



AGENDA
ADJOURNED REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
7:30 AM
TUESDAY, MARCH 19, 2019
MEET AT 5 EL CONCHO LANE

1. CALL MEETING TO ORDER
2. ROLL CALL
3. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA
4. FIELD TRIPS
- A. **ZONING CASE NO. 916-MOD#2.** Request for a Variance to encroach into the front yard setback with a light well and modification to a prescribed order of completion of certain elements of a previously approved project and amend the resolution of approval accordingly in Zoning Case No. 916-Mod#2 at 5 El Concho Lane, (Lot 10-GF), (De Miranda).

RECOMMENDED ACTION:
1. Motion to continue discussion to regular Planning Commission meeting in the evening on March 19, 2019.
- B. **ZONING CASE NO. 956. 8 Middleridge Lane South (Lot 254-UR), (ZHANG).**

RECOMMENDED ACTION:
1. Continue the case to a field visit on April 16, 2019 at approximately 8:50 am
5. ADJOURNMENT

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 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

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

Agenda Item No.: 4A
Mtg. Date: 03-19-19

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO. ZONING CASE NO. 916-M#2
SITE LOCATION: 5 EL CONCHO LANE (LOT 10-GF)
ZONING AND SIZE: RAS-1, 1.10 ACRES (EXCL. ROADWAY EASEMENT)
APPLICANT: SHAWN DE MIRANDA
REPRESENTATIVE: BILL CHIRIBOGA, JOSEPH SPIERER ARCHITECTS
TAVISHA ALES, BOLTON ENGINEERING
PUBLISHED: MARCH 7, 2019

REVIEW:

The Planning Commission scheduled a public hearing on this matter, to begin on site, on March 19, 2019.

BACKGROUND:

In January 2017, the applicant, Mr. Sean De Miranda, as a result of a code enforcement action, filed an application requesting a site plan review and variances to retain certain as-graded and as-built conditions, including (1) the construction of a patio with an outdoor kitchen and supporting 5' retaining wall; (2) excavation of a small area underneath the house (planned to be enlarged for the construction of a basement); (3) graded switchback pathways; (4) several railroad tie walls exceeding 3' in height along the pathways; and (5) a retaining wall in the side setback. The wall was constructed to alleviate the damage caused by a ruptured drainpipe located along the property line and in the setback behind the wall on the subject site. The applicant has also submitted additional requests, including (1) the construction of a 1,322 square foot basement (a portion of which would be in the front yard setback under the existing residence; (2) a new concrete retaining wall located below a failed slope (a portion of which would be located in the side setback); (3) walls that average out to more than 2.5' in height; and

(4) to exceed the maximum permitted disturbance of the lot with grading of 3,014 c.y. of dirt. Due to the ruptured drain and heavy rains the year prior, the slope below the switchback paths failed and needed to be remediated. The request was approved by Resolution No. 2017-08, with conditions.

In April 2018, the applicant applied for and was granted a modification to enlarge the basement to 1,448 square feet, a portion of which would be in the front setback and for greater quantities of grading (3,638 c.y.). Resolution No. 2018-05 was adopted, modifying the previous Resolution.

The approval granted in 2017 by Resolution 2017-08 stipulated that the project is to be completed in phases, placing emphasis on the repair or replacement of the ruptured pipe and slope repair.

Phase One construction consists of the repair/replacement of the ruptured drainpipe and repair of the failed slope, retention of the as built wall along the property line where the ruptured pipe was located and construction of the secondary wall below, if needed for the slope repairs, in setback. The approval of phase one expires two years from the approval, (May 2019). The condition further stipulates that phase one improvements are to be satisfactorily completed before the applicant may proceed with the construction and completion of Phase Two, which consists of the following: (1) legalizing the as built retaining wall in the side yard setback, (unless necessary for phase one); (2) grading to retain the graded paths, with retaining walls or railroad ties thereon which are not to exceed 3' in height; (3) the construction of a 1,322 sq. ft. basement, (which was amended to 1,448 sq.ft. in 2018) partially located in the front setback; (4) the demolition of the barbecue area and removal of the barbecue; and (5) the reconstruction of the slope behind the existing barbecue to a maximum slope of 2:1.

Further, Resolution No. 2017-08 states "the approval for Phase Two expires two years following the completion of Phase One. If the Phase Two improvements are not commenced within two years following completion of Phase One, they shall be disallowed and the non-permitted elements are required to be demolished and the land restored to its original condition".

CURRENT STATUS:

The applicant replaced the ruptured drainpipe and legalized the retaining wall, behind which the pipe is located, by obtaining a building permit from LA County Building and Safety Department. An architect was retained and is currently processing plans for the basement through the Building Department; and a Civil Engineering firm was retained, rather than a Structural Engineering firm, which was previously engaged. Soils reports were prepared for the failed slopes and grading areas and a soils engineer retained. The slope repair grading plan is in review with the County Grading/Drainage Engineer, as well as the County Soils/Geology Division. The applicant paid for all of the necessary

permits and plan check fees to the County and obtained and paid for extensions thereof. RHCA signed off on all the project elements.

REQUEST:

A letter from the applicant's Civil Engineer is attached explaining the request, which is the following:

1. Modify the prescribed order of completion of certain elements of the project to allow excavation of dirt from the basement prior to completion of the remediation of the sloughing slope, and allow a foundation only permit for the basement walls and the foundation from the Building Department.
2. Reduce grading quantities by 273 c.y. from the prior approval
3. A variance for addition of a 25 sq.ft. light well in the front yard setback.
4. A two-year time extension to complete phase one and commence phase two.

Description/justification:

1. Per the Resolution of approval, the slope repair of the slough off area and the legalization and obtaining a permit for the switchback paths and switchback walls is to be completed prior to pulling any permits for the basement. The engineers found that there will not be enough dirt to repair the failed slope, due to the erosion of the area and having to remove additional soil due to it not being acceptable material. In order to stabilize the slope and bring it back to pre-construction condition over-excavation to bedrock and re-compaction is needed, which require additional soil. The applicant is therefore requesting to be able to dig out the basement and use the material for the slope repair and stability. Otherwise they would need to import 415 c.y. of dirt, and 385 c.y. of the basement dirt is proposed to be exported. In addition as part of the slope repair, MSE (Mechanically Stabilized Earth) walls will be constructed, which are not designed to withstand loads of heavy machinery. Due to limited staging area for construction machinery on the pad, by excavating the basement prior to construction of the walls, they will be able to limit the amount of heavy equipment going over the GeoGrid, which is part of the MSE walls construction and extends into the slope. The engineer also states that the septic tank is to be located in the area where the heavy equipment would need to be located for the basement excavation; which could affect the septic tank.

It is a common practice in the Building Department's grading permitting process to include the basement excavation and pouring of foundation and basement walls as part of the grading permit. In many of the Rolling Hills projects, the basement dirt is needed for grading activities, and therefore the basement is dug and walls and foundation poured. No framing of the basement would be allowed until the other required work is completed.

2. The engineers recalculated the grading quantities and determined that a reduction of about 273 c.y. of dirt can be achieved. Staff as minor modification would normally approve such change and no action of the Planning Commission is required.

3. The previously proposed egress/ingress from the basement is not to code and the Building Department requires a light well. To maintain the proper distance from the structure to the septic tank, the only feasible location for the light well is in the front setback.

4. The engineer states that due to the complex nature of this project and change in engineering firm and architects, the project was delayed. According to the Resolution, the first phase was to commence in May of 2019, and although the first part of phase one is completed (replacement of ruptured pipe and permit obtained for the "as-built" wall), the second part has not started, which will push the commencement of Phase Two out more than two years. Therefore, a time extension of the project is requested.

PROJECT CHANGE:

The only structural change proposed is the addition of 25 sq.ft. light well. A mezzanine is proposed in the basement; however neither the RHCA nor the City regulates it, as it is 100% interior space.

NO FURTHER DEVELOPMENT:

The subject property has a development restriction, which was placed as a condition during multiple prior project approvals. This condition remains, as do all other previous conditions of approval still in effect, for this proposed modification.

ENVIRONMENTAL REVIEW:

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

Project Summary

SITE PLAN REVIEW	EXISTING AND PREVIOUSLY APPROVED		PROPOSED PROJECT	
RA-S- 1 ZONE SETBACKS Front: 50 ft. from front easement line Side: 20 ft. from property line Rear: 50 ft. from rear easement line	SINGLE FAMILY RESIDENCE.		SINGLE FAMILY RESIDENCE (with additional basement s.f. & light well)	
All structures are to be listed here. STRUCTURES (Site Plan Review required for grading, new structures including new residence and if size of addition increases by more than 999 s.f. in a 36-month period).	Residence	3,920 sq.ft.	Residence	3,920 sq.ft.
	Garage	490 sq.ft.	Garage	490 sq.ft.
	Basement	1,690 sq.ft.	Basement	1,816 sq.ft.
	Stable	450 sq. ft.	Stable	450 sq. ft.
	Porches	274 sq. ft.	Porches	274 sq.ft
	Entryway	217 sq.ft.	Entryway	217 sq.ft
	Outdoor Kitchen	30 sq. ft.	Outdoor Kitchen	0 sq.ft.
			Light well	25 sq.ft.
	TOTAL	5,381 sq.ft	TOTAL	5,376 sq.ft
STRUCTURAL LOT COVERAGE (20% maximum)	13.6% (with deductions)		13.6% (with deductions)	
TOTAL LOT COVERAGE (35% maximum)	29.5% (with deductions)		28.9% (with deductions)	
BUILDING PADS (30% guideline) Residential pad	94% residence pad coverage		94% residence pad coverage	
GRADING Site Plan Review required if excavation and/or fill or combination thereof that is more than 3 feet in depth and covers more than 2,000 sq.ft.) must be balanced on site.	1,507 c.y. cut, 1,507 c.y. fill		1,819 c.y. cut and 1,819 c.y. fill to w/800 c.y. basement material export Reduced grading - 3,365 c.y. total; w export of 385 c.y.	
DISTURBED AREA (40% maximum; any graded building pad area, any remedial grading (temporary disturbance), any graded slopes and building pad areas, and any nongraded area where impervious surfaces exist.)	46.8%		46.2% (slope by BBQ restored)	
STABLE (min. 450 SQ.FT. & 550 SQ.FT. CORRAL)	450 s.f. future stable set aside; 550 s.f.		450 s.f. future stable set aside; 550 s.f. (included in calculations)	
STABLE ACCESS	N/A		Pathway from motor court and driveway	
ROADWAY ACCESS	Existing driveway approach		Existing driveway approach	
VIEWS	N/A		Planning Commission review	
PLANTS AND ANIMALS	N/A		Planning Commission review	

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.

Bolton Engineering Corporation

25834 Narbonne Ave. Suite 210
Lomita, CA 90717
tel (310) 325-5580 fax (310) 325-5581

RECEIVED

JAN 15 2019

January 14, 2019

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

City of Rolling Hills
By _____

Subject: 5 El Concho Lane Grading / Basement Modification and Status Update

Yolanta,

This memo is in regards to the on-going project at 5 El Concho Lane in Rolling Hills for Shawn DeMiranda. The original Resolution of Approval was for three separate projects on the site; (1) replacement and repair of failed storm drain on the property which conveys all of the storm-water from El Concho Lane down into the canyon and legalize previously constructed retaining wall, (2) repair slope failure from storm-water runoff and legalize un-permitted pathway walls, and (3) construct basement under portion of residence.

At this time the status of the above items are as follows:

(1) The storm drain has been replaced and the retaining walls legalized and approved through the County and performed as expected through the 2017 – 2018 rainy season. There is nothing more to be done for this Phase of the project.

(2) The slope repair and wall legalization has been the hardest of the three items to satisfy as the County would not accept the wall type which was processed through Planning Commission originally. Once Bolton Engineering took over on the project, we went back to the drawing board and worked with the County and Soils Engineer to find a set of walls which would be acceptable to all parties. The Soils Engineer prepared an additional report detailing slope repair recommendations, retaining wall design recommendations, and the required recommendations for the basement design. The Slope Repair Grading Plan is currently in review with the County Grading / Drainage Plan Check Engineer, as well as with the County Soils / Geology Division. We have paid plan check extension fees in order to extend our plan check through June 2019. We have processed the plans through the RHCA and they have signed off on all of the items. One major item of concern, from the original Planning Commission meeting, was the bbq. The current Grading Plan shows a complete removal of said bbq and it is instead replaced with a 5' max height wall which averages out to 2.5' in height.

(3) An Architect, Joseph Spierer and Associates, was retained for the project as there had not been an architect previously involved. A minor modification to the basement was processed through Planning Commission in 2018 and they are currently in Plan Check with the County for the basement. We are also requesting an additional minor modification through this application for construction of a light-well in the setback, which is more detailed in the last paragraph.

We have been working through the terms of the Resolution of Approval and in speaking with Yolanta it was determined best to bring the project back before the Planning Commission in order to clarify a few points and process another minor modification. Per the Resolution of Approval for the project the slope repair of the slough off area is to be completed and the legalization of the as-built rail-road tie walls with the County obtained, prior to pulling any permits for the basement construction / legalization. While going through the preparation of the Grading Plan we have found that there will not be enough dirt on-site to repair the slope as the erosion of this area has taken all of the useable soil off the property. As the Resolution is currently worded, we will need to import soil in order restore the slope, as the Soils Engineer is requiring us to remove the top 3' of soil, due to it not being acceptable material. We are also going to be required to over-excavate to bedrock and re-compact the slope in order to stabilize the hillside to hold the soil and walls which is proposed to bring the grade back to pre-construction conditions.

Bolton Engineering Corporation

In order to limit the amount of import and export on-site we are requesting that we be allowed to dig out (export) the basement at the same time as the slope repair / wall legalization in order to utilize the basement dirt for the slope repair. This will limit the amount of trucks going up and down El Concho Lane to truck off the basement material as well as eliminating the need to bring material on-site. The proposed cut / fill for the slope / pathways is 100 c.y. cut and 200 c.y. fill with 975 c.y. over-excavation and 1,290 c.y. re-compaction. The proposed cut for the basement is proposed to be 800 c.y. If allowed to utilize the basement soil for fill material the amount of export off site would be reduced to 385 c.y. If not allowed to utilize the basement material we would need to import 415 c.y. of soil for the slope repair. This required import value (of 415 c.y.) would be below the allowable 500 c.y. which the City Staff would be able to approve over the counter, with an approved Grading Plan on file.

Another reason we are requesting the allowance of the excavation of the basement at the time of the slope repair is to protect the MSE walls which are to be constructed as part of the slope repair. These MSE walls are designed with GeoGrid extending back into the slope and they are not designed to withstand loads of heavy machinery. If we are able to excavate out the basement prior to building these walls we would be able to limit the amount of heavy equipment going over the geogrid material as well as the location of the proposed septic system. The septic system is currently proposed to be located between the residence and the upper retaining wall which is where the heavy equipment will be going over for the basement excavation. The septic would not be installed until the walls were constructed so if we can excavate the basement at the same time as the slope repair we minimize the potential impact to the septic system as well.

Due to the concern regarding the project and ensuring that the walls and slope repair are completed and legalized, we would request that the Resolution of Approval be modified to condition the project so that no building permits, other than a foundation only permit for the basement walls, would be approved or released prior to the Rough Grade approval. This is common practice for all projects in the City of Rolling Hills, being that contractors are allowed to pour basement walls and excavate as needed as part of the Rough Grading because that soil is typically required for the project and also it keeps all of the grading activities combined instead of broken up. The client would not be able to pull any framing or MEP permits until this Rough Grade was approved by the County Building and Safety inspector.

At the same time we are processing the request for the basement dirt excavation timeline modification, we would also like to request a two year extension to the Resolution of Approval expiration date. We have made progress on the project but will not meet the deadline currently specified to begin construction. We have shown a vested interest in working to comply with the deadline, by having plans submitted to the County for Plan Check and paying the required plan check fees with the County. Due to the complex nature of this project and the change in Consultants has delayed the project beyond what may have originally been expected. A third item which we are requesting a modification on through this application is for the addition of a light-well in the side yard setback. While going through the Building Department plan check the proposed egress, already depicted on the plans, was deemed not to code and a light-well is required. Due to the location of the proposed septic system to the west and the existing deck / building to the north and east, the only other location is on the southerly side of the residence which is in the setback. The revised architectural plans reflect the new light-well and we will flag it on the ground for the field-trip. I plan to be at the March Planning Commission Field Trip and Evening meeting to discuss any questions that the Planning Commission may have regarding the project status and our requests.

Feel free to contact me directly with any questions / concerns regarding the project.

Regards,

Bolton Engineering Corp.

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Tavisha Ales (RCE 83446)