://www.whatcomcd.org/sites/default/files/farm_assist/smallfarm/Footing%20Material%20Options%20\(WCD\).pdf](https://www.whatcomcd.org/sites/default/files/farm_assist/smallfarm/Footing%20Material%20Options%20(WCD).pdf)
 - <https://www.horsejournals.com/acreages-stables/management-maintenance/muddy-paddock-footing-fixes>
- County of Los Angeles Department of Public Works Low Impact Development Standards Manual
 - <https://dpw.lacounty.gov/ldd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf>

ATTACHMENTS

Plant Selections for Treatment of Runoff from Equestrian Areas

Common Name	Plant species	Plant type	Soil Preference	Water requirements	Fire resistance	Care	Uses	origin	references
Filter Strip plants									
Toyon or California Holly	Heteromeles arbutifolia	shrub	tolerates a variety of soil	low	should be cleared and thinned-zone 4, *low to moderate flammability	very easy	Tall shrub with small white flowers and attractive red berries. Sun or part shade.	Native to California	http://caliscape.org/Heteromeles-arbutifolia-170x0n1?srchr=c5b43d302f7a
Coyote bush	Baccharis pilularis	shrub	tolerates a variety of soil	very low	slightly resistant zone 3, *low to moderate flammability	very easy	Form is highly variable, ranging from upright shrub to mounding to prostrate. Sun or part shade.	Native to California	http://caliscape.org/Baccharis-pilularis-170x0n1?srchr=c5b43d42417f06
Bladder pod	Peritoma arborea	shrub	tolerates a variety of soil, prefers well drained soils	low to very low		very easy	Good filter strip plant. Bright yellow flowers followed by distinctive pod capsule. Full sun.	Native to southern California	https://caliscape.org/Peritoma-arborea-170x0n1?srchr=c5b95f089c49c
Lemonade berry Western Sycamore, California Sycamore	Rhus integrifolia	shrub	many soil types	very low to extremely low	*low to moderate flammability	very easy	Good filter strip plant. Large mounding shrub. Excellent for bank stabilization. Part shade or sun.	Native to Southern California	https://caliscape.org/Rhus-integrifolia-170x0n1?srchr=c5b95f089c49c
	Platanus racemosa	tree	tolerates sandy and clay soil	moderate to high	requires pruning, *low flammability	very easy	Tree with crown in sun. Good border plant for a bioswale.	Native to California	https://caliscape.org/Platanus-racemosa-170x0n1?srchr=c5b95f089c49c
Deergrass	Muhlenbergia rigens	grass	prefers sandy soils, tolerates clay soils if well-drained	low	should be cut back in the fall	very easy	good filter strip or bioswale border plant. Full sun or part shade.	Native bunch grass to southern California	https://caliscape.org/Muhlenbergia-rigens-170x0n1?srchr=c5b95f089c49c
Foothill sedge	Carex tumulicola	sedge	adaptable	Low			Grass-like ground cover, spreads slowly by rhizomes. For use in filter strip or swale in less inundated soils. Sun or part shade.	Native to California	https://caliscape.org/Carex-tumulicola-170x0n1?srchr=c5b95f089c49c

Plant Selections for Treatment of Runoff from Equestrian Areas

Common Name	Plant species	Plant type	Soil Preference	Water requirements	Fire resistance	Care	Uses	origin	references
			http://ucanr.edu/Articles/Get Cultured/GET CULTURED				Drainage channels and vegetated filter strips in nurseries Part II		
Creeping Wild Rye 'Grey Dawn'	Leymus triticoides	grass	adaptable	moderate		very easy	prefers sun in coastal sites, soil-retaining rhizome network, good for edge of bioswales	Native to California	https://calcscape.org/Elymus-triticoides-Grey-Dawn-Wild-Rye/
Slender Wheatgrass	Elymus trachycaulus	grass	prefers clay soils grows poorly in sandy soils	Low		Propagates by seed	Due to dislike of sandy soils should not be used in biofilters. Sun or part shade.	Native to southern California	https://calcscape.org/Elymus-trachycaulus-Slender-Wheatgrass/
Biofilter/Bioretenction System Plants (should be mainly sedges and grass with some shrubs)									
Clustered Field Sedge	Carex praegracilis	sedge	adaptable as long as sufficiently moist	moderate - water max once per week in summer		easy, spreads via rhizomes, can be mowed	ground cover for use in more moist soils	Native to California	https://calcscape.org/Carex-praegracilis-Clustered-Field-Sedge/
Sand Dune Sedge	Carex pansa	sedge	prefers sandy soil including engineered soils typical in biofilters	Low		moderately easy, spreads via rhizomes	groundcover for use in sandy soils including engineered soils in biofilters	Native to west coast from British Columbia to California where it grows on sand dunes and other sandy habitats in wetlands or moist areas.	https://calcscape.org/Carex-pansa-Sand-Dune-Sedge/
Common Spikerush	Eleocharis macrostachya	sedge	water saturated soil	moderate if kept moist		moderate has a tendency to spread	used for more moist soils	Native to southern California	https://calcscape.org/Eleocharis-macrostachya-Common-Spikerush/
Sand Spikerush	Eleocharis montevidensis	sedge	moist sandy soils	moderate kept moist			used for more moist soils	Native to southern California	https://calcscape.org/Eleocharis-montevidensis-Sand-Spikerush/
Olney's Bulrush	Schoenoplectus americanus	sedge	water saturated soil	moderate - high		easy as long as soil is moist		Native to southern California	https://calcscape.org/Schoenoplectus-americanus-Olney's-Bulrush/

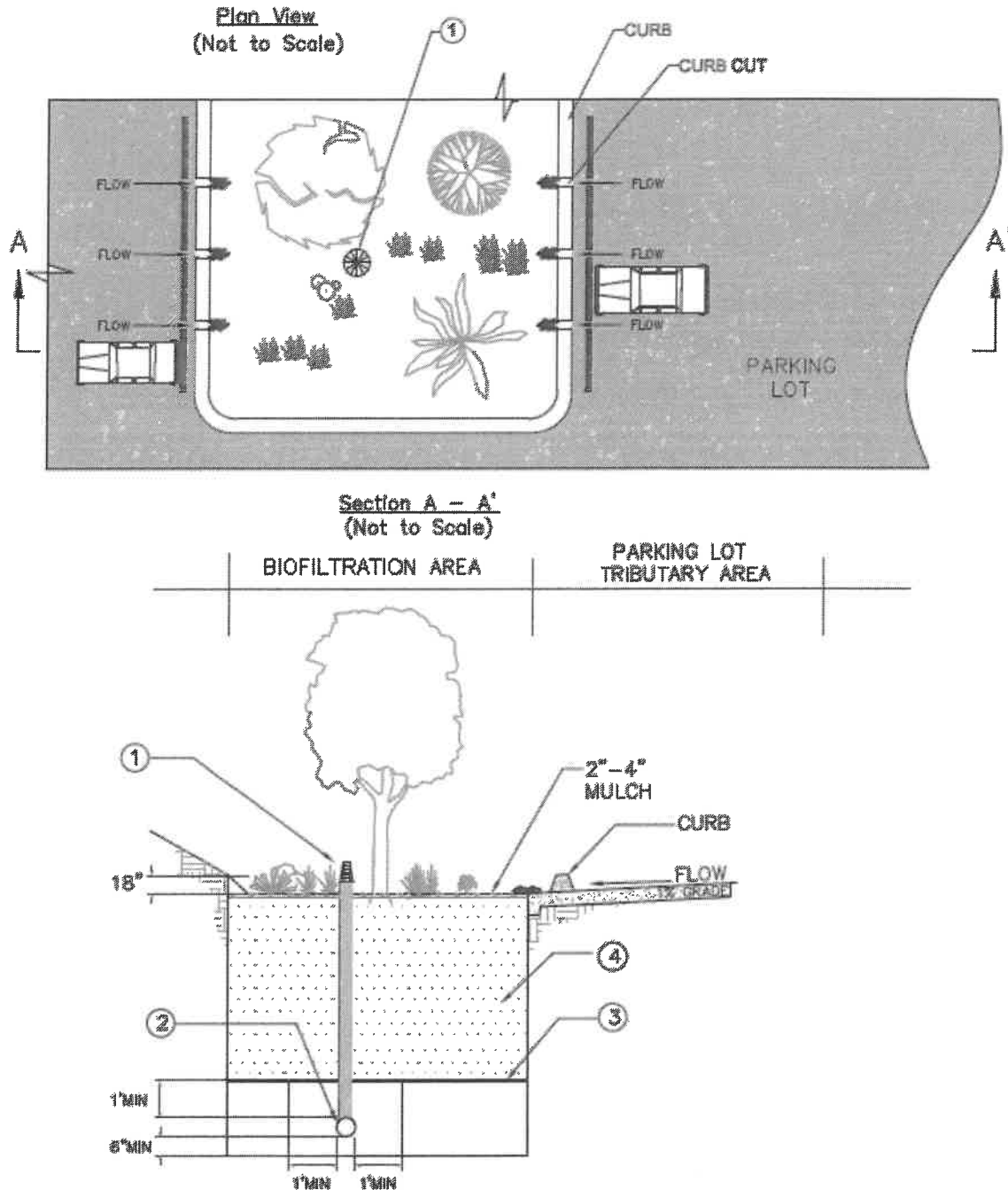
Plant Selections for Treatment of Runoff from Equestrian Areas

Common Name	Plant species	Plant type	Soil Preference	Water requirements	Fire resistance	Care	Uses	origin	references
							Drainage channels and vegetated filter strips in nurseries Part II		
California Bulrush, California Tule	Schoenoplectus californicus	sedge	water saturated soil, nitrogen fixing	moderate - high		aggressive spreading from rhizomes, will quickly occupy suitable areas	use in moist soils	Native to southern California	https://caliscape.org/Schoenoplectus-californicus-(California-Bulrush)?srchcr=sc5bb9a13f4b933
Alkali Bulrush, Cosmopolitan Bulrush	Bolboschoenus maritimus	sedge	water saturated soil, tolerates alkalai or salty conditions	moderate - high		tolerates any soil with sufficient water	use in moist soils	Native to southern California	https://caliscape.org/Bolboschoenus-maritimus-(Alkali-Bulrush)?srchcr=sc5bb9a2fd8120
Alkali sacaton	Sporobolus airoides	grass	tolerates sodic (salty) soils, tolerant of alkaline soils	low to moderate	needs to be cut back in winter	very easy	Yellow flowers in summer, winter deciduous. Good border plant for a bioswale	Native to southern California	https://caliscape.org/Sporobolus-airoides-(Alkali-Sacaton)?srchcr=sc5bb9a3bb00ad6
Deergrass	Muhlenbergia rigens	bunch grass	prefers sandy soils, tolerates clay soils if well-drained	low	should be cut back in the fall, *moderate flammability	very easy	Sun or part shade. Good filter strip or bioswale border plant	Native to southern California	https://caliscape.org/Muhlenbergia-rigens-(Deergrass)?srchcr=sc5bb9a6a025be5
Seep Monkey Flower	Mimulus guttatus	herb	sandy clay soil	High, keep moist	low if always wet	very easy	Yellow snapdragon-shaped wildflower attracts bees and hummingbirds. For use in inundated soils	Native to California	https://caliscape.org/Mimulus-guttatus-(Seep-Monkey-Flower)?srchcr=sc51bb9a669c5417
Southern Cattail	Typha domingensis	perennial herb	tolerates any saturated soil	high must be kept wet	always wet	may need to be cut to prevent spreading	good bioswale plant, sun	Native to California	https://caliscape.org/Typha-domingensis-(Southern-Cattail)?srchcr=sc5bb9a93859dd1
Common Rush, Spreading Rush, California Gray Rush	Juncus patens available in several cultivars	rush	Tolerates variety of soil types	moderate-high, prefers moist areas		very easy		Native to California	https://caliscape.org/Juncus-patens-(Common-Rush)?srchcr=sc5c63686b57f5d

Plant Selections for Treatment of Runoff from Equestrian Areas

Common Name	Plant species	Plant type	Soil Preference	Water requirements	Fire resistance	Care	Uses	origin	references
			http://ucrfanews.ucanr.edu/Articles/Get Cultured				Drainage channels and vegetated filter strips in nurseries Part II /		
Torrey's Rush	Juncus torreyi	rush	prefers sandy or loamy soils, does not do well in clay soil	moist soils			leaves are green to pink or red, dense flower clusters in summer. good bioswale plant	Native to southern California	https://caliscape.org/Juncus-torreyi-Torrey's-Rush?search=s5bb9ac2c24497

* Source: County of Los Angeles Fire Department, Forestry Division, Prevention Bureau, see also: <https://www.fire.lacounty.gov/wp-content/uploads/2017/11/Plant-Selection-Guidelines.pdf>



NOTES

- ① OVERFLOW DEVICE: VERTICAL RISER OR EQUIVALENT.
- ② PERFORATED 6" MIN PVC PIPE UNDERDRAIN SYSTEM. WHERE SOIL CONDITIONS ALLOW, OMIT THE UNDERDRAIN AND INSTALL AN APPROPRIATELY SIZED GRAVEL DRAINAGE LAYER (TYPICALLY A WASHED 57 STONE) BENEATH THE PLANTING MEDIA FOR ENHANCED INFILTRATION.
- ③ OPTIONAL CHOKING GRAVEL LAYER.
- ④ 2" MIN PLANTING MIX; 3" PREFERRED.

Figure E-7. Biofiltration Area Schematic

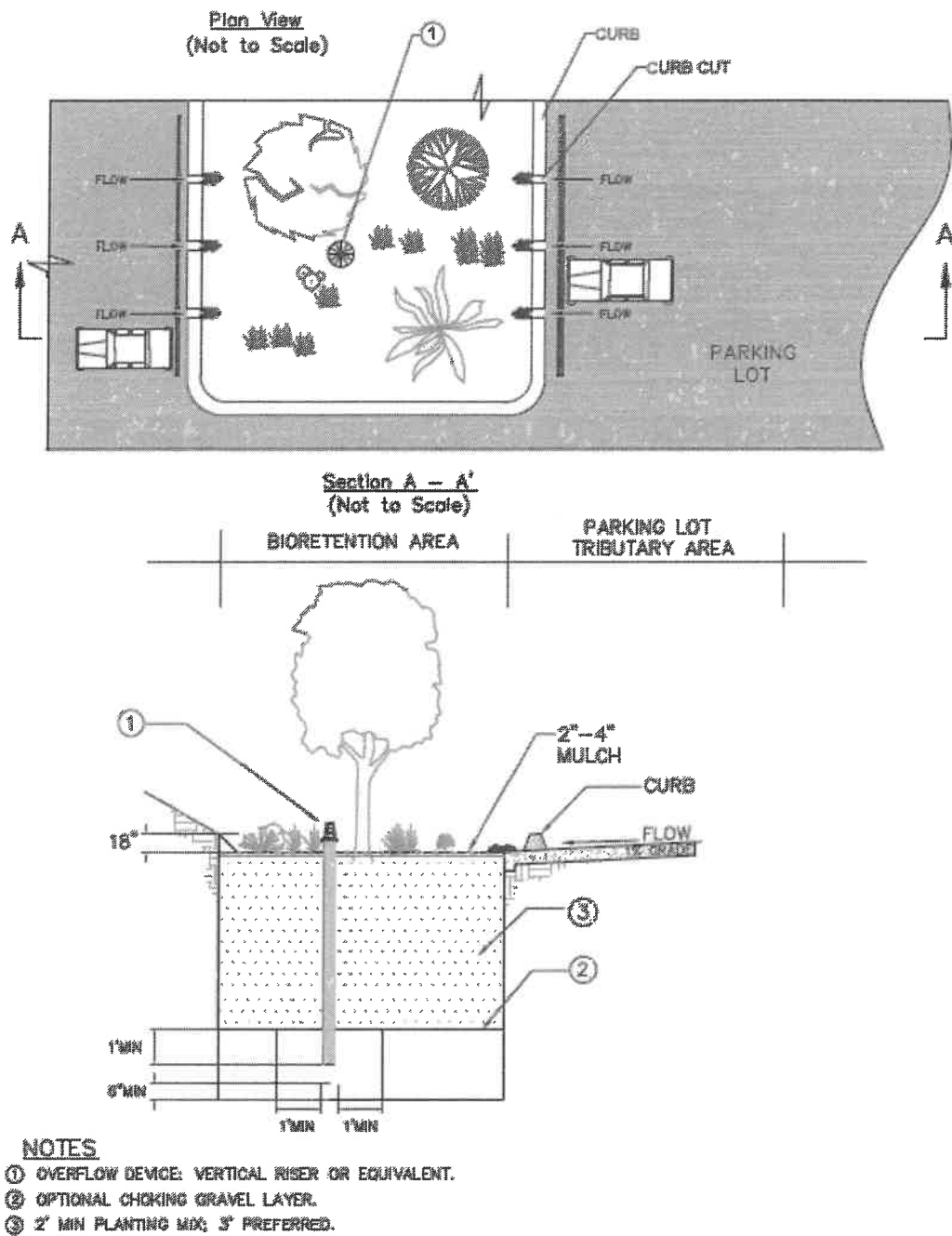


Figure E-1. Bioretention Area Schematic

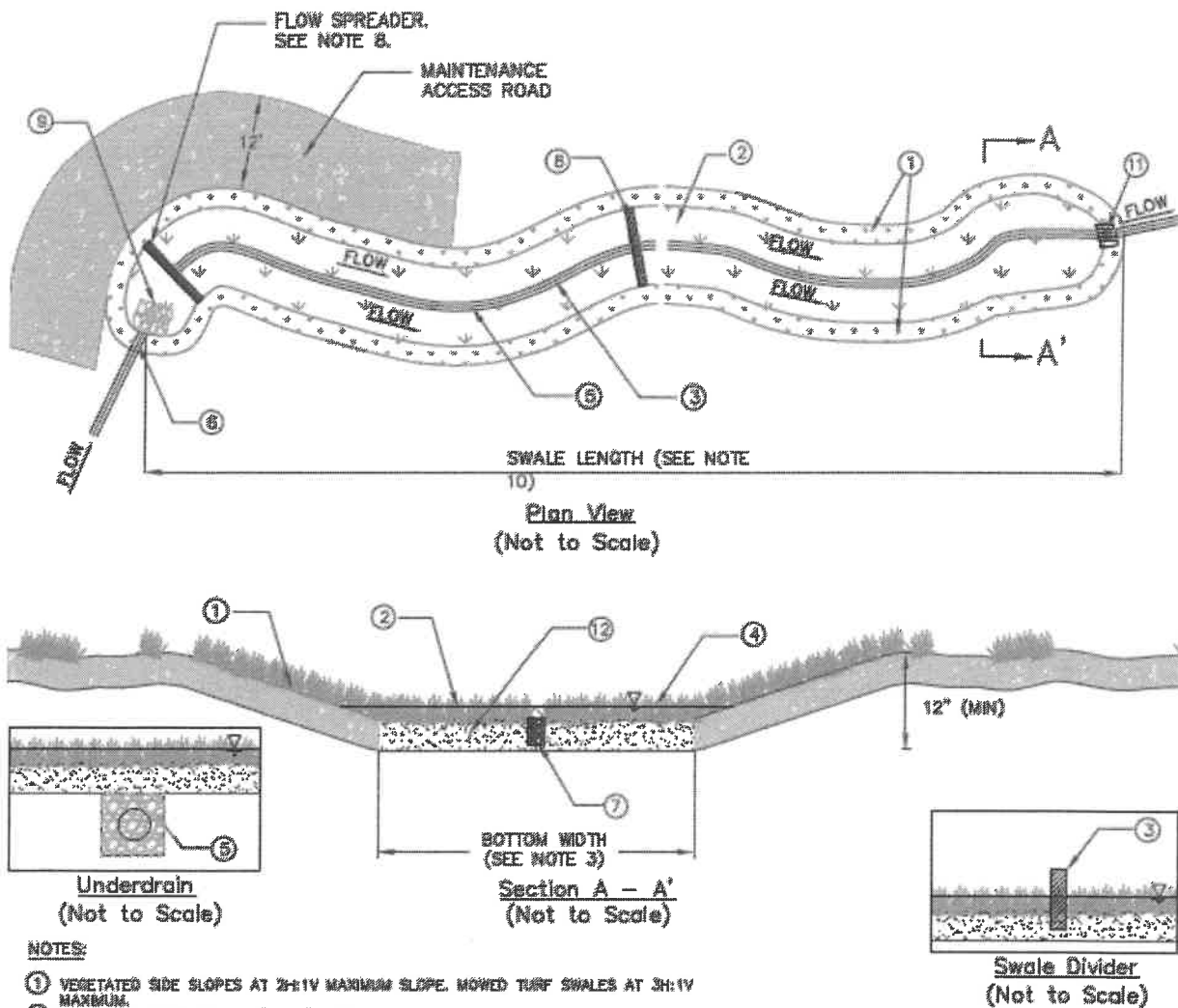
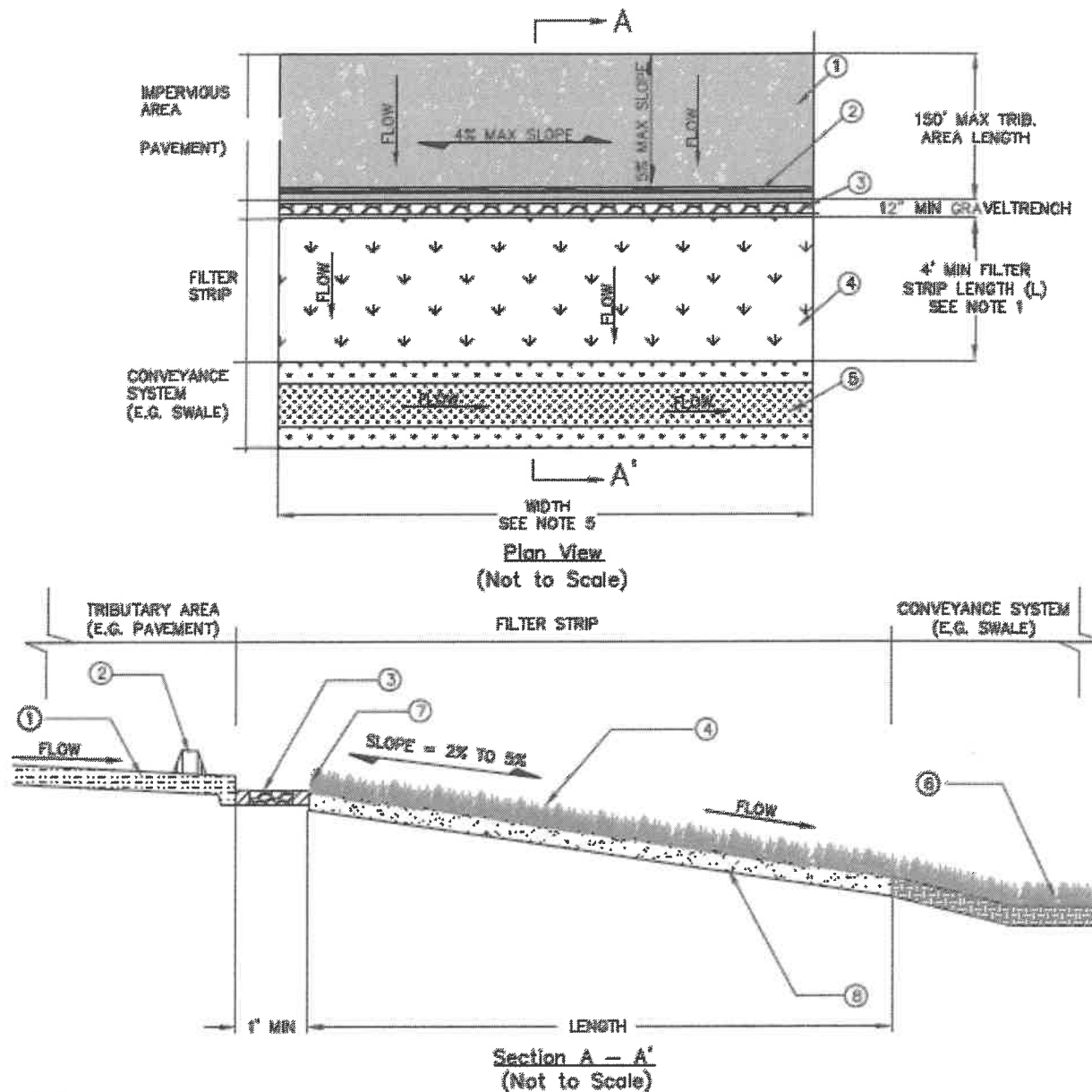


Figure E-11. Vegetated Swale Schematic

VEG-5: Vegetated Filter Strip



NOTES:

- ① MAXIMUM LENGTH OF IMPERVIOUS TRIBUTARY AREA SHALL BE 150'.
- ② OPTIONAL SLOTTED WHEEL STOPS MAY BE USED.
- ③ GRAVEL TRENCH 6" DEEP BY 12" WIDE MIN SHALL BE PROVIDED.
- ④ VEGETATED FILTER STRIP SURFACE. SLOPE SHALL BE BETWEEN 2% TO 5%. WIDTH MUST BE EQUAL OR GREATER THAN THE WIDTH OF THE TRIBUTARY AREA.
- ⑤ CONVEYANCE SYSTEM WIDTH MUST BE EQUAL OR GREATER THAN THE WIDTH OF THE TRIBUTARY AREA.
- ⑥ INSTALL SWALE OR OTHER CONVEYANCE SYSTEM DOWNSTREAM OF FILTER STRIP.
- ⑦ TOP OF FILTER STRIP SHALL BE 2' - 5" BELOW TOP OF ADJACENT PAVEMENT.
- ⑧ AMEND SOILS WITH 2" OF COMPOST TILLED INTO 6" OF NATIVE SOIL UNLESS NATIVE SOIL ORGANIC CONTENT > 10%.

Figure E-12. Vegetated Filter Strip Schematic



**Natural Resources Conservation Service
CONSERVATION PRACTICE STANDARD**

FILTER STRIP

Code 393

(Ac)

DEFINITION

A strip or area of herbaceous vegetation that removes contaminants from overland flow.

PURPOSE

- Reduce suspended solids and associated contaminants in runoff and excessive sediment in surface waters.
- Reduce dissolved contaminant loadings in runoff.
- Reduce suspended solids and associated contaminants in irrigation tailwater and excessive sediment in surface waters.

CONDITIONS WHERE PRACTICE APPLIES

Filter strips are established where environmentally sensitive areas need to be protected from sediment, other suspended solids, and dissolved contaminants in runoff.

CRITERIA

General Criteria Applicable to All Purposes

Overland flow entering the filter strip will be uniform sheet flow.

Concentrated flow will be dispersed before it enters the filter strip.

The maximum gradient along the leading edge of filter strip will not exceed one-half of the up-and-down-hill slope percent, immediately upslope from the filter strip, up to a maximum of five percent.

Filter strips will not be used as a travel lane for equipment or livestock.

Additional Criteria to Reduce Dissolved Contaminants, Suspended Solids and Associated Contaminants in Runoff and Excessive Sediment in Surface Waters.

The filter strip will be designed to have a 10-year life span, following the procedure in Agronomy Technical Note No. 2, "Using Revised Universal Soil Loss Equation, Version 2 (RUSLE2) for the Design and Predicted Effectiveness of Vegetative Filter Strips (FVS) for Sediment," based on the amount of sediment delivery to the upper edge of the filter strip and ratio of filter strip flow length to length of flow path from the contributing area. The minimum flow length through the filter strip will be 20 feet for suspended solids and associated contaminants in runoff and 30 feet for dissolved contaminants and pathogens in runoff.

The filter strip will be located immediately downslope from the source area of contaminants.

NRCS reviews and periodically updates conservation practice standards. To obtain the current version of this standard, contact your Natural Resources Conservation Service State office or visit the Field Office Technical Guide.
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NRCS, NHCP
September 2016

The drainage area immediately above the filter strip will have a slope of one percent or greater.

Vegetation. The filter strip will be established to permanent herbaceous vegetation.

Species selected will be—

- Able to withstand partial burial from sediment deposition.
- Tolerant of herbicides used on the area that contributes runoff to the filter strip.
- Stiff stemmed and a high stem density near the ground surface.
- Suited to current site conditions and intended uses.
- Able to achieve adequate density and vigor within an appropriate period to stabilize the site sufficiently to permit suited uses with ordinary management activities.

Plant species, rates of seeding (lbs/ac), vegetative planting (plants/ac), minimum quality of planting stock (pure live seed [PLS] or stem caliper), and method of establishment shall be specified before application. Only viable, high quality seed or planting stock will be used.

Perform site preparation and seeding/planting at a time and in a manner that best ensures survival and growth of selected species. Successful establishment parameters, (e.g., minimum percent ground/canopy cover, percent survival, stand density) will be specified before application.

Schedule planting dates during periods when soil moisture is adequate for germination and establishment. Seeding will be timed so that tillage for adjacent crop does not damage the seeded filter strip.

Where the purpose is to remove phosphorus, remove (or harvest) the filter strip aboveground biomass at least once each year.

The minimum seeding and stem density will be equivalent to the seeding rate for a high quality grass hay seeding rate for the climate area or the density of vegetation selected in current water erosion technology to determine trapping efficiency, whichever is the higher seeding rate.

Additional Criteria to Reduce Suspended Solids and Associated Contaminants in Irrigation Tailwater and Excessive Sediment in Surface Waters.

Filter strip vegetation will be a small grain or other suitable annual plant.

The seeding rate shall be sufficient to ensure that the plant spacing does not exceed 4 inches (about 16–18 plants per square foot).

Establish filter strips prior to the irrigation season so that the vegetation is mature enough to filter sediment from the first irrigation.

CONSIDERATIONS

General Considerations.

Filter strip width (flow length) can be increased as necessary to accommodate harvest and maintenance equipment.

Filters strips with the leading edge on the contour will function better than those with a gradient along the leading edge.

Seeding rates that establish a higher stem density than the normal density for a high quality grass hay crop will be more effective in trapping and treating contaminants.

When needed, invasive plant species may be controlled through mowing, herbicides, and hand weeding.

Consideration for Reducing Suspended Solids and Associated Contaminants in Runoff.

Increasing the width of the filter strip beyond the minimum required will increase the potential for capturing more contaminants in runoff.

Considerations for Creating, Restoring or Enhancing Herbaceous Habitat for Wildlife and Beneficial Insects and Pollinators. Filter strips are often the only break in the monotony of intensively-cropped areas. The wildlife and pollinator benefits of this herbaceous cover can be enhanced by the following:

- When appropriate, use native grass species that fulfill the purpose(s) of the practice while also providing habitat for priority wildlife.
- Adding herbaceous plant species (including native forbs) to the seeding mix that are beneficial to wildlife and pollinators and are compatible for one of the listed purposes. Changing the seeding mix should not detract from the purpose for which the filter strip is established.
- Increasing the width beyond the minimum required. The additional area can increase food and cover for wildlife and pollinators.
- Management activities on filter strips (mowing, burning, or light disking), should not be done more often than every other year with frequency dependent on geographical location to maintain the purpose(s) of the practice.
- Management activities should be completed outside of the primary nesting, fawning, and calving seasons. Activities should be timed to allow for regrowth before the growing season ends.
- Organic producers should submit plans and specifications to their certifying agent for approval prior to installation, as part of the organic producer's organic system plan.

Considerations to Maintain or Enhance Watershed Functions and Values. Filter strips may be used to enhance connectivity of corridors and noncultivated patches of vegetation within the watershed, enhance the aesthetics of a watershed, and be strategically located to reduce runoff, and increase infiltration and groundwater recharge throughout the watershed.

Increase Carbon Storage. Increasing the width of the filter strip beyond the minimum required will increase potential for carbon sequestration.

PLANS AND SPECIFICATIONS

Specifications for establishment and operation of this practice will be prepared for each field or treatment unit. Record the specifications using the implementation requirements document. The specifications will identify at a minimum the following:

- Practice purpose(s).
- Length, width (width refers to flow length through the filter strip), and slope of the filter strip to accomplish the planned purpose(s).
- Plant species selection and seeding/planting/sprigging rates to accomplish the planned purpose.
- Planting dates and planting method(s).
- Specific care and handling requirements of the seed or plant material to ensure that planted materials have an acceptable rate of survival.
- A statement that only viable, high quality, and adapted seed will be used.
- Site preparation instructions sufficient to establish and grow selected species.

OPERATION AND MAINTENANCE

For the purposes of filtering contaminants and nutrients (phosphorus), permanent filter strip vegetative plantings will be harvested and removed as appropriate to encourage dense growth, maintain an upright growth habit and remove nutrients and other contaminants that are contained in the plant tissue.

Control undesired weed species, especially State-listed noxious weeds.

If Conservation Practice Standard (CPS) Prescribed Burning (Code 338) is used to manage and maintain the filter strip, an approved burn plan must be developed.

Inspect the filter strip after storm events and repair any gullies that have formed, remove unevenly deposited sediment accumulation that will disrupt sheet flow, reseed disturbed areas and take other measures to prevent concentrated flow through the filter strip.

Apply supplemental nutrients as needed to maintain the desired species composition and stand density.

Periodically regrade and reestablish the filter strip area when sediment deposition at the filter strip-field interface jeopardizes its function. Reestablish the filter strip vegetation in regraded areas, if needed.

If grazing is used to harvest vegetation from the filter strip, the grazing plan must ensure that the integrity and function of the filter strip is not adversely affected.

REFERENCES

Dillaha, T.A., J.H. Sherrard, and D. Lee. 1986. Long-Term Effectiveness and Maintenance of Vegetative Filter Strips. VPI-VWRRC Bulletin 153.

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Foster, G.R. Revised Universal Soil Loss Equation, Version 2 (RUSLE2) Science Documentation (In Draft). USDA-ARS, Washington, DC. 2005.

Renard, K.G., G.R. Foster, G.A. Weesies, D.K. McCool, and D.C. Yoder, coordinators. 1997. Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE). U.S. Department of Agriculture. Agriculture Handbook 703.

Revised Universal Soil Loss Equation Version 2 (RUSLE2) Web site (checked May 2007):
http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm.

M.G. Dosskey, M.J. Helmers, and D.E. Eisenhauer 2008. A Design Aid for Determining Width of Filter Strips. Journal of Soil and Water Conservation. July/Aug 2008—vol. 63, no. 4.

ATTACHMENT H. BIORETENTION / BIOFILTRATION DESIGN CRITERIA

Note: A significant portion of the information in this appendix has been copied verbatim from the *Ventura County Technical Guidance Manual*, Updated 2011, and modified to reflect recent changes to the bioretention/biofiltration soil media specifications as adopted by the California Regional Water Quality Control Board, San Francisco Region, on November 28, 2011, Order No. R2-2011-083, Attachment L. Permittees can submit alternate Bioretention/Biofiltration Design Criteria subject to Executive Officer approval.

1. Geometry

- a. Bioretention/biofiltration areas shall be sized to capture and treat the design with an 18-inch maximum ponding depth. *The intention is that the ponding depth be limited to a depth that will allow for a healthy vegetation layer.*
- b. Minimum planting soil depth should be 2 feet, although 3 feet is preferred. *The intention is that the minimum planting soil depth should provide a beneficial root zone for the chosen plant palette and adequate water storage for the SWQDv.*
- c. A gravel storage layer below the bioretention/biofiltration soil media is required as necessary to provide adequate temporary storage to retain the SWQDv and to promote infiltration.

2. Drainage

- a. Bioretention and biofiltration BMPs should be designed to drain below the planting soil in less than 48 hours and completely drain in less than 96 hours. *The intention is that soils must be allowed to dry out periodically in order to restore hydraulic capacity needed to receive flows from subsequent storms, maintain infiltration rates, maintain adequate soil oxygen levels for healthy soil biota and vegetation, and to provide proper soil conditions for biodegradation and retention of pollutants.*
- b. *Biofiltration BMPs are designed and constructed with an underdrain. The underdrain is preferably placed near the top of the gravel storage area to promote incidental infiltration and enhanced nitrogen removal. However, if in-situ, underlying soils do not provide sufficient drainage, the underdrain may need to be placed lower in the gravel storage area (within 6 inches of the bottom) to prevent the unit from holding stagnant water for extended periods of time. At many sites, clay soils will drain sufficiently fast, particularly if they are not compacted. Observing soil moisture and surface conditions in the days following a wet period may provide sufficient information for making this decision and may be more directly applicable than in situ or laboratory testing of soil characteristics¹.*

3. Overflow

An overflow device is required at the 18-inch ponding depth. The following, or equivalent, should be provided:

- a. A vertical PVC pipe (SDR 35) to act as an overflow riser.

¹ Dan Cloak, Dan Cloak Environmental Consulting to Tom Dalziel, Contra Costa County, February 22, 2011.

- b. The overflow riser(s) should be 6 inches or greater in diameter, so it can be cleaned without damage to the pipe.

The inlet to the riser should be at the ponding depth (18 inches for fenced bioretention areas and 6 inches for areas that are not fenced), and be capped with a spider cap to exclude floating mulch and debris. Spider caps should be screwed in or glued, i.e., not removable.

4. Integrated Water Quality/ Flow Reduction/Resources Management Criteria

- a. When calculating the capacity of an infiltration system, each Permittee shall account for the 24-hour infiltration assuming that the soil is saturated. Infiltration BMPs shall be limited to project sites where the in-situ soil or the amended on-site soils have a demonstrated infiltration rate under saturated conditions of no less than 0.3 inch per hour.
- b. Bioretention BMPs shall be designed to accommodate the minimum design flow at a surface loading rate of 5 inches per hour and no greater than 12 inches per hour, and shall have a total volume, including pore spaces and pre-filter detention volume of no less than the SWQDv.
- c. If rainwater harvested for use in irrigation is to be credited toward the total volume of storm water runoff retained on-site, each Permittee shall require the project proponent to conduct a conservative (assuming reasonable worst-case scenarios) assessment of water demand during the wet-weather season. This volume will be referred to as the "reliable" estimate of irrigation demand. The portion of water to be credited as retained on-site for use in irrigation shall not exceed the reliable estimate of irrigation demand.
- d. Harvested rainwater must be stored in a manner that precludes the breeding of mosquitoes or other vectors or with a draw down not to exceed 96 hours.
- e. When evaluating the potential for on-site retention, each Permittee shall consider the maximum potential for evapotranspiration from green roofs and rainfall harvest and use.
- f. Project requirements shall address at a minimum the potential use of harvested rainwater for non-potable uses including toilet flushing, laundry, and cooling water makeup water. If the municipal, building or county health code(s) does not allow such use of harvested rainwater, each Permittee shall develop a model ordinance and submit it to the city council or County Supervisors for consideration within 24 months after the Order effective date. The model ordinances shall be based on the International Association of Plumbing and Mechanical Officials' (IAPMO's) Green Plumbing and Mechanical Code Supplement to the 2012 National Standard Plumbing Code, or similar guidance to ensure the safe and effective use of harvested rainwater, separate from the existing provisions, if any, for reclaimed wastewater. California is in the process of adopting its 2012 update to the Uniform Plumbing Code that incorporates the IAPMO Green Plumbing and Mechanical Code Supplement. If the State of California update incorporates the IAPMO Green Plumbing and Mechanical Code Supplement, Permittees are not required to adopt a model ordinance addressing the potential use of harvested rainwater for non-potable uses including toilet flushing, laundry, and cooling water makeup water.

5. Hydraulic Restriction Layers

Infiltration pathways may need to be restricted due to the close proximity of roads, foundations, or other infrastructure. A geomembrane liner, or other equivalent water proofing, may be placed along the vertical walls to reduce lateral flows. This liner should have a minimum thickness of 30 mils. Generally, waterproof barriers should not be placed on the bottom of the biofiltration unit, as this would prevent incidental infiltration which is important to meeting the required pollutant load reduction.

6. Planting/Storage Media Specifications

- a. The planting media placed in the cell should achieve a long-term, in-place infiltration rate of at least 5 inches per hour. Higher infiltration rates of up to 12 inches per hour are permissible. Bioretention/biofiltration soil shall retain sufficient moisture to support vigorous plant growth.
- b. Planting media should consist of 60 to 80% fine sand and 20 to 40% compost.
- c. Sand should be free of wood, waste, coating such as clay, stone dust, carbonate, etc. or any other deleterious material. All aggregate passing the No. 200 sieve size should be non-plastic. Sand for bioretention should be analyzed by an accredited lab using #200, #100, #40, #30, #16, #8, #4, and 3/8 sieves (ASTM D 422 or as approved by the local permitting authority) and meet the following gradation (Note: all sands complying with ASTM C33 for fine aggregate comply with the gradation requirements provided in Table H-1):

Table H-1. Sand Texture Specifications

Sieve Size ASTM D422	Percent Passing by Weight	
	Minimum	Maximum
3 /8 inch	100	100
No. 4	90	100
No. 8	70	100
No. 16	40	95
No. 30	15	70
No. 40	5	55
No. 110	0	15
No. 200	0	5

Note: The gradation of the sand component of the media is believed to be a major factor in the hydraulic conductivity of the media mix. If the desired hydraulic conductivity of the media cannot be achieved within the specified proportions of sand and compost (#2), then it may be necessary to utilize sand at the coarser end of the range specified in above ("minimum" column).

- d. Compost should be a well decomposed, stable, weed free organic matter source derived from waste materials including yard debris, wood wastes, or other organic materials not including manure or biosolids meeting standards developed by the US Composting Council (USCC). The product shall be certified through the USCC Seal of Testing Assurance (STA) Program (a compost testing and information disclosure program). Compost quality should be verified via a lab analysis to be:

- Feedstock materials shall be specified and include one or more of the following: landscape/yard trimmings, grass clippings, food scraps, and agricultural crop residues.
- Organic matter: 35-75% dry weight basis.
- Carbon and Nitrogen Ratio: 15:1 < C:N < 25:1
- Maturity/Stability: shall have dark brown color and a soil-like odor. Compost exhibiting a sour or putrid smell, containing recognizable grass or leaves, or is hot (120 F) upon delivery or rewetting is not acceptable.
- Toxicity: any one of the following measures is sufficient to indicate non-toxicity:
 - $\text{NH}_4:\text{NH}_3 < 3$
 - Ammonium < 500 ppm, dry weight basis
 - Seed Germination > 80% of control
 - Plant trials > 80% of control
 - Solvita® > 5 index value
- Nutrient content:
 - Total Nitrogen content 0.9% or above preferred
 - Total Boron should be <80 ppm, soluble boron < 2.5 ppm
- Salinity: < 6.0 mmhos/cm
- pH between 6.5 and 8 (may vary with plant palette)
- Compost for bioretention should be analyzed by an accredited lab using #200, 1/4 inch, 1/2 inch, and 1 inch sieves (ASTM D 422) and meet the gradation described in Table H-2:

Table H-2. Compost Texture Specifications

Sieve Size ASTM D422	Percent Passing by Weight	
	Minimum	Maximum
1 inch	99	100
1/2 inch	90	100
1/4 inch	40	90
#200	2	10

Tests should be sufficiently recent to represent the actual material that is anticipated to be delivered to the site. If processes or sources used by the supplier have changed significantly since the most recent testing, new tests should be requested.

Note: the gradation of compost used in bioretention/biofiltration media is believed to play an important role in the saturated hydraulic conductivity of the media. To achieve a higher saturated hydraulic conductivity, it may be necessary to utilize compost at the coarser end of this range ("minimum" column). The percent passing the #200 sieve (fines) is believed to be the most important factor in hydraulic conductivity.

In addition, a coarser compost mix provides more heterogeneity of the bioretention media, which is believed to be advantageous for more rapid development of soil structure needed to support health biological processes. This may be an advantage for plant establishment with lower nutrient and water input.

- e. Bioretention/Biofiltration soils not meeting the above criteria shall be evaluated on a case by case basis. Alternative bioretention soil shall meet the following specification:

“Soils for bioretention facilities shall be sufficiently permeable to infiltrate runoff at a minimum rate of 5 inches per hour during the life of the facility, and provide sufficient retention of moisture and nutrients to support healthy vegetation.” The following steps shall be followed by the Permittees to verify that alternative soil mixes meet the specification:

- Submittals – The applicant must submit to the Permittee for approval:
 - A sample of mixed bioretention/biofiltration soil.
 - Certification from the soil supplier or an accredited laboratory that the bioretention/biofiltration soil meets the requirements of this specification.
 - Certification from an accredited geotechnical testing laboratory that the bioretention/biofiltration soil has an infiltration rate of between 5 and 12 inches per hour.
 - Organic content test results of mixed bioretention/biofiltration soil. Organic content test shall be performed in accordance with by Testing Methods for the Examination of Compost and Composting (TMECC) 05.07A, “Loss-On-Ignition Organic Matter Method”.
 - Organic Grain size analysis results of mixed bioretention/biofiltration soil performed in accordance with ASTM D 422, Standard Test Method for Particle Size Analysis of Soils.
 - A description of the equipment and methods used to mix the sand and compost to produce the bioretention/biofiltration soil.
- The name of the testing laboratory(s) and the following information:
 - Contact person(s)
 - Address(s)
 - Phone contact(s)
 - email address(s)
 - Qualifications of laboratory(s), and personnel including date of current
 - Certification by STA, ASTM, or approved equal.
- Bioretention/biofiltration soils shall be analyzed by an accredited lab using #200, and 1/2” inch sieves (ASTM D 422 or as approved by municipality), and meet the gradation described in Table H-3).

Table H-3. Alternative Bioretention/Biofiltration Soil Texture Specifications

Sieve Size ASTM D422	Percent Passing by Weight	
	Minimum	Maximum
1/2 inch	97	100
200	2	5

- Bioretention/biofiltration soils shall be analyzed by an accredited geotechnical lab for the following tests:
 - Moisture – density relationships (compaction tests) shall be conducted on bioretention soil. Bioretention/biofiltration soil for the permeability test shall be compacted to 85 to 90 percent of the maximum dry density (ASTM D1557).
 - Constant head permeability testing in accordance with ASTM D2434 shall be conducted on a minimum of two samples with a 6-inch mold and vacuum saturation.

7. Mulch for Bioretention/Biofiltration Facilities

Mulch is recommended for the purpose of retaining moisture, preventing erosion and minimizing weed growth. Projects subject to the State's Model Water Efficiency Landscaping Ordinance (or comparable local ordinance) will be required to provide at least two inches of mulch. Aged mulch, also called compost mulch, reduces the ability of weeds to establish, keeps soil moist, and replenishes soil nutrients. Aged mulch can be obtained through soil suppliers or directly from commercial recycling yards. It is recommended to apply 1" to 2" of composted mulch, once a year, preferably in June following weeding

8. Plants

- a. Plant materials should be tolerant of summer drought, ponding fluctuations, and saturated soil conditions for 48 to 96 hours.
- b. It is recommended that a minimum of three types of tree, shrubs, and/or herbaceous groundcover species be incorporated to protect against facility failure due to disease and insect infestations of a single species.
- c. Native plant species and/or hardy cultivars that are not invasive and do not require chemical inputs should be used to the maximum extent practicable.

References

California Regional Water Quality Control Board, San Francisco Bay Region. 2011. Municipal Regional Stormwater Permit (Order No. R2-2011-0083, Attachment L). Adopted November 28, 2011.

Dan Cloak, Dan Cloak Environmental Consulting to Tom Dalziel, Contra Costa County, February 22, 2011. <<http://www.cccleanwater.org/c3-guidebook.html>>. Accessed on January 31, 2012.

Geosyntec Consultants and Larry Walker Associates. 2011. *Ventura County Technical Guidance Manual for Stormwater Quality Control Measures, Manual Update 2011. Appendix D*. Prepared for the Ventura Countywide Stormwater Quality Management Program. July 13, 2011.