



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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

**AGENDA - ADJOURNED  
REGULAR MEETING**

**CITY COUNCIL  
MONDAY, AUGUST 19, 2019**

**CITY OF ROLLING HILLS  
FIELD TRIP**

**MEETING TIME/LOCATION:  
7:00 A.M.**

**13 PORTUGUESE BEND ROAD, ROLLING HILLS, CA**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC HEARING**

A. **ZONING CASE NO. 953**, Request for a Conditional Use Permit to construct a new 2,464 square foot stable with an 896 square foot loft and a Site Plan Review for 1,470 cubic yards of grading for the proposed project at 13 Portuguese Bend Road (Lot 77-RH) Rolling Hills, CA, (Cardenas).

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

**4. OPEN AGENDA - PUBLIC COMMENT**

**5. ADJOURNMENT**

*Public Comment is welcome on any item prior to City Council action on the item.*

*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.*

*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.*



## MEMORANDUM TO RECUSE

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Yolanta Schwartz, Planning Director

**SUBJECT:** Zoning Case No. 953  
13 Portuguese Bend Road

**DATE:** August 19, 2019

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Due to the proximity of the property of **Councilmember Pieper** to the subject property, **Councilmember Pieper** should recuse himself from consideration of Zoning Case No. 953 at 13 Portuguese Bend Road. He may, however, participate as a resident.



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

**Agenda Item No. 3A**  
**Mtg. Date: 08/19/19**

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

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR**

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

**APPLICATION NO. ZONING CASE NO. 953**  
**SITE LOCATION: 13 PORTUGUESE BEND ROAD (LOT 77-RH)**  
**ZONING AND SIZE: RAS-1, 2.12 ACRES (GROSS)**  
**APPLICANT: SEAN CARDENAS**  
**REPRESENTATIVE: GEORGE SWEENEY, ARCHITECT**  
**PUBLISHED: AUGUST 7, 2019**  
**ATTACHMENT:**

- 1. CORRESPONDENCE**

**BACKGROUND**

On June 25, 2019, the Planning Commission granted a Conditional Use Permit (CUP) and a Site Plan Review (SPR) in Zoning Case No. 953 to allow the applicant, Mr. Cardenas, to construct a stable with a loft and to grade 1,470 cubic yards of dirt. An existing 1,505 square foot stable would be demolished, located in the area of the proposed stable.

At the July 8, 2019 City Council meeting, following a report from staff on the Planning Commission’s action to approve the CUP and SPR, the City Council took the case under jurisdiction. Pursuant to Section 15.54.015 of the Rolling Hills Municipal Code, review hearing for cases taken under jurisdiction by the City Council shall be conducted as de novo hearings. The City Council scheduled a field trip to the property on August 18, 2019.

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

The property is currently developed with 3,436 square foot residence, 1,213 square foot detached garage, 1,335 square feet porches, 565 square foot swimming pool & spa and a 1,505 square feet stable with approximately 12,000 square foot corral, a portion of which is located in the front setback, which is a legal non-conforming condition

## **PROPOSED PROJECT**

The applicant is requests a Site Plan Review for grading to construct a new stable. The total combined grading for this project will consist of 1,470 cubic yards of cut and fill. The grading will consist of excavating material from the demolition of the existing stable and smoothing it out on the pad. The elevation of the project will not change from the current elevation of the existing uses.

A Conditional Use Permit is also requested for the construction of a 2,464 square foot stable, which includes a 702 square foot tack room and 56 square foot bathroom, plus 1,024 square feet of stable covered porches, and an 896 square foot loft. The first story would contain four horse stalls, tack room with a bathroom and agricultural storage areas. The stable is proposed to have a center isle with a loft for feed/hay storage above it. Outside stairs will lead to the loft area.

Agricultural spaces include 4 stalls, storage and tool rooms and will be 71% of the size of the structure. 702 sq.ft. tack room (plus 56 sq.ft. bathroom) is proposed, which will cover 29% of the structure; whereas maximum permitted is 800 square feet, not exceeding 40% of the total structure.

The applicant proposes to retain the existing corral but demolish the existing stable (single-story, 1,505 square feet). There is a 100 square foot shed next to the existing stable, located in side setback that will be demolished.

## **MUNICIPAL CODE COMPLIANCE**

### **Grading**

As stated, previously, the total combined grading for this project will consist of 1,470 cubic yards of cut and fill. No dirt will be exported, as it will be balanced on site.

### **Disturbance**

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

### **Height**

The height of the highest ridgeline of the proposed stable will be 24 feet. A cupola above the highest ridge is also proposed.

### **Drainage**

The rear of the property drains into the rear canyon and the front to the front of the property. The existing drainage direction on the property is not anticipated to change, but will be reviewed by the Building Department drainage and grading engineer. Applicant will be required to implement storm water management and erosion control measures as required by the Building Code.

### **Lot Coverage**

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

The residential building pad is 24,360 square feet. The residential building pad coverage exists at 6,909 square feet or 28.36%, (30% guideline). The coverage includes the residence, detached garage, porches, swimming pool & spa, pool equipment, and service yard structures.

The stable building pad is proposed to be 12,170 square feet with proposed pad coverage of 3,342 square feet (with allowable deductions) or 27.46% (30% guideline).

### **Stable Access**

Stable access is proposed for vehicles off the main driveway. There are two paths of access for horses; from the rear of the property off Blackwater Canyon Trail or from the easement that runs along the corral off of Portuguese Bend Road. Access to the loft will be taken from an exterior staircase.

### **Utility Lines / Septic Tank**

All utility lines to the proposed structure must be placed underground.

The applicant must comply with the requirements of the Los Angeles County Department of Public Health regarding the septic tank.

### *Applicant's Justification*

The applicant states the following in regards to the project:

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

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

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

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

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

### **Environmental Review**

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

### **RECOMMENDATION**

It is recommended that the City Council open the public hearing, view the site conditions, and take public testimony. The City Council may continue the public hearing to their August 26, 2019 meeting or provide other direction to staff.

### **SITE PLAN REVIEW CRITERIA**

#### **17.46.010      *Purpose.***

The site plan review process is established to provide discretionary review of certain development projects in the City for the purposes of ensuring that the proposed project is consistent with the City’s General Plan; incorporates environmentally and aesthetically sensitive grading practices; preserves existing mature vegetation; is compatible and consistent with the scale, massing and development pattern in the immediate project vicinity; and otherwise preserves and protects the health, safety and welfare of the citizens of Rolling Hills.

#### **17.46.050      *Required findings.***

A. The Commission shall be required to make findings in acting to approve, conditionally approve, or deny a site plan review application.

B. No project which requires site plan review approval shall be approved by the Commission, or by the City Council on appeal, unless the following findings can be made:

1. The project complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance;

2. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. Lot coverage requirements are regarded as maximums, and the actual amount of lot coverage permitted depends upon the existing buildable area of the lot;

3. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences;

4. The project preserves and integrates into the site design, to the greatest extent possible, existing topographic features of the site, including surrounding native vegetation, mature trees, drainage courses and land forms (such as hillsides and knolls);

5. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area;

6. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course;

7. The project preserves surrounding native vegetation and mature trees and supplements these elements with drought-tolerant landscaping which is compatible with and enhances the rural character of the community, and landscaping provides a buffer or transition area between private and public areas;

8. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles; and

9. The project conforms to the requirements of the California Environmental Quality Act.

**CRITERIA FOR APPROVAL OF CONDITIONAL USE PERMIT:**

**17.42.050** *Basis for approval or denial of conditional use permit.*

The Commission (and Council on appeal), in acting to approve a conditional use permit application, may impose conditions as are reasonably necessary to ensure the project is consistent with the General Plan, compatible with surrounding land use, and meets the provisions and intent of this title. In making such a determination, the hearing body shall find that the proposed use is in general accord with the following principles and standards:

A. That the proposed conditional use is consistent with the General Plan;

B. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, building or structures;

C. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed;

D. That the proposed conditional use complies with all applicable development standards of the zone district;

E. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities;

F. That the proposed conditional use observes the spirit and intent of this title.

SOURCE: City of Rolling Hills Zoning Ordinance

**Subject:** Fwd:

**Date:** Tuesday, July 23, 2019 at 9:22:05 AM Pacific Daylight Time

**From:** Elaine Jeng <ejeng@cityofrh.net>

**To:** Yolanta Schwartz <ys@cityofrh.net>

Yolanta,

Please respond to Greg's request.

Elaine

Begin forwarded message:

**From:** Greg Willis <gwillis@airleasecorp.com>

**Date:** July 22, 2019 at 6:56:03 PM PDT

**To:** "ejeng@cityofrh.net" <ejeng@cityofrh.net>

Dear Elaine,

Hope all is well. My name is Greg Willis and I live at 9 Portuguese Bend Road in Rolling Hills. Had heard that there is an upcoming meeting on August 12<sup>th</sup>. My understanding is that the Cardenas' barn will be a topic for discussion. Unfortunately I will be in Alabama, but I wanted to make sure that my strong support of the project is heard, as this project appears to be 100% within the code. Could you please let me know if there is a way for me to dial into the meeting, as I would like to be heard. Alternatively I can also write a letter in support of the project as well, but I do have concerns that a letter might be overlooked. I would appreciate it if you could let me know the best way that we can express our strong support of the project.

Best regards

Greg

**Gregory B. Willis**

Executive Vice President

Chief Financial Officer

Air Lease Corporation

2000 Avenue of the Stars, Suite 1000N

Los Angeles, CA 90067

T. (310) 553-0555



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

RECEIVED

JUL 03 2019

City of Rolling Hills  
By \_\_\_\_\_

JULY 3, 2019

TO: MEMBERS OF THE ROLLING HILLS CITY COUNCIL

RE: ZONING CASE NO. 953  
13 PORTUGUESE BEND ROAD  
SEAN CARDENAS

We are respectfully requesting that Zoning Case No. 953, approved by the Planning Commission on 06/25/19, be taken under the Jurisdiction of the Rolling Hills City Council.

The process leading to its' approval in the Planning Commission has been awkward, at best, taking over six months and requiring the recusal of two of the five Planning Commissioners.

We have expressed to the Planning Commission our deep concerns regarding the negative impact this project will have on our privacy, well being and property values. The size and mass of the proposed barn with its' close proximity to our living space is out of character with other structures in Rolling Hills.

We feel we have suggested remedies for resolving some of our concerns such as moving the location of the proposed barn on the Cardenas property.

The Planning Commission has had a deaf-ear to our concerns with no suggestions from them to mitigate those concerns.

Sincerely,

John F Gebhard

Jayne Gebhard



HAND DELIVERED

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

RECEIVED  
FEB 13 2019  
City of Rolling Hills  
By \_\_\_\_\_

February 13, 2019

VIA FIRST CLASS MAIL TO CITY CLERK

Dear Rolling Hills Planning Commission Members,

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

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

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

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

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

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

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

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

Sincerely

Jayne and John Gebhard

A handwritten signature in cursive script, appearing to read "Jayne Gebhard". The signature is written in dark ink and is positioned to the left of a larger, more complex handwritten mark that resembles a stylized "J" or a signature flourish.

MEMORANDUM

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

From: Dr. John Gebhard, Affected Neighbor

Date: February 12, 2019

Re: Zoning Cse No. 953 - 13 Portuguese Road

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Hello Honorable Members of the Planning Commission,

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully Submitted



John Gebhard

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

January 8, 2019

**HAND DELIVERED**

**ROLLING HILLS PLANNING COMMISSION**

C/O Julia Stewart

Dear Ms. Stewart,

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

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

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

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

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

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

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

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

Jayne and John Gebhard



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

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

RECEIVED

DEC - 4 2018

City of Rolling Hills  
By \_\_\_\_\_

Dec. 3, 2018

HAND DELIVERED

Dear Julia Stewart,

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

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

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

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

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

John and Jayne Gebhard

10/10