AGENDA
REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, MARCH 17, 2020
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. JANUARY 21, 2020 REGULAR MEETING OF THE PLANNING
      COMMISSION.

6. RESOLUTIONS
   NONE.

7. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING
   NONE.

8. NEW PUBLIC HEARINGS
   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).
RECOMMENDED ACTION:

RESOLUTION 2020-03: ADOPTION OF A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE REQUEST TO ALLOW CONSTRUCTION OF A NEW 400 SQUARE-FOOT SWIMMING POOL AND SPA IN THE FRONT YARD LOCATED AT 52 PORTUGUESE BEND (WACHS).

9. NEW BUSINESS

A. CITY HALL CLOSURE TO THE PUBLIC (ORAL).
B. STRATEGIC PLANNING – HYDROMODIFICATION (ORAL).
C. UNDERGROUNDING SINGLE POLE AND UNDERGROUNDING UTILITY LINES (ORAL).

10. OLD BUSINESS

JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING ON APRIL 13, 2020 AT 7 PM.

11. SCHEDULE FIELD TRIPS

NONE.

12. ITEMS FROM STAFF

NONE.

13. ITEMS FROM THE PLANNING COMMISSION

14. ADJOURNMENT

The meeting is adjourned to a Regular Planning Commission meeting on April 21, 2020, at 6:30 PM.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

All of the above resolutions and zoning case items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.
REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, JANUARY 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 6:31 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 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.

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 is 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 is requesting an extension because more time is needed to comply with Building and Safety Codes. In addition, the owner is requesting an extension, due to redesigning the house to follow the Feng Shui requirements. Planning Director Elguira stated the applicant was here at the meeting to present the project and open up the meeting.

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

Planning Director Elguira responded that the applicant’s project only needs a ministerial review and approval over the counter because all the changes are interior. She further stated that the reason for the delay of construction was due to the applicant wanting to meet Feng Shui requirements.

Chairman Chelf opened the item for public comment.

Tavisha Ales, Bolton Engineering, informed the Planning Commission that the project has gone through plan check on the grading and building plans required by Building and Safety Department. She further stated that the project has exceeded the two year mark, and the applicant is requesting an extension to re-submit new plans that will be presented in the future.

Commissioner Cooley informed the applicant that in future if another extension was needed then she suggested applying for the permit extension when it is ready, as opposed to waiting.

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

Chairman Chelf was concerned about construction, equipment or green fences currently at the project site. He also asked if any neighbors had expressed concerns.

Ms. Ales replied she was not aware of any neighbor 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 periods of time. He also asked if the house was currently occupied.

Dave Palacios, the Project Manager, responded that the house has never been occupied. He informed the Commissioner that the owners of the house only intend to stay at the home on the weekends, and that the house is furnished but not occupied full time. He then added that the home is presentable and that the gardener is there weekly.

Commissioner Seaburn moved that the Planning Commission adopt Resolution No. 2020-02 granting approval of the applicant’s request in 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. She informed the Planning Commission that Ms. Grant has a background in planning and will be helping the Director with Planning Cases.

Planning Director Elguira presented a PowerPoint Presentation on Resolution 2020-01 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU). 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 they took effect on January 1, 2020. These laws limited the local authority to regulate ADU and JADU. The proposed ordinance will comply with the new ADU laws and are exempt from CEQA requirements. Planning Director Elguira stated the the proposed ordinance required findings and proceeded to state the findings; there will be no significant cumulative impact. There will be no damage to scenic resources, the City is not located in hazardous waste site, and there will 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, parking, and no replacement). She also noted that the City has its own set of architectural rules that are part of the ordinance, along with the RHCA who also have their own architectural requirements. Planning Director Elguira informed the Planning Commission that the RHCA is currently working on updating their architectural requirements. She 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 are not available within the City’s boundaries. She also discussed the ADU and JADU fees, utilities fees, and Conditional Use Permits will be required for any
nonconforming ADU. She ended her presentation by stating that she and Todd Leishman, the 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 limited, detached ADU in the back or on the side (up to 800 square feet and 16 feet height). He further stated that there are multifamily situations, where there can be more than one ADU, but this instance would not apply to the City since there are no multifamily units.

Vice Chairman Kirkpatrick stated that the history of the ADU concept was to provide more housing. He stated 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 Law is a new law that became effective January 1, 2020, and it allows structures to be used auxiliary dwelling units on private property. He further stated that, in the past, if someone had wanted to build a guest house, the applicant had to go before the Planning Commission and it would require a conditional use permit. Under the new ordinance, there are new guidelines, and if the guidelines are met, then the ADU must be approved in 60 days. He further discussed how ADUs could have different guidelines and there would be nothing that could be done about it. Chairman Chelf stated that the goal is to come up with 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 law. 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 the ADU rentals would result in multifamily properties in the City because of this ordinance and firmly stated that it is not the direction the City wants to go.

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 the new regulations bypass the current City standards, and expressed concern and wondered if there is way to come around this 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 will 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 is 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 can exercise their rights at any 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 and come up with guidelines. She recalled discussing the issue last year with the last Planning Director, Yolanta Schwartz, and tried to come up with guidelines that would satisfy the City Council and the State.

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

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

Assistant City Attorney Leishman clarified 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, it regulated and exercised as much local control as the State had allowed.

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 this ordinance would pass HCD. He also stated 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 did 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 allows the City to define what that box looks like. It is his hope to make the ministerial box requirements as restrictive as State Law will allow and maybe bring the item in hopes of being even more aggressive to try to gain additional local control. Mr. Leishman informed the Planning Commission that State Law declares it okay to have a ministerial box of your own. 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 development
for conversion of existing structures. The only thing you can care about is the building code. 2)
Limited detach, 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, 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 he came up with this ordinance
and if he would go to HCD to get its approval so it could be enforced.

Assistant City Attorney Leishman replied that the City does not need HCD approval as much
as when the City approves its Ordinances, within 60 days, the City must send a copy to HCD
for review. In the past, HCD did not have any authority, only their opinion. He stated that it
could be a short or long time before HCD reviews the City’s ordinance because they would
have to receive an ordinance from every city in the State. However, HCD would respond with
comment, and/or changes they deem necessary. The City then has 30 days to respond, after
receiving the comments, and either make the changes or contest their conclusions. It’s only
after HCD replies, that HCD can refer the matter of the City’s non-compliance to the Attorney
General.

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

Assistant City Attorney Leishman responded yes.

Chairman Chelf stresses 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 to 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 the City Council to adopt both Ordinances, but also, part of the recommendation is to assign both ordinances, urgency and non-urgency, with the same number. The only difference would be a U will be used for the urgency ordinance.

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

Commissioner Seaburn stated many cities will probably sue.

Assistant City Attorney Todd Leishman stated there are already numerous lawsuits.

Chairman Chelf stated this is too loose and too ridiculous.

Assistant City Attorney Todd Leishman stated that the statutes are inconsistent.

Chairman Chelf asked if they wanted PC to recommend both emergency and non-urgency.

Planning Director Elguira and Todd Leishman both said yes.

Chairman Chelf moved the Planning Commission recommend “A” the urgency ordinance and “B” the emergency non-urgency ordinance.

Planning Director Elguira stated to adopt “A” the urgency ordinance and “B” the emergency non-urgency ordinance.

Chairman Chelf moved the Planning Commission adopt A the urgency ordinance and B the emergency non-urgency ordinance.
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 WORKSHOP ON SATURDAY, JANUARY 25, 2020 AT 10AM (ORAL).

Planning Director Elguira announced the date and time for the City Council 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 for the City Council and City Staff 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 Joint City Council and Planning Commission meeting date and time.

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

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

Minutes
Planning Commission Meeting
01/21/2020
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
TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: STEPHANIE GRANT, ADMINISTRATIVE ASSISTANT

THRU: MEREDITH T. ELGUIRA, PLANNING AND COMMUNITY SERVICES DIRECTOR

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).

RECOMMENDED ACTION:
RESOLUTION 2020-03: ADOPTION OF A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A VARIANCE REQUEST TO ALLOW CONSTRUCTION OF A NEW 400 SQUARE-FOOT SWIMMING POOL AND SPA IN THE FRONT YARD LOCATED AT 52 PORTUGUESE BEND (WACHS).

APPLICANT: MR. AND MRS. BARTON WACHS
REPRESENTATIVE: JOHN RESICH
PUBLISHED: MARCH 5, 2020

REQUEST AND PLANNING COMMISSION ACTION

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 the same day of the public hearing and additional discussions will take place at the public hearing in the evening on the same day.

BACKGROUND

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 that is currently being renovated with a 940 square-foot attached garage.

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 developed with the residence garage.

Neighbor Concerns
No public comment has been received on the date of publication of this Agenda item.

Past Approval for the Property
On October 17, 2017, the Planning Commission approved a 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 surrounding deck on 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:

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.

Attachment:

1. Resolution 2020-03
RESOLUTION NO. 2020-03


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, March 17, 2020. The applicants were notified of the public hearing in writing by first class mail.

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 garage, and a 450 square foot barn. There is also an existing swimming pool located on the rear 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 on 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 and 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 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.

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. 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) or into natural drainage course.

H. 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.

I. The property shall be maintained free of dead trees and vegetation

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

K. 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.

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L. 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.

M. 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.

N. During construction, all parking shall take place on the project site. During construction, to the maximum extent feasible, employees of the contractor shall carpool into the City.

O. 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.

P. 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.

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

R. 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.

S. 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.

T. 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.

U. 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.

V. 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.

W. 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 17th DAY OF MARCH 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.

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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF ROLLING HILLS

I certify that the foregoing Resolution No. 2020-03 entitled:


was approved and adopted at a regular meeting of the Planning Commission on March 17, 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

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