



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
Special Planning Meeting

PLANNING COMMISSION
Friday, May 01, 2020

CITY OF ROLLING HILLS
7:30 AM

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 be 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. Please 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. ROLL CALL
3. APPROVAL OF THE AGENDA
4. COMMENTS WILL BE TAKEN BY EMAIL IN REAL TIME - PUBLIC COMMENT WELCOME.
5. NEW PUBLIC HEARINGS

- 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 Road - Pool and Spa.pdf
Resolution 2020-03 (52 Portuguese Bend Road) (ZC 20-03).pdf
Amended Resolution Cover Sheet.docx
Revised Resolution 2020-03 (52 Portuguese Bend Road) (ZC 20-03) 04.28.20.doc

6. ITEMS FROM THE PLANNING COMMISSION

7. 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.

Notice:

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.: 5.A
Mtg. Date: 05/01/2020

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: May 01, 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 occurred on different days to comply with the social distancing requirements currently in effect throughout LA County. Additional discussions will take place at the Special Public Meeting on the morning of May 1, 2020.

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, Mrs. Luna, inquiring if other variance requests have been requested by the owner. Mrs. Luna and her son attended the field trip and sent an email after the field trip informing the City that she does not object to the variance request.

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.

Planning Commission Responsibilities

When reviewing a resolution for a development application, the Planning Commission 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).

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.

FISCAL IMPACT:

None.

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 Road - Pool and Spa.pdf](#)

[Resolution 2020-03 \(52 Portuguese Bend Road\) \(ZC 20-03\).pdf](#)

[Amended Resolution Cover Sheet.docx](#)

[Revised Resolution 2020-03 \(52 Portuguese Bend Road\) \(ZC 20-03\) 04.28.20.doc](#)



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

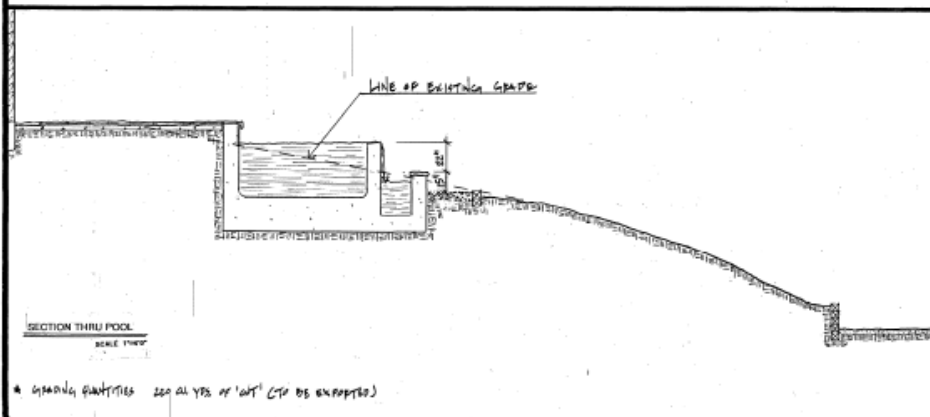
- Drilled sediments and other sediments must be retained on site and may not be transported from the site via shoreline, stream, open water, rainfall, drainage courses or wind.
- Restoration of earth and other non-vegetation related materials must be protected from being transported from the site via the shoreline or off-site.
- All excavated and other materials must be stored in accordance with their handling and use and to accommodate the soil and surface waters. All approved drainage controls are to be applied from the shoreline and must be installed and maintained as a best management practice. Sediments may not be washed into the shoreline.
- Non-vegetation related items from equipment and vehicles washing may not be discharged at the project site.
- Dams or vaults constructed not to be washed into the public ways or any other drainage system. Provisions shall be made to retain sediment materials on site and they can be subjected of a spill report.
- Soil and construction related solid wastes must be disposed into a common receptacle to prevent contamination of shoreline and dispersal by wind.
- Sediments and other materials must not be loaded from the site via vehicle tracks. The construction activities shall be planned to avoid the shoreline erosion and sedimentation. The shoreline erosion and sedimentation must be swept up immediately and may not be loaded down by rain or other means.
- Any debris with disturbed soils or disturbed or regulated must be installed on or in a vehicle means by which other

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

Print Name _____

Signature _____ Date _____
(Print or a checked space of the names)

For more on Management Practice of Quality in Customer Service, Visit the Management Practice Website, www.mgmtpractice.com



POOL AND SPA ADDITION



SCALE: 1" = 20'

Age Group	No opinion	Not a problem	Problem	Very serious problem
0-19	35%	25%	20%	20%
20-29	30%	20%	25%	25%
30-39	25%	15%	30%	30%
40-49	20%	10%	35%	35%
50-59	15%	5%	40%	40%
60-69	10%	5%	45%	40%
70-79	5%	5%	50%	40%
80-89	5%	5%	50%	40%
90-99	5%	5%	50%	40%

REVISIONS	BY
11/28/14 ADDED SECTION	AM
11/16/14 ASBUILT	SP
11/14/14 RAINBOW GRADE	AM
11/14/14 ADDED EXIST. GRADE	AM
11/21/14 ADDED SMITZ	AM

lic. no. 2379

ALAN
MCGREGOR
LANDSCAPE
ARCHITECT

16332 bradbury ln., huntington beach, ca. 92647 (714) 846-0968

SITE PLAN

RESIDENCE

WACHS

STILL ENGLISH

52 PORTUGUESE BEND RD.

DRAWN
 11/1/87
 CHECKED
 DATE
 10/18/87
 SCALE
 1" = 5' 0"
 JOB NO.
 SHEET
 6
 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 Special Public Meeting held on May 1, 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
E. 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.

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 1st DAY OF MAY 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 May 1, 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

**Amended Resolution
Posted to Agenda Packet
on
April 30, 2020**

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 on-site field trips and Special Public Meeting held on May 1, 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. Minimal grading will occur on the parcel relating to the proposed pool and spa project. In addition, the proposed location of the pool and spa is within the disturbed area of the subject parcel. No sensitive habitat will be impacted by the proposed project.

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. Due to the irregular shape of the subject lot and geometry of Portuguese Bend Road, the backyard of the parcel functions as the main entrance to the property. The front façade of the existing residence faces the back courtyard. The garage doors and driveway that leads up to the main structure are located in the rear court yard which functions as the receiving area on the parcel. The proposed pool and spa, to be located in the front yard, are technically located behind the existing residence; the back of the residence faces the front yard. This special circumstance makes it difficult for the owner to enjoy the same rights possessed by other property owners in the City.

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

I. 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.

J. 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.

K. *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.

L. *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.

M. *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.

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, drainage and storm water management and comply with the City's Low Impact development Ordinance (LID), if applicable.

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

P. 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 500 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 roof ridgeline. 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.

Q. The project must be reviewed and approved by the Rolling Hills Community Association (RHCA) Architectural Review Committee.

R. 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 extinguisher.

S. 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.

T. 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.

U. 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 1st DAY OF MAY 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:

Reso. 2020-03
52 Portuguese Bend Road

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 May 1, 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