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 | **PLANNING COMMISSION** | **CITY OF ROLLING HILLS**
Regular Planning Meeting | **Tuesday, April 21, 2020** | **6:30 PM**

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020. All Planning Commissioners will participate by teleconference.

Public Participation: City Hall will be closed to the public until further notice. A live audio of the Planning Commission meeting will available on the City's website (http://www.rolling-hills.org/). The meeting agenda is on the City's website (https://www.rolling-hills.org/government/city_council/city_council_agendas.php).

Members of the public may submit comments in real time by emailing the City Clerk at ycoronel@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e., phone numbers, addresses, etc.) that you do not want to be published.

1. **CALL MEETING TO ORDER**

2. **APPROVAL OF THE AGENDA**

3. **COMMENTS WILL BE TAKEN BY EMAIL IN REAL TIME - PUBLIC COMMENT WELCOME.**
   *This is the appropriate time for members of the public to make comments regarding the items on the consent calendar or items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

4. **APPROVAL OF MINUTES**

4.A. APPROVAL OF MINUTES.
RECOMMENDATION:Approve as presented.

1-21-20PCMinutes

5. PUBLIC HEARING

5.A. ZONING CASE NO. 20-03: REQUEST FOR A VARIANCE FOR CONSTRUCTION OF A NEW 400 SQUARE-FOOT SWIMMING POOL AND SPA IN THE FRONT YARD LOCATED AT 52 PORTUGUESE BEND ROAD. (WACHS)
RECOMMENDATION:

Staff recommends that the City of Rolling Hills Planning Commission adopt Resolution No. 2020-03 granting a variance request to allow construction of a new 400 square foot pool and spa in the front yard located at 52 Portuguese Bend Road. (Wachs)

52 Portuguese Bend Raod - Pool and Spa.pdf
Resolution 2020-03 (52 Portuguese Bend Road) (ZC 20-03).pdf

6. NEW BUSINESS

6.A. PRESENTATION ON AN APPROACH THAT COULD CAPTURE THE 85TH PERCENTILE STORM RUNOFF AND RETAIN WITHIN CITY BOUNDARIES.
RECOMMENDATION:Receive and file presentation.

7. ITEMS FROM THE PLANNING COMMISSION

8. ADJOURNMENT

Next meeting: Tuesday, May 19, 2020 at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

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.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.A
Mtg. Date: 04/21/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **APPROVAL OF MINUTES.**

DATE: **April 21, 2020**

BACKGROUND:
None.

DISCUSSION:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
1-21-20PCMinutes

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, JANUARY 21, 2020
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 6:31 p.m. on Tuesday, January 21, 2020 in the City Council Chamber, at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

ROLL CALL

Commissioners Present:	Cooley, Kirkpatrick, Seaburn, and Chairman Chelf
Commissioners Absent:	Cardenas
Others Present:	Meredith T. Elguira, Planning & Community Services Director Todd Leishman, Assistant City Attorney Yohana Coronel, City Clerk Stephanie Grant, Administrative Clerk Tavisha Ales, Bolton Engineering, Civil Engineer Dave Palacios, 2408 Steed Court, Lomita Anthony F. Inferrera, 1967 Upland St. RPV

APPROVAL OF THE AGENDA

Commissioner Seaburn moved that the Planning Commission approve the agenda as presented. Commissioner Cooley seconded the motion, which carried without objection.

AYES:	COUNCILMEMBERS:	Chairman Chelf, Cooley, Kirkpatrick and Seaburn.
NOES:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	Cardenas.
ABSTAIN:	COUNCILMEMBERS:	None.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

NONE.

APPROVAL OF MINUTES

A. November 19, 2019, Regular Meeting of the Planning Commission.
B. November 19, 2019, Field Trip Meeting of the Planning Commission.
C. December 09, 2019, Special Meeting of the Planning Commission

Commissioner Seaburn moved that the Planning Commission approve the minutes as presented. Commissioner Cooley seconded the motion, which carried without objection.

AYES: COUNCILMEMBERS: Chairman Chelf, Cooley, Kirkpatrick and Seaburn.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: Cardenas.
ABSTAIN: COUNCILMEMBERS: None.

RESOLUTIONS

NONE.

PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

NONE.

(Out of Order)

NEW BUSINESS

A. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING TIME EXTENSION FOR A PREVIOUSLY APPROVED PROJECT FOR SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE PERMIT ON ZONING CASE 918, LOCATED AT 20 UPPER BLACKWATER CANYON ROAD (IANNITTI).

Planning Commissioner Chelf decided to go out of order to present New Business Item 9A Resolution No. 2020-02 first.

Planning Director Elguira presented an overview of Resolution No. 2020-02, a request for an extension for a project that was previously approved on January 16, 2018, under Resolution No. 2018-01. The applicant was requesting a 2-year extension for the Site Plan Review, Conditional Use Permit, and Variances for grading and construction for a new four-car garage, stable, corral, and various outdoor amenities including a new pool located at 20 Upper Blackwater Canyon. The applicant was requesting an extension because more time was needed to comply with Building and Safety Codes. In addition, the owner was requesting an extension,

due to the redesign of the home to follow Feng Shui requirements. Planning Director Elguira also stated the applicant was present at the meeting.

Chairman Chelf asked if the applicant was returning to the Planning Commission because of changes to the plans. He also asked what was causing construction delays.

Planning Director Elguira explained that the proposed design revisions to the approved project do not require approval from the Planning Commission. The proposed changes are limited to the interior of the building. The applicant is before the Commission to request time extension for the previously approved project.

Chairman Chelf opened the item for public comment.

Tavisha Ales, Bolton Engineering, informed the Planning Commission that the Building and Safety Department has reviewed the grading and building plans. However, due to the redesign, to meet Feng Shui requirements, the project has fallen behind schedule and thus, the applicant is requesting for time extension.

Commissioner Cooley suggested to the applicant that in the future, a request for time extension should be made when the project is ready for construction.

Tavisha Ales responded that she understood and articulated to Commissioner Cooley that it was her understanding that if the project was not completed by the deadline, the City would not grant an extension and that they would have to come back and reapply for a new permit.

Chairman Chelf expressed concerns about construction equipment and the green fences currently at the project site. He also inquired if any neighbors had expressed concerns.

Ms. Ales replied that she was not aware of any concerns with regard to the project site.

Chairman Chelf expressed additional concerns about the green fences and containers left at the project site for extended period of time. He also asked if the house was currently occupied.

Dave Palacios, the Project Manager, responded that the house had never been occupied. He informed Chairman Chelf that the owners of the house only intend to stay at the home on the weekends, and that the house was furnished but not occupied full time. He then added that the home was presentable and that the gardener was at the property on a weekly basis.

Commissioner Seaburn moved that the Planning Commission adopt Resolution No. 2020-02 granting approval of the applicant's request on Zoning Case No. 918 at 20 Upper Blackwater Canyon Road. Commissioner Kirkpatrick seconded the motion, which carried by voice vote:

Commissioner vote yeas: Cooley, Kirkpatrick, Seaburn, and Chairman Chelf.

Commissioner vote nays: None.
Commissioner vote absent: Cardenas
Commissioner vote abstain: None.

(Out of Order)

NEW PUBLIC HEARINGS

A. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

Planning Director Elguira introduced Stephanie Grant, the new Administrative Clerk for the City of Rolling Hills. She informed the Planning Commission that Ms. Grant had a background in planning and would be helping the Director with planning cases.

Planning Director Elguira presented Resolution 2020-01 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) via PowerPoint Presentation. Planning Director Elguira stated that in 2019, Governor Gavin Newsom signed into law a number of bills in Government Sections 65852.2 and 65852.22 ("New ADU Laws") and that they took effect on January 1, 2020. The new laws limited the local authority's regulations on ADU and JADU. The proposed ordinance would comply with the new ADU laws and are exempt from CEQA requirements. Planning Director Elguira stated that the proposed ordinance required findings and proceeded to state the findings; overall, there would be no significant cumulative impact. There would be no damage to scenic resources. She pointed out that the City is not located in hazardous waste site, and that there would be no significant impacts to historical resources. She explained the differences between an ADU and JADU, as well as the major changes in the regulations, including permitting, approvals, extensions, rentals, owner occupancy, deed restrictions, and development standards (lot size, maximum size, setbacks, lot coverage, open space, height, and parking requirements). She also noted that the City has its own set of architectural rules that are part of the ordinance. The RHCA has their own architectural requirements. Planning Director Elguira informed the Planning Commission that the RHCA is currently working on updating their architectural requirements. She stated that she has informed the Association that they must be more objective in terms of their requirements and be more specific because of new state regulations. She further explained that there are still landscape requirements and that historical protections do not apply to the City. She also stated that ADU and JADU fees, utilities fees, and Conditional Use Permits (CUPs) would be required for any nonconforming ADU. She ended her presentation by stating that she and Todd Leishman, the City's Assistant City Attorney, were available to answer any questions.

Commissioner Seaburn asked how many ADUs were allowed on a lot.

Assistant City Attorney Todd Leishman responded that generally it was limited to only one ADU or one JADU on a lot with a main house. He also stated that there are situations where it is allowable to have one JADU inside the main house and a detached ADU in the back or on the side (up to 800 square feet and 16 feet high). He further stated that in multifamily situations, there could be more than one ADU, but it is not applicable to the City.

Vice Chairman Kirkpatrick stated that it was his understanding that the ADU concept was to provide more housing. He stated that all the cities are dealing with the issue of providing more housing.

Chairman Chelf explained that the Housing Element is a different subject than ADUs. The Housing Element issue requires the City to provide an area for low income housing. ADU Laws, which became effective January 1, 2020, allow structures to be used as auxiliary dwelling units on private property. He further stated that in the past if someone wanted to build a guest house, the applicant would have had to go before the Planning Commission to request a Conditional Use Permit. Under the new ordinance, if the guidelines are met, the ADU must be approved within 60 days. He further discussed how New ADU Laws could have different guidelines from the City and the that City could do nothing about them. Chairman Chelf stated that the goal was to come up with City guidelines and regulation requirements. For example, if a pink house is proposed in the front yard, it would currently not be approved because it does not meet the requirements of the City, however it would be allowed under the New ADU Laws that supersede the City's regulations. He also discussed how structures like a garage or barn could be turned into an auxiliary structure and possibly be rented out. He further explained how an ADU rental could result in multifamily properties because of this ordinance and firmly stated that it was not the direction the City wanted to head towards.

Vice Chairman Kirkpatrick asked if the Association could still keep their codes, regulations, and rules as they currently have. He inquired if the dwelling units would fall under different regulations than what the City currently has. He mentioned that the new regulations bypass the current City standards, and expressed concern and wondered if there was a way to enforce City regulations. He stated that he felt that the City needed to implement guidelines and restrictions.

Chairman Chelf replied that Assistant City Attorney Leishman, along with staff, were asked to set some guidelines and restrictions in the hopes that there would not be any color, five story structures, or mobile homes allowed in the City.

Planning Director Elguira stated that the goal was to provide the most stringent standards that could be adopted. Once the ordinance was adopted by the City, it must go to the Housing Community Development (HCD) for approval. She informed the Planning Commission that with current regulations, if an applicant with a project came to the counter, she would try to

incentivize and guide them to place the unit in the back to minimize impact. She further informed the Planning Commission that the Association has limited authority and that the State could exercise their rights at any given moment.

Chairman Chelf expressed concern that the City is currently at the mercy of the State until some guidelines are put into place.

Commissioner Cooley stated that it was her understanding that the City was trying to be proactive. She recalled discussing the issue last year with the last Planning Director, Yolanta Schwartz, and that they tried to come up with guidelines that would satisfy the City Council and the State.

Chairman Chelf stated that unfortunately the issue is constantly changing. He asked the Planning Director when had the City become aware of the issue.

Planning Director Elguira responded that it was brought to her attention recently.

Assistant City Attorney Leishman clarified that he was not involved with the City of Rolling Hills at the time this issue was discussed with Planning Director Schwartz, but as of late September 2019, there were four or five ADU related bills, all to be signed by Governor Newsom. Assistant City Attorney Leishman stated that in October, a template ordinance was drafted that regulated and exercised as much local control as the State would allow.

Chairman Chelf asked the Assistant City Attorney if he thought the ordinance would be approved.

Assistant City Attorney Leishman responded yes, it was his opinion that the ordinance would pass HCD. He also stated that this was a conservative approach, but also the most aggressive. Currently, the City has no valid ordinance in the books, and State Law states that because the City does not have a compliant ordinance, whatever the City dose have, is null and void which leaves the City with the four or five, not very helpful, restraints that State Law imposes on ADUs. He expressed how much more latitude people have with State Standards, and that the strategy he would like to put forth is a ministerial box. If an ADU meets all the requirements of the ministerial box, then it must be approved ministerially, according to State law, but it also allows the City to define what that box looks like. He is hoping to make the ministerial box requirements as restrictive as State Law would allow. Mr. Leishman informed the Planning Commission that State Law declares it okay to have a ministerial box of your own. He explained that there are two categories to creating a ministerial box, 1) building permit only; where you cannot have any development or design standards. Except for the two or three things that State says about it. For example, you cannot say anything about architectural design for conversion of existing structures. The only thing you can care about is the building code. 2) Limited detached, which would be defined as a brand new ADU construction, up to 800 feet in size and 16 feet in height. Again, he reminded the Planning Commission, that the only thing

the City can care about is the building code portion. The City cannot ask about development or design standards, and no setbacks standards except for the 4 foot side and rear setback.

Chairman Chelf asked Assistant City Attorney Leishman if the ordinance will get HCD's approval.

Assistant City Attorney Leishman replied that the City must send a copy of the ordinance to HCD for review within 60 days of its adoption. In the past, HCD did not have any authority, only their opinion. He stated that HCD's review time is unpredictable because they would be receiving ordinances from every city in the State. However, HCD would respond with comments and/or changes, if deemed necessary. The City has 30 days to respond after receiving the comments, and either make the changes or contest HCD's conclusions. It is only after HCD replies, that HCD can refer the matter of the City's non-compliance to the Attorney General.

Chairman Chelf asked that if the Planning Commission adopts the ordinance, can the City enforce it until told otherwise.

Assistant City Attorney Leishman responded yes.

Chairman Chelf stressed the importance of getting something on the books in order to enforce restrictions.

Assistant City Attorney Leishman concurred.

Chairmen Chelf inquired about how City staff should proceed on providing the ordinance information to applicants and how much notification needs to be provided to the residents.

Assistant City Attorney Leishman stated there's no obligation to provide any extra notification of the ADU Ordinance.

Planning Director Elguira stated that staff would provide the information to the applicants at the counter, as they come in. She further stated that she had a resident come in and request a site visit for a proposed ADU. She visited the site and provided the applicant with advice. Afterwards the resident decided not to move forward with the ADU because it would cost $80,000 to $100,000 to upgrade their septic system.

Commissioner Seaburn stated that having no hookup fees was a big advantage for the City.

Vice Chairman Kirkpatrick inquired about how this could be added to the building code.

Assistant City Attorney Leishman replied that the Planning Commission could only focus on changes to the zoning code.

Planning Director Elguira stated that restricting development standards via the building code is something that is also being explored with the Council.

Chairman Chelf thanked Planning Director Elguira for thinking of creative ways to regain some control over the matter given the difficult environment.

Planning Director Elguira recommended that the Planning Commission recommend to the City Council to adopt both Ordinances, but also, part of the recommendation was to assign both ordinances, urgency and non-urgency, with the same number. The only difference would be a U would be used for the urgency ordinance.

Assistant City Attorney Leishman informed the Planning Commission that there was another bill pending before the Legislature. Assistant City Attorney Leishman expects the legislature will continue to adjust ADU statutes for probably the next two years. He stated that the Planning Commission should not be surprised if staff comes back in 6-12 months with more changes.

Commissioner Seaburn predicts that many cities will probably sue.

Assistant City Attorney Todd Leishman stated that there were already numerous lawsuits.

Commissioner Seaburn moved that the Planning Commission adopt Resolution No. 2020-01 adopting (A) Urgency Ordinance and (B) the Emergency Non-Urgency Ordinance as presented. Commissioner Kirkpatrick seconded the motion, which carried by voice vote:

Commissioner vote yeas:	Cooley, Kirkpatrick, Seaburn, and Chairman Chelf.
Commissioner vote nays:	None.
Commissioner absent:	Cardenas
Commissioner vote abstain:	None.

OLD BUSINESS

NONE.

SCHEDULE OF FIELD TRIPS

NONE.

ITEMS FROM STAFF (ORAL)

A. ANNOUNCEMENT OF THE CITY COUNCIL'S STRATEGIC PLANNING WORSHOP ON SATURDAY, JANUARY 25, 2020 AT 10AM (ORAL).

Planning Director Elguira announced the date and time of the City Council's Strategic Planning Workshop.

B. ANNOUNCEMENT OF THE SEXUAL HARRASSMENT AVOIDANCE TRAINING ON MONDAY, JANUARY 27, 2020 AT 5PM (ORAL).

Planning Director Elguira announced the date and time of the Sexual Harassment Avoidance Training.

C. REMINDER OF THE JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING ON MONDAY, MARCH 9, 2020 AT 7PM (ORAL).

Planning Director Elguira reminded Planning Commissioners of the date and time for Joint City Council and Planning Commission meeting.

D. NOTICE OF UPCOMING AB1234 ETHICS TRAINING (ORAL).

Planning Director Elguira informed Planning Commission of upcoming AB1234 Ethics Training.

ITEMS FROM THE PLANNING COMMISSION

NONE.

ADJOURNMENT

Hearing no further business before the Commission, Chairman Chelf adjourned the meeting at 7:17 p.m. to a regular meeting of the Planning Commission scheduled to be held on Tuesday, March 17, 2020 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

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 5.A
Mtg. Date: 04/21/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **ZONING CASE NO. 20-03: REQUEST FOR A VARIANCE FOR CONSTRUCTION OF A NEW 400 SQUARE-FOOT SWIMMING POOL AND SPA IN THE FRONT YARD LOCATED AT 52 PORTUGUESE BEND ROAD. (WACHS)**

DATE: **April 21, 2020**

BACKGROUND:

Request

The applicant is requesting a Variance for the construction of a new 400 square-foot swimming pool and spa located in the front yard. There is an existing pool located in the rear yard that will be partially demolished and converted into a water fountain. The existing pool equipment area located on side of the existing residence will remain. The zoning code prohibits any construction in the front yard without a Variance.

Planning Commission Review

The field trip will occur on different days to comply with the social distancing requirements currently in effect throughout LA County. Additional discussions will take place at the public hearing in the evening on the same day.

DISCUSSION:

Zoning, Land Size and Existing Conditions

The lot is an irregularly shaped parcel zoned RAS-2. The net lot area is 74,379 square feet, which is slightly below the requirements of the RAS-2 that requires a minimum net lot area of 87,120 square feet. The lot is developed with a 3,960 square residence with a 940 square-foot attached garage. The house is currently under renovation.

The existing swimming pool located in the rear yard will be demolished and converted into a water fountain. There is an existing 450 square foot barn located at the northwest corner of the parcel. The Planning Department received an application for a new 400 square-foot pool with spa, water feature, and stone deck. The proposed project is not seen from the surrounding streets. The proposed pool elevation is above the Portuguese Bend Road elevation. The proposed project will result in minimal lot disturbance due to the lot being already developed with a residence with an attached garage and hardscape.

Neighbor Concerns

An inquiry was received from a neighbor inquiring if other variance requests have been requested by the owner.

Past Approval for the Property

On October 17, 2017, the Planning Commission approved Zoning Case No. 930, for a Site Plan Review for the construction of a garage addition, covered porches, and trellis.

MUNICIPAL CODE COMPLIANCE

Grading, Structural and Total Lot Coverage

Construction activities will include pool excavation of 220 cubic yards overall. The proposed depth of the pool is six feet. No dirt will be exported.

Disturbance

The proposed project will result in 54.41% or 40,475 square feet of overall disturbed area. Exceptions to the maximum 40% disturbance is permitted up to 60% of the net lot area, provided that at no point the slopes resulting from the grading are greater than 3:1, or three units horizontal to one unit vertical, RHMC Sect. 17.16.070.B.A.1.

Rolling Hills Community Association Review

Rolling Hills Community Association approved the proposed project on February 19, 2020.

City Council Responsibilities

When reviewing a resolution for a development application, the City Council must consider whether the proposed project meets the findings for a Variance request.

Environmental Review

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

Recommendation

It is recommended that the Planning Commission consider approving the variance request for the proposed construction of a new 400 square-foot swimming pool and spa proposed in the front yard of the subject property and a proposed deck around the perimeter of the proposed swimming pool and spa.

CRITERIA FOR VARIANCES

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

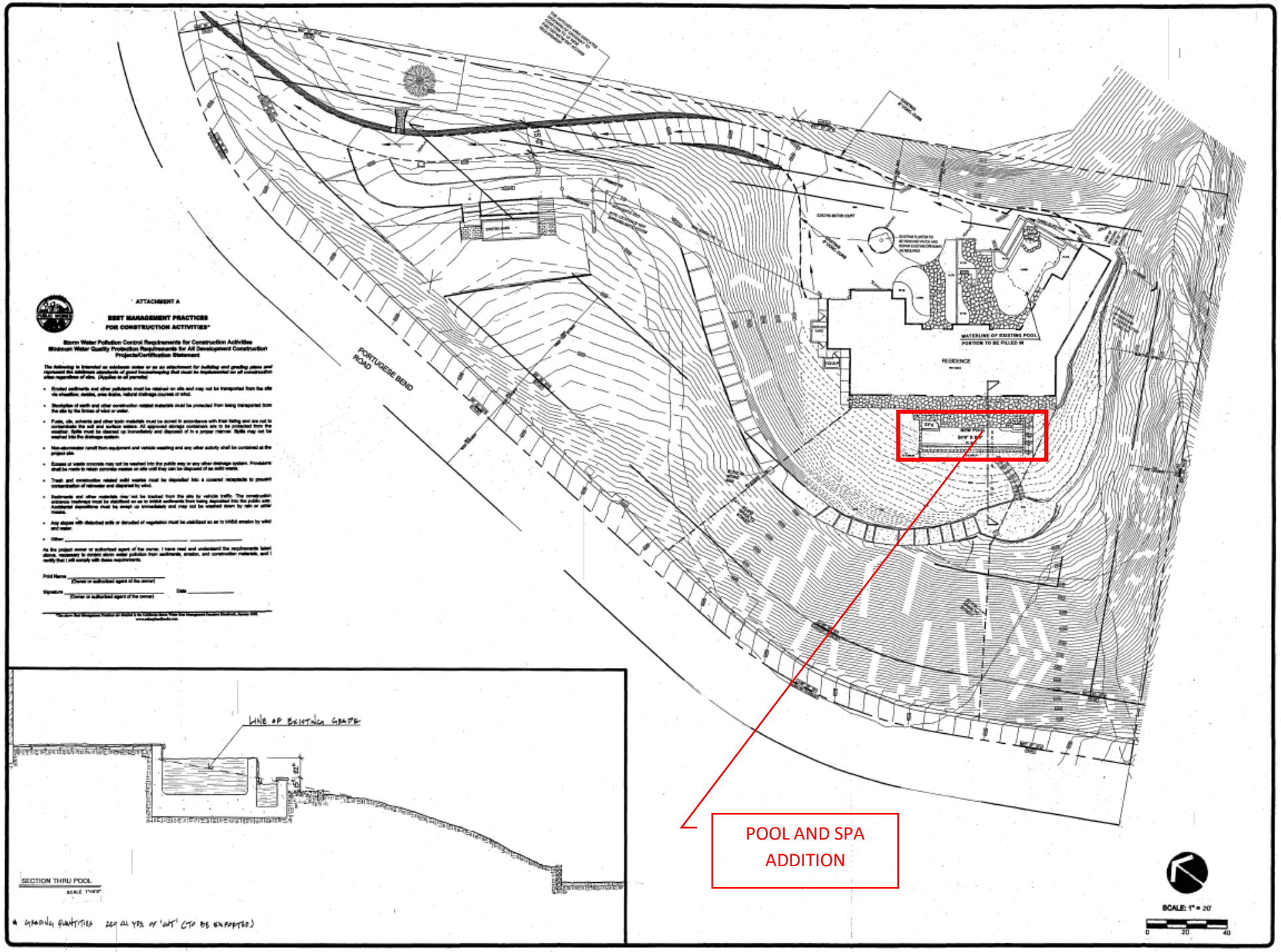
1. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone;
2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity;
4. That in granting the variance, the spirit and intent of this title will be observed;
5. That the variance does not grant special privilege to the applicant;
6. 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
7. That the variance request is consistent with the general plan of the City of Rolling Hills.

RECOMMENDATION:

Staff recommends that the City of Rolling Hills Planning Commission adopt Resolution No. 2020-03 granting a variance request to allow construction of a new 400 square foot pool and spa in the front yard located at 52 Portuguese Bend Road. (Wachs)

ATTACHMENTS:

52 Portuguese Bend Raod - Pool and Spa.pdf
Resolution 2020-03 (52 Portuguese Bend Road) (ZC 20-03).pdf



ATTACHMENT A

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITIES*

Storm Water Pollution Control Requirements for Construction Activities
Minimum Water Quality Protection Requirements for All Development Construction Projects/Certification Statement

The following is intended as minimum notice or as an attachment for building and grading plans and represent the additional standards of good housekeeping that must be implemented on all construction sites regardless of size. (Applies to all permits)

- Eroded sediments and other pollutants must be retained on site and may not be transported from the site via sheetflow, swales, area drains, natural drainage courses or wind.
- Stockpiles of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water.
- Fuels, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.
- Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
- Excess or waste concrete may not be washed into the public way or any other drainage system. Provisions shall be made to retain concrete wastes on site until they can be disposed of as solid waste.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.
- Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.
- Other: _____

As the project owner or authorized agent of the owner, I have read and understand the requirements listed above, necessary to control storm water pollution from sediments, erosion, and construction materials, and I certify that I will comply with these requirements.

Print Name _____ (Owner or authorized agent of the owner)

Signature _____ (Owner or authorized agent of the owner) Date _____

* GRADING QUANTITIES 200 CU YDS OF 'CUT' CUT TO BE EXPORTED)

REVISIONS	BY
12/08/19 APPROVED SECTIONS	AM
11/01/19 ADDED SPA	AM
5/19/20 PLANS CHANGE	AM
8/17/20 APPROVED CHANGE ORDER	AM
9/21/20 APPROVED BMPs	AM

ALAN McGREGOR LANDSCAPE ARCHITECT
lic. no. 2379
16332 bradbury ln., huntington beach, ca. 92647 (714) 846-0968

SITE PLAN w/ SECTION THRU POOL
WACHS RESIDENCE
52 PORTUGUESE BEND RD. ROLLING HILLS

DRAWN AM & BJ
CHECKED
DATE 10/18/19
SCALE 1" = 20'
JOB
SHT 18
S-1.0
OF SHEETS

RESOLUTION NO. 2020-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A VARIANCE REQUEST FOR THE CONSTRUCTION OF A NEW 400 SQUARE-FOOT SWIMMING POOL AND SPA IN THE FRONT YARD OF THE PROPERTY LOCATED AT 52 PORTUGUESE BEND ROAD, (LOT 4-FT-RH), (WACHS). ZONING CASE NO. 20-03.

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

Section 1. An application was duly filed by Mr. and Mrs. Barton Wachs with respect to real property located at 52 Portuguese Bend Road, (Lot 4-FT-RH), Rolling Hills, CA requesting a Variance for the construction of a new swimming pool and spa proposed in the front yard of the property (pursuant to City's Zoning Ordinance, no structures are permitted in front of the leading edge of the residence). There is an existing pool located in the rear of the property that will be demolished and converted into a water fountain.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the proposed project during an on-site field trip and an evening meeting on the same day, April 21, 2020. The applicants were notified of the public hearing in writing by first class mail, by phone and email.

Section 3. The property is zoned RAS-2 with a net lot area of 1.7 acres or 74,379 square feet. The existing property is currently developed with a 3,690 square-foot residence currently being renovated with an existing 940 square foot attached garage, and a 450 square foot barn. There is also an existing swimming pool located on the rear of the property which will be partially filled and converted into a water fountain. The new proposed project enables a lap swimming pool with an infinity edge and spa.

Section 4. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 exemption Guidelines.

Section 5. Sections 17.38.010 through 17.38.050 of the Rolling Hills Municipal Code permit approval of a Variance granting relief from the standards and requirements of the Zoning Ordinance when exceptional or extraordinary circumstances applicable to the property prevent the owner from making use of a parcel of property to the same extent enjoyed by similar properties in the same vicinity or zone. In proposing to construct a new 400 square-foot pool and spa in the front yard area, a Variance is required to grant relief from the following Sections of the Zoning Ordinance: 17.16.200.G.1. (no structures shall be located in the front yard).

With respect to the aforementioned request for a Variance, the Planning Commission finds as follows:

A. There are exceptional circumstances and conditions on the subject property that do not apply generally to the other properties in that the frontage of the property covers majority of the lot's perimeter making the front yard encompass majority of the useable yard area.

B. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and zone but which is denied to the property in question by strict application of the code. The property right which otherwise would be enjoyed is the ability to utilize a portion of their front yard with a pool for lap swimming and spa. The proposed location of the new pool and spa is not visually intrusive to its neighbors and is not visible from the road easement which is located at a lower elevation.

C. The granting of the Variance would not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity and zone in which the property is located in that the proposed new pool and spa would not be visible from the adjoining street or private properties and therefore are not expected to result in any visual or privacy impacts. The proposed project must comply with the LA County Building Code.

D. In granting of the Variance the spirit and intent of the Zoning Ordinance will be observed in that the proposed new construction of the pool and spa will be orderly, attractive, and will not affect the rural character of the community. The subject proposed structures are in the front of the property and will not impact the existing residence, but will enhance the use of the existing structures and previously approved residential addition.

E. The Variance request is consistent with the General Plan of the City of Rolling Hills because the proposed structures comply with the General Plan requirement of low profile, constructed in the ground with sufficient open space between surrounding structures. The proposed project is located on an existing developed lot and is not visible from abutting parcels.

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. The proposed project will comply with the disposal of construction and debris requirements.

G. Allowing the construction of the proposed pool and spa does not grant special privilege to the applicant given that the front yard coverage covers most of the lot due to the geometry of Portuguese Bend Road affecting this particular site.

Section 6. Based upon the foregoing findings, the Planning Commission hereby approves the Variance in Zoning Case No. 20-03 the construction of a new 400 square foot swimming pool and spa for relocation in the front yard, subject to the following conditions:

A. The Variance 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 Section 17.46.080 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.

The lot shall be developed and maintained in substantial conformance with the site plan on file dated January 29, 2020, except as otherwise provided in these conditions.

The working drawings submitted to the Department of Building and Safety for plan check review must conform to the development plan approved with this application. A copy of the conditions of this Resolution shall be printed on plans approved when a building permit is issued and a copy of such approved plans, including conditions of approval, shall be available on the building site at all times.

The 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 including conformance with all of the conditions set forth therein and the City's Building Code and Zoning Ordinance.

Further, the person obtaining a building 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.

D. The total overall lot coverage of the net lot area shall not exceed 17,287 square feet or 23.2%

E. The total structural coverage of the net lot shall not exceed 7,101 square feet or 9.5%.

F. The disturbed area of the lot shall not exceed 40,475 square feet or 54.41% (of net lot area).

G. A minimum of five-foot level path and/or walkway, which does not have to be paved, shall be provided around the entire perimeter of the pool and decking.

H. The property shall be maintained free of dead trees and vegetation. Any proposed landscaping shall receive approval from the City prior to issuance of a building permit.

I. Per LA County Building Code, a pool barrier and/or fencing shall be required for the pool.

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

K. The existing pool equipment area shall be fully enclosed by a wall with the opening to the interior of the property, facing the property residence and shall utilize the most quiet and technologically advanced equipment to dampen the sound.

L. *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.

M. *During construction*, all parking shall take place on the project site. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City.

N. *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.

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

P. A minimum of 65% of the construction material spoils shall be recycled and diverted. The hauler shall provide the appropriate documentation to the City.

Q. All graded areas shall be landscaped. In addition, the swimming pool, spa and pool equipment area shall be screened from the neighbors and a landscaping plan shall be submitted to the City for review and approval. If landscaping of 5,000 square foot area or greater is introduced or redeveloped, the landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance. Any plants introduced for this project shall not grow into a hedge but be offset and shall not exceed the ridgeline of the recreation room. The landscaping plan shall utilize to the maximum extent feasible, plants that are native to the area and are consistent with the rural character of the community.

R. The project must be reviewed and approved by the Rolling Hills Community Association (RHCA) Architectural Review Committee. Perimeter easements and trails, if any, shall remain free and clear of any improvements including, but not be limited to fences-including construction fences, any hardscape, driveways, landscaping, irrigation and drainage devices, except as otherwise approved by the RHCA.

S. The contractor shall not use tools that could produce a spark, including for clearing and grubbing, during red flag warning conditions. Weather conditions can be found at:

http://www.wrh.noaa.gov/lox/main.php?suite=safety&page=hazard_definitions#FIRE. It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions. 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.

T. All requirements of the Building and Construction Code, the Zoning Code, and of the zone in which the subject property is located must be complied with, including the Outdoor Lighting Ordinance.

U. Prior to finaling of the project an "as graded" and an "as constructed" plans and certifications shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan. Hardcopy and electronic copy of "as built" plans shall be submitted to the Planning Department prior to issuance of Final Certificate of Occupancy.

V. Until the applicants execute an Affidavit of Acceptance of all conditions of this approval, the approvals shall not be effective. Such affidavit shall be recorded together with the resolution.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF APRIL 2020.

_____
BRAD CHELF, CHAIRMAN

ATTEST:

_____
YOHANA CORONEL, 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. 2020-03 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF VARIANCE FOR THE CONSTRUCTION OF A NEW 400 SQUARE-FOOT SWIMMING POOL AND SPA IN THE FRONT YARD OF THE PROPERTY LOCATED AT 52 PORTUGUESE BEND ROAD (LOT 4-FT-RH) (WACHS). ZONING CASE NO. 2020-03.

was approved and adopted at a regular meeting of the Planning Commission on April 21, 2020, 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

Agenda Item No.: 6.A
Mtg. Date: 04/21/2020

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **PRESENTATION ON AN APPROACH THAT COULD CAPTURE THE 85TH PERCENTILE STORM RUNOFF AND RETAIN WITHIN CITY BOUNDARIES.**

DATE: **April 21, 2020**

BACKGROUND:
None

DISCUSSION:
None

RECOMMENDATION:
Receive and file presentation.

ATTACHMENTS: