City of Rolling Hills INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521

AGENDA
Regular Planning Commission Meeting

PLANNING COMMISSION
Tuesday, September 12, 2023

CITY OF ROLLING HILLS
6:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

This is the appropriate time for the Chair or Commissioners to approve the agenda as is or reorder.

5. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

6. PUBLIC COMMENTS ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject thatdoes not appear on this agenda for action. Each speaker will be permitted to speak only once. Writtenrequests, if any, will be considered first under this section.

7. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Chair or any Commissioner may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Chair will call on anyone wishing to address the Commission on any Consent Calendar item on the agenda, which has not been pulled by Commission for discussion.

7.A. APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION REGULAR MEETING OF SEPTEMBER 12, 2023
RECOMMENDATION: Approve as presented.
CL_AGN_230912_PC_AffidavitofPosting.pdf

7.B. APPROVE THE MINUTES FOR THE AUGUST 15, 2023, PLANNING COMMISSION MEETING
RECOMMENDATION: Approve as presented.
CL_MIN_230815_PC_F.pdf

8. EXCLUDED CONSENT CALENDAR ITEMS

9. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

9.A. ZONING CASE NO. 22-51: SITE PLAN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH A BASEMENT, ATTACHED GARAGE, FIVE-FOOT-HIGH RETAINING WALLS, NON-EXEMPT GRADING, AND RELATED IMPROVEMENTS; VARIANCES TO CONSTRUCT: (1) A SWIMMING POOL/SPA IN THE FRONT YARD, (2) RETAINING WALLS EXCEEDING AN AVERAGE OF 2Â½ FEET IN HEIGHT, (3) RETAINING WALLS IN THE FRONT YARD, AND (4) NON-EXEMPT GRADING EXPORT ON A PROPERTY LOCATED AT 4 POPPY TRAIL, ROLLING HILLS, CA 90274 (LOT 17-A-PT) (ARVIDSON), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION:

Staff recommends the Planning Commission open the public hearing, receive public testimony, discuss the proposed project, and provide direction to staff and the applicant. In the event the Commission wishes to approve the project, a resolution of approval is included for consideration.

ATTACHMENT1_CL_PBN_230321_4PoppyTrail_ZC22-51_VicinityMap.pdf
ATTACHMENT2_PL_ADR_4PoppyTrail_ZC22-51_DevelopmentTable_RevisedProject.pdf
ATTACHMENT3_PL_ADR_4PoppyTr_ZC22-51_230711_Email_DaveLong.pdf
ATTACHMENT4_CL_AGN_230718_PC_Item9A_PublicComment_NConstant.pdf
ATTACHMENT5_2023-11_PC_Resolution_4PoppyTrail_ZC 22-51_D2-c1_js.pdf
ATTACHMENT6_PL_ADR_4PoppyTrail_ZC22-51_Architectural.pdf
ATTACHMENT7_PL_ADR_4PoppyTrail_ZC22-51_SitePlan_Grading.pdf
ATTACHMENT8_PL_ADR_4PoppyTrail_ZC22-51_Alternate_Development_on_Barn_Pad.pdf

9.B. AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION:

1. **Open and conduct a public hearing;**
2. **Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and**
3. **Adopt Resolution No. 2023-10 (Attachment 1), which recommends that the City Council adopt the proposed Ordinance No. 384 (Exhibit "A" to Attachment 1).**

ATTACHMENT1_2023-10_PCResolution_WCF_Ordinance_091223-c1_F2.pdf
ATTACHMENT2_384_WirelessOrdinance_D4_redline.pdf
ATTACHMENT3_PL_WCF_OrdAmend2023_WirelessApplicationDraft_8-29-23.pdf

10. NEW PUBLIC HEARINGS

10.A. ZONING CASE NO 23-077: SITE PLAN REVIEW AND LOT LINE ADJUSTMENT

BETWEEN THREE LOTS AT 10,12, AND 14 PINE TREE LANE TO CREATE TWO LARGER LOTS WITH A COMBINED GROSS LOT AREA OF 7.84 ACRES (LOTS 85-1-RH, 85-2-RH, 85-3-RH) (HASSOLDT); RESOLUTION NO. 2023-12

RECOMMENDATION: Open the public hearing, receive public testimony, discuss the project, close the public hearing, and provide direction to staff. In the event the Planning Commission decides to approve the project, Resolution No. 2023-11 is included for consideration.

Attachment 1: Building Vicinity Map
Attachment 2: Resolution No. 2023-12
Attachment 3: Existing & Proposed Lot Information
Attachment 4: Development Table
Attachment 5: Tentative Lot Line Adjustment Map

10.B. ZONING CASE NO. 23-049: SITE PLAN REVIEW FOR A 1,957-SQUARE-FOOT ADDITION TO AN EXISTING RESIDENCE, AND CONDITIONAL USE PERMIT TO ADD 244 SQUARE FEET TO AN EXISTING POOL HOUSE, LOCATED AT 19 PORTUGUESE BEND ROAD IN ZONING CASE NO. 23-049 (LOT 80-RH) (HTJGDB/SIU)

RECOMMENDATION: Open the public hearing, receive public testimony, discuss the project, close the public hearing, provide direction to staff and the applicant, and continue the item to the next regularly scheduled Planning Commission meeting on October 17, 2023.

Attachment 1: Development Table
Attachment 2: Photos
Attachment 3: Development Plans

11. OLD BUSINESS

12. NEW BUSINESS

13. SCHEDULE FIELD TRIPS

14. ITEMS FROM STAFF

15. ITEMS FROM THE PLANNING COMMISSION

16. ADJOURNMENT

Next meeting: Tuesday, October 17, 2023 at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

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

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

All of the above resolutions and zoning case items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.A
Mtg. Date: 09/12/2023

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER**

THRU: **DAVID H. READY**

SUBJECT: **APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION REGULAR MEETING OF SEPTEMBER 12, 2023**

DATE: **September 12, 2023**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_AGN_230912_PC_AffidavitofPosting.pdf

Administrative Report

7.A., **File #** 2000 **Meeting Date**: 9/12/2023

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations below.

Legislative Body	Planning Commission
Posting Type	Regular Meeting Agenda
Posting Location	2 Portuguese Bend Road, Rolling Hills, CA 90274 City Hall Window City Website: https://www.rolling-hills.org/government/agenda/index.php https://www.rolling-hills.org/government/city_council/city_council_archive_agendas/index.php
Meeting Date & Time	SEPTEMBER 12, 2023 6:30pm

As City Clerk of the City of Rolling Hills, I declare under penalty of perjury, the document noted above was posted at the date displayed below.

Christian Horvath, City Clerk

Date: September 8, 2023

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.B
Mtg. Date: 09/12/2023

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER**

THRU: **DAVID H. READY**

SUBJECT: **APPROVE THE MINUTES FOR THE AUGUST 15, 2023, PLANNING COMMISSION MEETING**

DATE: **September 12, 2023**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_MIN_230815_PC_F.pdf

Minutes
Rolling Hills Planning Commission
Tuesday, August 15, 2023
Regular Meeting 6:30 p.m.
Via tele-conference

1. CALL MEETING TO ORDER

The Planning Commission of the City of Rolling Hills met via teleconference on the above date with Chair Chelf presiding. Chair Chelf called the meeting to order at 6:31 p.m.

2. ROLL CALL

Commissioners Present:	Cardenas, Cooley, Douglass, Vice Chair Kirkpatrick, Chair Chelf
Commissioners Absent:	None
Staff Present:	John Signo, Planning & Community Services Director
	Ryan Stager, Assistant City Attorney

Director Signo informed the public that the applicant for Item 9.A requested a continuance to the next meeting in order to further update the development plan. He indicated the public may provide testimony.

3. PLEDGE OF ALLEGIANCE

Director Signo led the Pledge of Allegiance.

4. APPROVE ORDER OF THE AGENDA

Approved by Chair Chelf with no objections.

5. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Director Signo indicated one Blue Folder Item for Item 7.C to correct typos to the minutes.

6. PUBLIC COMMENTS ON NON-AGENDA ITEMS

James Aichele discussed Item 7.B regarding AB 361.

Assistant City Attorney Stager explained the requirements of AB 361.

Nikos Constant asked if the Poppy Trail item would be continued and if additional material will be available.

Director Signo indicated the item will be continued and new material may be available pending meetings with the applicant.

7. CONSENT CALENDAR

7.A. APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION REGULAR MEETING OF AUGUST 15, 2023

7.B. CONTINUATION OF REMOTE PLANNING COMMISSION MEETINGS DURING THE MONTH OF AUGUST 2023, PURSUANT TO THE REQUIREMENTS OF AB 361

7.C. APPROVE THE MINUTES FOR THE JULY 18, 2023, PLANNING COMMISSION MEETING

Motion by Commissioner Cardenas, seconded by Commissioner Douglass, to approve Items 7A, 7B, and 7C with changes to Item 7C included in the Blue Folder. Motion carried with the following roll call vote:

AYES: Cardenas, Cooley, Douglass, Vice Chair Kirkpatrick, Chair Chelf
NOES: None
ABSENT: None

8. EXCLUDED CONSENT CALENDAR ITEMS – NONE

9. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETINGS

9.A. ZONING CASE NO. 22-51: REQUEST FOR APPROVAL OF A SITE PLAN REVIEW TO CONSTRUCT A NEW 7,290-SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH BASEMENT, ATTACHED GARAGE, FIVE-FOOT-HIGH RETAINING WALLS, NON-EXEMPT GRADING, AND RELATED IMPROVEMENTS; VARIANCE TO CONSTRUCT A SWIMMING POOL AND SPA IN THE FRONT YARD ON A PROPERTY LOCATED AT 4 POPPY TRAIL, ROLLING HILLS, CA 90274 (LOT 17-A-PT) (ARVIDSON), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Assistant City Attorney Stager recommended to open the hearing, receive public testimony, and continue the item.

Chair Chelf opened the public hearing and asked for speakers. There were no speakers.

Motion by Commissioner Cardenas, seconded by Commissioner Douglass, to continue the item to the September 12, 2023 Planning Commission meeting. Motion carried with the following roll call vote:

AYES: Cardenas, Cooley, Douglass, Kirkpatrick, Chair Chelf
NOES: None
ABSTAIN: None
ABSENT: None

10. NEW PUBLIC HEARINGS

10.A. AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Director Signo made the presentation.

Assistant City Attorney introduced BBK colleague Bennett Givens who helped prepare the ordinance.

Commissioner Cardenas asked about the necessity of the ordinance and about Type 3 facilities. He was concerned about new structures without Planning Commission involvement.

Attorney Givens explained the current ordinance is in need of an update to address new shot clock requirements that involve streamlined reviews.

Chair Chelf opened the public hearing and invited speakers from the public.

Kathryn Bishop representing RHCA indicated they have an agreement with Crown Castle and there is currently a mockup on Portuguese Bend Road. She indicated the community is looking for better cell service.

Motion by Commissioner Cardenas, seconded by Chair Chelf, to continue the item to the September 12, 2023 Planning Commission meeting, and direct staff to modify the ordinance to require a conditional use permit for Type 3 facilities and remove it from zone clearance review. Motion carried with the following roll call vote:

AYES: Cardenas, Cooley, Douglass, Kirkpatrick, Chair Chelf
NOES: None
ABSTAIN: None
ABSENT: None

11. OLD BUSINESS – NONE

12. NEW BUSINESS – NONE

13. SCHEDULED FIELD TRIPS – NONE

14. ITEMS FROM STAFF – NONE

15. ITEMS FROM THE PLANNING COMMISSION – NONE

16. ADJOURNMENT: 7:18 P.M.

The meeting was adjourned at 7:18 p.m. to the Planning Commission meeting on Tuesday, September 12, 2023, beginning at 6:30 p.m. in the City Council Chambers at City Hall.

Respectfully submitted,

_____
Christian Horvath, City Clerk

Approved,

_____
Brad Chelf, Chair

Agenda Item No.: 9.A
Mtg. Date: 09/12/2023

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES**

THRU: **DAVID H. READY**

SUBJECT: **ZONING CASE NO. 22-51: SITE PLAN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH A BASEMENT, ATTACHED GARAGE, FIVE-FOOT-HIGH RETAINING WALLS, NON-EXEMPT GRADING, AND RELATED IMPROVEMENTS; VARIANCES TO CONSTRUCT: (1) A SWIMMING POOL/SPA IN THE FRONT YARD, (2) RETAINING WALLS EXCEEDING AN AVERAGE OF 2½ FEET IN HEIGHT, (3) RETAINING WALLS IN THE FRONT YARD, AND (4) NON-EXEMPT GRADING EXPORT ON A PROPERTY LOCATED AT 4 POPPY TRAIL, ROLLING HILLS, CA 90274 (LOT 17-A-PT) (ARVIDSON), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

DATE: **September 12, 2023**

BACKGROUND:
This item was continued from the August 15, 2023, Planning Commission meeting at the request of the applicant in order to reduce the amount of grading. The Commission opened the public hearing, took public testimony, and continued the public hearing to September 12, 2023.

History
March 21, 2023 Planning Commission Field Trip and Evening Meeting
This item was originally presented to the Planning Commission on March 21, 2023.

The Commission voted to continue the item to the April 18th meeting so the applicant could look into the issues discussed, particularly regarding development on the barn pad and reducing grading. The motion passed unanimously.

On April 18, 2023, the applicant was still addressing the issues regarding grading and barn pad location so the item was not included on the agenda.

July 18, 2023 Planning Commission Evening Meeting

The item was re-noticed for the July 18th Planning Commission meeting to give the applicant more time to discuss relocating the proposed residence to the barn pad. At that meeting, the Commission took public testimony and advised the applicant to continue working with neighbors on the feasibility of developing the proposed residence on the existing barn pad.

Subsequently, the applicant met with Mr. Nikos Constant at 25 Georgeff Road, but the parties were not able to come to an agreement on offsite remediation and development of the barn pad. As such, the applicant is choosing to move forward with the original proposal of creating a new building pad in the middle of the property.

Revised Project

The applicant, Dan Bolton of Bolton Engineering, on behalf of the property owner, Andy Arvidson, revised the proposed project to reduce the amount of grading. This was accomplished by removing the accessory dwelling unit (ADU) in order to reduce grading. Minor revisions were also made including slightly altering the building pad, shifting the garage by three feet in order to accommodate the smaller building pad, and extending the length of retaining walls along the driveway.

The revised proposal is a request to approve the construction of a new 7,290-square-foot (SF) single-family residence with a 7,290 SF basement, 1,100 SF attached garage, 1,135 square feet of attached covered porches, 195 SF attached trellis, 540 SF swimming pool/spa, pool equipment, service yard, lightwells, maximum five-foot-high retaining walls, driveway, walkways, landscaping, and other improvements.

Originally, the proposed project included 41,874 cubic yards (CY) of grading with , including 22,340 CY cut and 19,534 CY fill. The revised project reduces grading to 24,775 CY, including 15,905 CY cut and 8,870 CY fill. However, the revision requires the export of 3,830 CY of grading, not including exempt grading for the basement and swimming pool. The export requires a variance and the application has been revised accordingly and the project has been properly renoticed.

The swimming pool/spa, service yard and other minor improvements are typically not subject to discretionary review. However, the swimming pool/spa requires a variance for location in the front yard, and certain retaining walls require a variance for location in the front yard and having an average height above two-and-one-half feet.

Building Pads/Driveway Access

The proposed project will create one new building pad in contrast to the original proposal which included a pad for the ADU. The main building pad will be reduced from 20,635 SF to 19,600 SF located generally in the middle of the property. The building pad will be located outside of any required setbacks and will be accessible via a new 20-foot-wide driveway that connects to an existing driveway and ultimately to Poppy Trail. There will be a turnaround for Fire Department access at the terminus of the new driveway on the main building pad. The existing driveway, which connects to Poppy Trail, will be widened to 20 feet. The length of the overall driveway from Poppy Trail to the main residence will be approximately 700 feet. The Traffic Commission recommended approval of the widening of the driveway and apron at its meeting on Thursday, March 23, 2023.

Zoning, Location, and Lot Description

The property located at 4 Poppy Trail is zoned RAS-2 and has a net lot area of 6.37 acres (277,335 square feet). Only one building pad exists on the property and is located at the highest portion in rear of the property. This building pad is 16,200 square feet and is developed with a 3,330 SF stable.

The property is irregularly shaped and only has an 86-foot segment connected to Poppy Trail. The front property line is considered the portion that connects to Poppy Trail plus the eastern property line which parallels an equestrian dirt path known as the Sleepy Hollow Trail. Sleepy Hollow Trail traverses much of the front yard setback which is 50 feet wide. The 50-foot-wide rear yard setback is along the western property line and the 35-foot-wide side yard setback is along all other property lines. The property slopes upward from Poppy Trail to the existing barn in the southwestern corner. The elevation difference between Poppy Trail to the barn pad is approximately 172 feet with the proposed main building pad approximately 100 feet higher than Poppy Trail.

Previous Approvals

On May 18, 2004, the Planning Commission adopted Resolution Nos. 2004-13 A and B approving a lot line adjustment between three parcels and a variance to retain an existing stable on the subject property which is located in the side yard setback. The stable was constructed around 1977 for use by the property owner who lived on the abutting property at 8 Reata Lane. On September 14, 2010, the Planning Commission adopted Resolution No. 2010-18 approving a lot line adjustment between three properties, included a lot owned by the City.

DISCUSSION:

Revised Project

The request is for a Site Plan Review for construction of the residence and appurtenant structures and for grading. The applicant requests four variances: (1) swimming pool/spa in the front yard; (2) retaining walls exceeding an average of 2½ feet in height; (3) retaining walls in the front yard; and (4) non-exempt grading export.

The total structures will be 14,180 SF or 5.1% of the net lot area.

The flatwork area, which includes the driveway, paved walkways, patios, and courtyards is 17,400 square feet. This covers 6.3% of the net lot area.

Total disturbance covers 64,100 SF or 23.1%. This is reduced from the original of 109,995 SF or 39.7% of the net lot area.

The residential building pad will be 19,600 SF (reduced from 20,635 SF) and the residence and other structures will cover 53.6% of the pad, not including attached trellises which are exempt.

The existing stable pad will not change. It is 16,200 SF and the stable covers 21.5% of the pad.

A preliminary landscape plan has been reviewed by the City's landscape consultant for

compliance with the Model Water Efficient Landscape Ordinance (MWELO); however, a revised landscape plan is needed to address changes to the plan. The plan was reviewed for appropriateness and adaptability of selected plants, water efficient irrigation design, and the use of design elements that enhance the character of the community. The preliminary landscape plan for the original project was found to be in compliance with MWELO and landscape conditions will be included for installation and maintenance.

Site Plan Review

Site Plan Review (SPR) is needed for construction of any new building or structures, and non-exempt grading per Rolling Hills Municipal Code (RHMC) Section 17.46.020.

Variance Requests
Variance requests are needed to as mentioned above. Findings are necessary to support approval of the variances.

Environmental Review

The proposed project has been determined to not have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts a single-family residence, swimming pool, and accessory structures.

Public Participation

Mr. John Lacey was able to provide comments at the March 21, 2023 Planning Commission meeting regarding reducing grading and land movement.

An email was received from Mr. Dave Long who indicated his home is situated directly across the project site. Mr. Long is opposed to the project. His email is attached.
Correspondences and testimony were made by Mr. Nikos Constant. A letter is attached.

CRITERIA FOR SITE PLAN REVIEW

17.46.050 - Required Site Plan Review findings.

The Commission shall be required to make findings in acting to approve, conditionally approve, or deny a Site Plan Review application. 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.
10. If all of the above findings cannot be made with regard to the proposed project, or cannot be made even with changes to the project through project conditions imposed by City staff and/or the Planning Commission, the site plan review application shall be denied.

CRITERIA FOR VARIANCES

17.38.050 Required Variance findings.

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

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

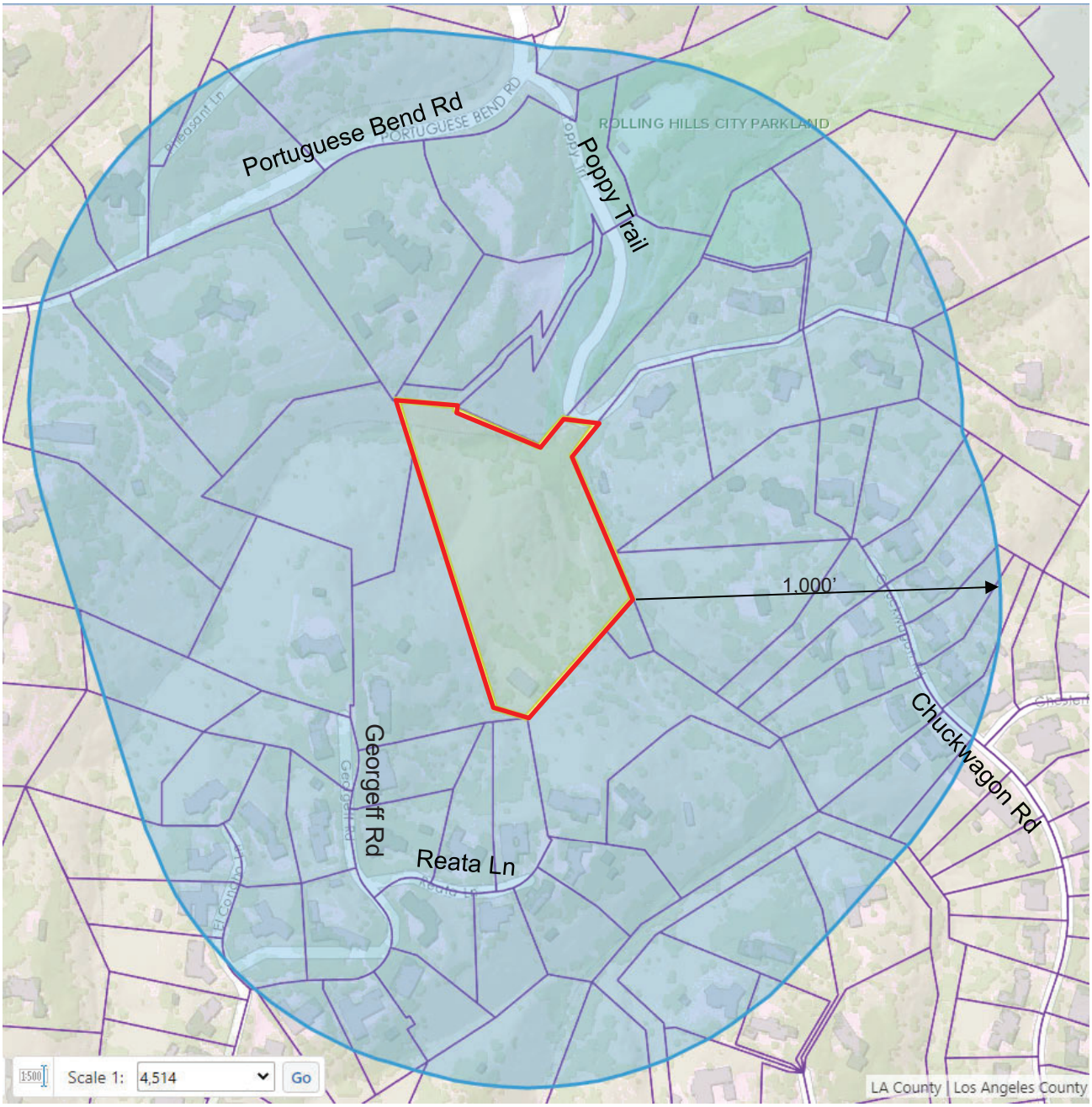
FISCAL IMPACT:
None.

RECOMMENDATION:

Staff recommends the Planning Commission open the public hearing, receive public testimony, discuss the proposed project, and provide direction to staff and the applicant. In the event the Commission wishes to approve the project, a resolution of approval is included for consideration.

ATTACHMENTS:

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City of Rolling Hills

TITLE VICINITY MAP

CASE NO. ZONING CASE NO. 22-51
Site Plan Review, Variance

OWNER ARVIDSON

ADDRESS 4 POPPY TRAIL, ROLLING HILLS, CA 90274

SITE

	REVISED DEVELOPMENT TABLE ZONING CASE NO. 22-51 (4 POPPY TRAIL)				
Site Plan Review and Variance	**PAD 1 (SF) Main Residence**	**PAD 2 (SF) ADU**	**PAD 3 (SF) Stable**	***DIFFERENCE (+/-)***	**TOTAL (SF)**
Uses RAS-2 Zone Setbacks Front: 50 ft. Side: 35 ft. Rear: 50 ft.	Single family residence, garage, pool *Meets all setbacks*	ADU *ADU removed in revised plan*	Existing Stable *No changes*		
Pad Area/Net Lot Area	~~20,635~~ 19,600	~~2,770~~	16,200	*-1,035 (Pad 1)* *-3,805 (Pad 1&2)*	277,335
Residence	7,290				7,290
Garage	1,100				1,100
Swimming Pool/Spa	540				540
Pool Equipment	50				50
ADU		~~850~~		*-850*	~~850~~
Stable (min. 450 SF)			3,330		3,330
Attached Covered Porches	985	~~150~~	150	*-150*	~~1,285~~ 1,135
Attached Trellises	195				195
Lightwell	445				445
Service Yard	95				95
Total Structure Area	10,700	~~1,000~~	3,480	*-1,000*	~~15,180~~ 14,180
Total Structural Coverage (20% max)					~~5.5%~~ 5.1%
Total Flatwork					17,400
% of Front Setback Covered (20% max)					13.2%
Total Structural and Flatwork					~~32,580~~ 31,580
Total Lot Coverage (35% maximum)					~~11.8%~~ 11.4%
Building Pad Coverage (Policy: 30% maximum)	~~51.9%~~ 53.6%	~~36.1%~~	21.5%	*+1.7% (Pad 1)*	
Disturbed Area (40% maximum; up to 60% with slopes less than 3:1)				*-53,105* *-16.6%*	~~109,995~~ 64,100 ~~39.7%~~ 23.1%
Grading 22,340 Cut / 19,534 Fill Export: 2,806 CY (export to excavate basement and pool exempt)				*-17,194*	~~41,874 Total~~ 24,680 Total

*Text in red indicates changes from original proposal.

John Signo

From: Dave Long <dlong@dblsearch.com>
Sent: Tuesday, July 11, 2023 2:00 PM
To: Planning
Subject: Zoning case no. 22-51

Caution: External (dlong@dblsearch.com)

First-Time Sender Details

Report This Email FAQ Protection by INKY

Dear Planning Commission,

Our home is situated directly across proposed the site in Zoning case no. 22-51. We are adamantly opposed to any construction of a family residence that is so low in the canyon and so close to our property. There are no other residences (only stables) that are like what the Arvidson's are proposing in the canyon, and it would permanently destroy the rural ambiance we have enjoyed for twenty plus years living in this beautiful community. Our property and our neighbors' homes will be negatively impacted by the construction noise for an extended period of time, not to mention the future noise associated with a new residence and swimming pool, so close to our properties. Our property values also would be adversely affected. Again, we are adamantly opposed to this project.

Thank you for your consideration.

David Long

4 Poppy Trail Development

TO: Rolling Hills Planning Commission, Mayor, City Council, City Attorney, RHCA, and Neighbors
FROM: The Constant Family, 25 Georgeff Road
DATE: July 18, 2023
RE: July 18, 2023 Regular Planning Commission Meeting Public Hearing Item 9.A.
ZONING CASE NO. 22-51

I'm writing, in addition to commenting at today's planning commission meeting, in case the Zoom technology does not work, as I'm traveling.

I have had serious concerns about the development of 4 Poppy Trail since it was first announced several years ago. Historically, Georgeff Canyon, where 4 Poppy Trail is located, has seen land movement, accompanied by extensive litigation. As the Sunday, July 16, 2023 Daily Breeze article "Water appears likely culprit in landslide" states:

"In 2005, a chunk of hillside in Rolling Hills fell 100 feet onto Poppy Trail, a curving street below. It blocked the road, leaving residents of eight multimillion-dollar homes stranded. It took years of lawsuits to straighten the situation out. In the meantime, the homeowners had to use four-wheel drive vehicles to navigate the slide."

Of course, the Daily Breeze article's main purpose is to place a historical perspective on the very recent Rolling Hills Estates Peartree Lane Landslide that is now international news. I'm sure many of us that live and work in Rolling Hills have received questions from friends and relatives around the world as to how close we are to that civic disaster along with a barrage of other detailed questions. It sure seems like the Ralph's Fresh Faire has been a lot more crowded lately.

There are four major issues with 4 Poppy Trial that I would like to address:

1. Extreme change of development plans indicates a lack of any plan.
2. Landslide
3. Easements
4. Variance

First, the new proposal is an extreme change of plans from what was initially proposed. On first pass, the developer promised that the existing barn would not be demolished, in fact, it would be improved. As Rolling Hills is a noted equestrian community, this promise was taken in good faith, that the developer would leave the existing rural setting of the barn untouched and more importantly, gently improved. As our house at 25 Georgeff Road is directly above the existing

barn, the annoyance of hearing workers pounding and shouting was alleviated by the eventual improvement.

Now, the proposal is to demolish the barn and install a residence. This extreme change of plans is unacceptable, shocking, and really goes against the equestrian community's important stature in keeping Rolling Hills' valuable natural resource of trails, wildlife, and the like, alive. More importantly, extreme changes like this are evidence of a lack of any plan. Extreme changes, strike as desperate and not reasonably considered.

As for the second and most important issue of Landslides, the new design is located on top of a historical slide that crosses my property at 25 Georgeff, my next door neighbor's at 27 Georgeff, and 4 Poppy Trail.

When I was doing due diligence in the purchase of my house, I brought out engineering, geologic, and survey teams to map the slide and to see about remediation. They came back with a report stating that more than simple "remedial grading" would be needed to stabilize the slide area. The extent of remediation would include the building of retaining walls, drains, cut and fill, curbs to channel water, caissons driven deep into the ground, re-landscaping, re-fencing, installing sprinklers, steps/paths for access, sewer lines, etc.

Ultimately, the experts told me that while it could be done, it would be best to leave a natural feature, that may have been there for hundreds of thousands of years, alone, or to move with extreme caution.

In addition, to "fix" the issue would require a ballet of negotiation between neighbors, city, county, engineers, attorneys, construction, and insurance companies. Most importantly, there would be no guarantees of success and as the law of unintended consequences must always be accounted: the fact that my house would be directly above the area's construction zone, there could be further damages incurred, along with potential negligence issues on the existing geologically stable property and structures.

All of the above factors have informed any decisions on the property as we plan for a potential stable, greenhouse, ADU, and pool. With our modus being "proceed with extreme caution and humility".

The new proposal goes against that mantra.

The third issue, easements, relates directly to trail access, property access, canyon fire safety, and the like. As we all know, RHCA easements along all property lines are both legally, and neighborly sacrosanct in this community. The maze of easements that surrounds 4 Poppy Trail are a mix of fire access easements and RHCA property line easements. Easements, despite their root French, are anything but easy, legally.

The development needs a legal analysis and land survey of how all property easement and access points are to be mapped out, ***before*** any planning decisions are made.

Finally, the new plan includes a variance for lot line setbacks, etc. As this variance effects neighboring properties, along with RHCA easements, the variance that is asked for would be considered a Constitutional "taking" and therefore needs to be negotiated by all parties, not simply requested and approved by the planning commission.

In no way should this letter be considered a final analysis of the 4 Poppy Trail development, and all legal rights and remedies past, present, and future are reserved by The Constant Family and The Constant Family Trust.

In closing, I point all invested parties to the 1966 history of Palos Verdes "Time and the Terraced Land" (Howell North Books Page 126) by Augusta Fink. I highlight this quote to emphasize the foreseeability of disaster. Describing the formation of the Palos Verdes Corporation, Augusta writes:

"A complex of carefully planned streets was constructed off the horseshoe-shaped road that served the Vanderlip estate, and 1100 acres of land were opened for homes. A community association was formed to insure the quality of the development and the fashionable Portuguese Bend Club became the nucleus for the new community.

"It was to this community that disaster came in 1956, The landslide which occurred that summer destroyed the club and about one hundred homes. Residents had practically no warning. On August 29th, a water line ruptured. Service crews determined an offset of several inches in the pipe line. Then, within a matter of days, houses started to shift.

"When told to evacuate their homes, residents couldn't or wouldn't believe it. Great, gaping crevices opened up in living areas and sections of ceiling fell. Many residents had to be rescued in the middle of the night. Those who were determined to stick it out lost everything.

"The property involved, about 225 acres, covers a portion of an ancient slide mass, which was know to geologists for many years. In the early 1950s, the Los Angeles County Road Department began construction of Crenshaw Boulevard, from Pacific Coast Highway, across the Palos Verdes Hills to Palos

Verdes Drive South. **Construction work crossed the slide mass, then dormant**."

Bolded emphasis, mine.

Proceed with extreme caution and humility.

The Constant Family looks forward to any further challenges presented.

Sincerely,
Nikos Constant, Esq.
25 Georgeff Road
213-215-5960

RESOLUTION NO. 2023-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 22-51 FOR A SITE PLAN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH A BASEMENT, ATTACHED GARAGE, FIVE-FOOT-HIGH RETAINING WALLS, NON-EXEMPT GRADING, AND RELATED IMPROVEMENTS; VARIANCES TO CONSTRUCT: (1) A SWIMMING POOL/SPA IN THE FRONT YARD, (2) RETAINING WALLS EXCEEDING AN AVERAGE OF 2½ FEET IN HEIGHT, (3) RETAINING WALLS IN THE FRONT YARD, AND (4) NON-EXEMPT GRADING EXPORT ON A PROPERTY LOCATED AT 4 POPPY TRAIL LANE (LOT 17-A-PT), ROLLING HILLS, CA (ARVIDSON), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 Andy Arvidson with respect to real property located at 4 Poppy Trail Road, Rolling Hills (Lot 17-A-PT) requesting a site plan review to construct a new 7,290-square-foot single-family residence with a 7,290-square-foot basement, 1,100-square-foot attached garage, five-foot-high maximum retaining walls, 24,680 cubic yards of grading including 6,940 cubic yards of export (3,735 cubic yards of non-exempt export), and related improvements. Variance requests are needed to construct: (1) a 540-square-foot swimming pool/spa in the front yard, (2) retaining walls exceeding an average of two-and-one-half feet in height, (3) retaining walls up to five feet in height in the front yard, and (4) non-exempt grading export. The project also includes pool equipment, 1,135 square feet of attached covered porches, 195 square feet of attached trellises, and a 95-square-foot service yard, which are not subject to discretionary review.

Section 2. The subject property is developed with a 3,330-square-foot stable with a 150-square-foot attached covered porch, but there is currently no single family residence on the lot. The stable was developed in 1977 for the owner at 8 Reata Lane who owned both abutting properties at the time. In 2004, a lot line adjustment was approved to merge three existing lots into one and a variance was approved to allow the existing stable to encroach into the side yard setback. In 2010, a lot line adjustment was approved to further adjust the lot lines creating the lot lines that currently exist for the subject property.

Section 3. The Planning Commission conducted duly noticed public hearings to consider the application at its special field trip meeting and regular meeting on March 21, 2023. Neighbors within a 1,000-foot radius were notified of the public hearings and a notice was published in the Daily Breeze on March 10, 2023. The evidence was heard and presented from all persons interested in affecting said proposal. On July 18, 2023, the Planning Commission held another duly noticed public hearing. Neighbors within a 1,000-foot radius were notified of the public hearing and a notice was published in the Daily Breeze on July 8, 2023. The

applicant and agent were notified of the public hearings in writing by first class mail and the agent was in attendance at the hearings. The Planning Commission opened the public hearing, took public testimony, and continued the public hearing to August 15, 2023, and then to September 12, 2023. Neighbors within a 1,000-foot radius were notified of the September 12th public hearing and a notice was published in the Daily Breeze on August 31, 2023.

Section 4. On March 23, 2023, the Traffic Commission conducted a meeting to review the widening of the driveway and apron. The Traffic Commission's recommendation will be forwarded to the City Council for approval.

Section 5. The property is zoned RAS-2 and the net lot area excluding the roadway easement is 6.37 acres (277,355 square feet). The project includes an existing 2,770-square-foot stable building pad in the southern corner of the lot, which is above the proposed main building pad for the residence. The property has a lot depth of approximately 420 feet and a lot width of approximately 800 feet. The property slopes upward from the street to the rear of the property where the existing barn is located. The grade elevation between the proposed main building pad and the street is approximately 90 feet, and the barn pad is approximately 75 feet higher than the main building pad.

Section 6. CEQA. The Project is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including single family residence and accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the Project includes the construction of a new single-family residence and related improvements. Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The site is developed with an existing stable on a graded pad.

Section 7. Site Plan Review Findings. Site Plan Review is required for construction of a new residence pursuant to Rolling Hills Municipal Code (RHMC) Section 17.46.020(A), for retaining walls above three feet in height pursuant to RHMC Section 17.16.190(F), and for non-exempt grading totaling 41,874 CY including 2,806 CY of exempt export pursuant to RHMC Section 17.46.020(A). With respect to the Site Plan Review for the development, the Planning Commission hereby makes the following findings:

A. The project complies with and is consistent with the goals and policies of the General Plan and all requirements of the zoning ordinance.

The proposed development, which includes construction of a residence, retaining walls, and other structures, and grading is compatible with the General Plan and Zoning ordinance, subject to variances for a new swimming pool, spa, and retaining walls located in the front yard and retaining walls with an average height greater than two-and-one-half feet. The proposed structures comply with the General Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures. The new residence

will be built on a new building pad, which will reduce the visual impact from neighboring properties.

The project conforms to Zoning Code lot coverage requirements. The net lot area of the lot is 6.37 acres per RHMC Section 17.16.060(A). The structural net lot coverage is proposed at 15,180 square feet or 5.47% (20% max. permitted) excluding exempt structures; and the total lot coverage proposed, including flatwork, would be 32,580 square feet or 11.75% (35% max. permitted). The disturbed area of the lot is proposed to be 98,530 square feet or 35.53% (40% permitted).

B. 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.

The topography and the configuration of the lot have been considered, and the proposed grading and retaining walls for development will not adversely affect or be materially detrimental to adjacent uses, buildings, or structures; the grading and retaining walls allows the proposed construction to be constructed on a new building pad which enables proposed project elements to be the least intrusive to surrounding properties. The retaining walls preserve the existing topography to the extent feasible. Further, the grading and retaining walls allow the proposed construction to be a sufficient distance from nearby residences so views and privacy of surrounding neighbors will not be impacted. The pool will be in the front yard but not visible from the street. The pool and patio area are included in the lot coverage. Lastly, the graded areas will incorporate landscaping and the retaining walls will be screened with landscaping. The lot will have a main building pad and a stable pad and 35.53% of the lot will be disturbed with the remaining area left landscaped or in a natural state.

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

The proposed development, as conditioned, is harmonious in scale and mass with the site, and is consistent with the scale of the neighborhood when compared to new residences in the vicinity of said lot. The development plan takes into consideration the visibility of the project from Poppy Trail as it will be located at a much higher elevation. The driveway utilizes the existing driveway at the entrance but will be widened to 20 feet to comply with Fire Department requirements. The driveway will be located on the subject property, unlike the existing driveway, which traverses onto neighboring property. The driveway leads to the new building pad and follows the natural terrain to the extent feasible. The proposed pool will be located at the edge of the pad and retaining walls will be located around the residence in the middle of the pad. Significant portions of the lot will be left undeveloped or landscaped.

D. 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).

A landscape plan has been prepared to comply with water efficient landscape ordinance requirements and low impact development standards. The landscape plan will introduce additional landscaping, which will be compatible with and enhance the rural character of the community, and the landscaping will provide a buffer or transition area between private and public areas. The grading and retaining walls are designed to preserve existing topography where possible and mimic the natural terrain.

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

Grading consists of 15,810 CY of cut and 8,870 CY of fill. Export of 6,940 CY is required but mostly exempt because it is used to excavate the basement and swimming pool. Of the total, export of 3,735 CY is not exempt and requires a variance which is addressed in Section 8 below. The grading and retaining walls are designed to preserve slopes where possible and mimic the natural terrain.

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

Grading will be done to improve the driveway and walkways throughout the site and create the main building pad. Drainage will follow the natural drainage courses of the lot and will be reviewed and approved by Building and Safety for compliance with stormwater requirements.

G. 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.

Surrounding native vegetation and mature trees will not be affected and new landscaping will be considerate of the environment and will enhance the rural character of the community. Landscaping will provide a buffer or transition between various pads on the property. As such, the rural character of the community is maintained and privacy is maintained with neighbors.

H. The project is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles.

The grading and retaining walls for the project occurs along the driveway and main building pad and will be minimally visible from adjacent property. There is ample parking in the garage and driveway. An adequate pathway is proposed to safely accommodate pedestrians from the residence to the accessory dwelling unit. Adequate walkways will be provided to the pool and deck.

I. The project conforms to the requirements of the California Environmental Quality Act (CEQA).

This project is exempt from CEQA for the reasons set forth in Section 6 above.

Section 8. Variance Findings. Section 17.38.050 sets forth the required findings for granting variances from Sections 17.16.200(G), 17.16.190(F), and 17.20.120 to construct a swimming pool, spa, and retaining walls in the front yard, exceed an average height of two-and-one-half feet for retaining walls, and export non-exempt grading. With respect to the request for variances, the Planning Commission finds as follows:

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.

There are extraordinary circumstances applicable to this property. The property is irregularly shaped with steep slopes and the location of the swimming pool, spa, and retaining walls is ideal to maximize views and utilize the pad configuration. Due to the shape of the property, there are exceptional circumstances applicable to the property that do not apply generally to other properties in the same vicinity and zone. The swimming pool, spa, and retaining walls in the front yard is warranted in order to maintain the existing topography. The average height of the retaining walls greater than two-and-one-half feet is needed due to steepness. The area in the front yard is a practical location for recreational uses such as a swimming pool and spa. The improvement will enhance the usability of the swimming pool and spa and be compatible with existing development in the area. Non-exempt grading export is required to preserve the existing topography to the extent feasible. The variances are warranted due to the unique sloping topography that does not apply generally to other properties in the vicinity.

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.

Granting the requested variances are necessary for the preservation and enjoyment of property rights on the property. The existing main building pad will be located in the middle of the property and the location of the swimming pool, spa, and retaining walls is an ideal location to complement the residence. Other properties in the vicinity enjoy these types of improvements. Non-exempt grading export is required to preserve the existing topography to the extent feasible.

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.

Granting the variances to locate a pool, spa, and retaining walls in the front yard, and for non-exempt grading export will not be detrimental to the public welfare and will not be injurious to properties in the vicinity; recreational uses and other improvements are allowed in the Rolling Hills community. Further, the project will be consistent with other development in the area.

D. That in granting the variance, the spirit and intent of this title will be observed.

Allowing construction of a swimming pool, spa, and retaining walls in the front yard, and non-exempt grading export will be harmonious in scale and mass with the site, the natural terrain, and surrounding residences because the proposed construction complies with the low-profile residential development pattern of the community and will not give the property an over-built look. The lot is sufficient to accommodate the proposed use.

E. That the variance does not grant special privilege to the applicant.

The construction of the swimming pool, spa, and retaining walls in the front yard allows a recreational use similar to others enjoyed by many properties throughout the City. Non-exempt grading export is required to preserve the existing topography to the extent feasible. The project, together with the variances, will be compatible with the objectives, policies, general land uses, and programs specified in the General Plan. For these reasons, the variances will not grant a 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.

Granting variances for the project will be consistent with the applicable portions of the Los Angeles County Hazardous Waste Management Plan related to siting criteria for hazardous waste facilities. The project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

G. That the variance request is consistent with the General Plan of the City of Rolling Hills.

Granting variances will be consistent with the General Plan of the City of Rolling Hills, which allows and encourages residential uses and property improvements. Non-exempt grading export is required to preserve the existing topography to the extent feasible. It will further the low-profile residential development pattern of the community and will not give the property an over-built look.

Section 9. Approval; Conditions of Approval. Based upon the foregoing findings, and the evidence in the record, the Planning Commission hereby approves Zoning Case No. 22-51 subject to the following conditions:

A. The Site Plan and Variance approvals shall expire within two years from the effective date of approval as defined in RHMC Sections 17.46.080 and 17.38.070 unless otherwise extended pursuant to the requirements of these sections.

B. If any condition of this resolution is violated, the entitlements 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 RHMC Chapter 17.58.

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 a variance to such requirement has been approved.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file at City Hall and approved by the Planning Commission on September 12, 2023, except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and Safety for plan check review shall conform to the approved development plan. All conditions of the Site Plan Review and Variance approvals shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto a separate sheet and included in the building plans submitted to the Building Department for review and shall be kept on site at all times.

Any proposed modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed with staff so that staff can determine whether the modification is minor or major in mature. Minor modifications are subject to approval by the City Manager or his or her designee. Major modifications are subject to approval by the Planning Commission after a public hearing. The applicant shall not implement modifications or changes to the approved project without the appropriate approval from the City Manager or designee or the Planning Commission, as required.

E. Prior to submittal of final working drawings to Building and Safety Department for issuance of building and grading permits, the plans for the project shall be submitted to City

staff for verification that the final plans are in compliance with the plans approved by the Planning Commission.

F. A 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 all of the conditions set forth herein and the City's Building Code and Zoning Ordinance.

Further, the person obtaining a building and/or grading 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.

G. Structural lot coverage of the lot shall not exceed 14,180 square feet or 5.1% of the net lot area, in conformance with lot coverage limitations (20% maximum).

The total lot coverage proposed, including structures and flatwork, shall not exceed 31,580 square feet or 11.4% of the net lot area, in conformance with lot coverage limitations (35% maximum).

H. The disturbed area of the lot, including the future stable and corral area shall not exceed 23.1%, or 64,100 square feet surface area. Grading for this project shall not exceed 24,680 CY, including 15,810 CY of cut and 8,870 CY of fill with 6,940 CY of export (including 3,735 CY of non-exempt export).

I. The residential building pad is proposed at 19,600 square feet and shall not exceed coverage of 10,700 square feet or 53.6% with allowed deductions. The stable and corral pad is 16,200 square feet and shall not exceed 3,480 square feet of coverage or 21.5% with allowed deductions.

J. A driveway access shall be provided per the Fire Department requirements and the apron of the driveway shall be roughened and the first 20 feet of the driveway shall not exceed 7% in slope.

K. Access to the stable pad shall be maintained in good condition at all times; the access route shall not be widened unless previously approved by the City.

L. 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 all of the proposed structures, or as otherwise required by the Fire Department.

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

N. 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.

O. The applicant shall comply with all requirements of the Lighting Ordinance of the City of Rolling Hills (RHMC 17.16.190.E), pertaining to lighting on said property, roofing and material requirements of properties in the Very High Fire Hazard Severity Zone, and Low Impact Development requirements for storm water management on site (RHMC Chapter 8.32).

P. All utility lines shall be undergrounded pursuant to Section 17.27.030.

Q. Hydrology, soils, geology and other reports, as required by the Building and Public Works Departments, and as may be required by the Building Official, shall be prepared.

R. Prior to issuance of a final construction approval of the project, all graded slopes shall be landscaped. Prior to issuance of building permit, the landscaping plan shall meet the requirements of the City, shall be submitted to the City in conformance with Fire Department Fuel Modification requirements, and shall be approved by the City's landscape consultant.

S. The project shall be landscaped, and continually maintained in substantial conformance with the landscaping plan on file approved by the City's landscape consultant. A detailed landscaping plan shall provide that any trees and shrubs used in the landscaping scheme for this project shall be planted in a way that screens the project development from adjacent streets and neighbors, such that shrubs and trees as they mature do not grow into a hedge or impede any neighbors views and the plan shall provide that all landscaping be maintained at a height no higher than the roof line of the nearest project structure. In addition, the landscaping plan shall provide for screening of the proposed retaining walls with vegetation not to exceed 10 feet in height, and that the vegetation used for screening shall be planted in an offset manner, to prevent it, as it grows from forming a solid hedge. The landscaping plan shall utilize to the maximum extent feasible, plants that are native to the area, are water-wise and are consistent with the rural character of the community. Plants listed as high hazardous plants under RHMC Section 8.30.015 are prohibited.

T. The applicant shall submit a landscaping performance bond or other financial obligation, to be kept on deposit by the City, in the amount of the planting plus irrigation plus 15%. The bond shall be released no sooner than two years after completion of all plantings, subject to a City staff determination that the plantings required for the project are in substantial conformance with approved plans and are in good condition.

The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC).

Pursuant to Chapter 8.30 of the RHMC, the property shall at all times be maintained free of dead trees and vegetation.

U. The retaining walls shall not exceed five feet in height at any point along the walls and shall be constructed according to plan.

V. The setback lines and roadway easement lines in the vicinity of the construction for this project shall remain staked throughout the construction. A construction fence may be required.

W. Perimeter easements, including roadway easements and trails, if any, shall remain free and clear of any of improvements to advance equestrian use and emergency preparedness for evacuation within the City. Where RHCA has demonstrated authority over the easement, the City's Planning Director may grant relief from this condition upon satisfactory proof of permission from RHCA and a legitimate showing that there is no need for the condition to advance equestrian uses and emergency preparedness.

X. Minimum of 65% of any construction materials must be recycled or diverted from landfills. The hauler of the materials shall obtain City's Construction and Demolition permits for waste hauling prior to start of work and provide proper documentation to the City.

Y. *During construction*, the site shall be maintained in a safe manner so as not to threaten the health, safety, or general welfare of the public.

Z. *During construction*, conformance with the air quality management district requirements, storm water pollution prevention practices, county and local ordinances and engineering practices so that people or property are not exposed to undue vehicle trips, noise, dust, objectionable odors, landslides, mudflows, erosion, or land subsidence shall be required.

AA. *During construction*, to the extent feasible, all parking shall take place on the project site, on the new driveway and, if necessary, any overflow parking may take place within the unimproved roadway easements along adjacent streets, and shall not obstruct neighboring driveways, visibility at intersections or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. To the extent feasible, a minimum of 4' wide path, from the edge of the roadway pavement, for pedestrian and equestrian passage shall be available and be clear of vehicles, construction materials and equipment at all times.

AB. *During construction*, the property owners shall be required to schedule and regulate construction and relate 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.

AC. Prior to demolition of any existing structures, an investigation shall be conducted for the presence of hazardous chemicals, lead-based paints or products, mercury and asbestos-containing materials (ACMs). If hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, remediation shall be undertaken in compliance with California environmental regulations and policies.

AD. The property owner and/or his/her contractor/applicant shall be responsible for compliance with the no-smoking provisions in the Municipal Code. 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.

AE. Storm water shall drain in accordance with the approved grading and drainage plan. Drainage dissipaters shall be constructed outside of any easements. The drainage system shall be approved by the Department of Building and Safety. If an above ground swale and/or dissipater is required, it shall be designed in such a manner as not to cross over any equestrian trails or discharge water onto a trail, shall be stained in an earth tone color, and shall be screened from any trail, road and neighbors' view to the maximum extent practicable, without impairing the function of the drainage system.

AF. *During construction*, dust control measures shall be used to stabilize the soil from wind erosion and reduce dust and objectionable odors generated by construction activities in accordance with South Coast Air Quality Management District, Los Angeles County and local ordinances and engineering practices.

AG. *During construction*, an Erosion Control Plan containing the elements set forth in Section 7010 of the 2016 County of Los Angeles Uniform Building Code shall be followed to minimize erosion and to protect slopes and channels to control storm water pollution.

AH. The property owners shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of storm water drainage facilities and septic tank.

AI. The applicant shall pay all of the applicable Building and Safety and Public Works Department fees and Palos Verdes Peninsula Unified School District fees, if any.

AJ. Prior to final inspection of the project, "as graded" and "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 Planning Commission approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan.

AK. This Resolution's approvals shall not be effective until the applicants execute an Affidavit of Acceptance of all conditions set forth herein.

AL. All conditions of this Resolution, when applicable, must be complied with prior to the issuance of a grading or building permit from the Building and Safety Department.

AM. 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.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF SEPTEMBER, 2023.

BRAD CHELF, CHAIRMAN

ATTEST:

_____
CHRISTIAN HORVATH, 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 Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2023-11 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 22-51 FOR A SITE PLAN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH A BASEMENT, ATTACHED GARAGE, FIVE-FOOT-HIGH RETAINING WALLS, NON-EXEMPT GRADING, AND RELATED IMPROVEMENTS; VARIANCES TO CONSTRUCT: (1) A SWIMMING POOL/SPA IN THE FRONT YARD, (2) RETAINING WALLS EXCEEDING AN AVERAGE OF 2½ FEET IN HEIGHT, (3) RETAINING WALLS IN THE FRONT YARD, AND (4) NON-EXEMPT GRADING EXPORT ON A PROPERTY LOCATED AT 4 POPPY TRAIL LANE (LOT 17-A-PT), ROLLING HILLS, CA (ARVIDSON), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

was approved and adopted at a regular meeting of the Planning Commission on September 12, 2023, 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.

_____
CHRISTIAN HORVATH, CITY CLERK

ARVIDSON RESIDENCE

4 POPPY TRAIL LANE , CALIFORNIA



LICENSED ARCHITECT
CRISS C GUNDERSON
No. C-018374
RENEWAL DATE
STATE OF CALIFORNIA

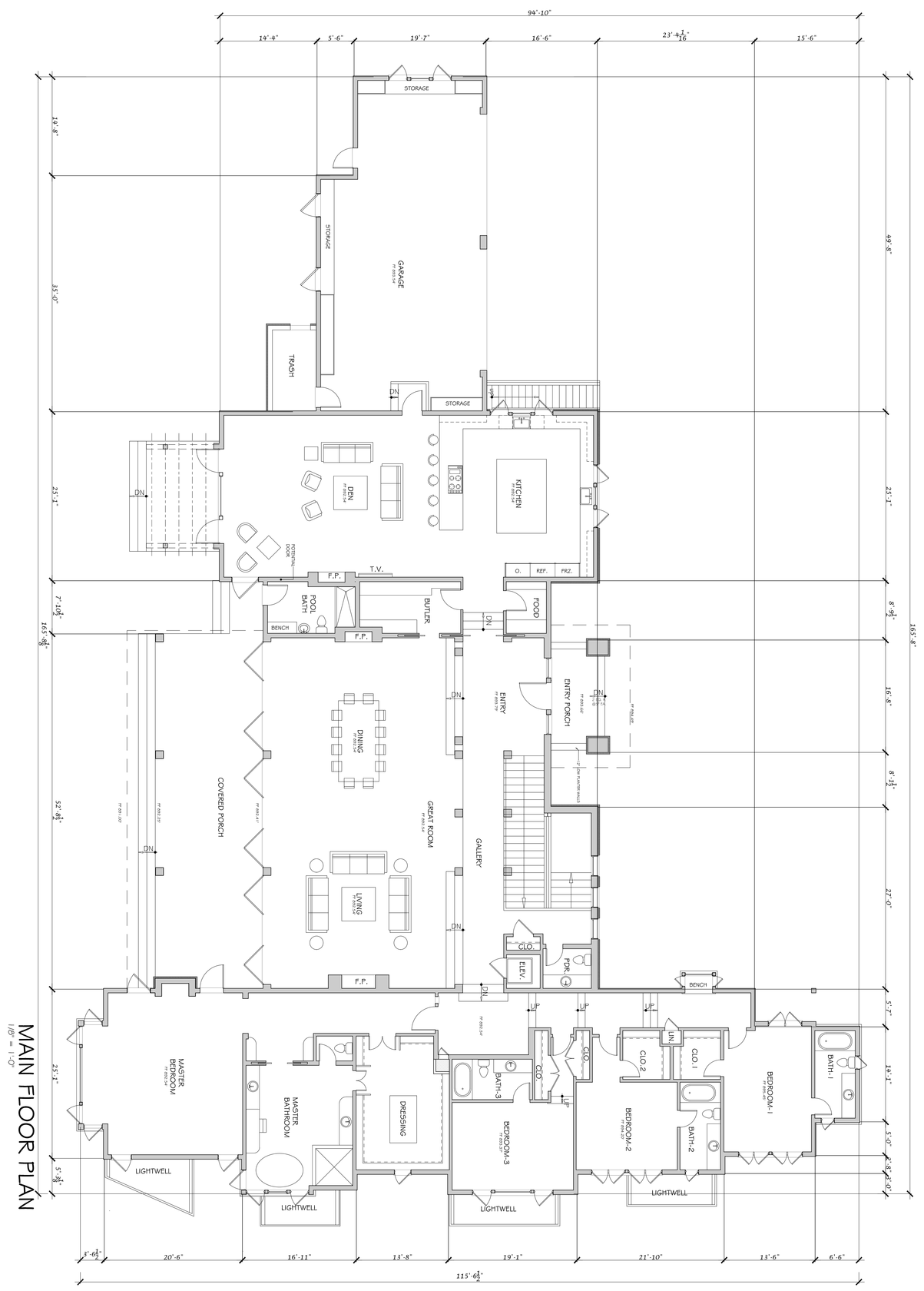
Written dimensions take preference over scaled dimensions and shall be verified on the job site. Details take preference over plans, elevations and sections. Any discrepancy shall be brought to the attention of the architect prior to the commencement of any work. These drawings and specifications are the property of Criss C Gunderson AIA Architect and shall not be used on any other project.

CRISS C GUNDERSON • AIA ARCHITECT
2417 Sunnyside Ridge Road, Rancho Palos Verdes, CA 90275 • 310.373.8077 • Criss@Criss-Gunderson-Architect.com

ARVIDSON RESIDENCE
4 POPPY TRAIL LANE, CALIFORNIA

1.1

9/1/2023 10:51 AM



MAIN FLOOR PLAN
1/8" = 1'-0"

LICENSED ARCHITECT
CRISS C GUNDERSON
No. C-018374
RENEWAL DATE
STATE OF CALIFORNIA

JOB NORTH

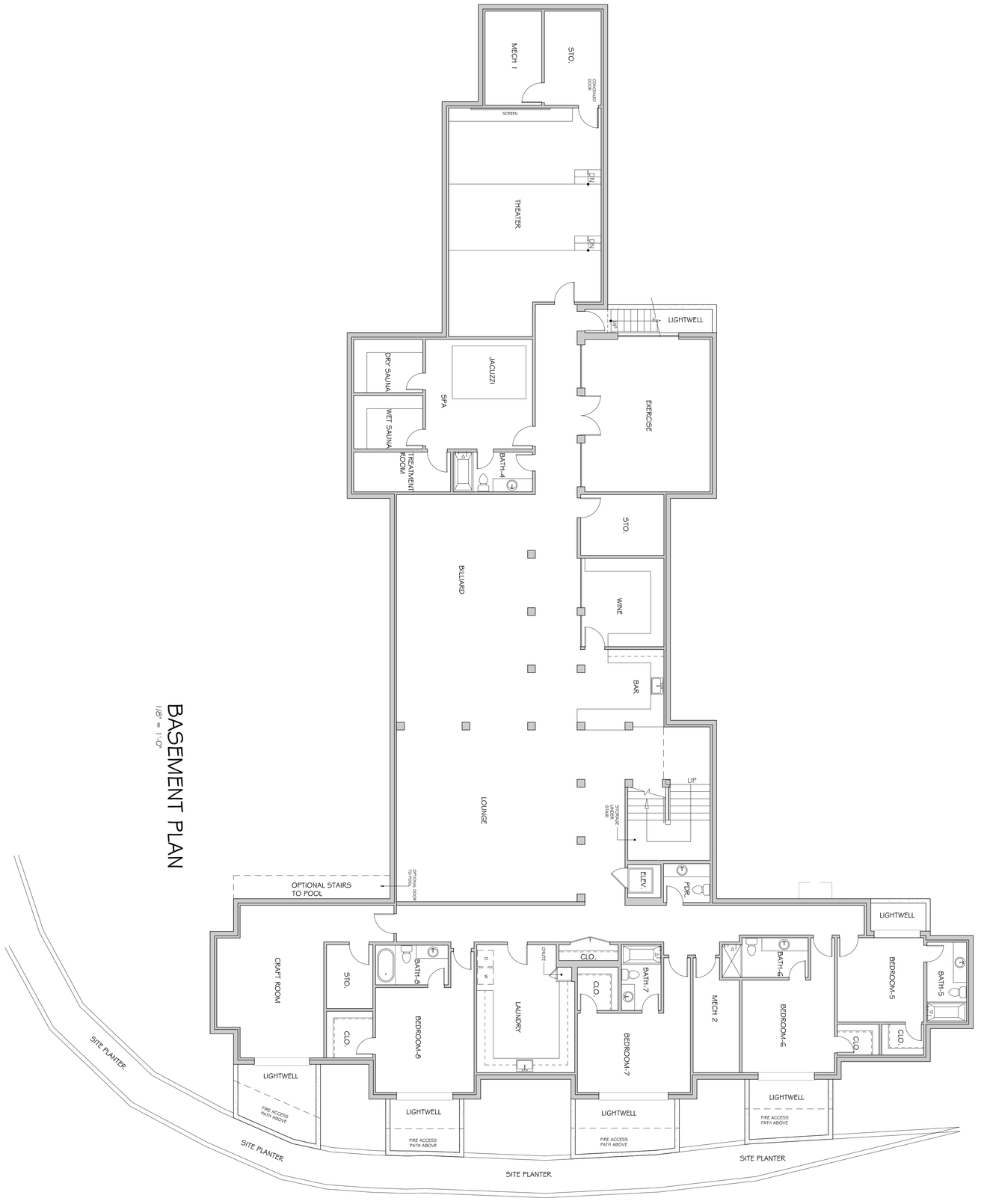
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2.1

ARVIDSON RESIDENCE

4 POPPY TRAIL LANE, CALIFORNIA

CRISS C GUNDERSON • AIA ARCHITECT
2417 Sunnyside Ridge Road, Rancho Palos Verdes, CA 90275 • 310.373.8077 • Criss@Criss-Gunderson-Architect.com



BASEMENT PLAN

1/8" = 1'-0"

LICENSED ARCHITECT
CRISS C GUNDERSON
No. C-018374
RENEWAL DATE
STATE OF CALIFORNIA

JOB NORTH

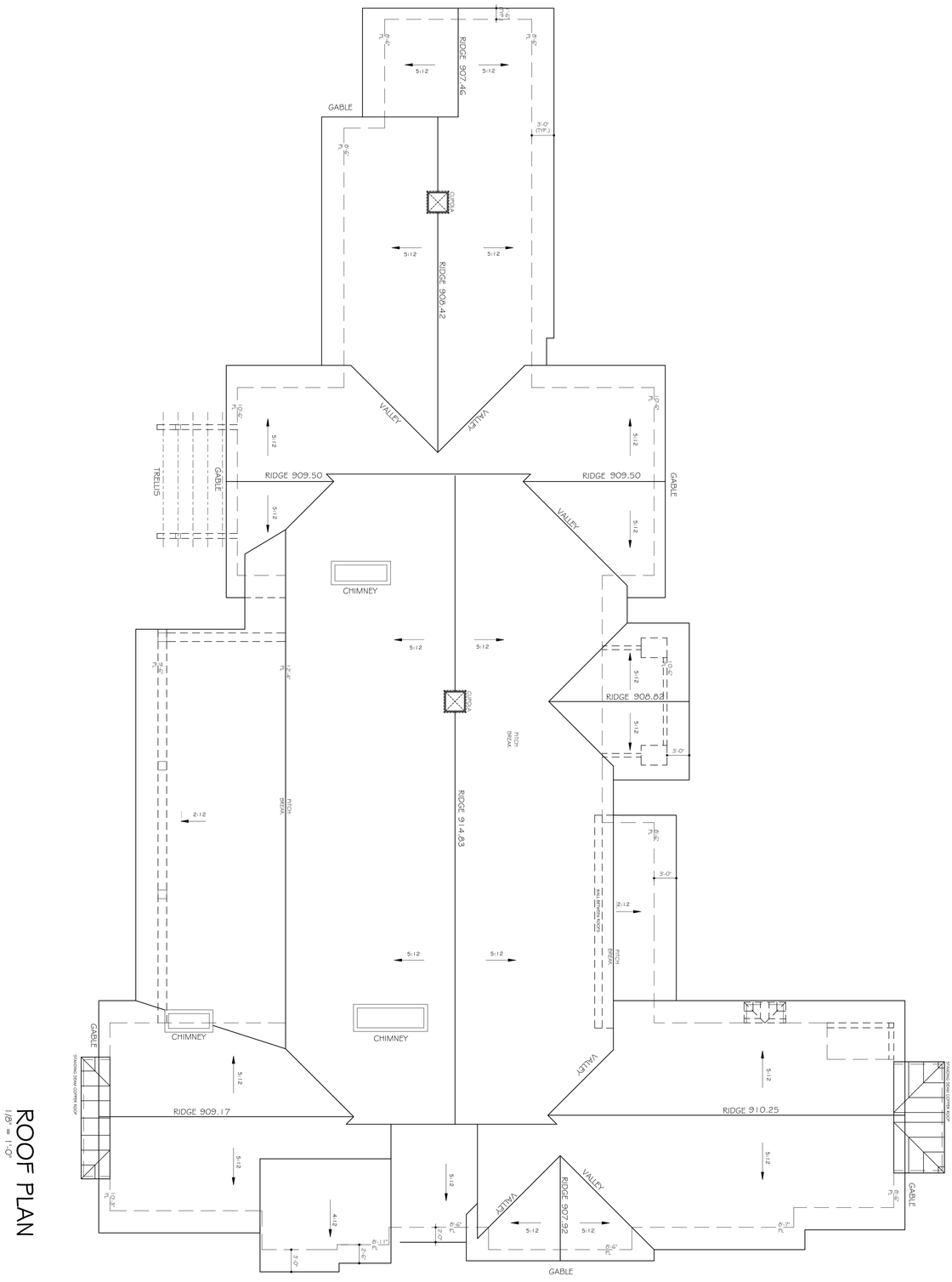
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2.2

ARVIDSON RESIDENCE

4 POPPY TRAIL LANE, CALIFORNIA

CRISS C GUNDERSON ▪ AIA ARCHITECT
2417 Sunnyside Ridge Road, Rancho Palos Verdes, CA 90275 ▪ 310.373.8077 ▪ Criss@Criss-Gunderson-Architect.com



ROOF PLAN
1/8" = 1'-0"

LICENSED ARCHITECT
CRISS C. GUNDERSON
No. C-018374
RENEWAL DATE
STATE OF CALIFORNIA

JOB NORTH

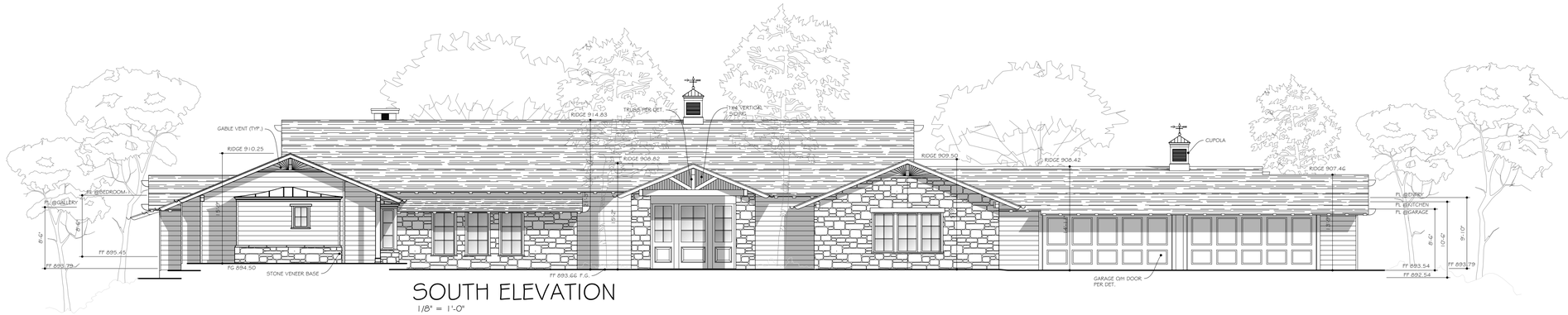
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3.1

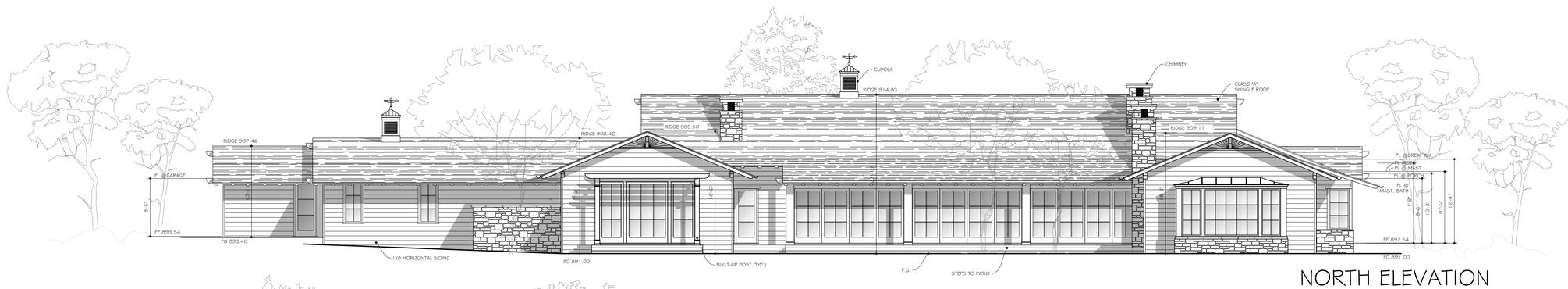
ARVIDSON RESIDENCE

4 POPPY TRAIL LANE, CALIFORNIA

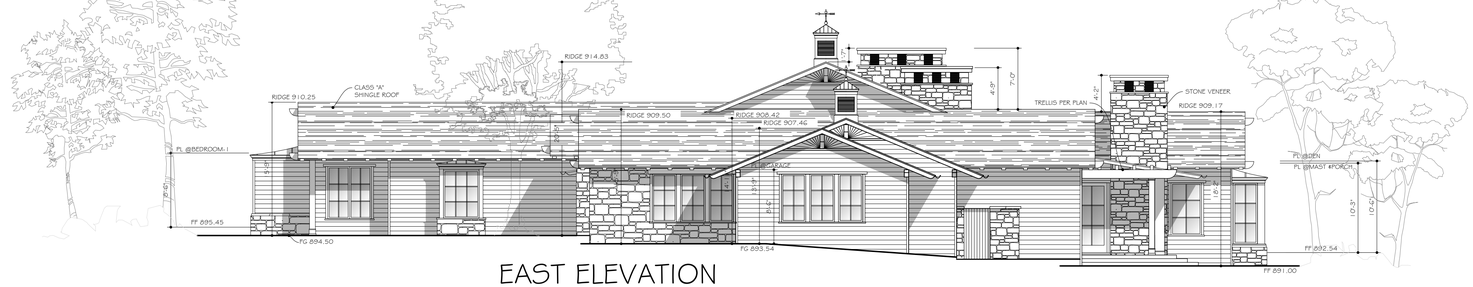
CRISS C GUNDERSON • AIA ARCHITECT
2417 Sunnyside Ridge Road, Rancho Palos Verdes, CA 90275 • 310.373.8077 • Criss@Criss-Gunderson-Architect.com



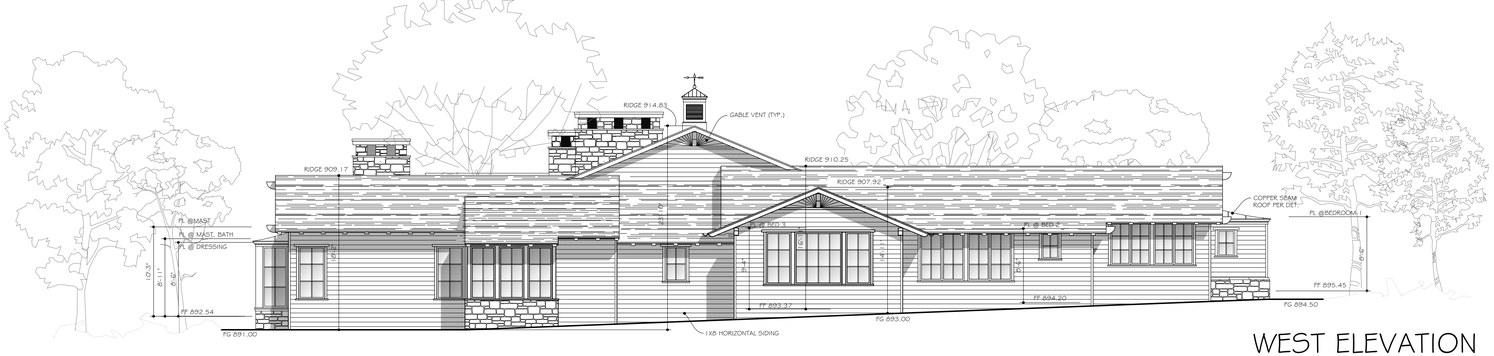
SOUTH ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

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ARVIDSON RESIDENCE
4 POPPY TRAIL LANE, CALIFORNIA

LICENSED ARCHITECT
CRISS C GUNDERSON
No. C-018374
RENEWAL DATE
STATE OF CALIFORNIA

4.1

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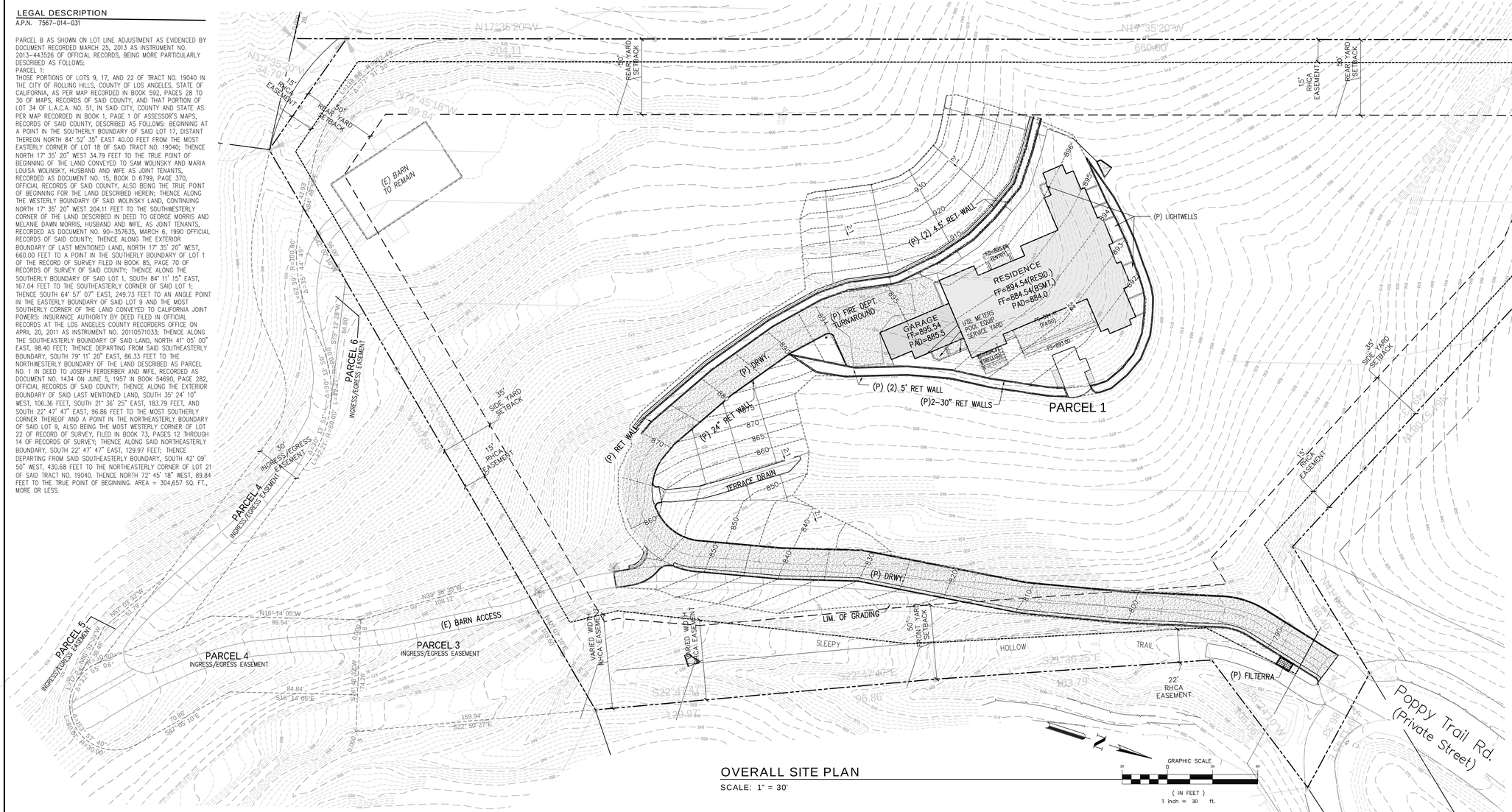
ARVIDSON RESIDENCE

4 POPPY TRAIL
ROLLING HILLS, CA 90274

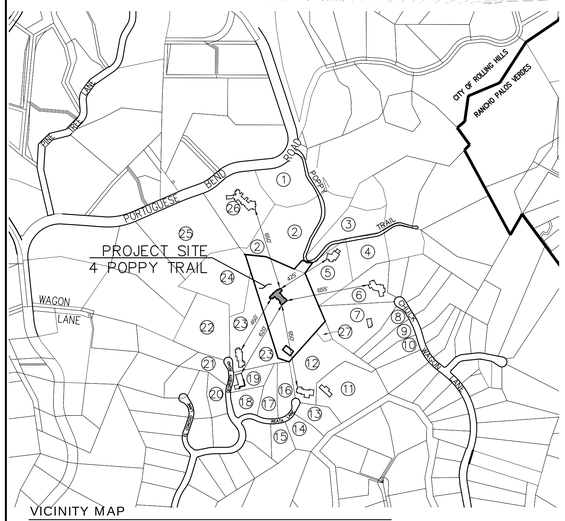
LEGAL DESCRIPTION

A.P.N. 7567-014-031

PARCEL B AS SHOWN ON LOT LINE ADJUSTMENT AS EVIDENCED BY DOCUMENT RECORDED MARCH 25, 2013 AS INSTRUMENT NO. 2013-443526 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
PARCEL 1:
THOSE PORTIONS OF LOTS 9, 17, AND 22 OF TRACT NO. 19040 IN THE CITY OF ROLLING HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 592, PAGES 28 TO 30 OF MAPS, RECORDS OF SAID COUNTY, AND THAT PORTION OF LOT 34 OF L.A.C.A. NO. 51, IN SAID CITY, COUNTY AND STATE AS PER MAP RECORDED IN BOOK 1, PAGE 1 OF ASSESSOR'S MAPS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHERLY BOUNDARY OF SAID LOT 17, DISTANT THEREON NORTH 84° 52' 35" EAST 40.00 FEET FROM THE MOST EASTERLY CORNER OF LOT 18 OF SAID TRACT NO. 19040; THENCE NORTH 17° 35' 20" WEST 34.79 FEET TO THE TRUE POINT OF BEGINNING OF THE LAND CONVEYED TO SAM WOLINSKY AND MARIA LOUISA WOLINSKY, HUSBAND AND WIFE AS JOINT TENANTS, RECORDED AS DOCUMENT NO. 15, BOOK D 6799, PAGE 370, OFFICIAL RECORDS OF SAID COUNTY, ALSO BEING THE TRUE POINT OF BEGINNING FOR THE LAND DESCRIBED HEREIN; THENCE ALONG THE WESTERLY BOUNDARY OF SAID WOLINSKY LAND, CONTINUING NORTH 17° 35' 20" WEST 204.11 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN DEED TO GEORGE MORRIS AND MELANIE DAWN MORRIS, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED AS DOCUMENT NO. 90-357635, MARCH 6, 1990 OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EXTERIOR BOUNDARY OF LAST MENTIONED LAND, NORTH 17° 35' 20" WEST, 660.00 FEET TO A POINT IN THE SOUTHERLY BOUNDARY OF LOT 1 OF THE RECORD OF SURVEY FILED IN BOOK 85, PAGE 70 OF RECORDS OF SURVEY OF SAID COUNTY; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1, SOUTH 84° 11' 15" EAST, 167.04 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1; THENCE SOUTH 64° 57' 07" EAST, 249.73 FEET TO AN ANGLE POINT IN THE EASTERLY BOUNDARY OF SAID LOT 9 AND THE MOST SOUTHERLY CORNER OF THE LAND CONVEYED TO CALIFORNIA JOINT POWERS: INSURANCE AUTHORITY BY DEED FILED IN OFFICIAL RECORDS AT THE LOS ANGELES COUNTY RECORDERS OFFICE ON APRIL 20, 2011 AS INSTRUMENT NO. 20110571033; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LAND, NORTH 41° 05' 00" EAST, 98.40 FEET; THENCE DEPARTING FROM SAID SOUTHEASTERLY BOUNDARY, SOUTH 79° 11' 20" EAST, 86.33 FEET TO THE NORTHWESTERLY BOUNDARY OF THE LAND DESCRIBED AS PARCEL NO. 1 IN DEED TO JOSEPH FERDERBER AND WIFE, RECORDED AS DOCUMENT NO. 1434 ON JUNE 5, 1957 IN BOOK 54690, PAGE 282, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID LAST MENTIONED LAND, SOUTH 35° 24' 10" WEST, 106.36 FEET, SOUTH 21° 36' 25" EAST, 183.79 FEET, AND SOUTH 22° 47' 47" EAST, 96.86 FEET TO THE MOST SOUTHERLY CORNER THEREOF AND A POINT IN THE NORTHEASTERLY BOUNDARY OF SAID LOT 9, ALSO BEING THE MOST WESTERLY CORNER OF LOT 22 OF RECORD OF SURVEY, FILED IN BOOK 73, PAGES 12 THROUGH 14 OF RECORDS OF SURVEY; THENCE ALONG SAID NORTHEASTERLY BOUNDARY, SOUTH 22° 47' 47" EAST, 129.97 FEET; THENCE DEPARTING FROM SAID SOUTHEASTERLY BOUNDARY, SOUTH 42° 09' 50" WEST, 430.68 FEET TO THE NORTHEASTERLY CORNER OF LOT 21 OF SAID TRACT NO. 19040. THENCE NORTH 72° 45' 18" WEST, 89.84 FEET TO THE TRUE POINT OF BEGINNING. AREA = 304,657 SQ. FT., MORE OR LESS.



OVERALL SITE PLAN
SCALE: 1" = 30'



VICINITY MAP
SCALE: 1" = 500'

VICINITY MAP ADDRESSES

ID No.	Address/APN
1	7567-001-017 #0 POPPY TRAIL
2	7567-001-018 #1 POPPY TRAIL
3	7567-001-016 #2 POPPY TRAIL
4	7567-001-013 #7 POPPY TRAIL
5	7567-001-008 #3 POPPY TRAIL
6	7567-006-024 #44 CHUCKWAGON
7	7567-006-025 VACANT LAND
8	7567-006-026 #40 CHUCKWAGON
9	7567-006-027 #38 CHUCKWAGON
10	7567-006-028 #36 CHUCKWAGON
11	7567-014-026 #9 REATA LANE
12	7567-014-025 #8 REATA LANE
13	7567-014-027 #7 REATA LANE
14	7567-014-028 #5 REATA LANE
15	7567-015-007 #3 REATA LANE
16	7567-014-024 #6 REATA LANE
17	7567-014-023 #2 REATA LANE
18	7567-014-022 #23 GEORGEFF ROAD
19	7567-014-021 #25 GEORGEFF ROAD
20	7567-014-010 #22 GEORGEFF ROAD
21	7567-014-018 #24 GEORGEFF ROAD
22	7567-014-012 #26 GEORGEFF ROAD
23	7567-014-019 #27 GEORGEFF ROAD
24	7567-014-013 VACANT LAND
25	7569-007-003 26 PORTUGUESE BEND RD
26	7569-007-002 24 PORTUGUESE BEND RD
27	7567-014-017 VACANT LOT

Owner: Andy Arvidson
4 Poppy Trail

Legal Description

Address: 4 Poppy Trail
Rolling Hills, CA 90274

APN: 7567-014-031

Tract: No. 19040

Lot: Portion of Lots 9, 17 and 22

Zoning Summary

Zone: RAS-2

Setbacks:

Front:	50'
Rear:	50'
Side:	35'
Equestrian:	N/A

Required Reviews:
Site Plan Review:
~ New Residence
~ New Pool
~ New Retaining Walls
~ Proposed Grading

Variance: Pool in Front Yard
Soil Export

Conditional Use Permit: N/A

Project Summary

Work Description: Construction of new residence w/ basement, new garage, service yard, new pool & spa, new covered porches & trellis and new site

Low Impact Development

Designated Project: Yes

Selected BMPs: Filterra

Consultants

Civil Engineer
Dan Bolton RCE63290
Bolton Engineering Corporation
25834 Narbonne Ave. Suite 210
Lomita, CA 90717

Architect
Criss C Gunderson
Criss C Gunderson Architects
2417 Sunnyside Ridge Road
Rancho Palos Verdes, CA 90275

Soils & Geology N/A

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- EXISTING STRUCTURE
- PROPOSED CONCRETE
- PROPOSED COVERED PORCH
- PROPOSED STRUCTURE
- PROPOSED BASEMENT
- PROPOSED POOL
- PROPOSED RETAINING WALL
- 800 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 800 FUTURE MAJOR CONTOUR

ACRONYMS

(E)	EXISTING
EP	EDGE OF PAD
(P)	PROPOSED
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE

INDEX OF SHEETS:

C0.0	OVERALL SITE PLAN
C0.1	EXISTING SITE CONDITIONS
C1.0	PROPOSED SITE PLAN
C1.1	SECTIONS
C1.2	SECTIONS (cont'd)
C2.0	CIVIL DETAILS
CM	COLOR SITE MAP
CN	CUT FILL COLOR MAP

FOR PLANNING PURPOSES ONLY

Revisions	By

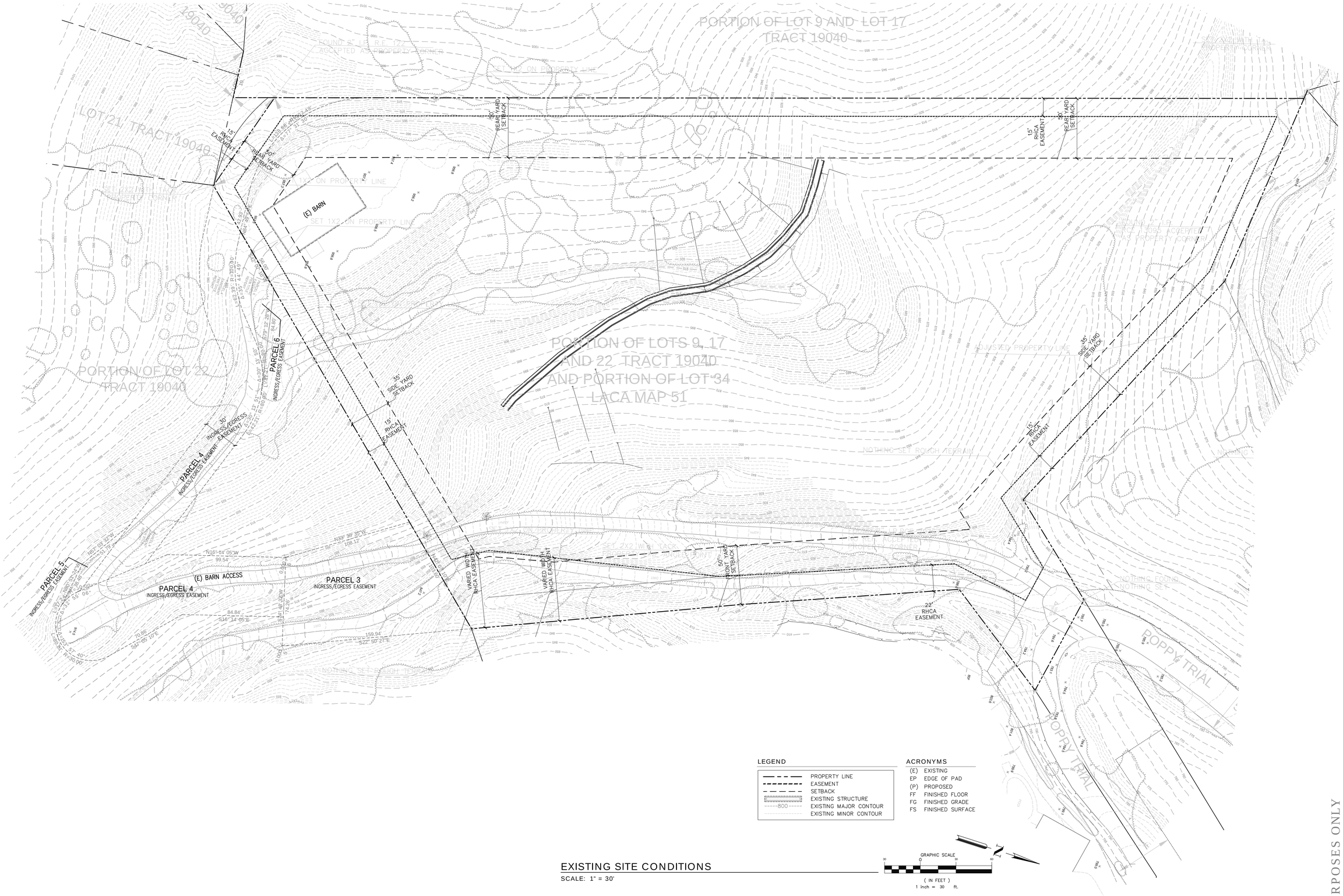
BOLTON ENGINEERING CORP.
BEC

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

TITLE: OVERALL SITE PLAN
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

Date: August 29, 2023
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 20333
Sheet C0.0
Of 7 Sheets

J:\20333_Arvidson-4 Poppy Trail\dwg\C-SITE PLAN_[A6].dwg 9/1/2023 1:29:10 PM



LEGEND

— — —	PROPERTY LINE
- - - -	EASEMENT
— — —	SETBACK
	EXISTING STRUCTURE
800	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR

ACRONYMS

(E)	EXISTING
EP	EDGE OF PAD
(P)	PROPOSED
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE

GRAPHIC SCALE
30 0 30 60
(IN FEET)
1 inch = 30 ft.

EXISTING SITE CONDITIONS
SCALE: 1" = 30'

Revisions	By

BOLTON ENGINEERING CORP.

BEC

DAVID J. BOLTON LS 8958 EXP 9/30/24 STATE OF CALIFORNIA

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

TITLE: EXISTING SITE CONDITIONS
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

FOR PLANNING PURPOSES ONLY

Date: August 29, 2023
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 20333
Sheet C0.1
Of 7 Sheets

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Revisions	By

BOLTON ENGINEERING CORP.

BEC

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

TITLE: PROPOSED SITE PLAN
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

Date:	August 29, 2023
Scale:	AS SHOWN
Drawn:	JPD
Checked:	DJB
Job No.	20333
Sheet	C1.0
	0f 7 Sheets

PROPOSED SITE CONDITIONS

SCALE: 1" = 20'

GRAPHIC SCALE
30 0 20 40
(IN FEET)
1 inch = 20 ft.

EARTHWORK ESTIMATE

SITE EXCAVATION:	7,850cy
BSMT. EXCAVATION	3,105cy
POOL EXCAVATION	100cy
OVEREXCAVATION:	4,750cy
TOTAL EXCAVATION:	15,905cy
SITE EMBANKMENT:	3,750cy
RECOMPACTION:	5,120cy
TOTAL EMBANKMENT:	8,870cy
TOTAL GRADING:	24,775cy
EXPORT:	7,035 (Total)
EXPORT:	3,830 (Less exempt)

WALL HEIGHT COMPUTATION

WALL	H, height (feet)	L, length (feet)	A HxL (sq.ft.)
WALL A	4.5'	775'	3,488
WALL B	2.5'	585'	1,463
WALL C	5.0'	220'	1,100
WALL D	2.5'	94'	235
WALL E	0.5'	515'	258
WALL F	1.5'	170'	255
WALL G	0.5'	450'	225
TOTAL:		2809'	7,023

AVG. HEIGHT = TOTAL A / TOTAL L
= 7,023s.f. / 2,8097ft.
= 2.50'

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- EXISTING STRUCTURE
- PROPOSED CONCRETE
- PROPOSED COVERED PORCH
- PROPOSED STRUCTURE
- PROPOSED BASEMENT
- PROPOSED POOL
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- 800 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 800 FUTURE MAJOR CONTOUR

ACRONYMS

(E)	EXISTING
EP	EDGE OF PAD
(P)	PROPOSED
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE
WL	WATER LEVEL

Landscape Planting Notes:

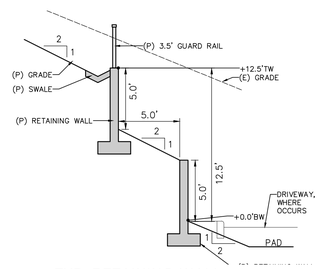
Landscape recommendations for slope grading:

SOIL
- Once onsite slopes are rough graded with native material, the slopes shall be topped with non-expansive local sand-based soil that is free of organic materials and is free of weed seeds. The top soil material shall be anchored with jute mesh or equivalent material to minimize erosion and transport.
- B.D. White Topsoil Company, 19205 South Prairie Ave., Torrance, stockpiles sub-soils that have been excavated in South Bay cities and that fits the soil profile of the existing soil of the slope.

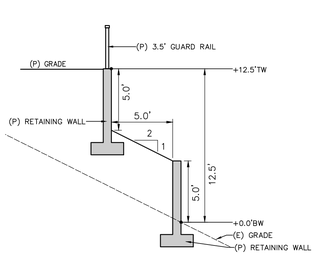
PLANT MATERIAL
- Due to the size of the proposed slopes, hydro-seeding is anticipated to be the optimum method for vegetative coverage.
- The species composition will be ideally the same species that were native historically to this area and will be sourced locally from local seed stock.
- The main benefit of the above include the ability to survive a challenging environment without supplemental water after they have been established. A supplemental benefit will be that local wildlife will be attracted to this island of natural habitat.
- Local seed stock should be available from the Palos Verdes Peninsula Land Conservancy or Natural Landscapes can supply the material with advance notice.

Below is a list of native coastal bluff and dune species that will be at home on the slope:

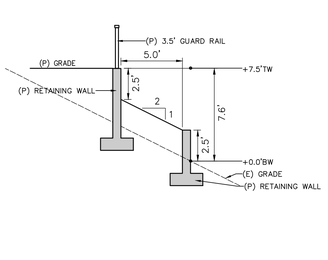
Eriogonum parvifolium	Dune Buckwheat
Eriogonum cinereum	Ashy-leaf Buckwheat
Acmispon glaber var. glaber	Deer Vetch
Encelia californica	Bush Sunflower
Ericameria ericoides	Mock Heather
Isocoma menziesii var. vernonoides	Coast Goldenbush
Artemisia californica	Coastal Sagebrush
Nassella pulchra	Purple Needle Grass
Eschscholtzia californica	Coastal California Poppy



TYP. RETAINING WALL 1

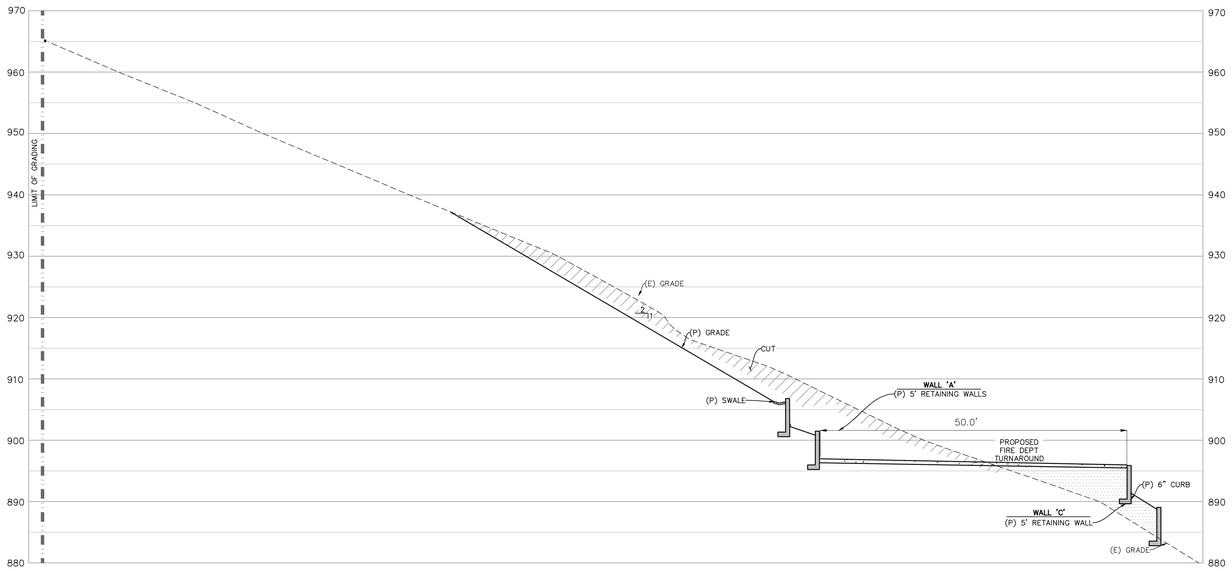


TYP. RETAINING WALL 2



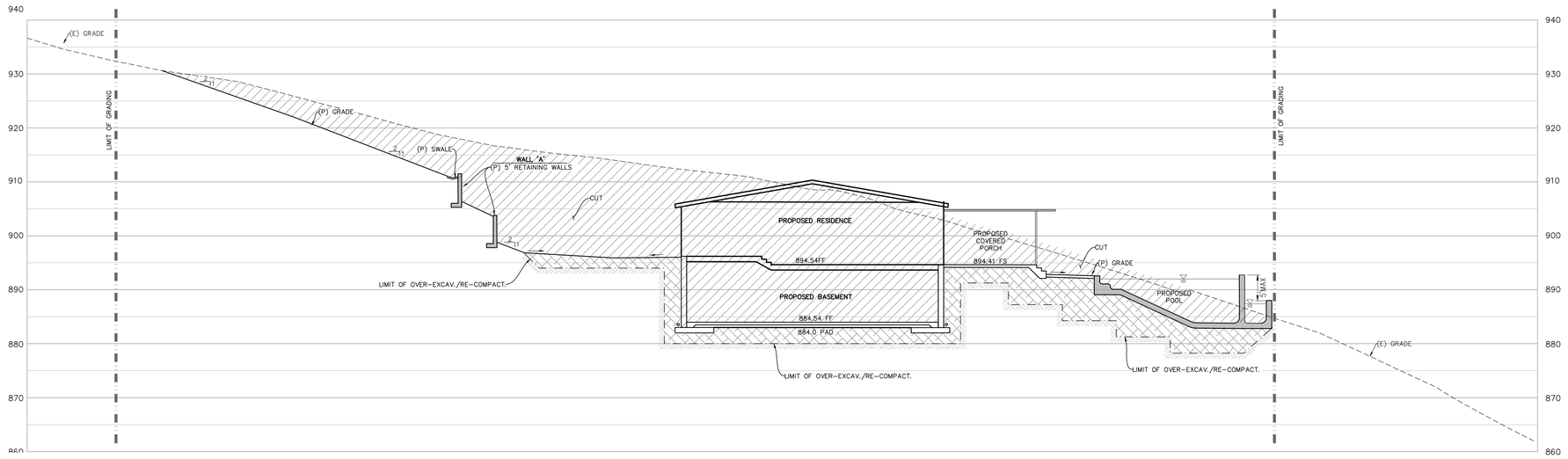
TYP. RETAINING WALL 3

J:\20333_Arvidson-4 Poppy Trail\dwg\C-SITE PLAN_[A6].dwg 9/1/2023 1:29:44 PM



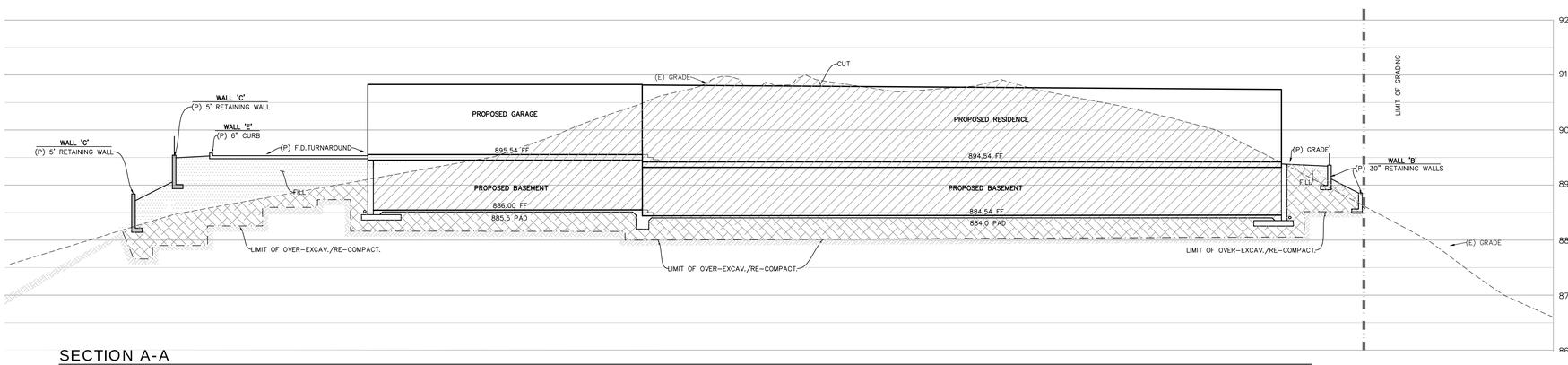
SECTION C-C

SCALE: 1" = 10'



SECTION B-B

SCALE: 1" = 10'



SECTION A-A

SCALE: 1" = 10'

SECTIONS LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- EXISTING GRADE
- PROPOSED GRADE
- (P) LIMIT OF GRADING
- (P) FENCE
- (P) CUT
- (P) FILL
- (P) OVER-EXCAVATION

Revisions	By

BOLTON ENGINEERING CORP.

BEC

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

TITLE: SECTIONS
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

Date:	August 29, 2023
Scale:	AS SHOWN
Drawn:	JPD
Checked:	DJB
Job No.	20333
Sheet	C1.1
	Of 7 Sheets

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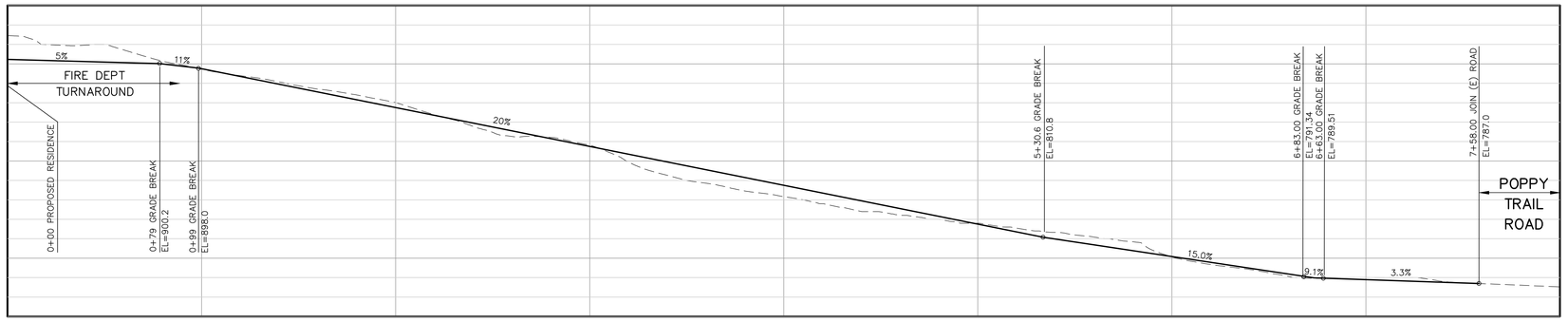
Revisions	By

BOLTON ENGINEERING CORP.

BEC

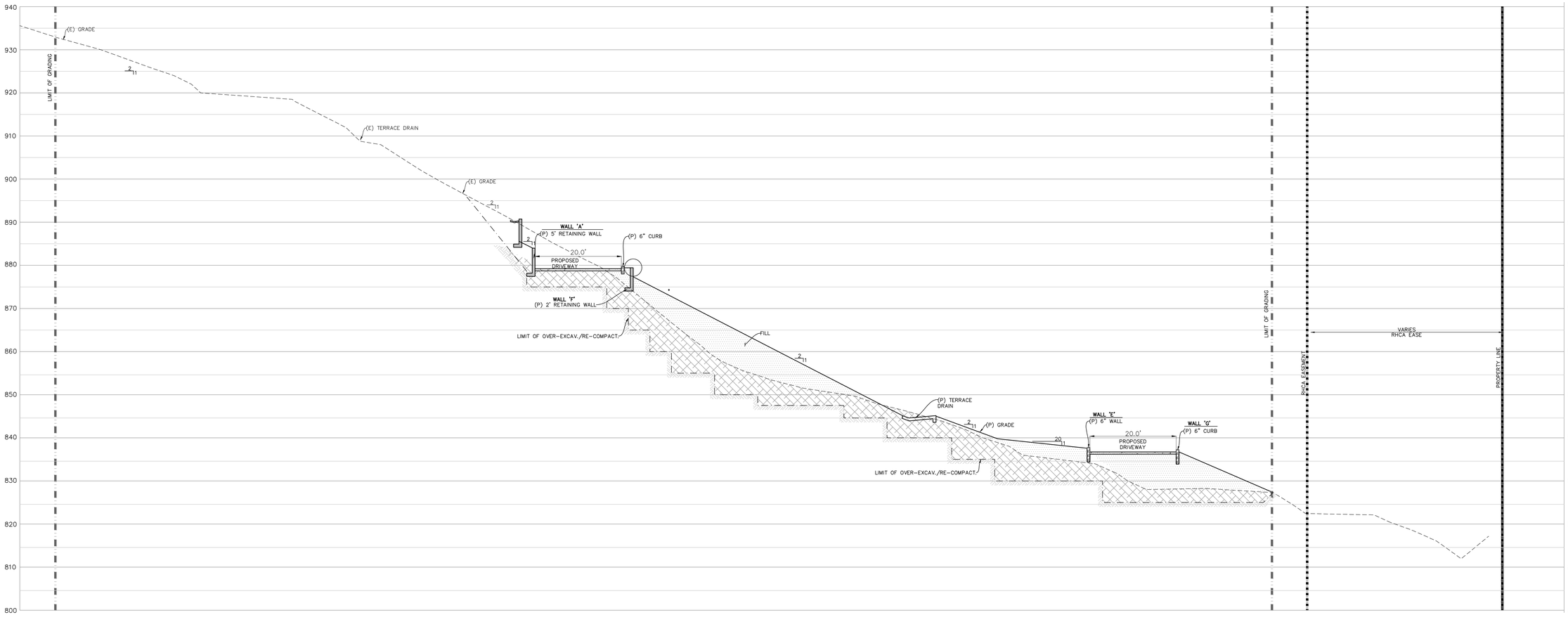
SECTIONS LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- EXISTING GRADE
- PROPOSED GRADE
- (P) LIMIT OF GRADING
- (P) FENCE
- (P) CUT
- (P) FILL



DRIVEWAY PROFILE

SCALE: 1" = 30'



SECTION D-D

SCALE: 1" = 10'

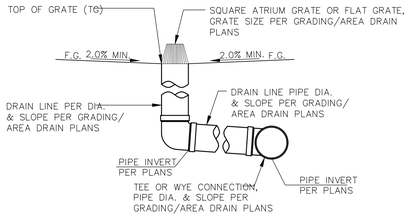
FOR PLANNING PURPOSES ONLY

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

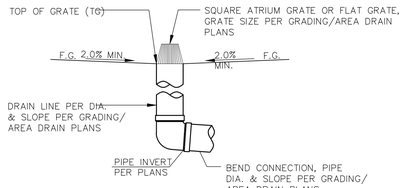
TITLE: SECTIONS (cont'd)
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

Date: August 29, 2023
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 20333
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C1.2
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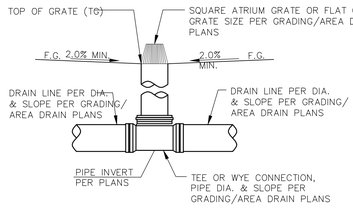
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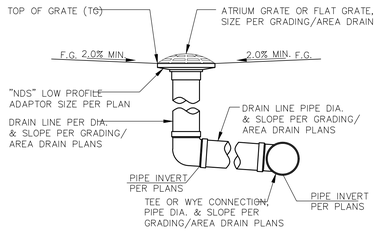
ROUND LANDSCAPE AREA DRAIN (OFF–LINE)



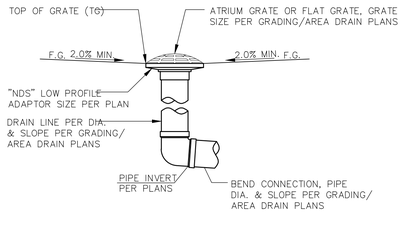
ROUND LANDSCAPE AREA DRAIN (TERMINAL)



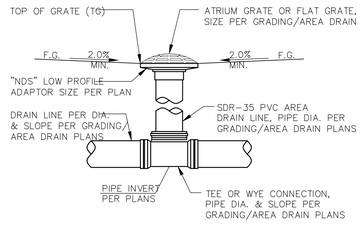
ROUND LANDSCAPE AREA DRAIN (IN–LINE)



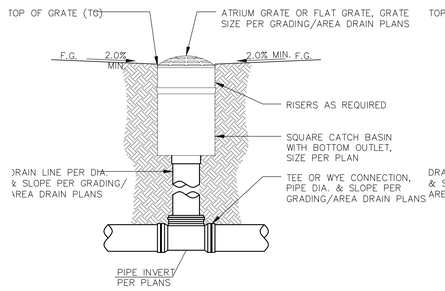
SQUARE LANDSCAPE AREA DRAIN (OFF–LINE)



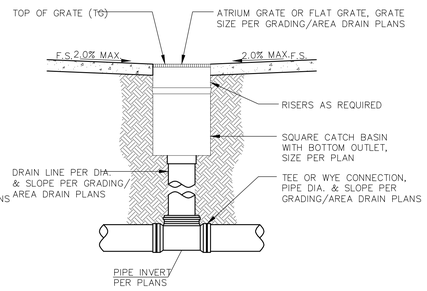
SQUARE LANDSCAPE AREA DRAIN (TERMINAL)



SQUARE LANDSCAPE AREA DRAIN (IN–LINE)

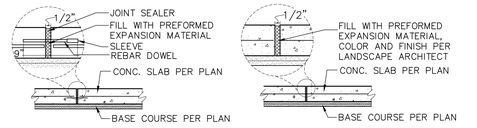


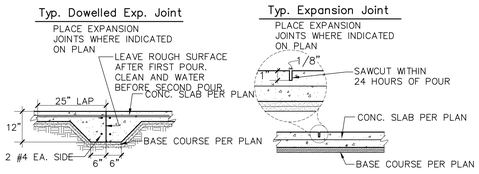
SUMP BOX LANDSCAPE AREA DRAIN



SUMP BOX PEDESTRIAN AREA DRAIN

Area Drain Details (7 / C2.1)
N.T.S.

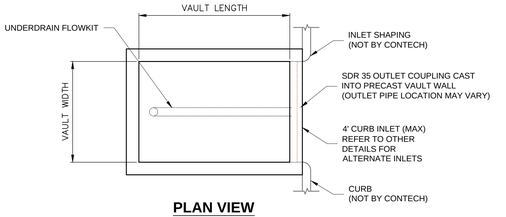




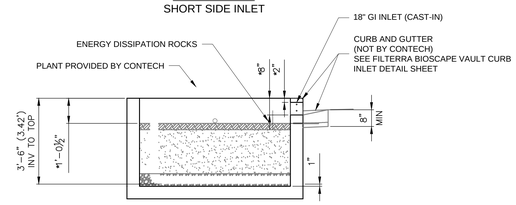
Typ. Construction Joint

Typ. Control Joint
SPACE CONTROL JOINTS 10' MAX. BOTH DIRECTIONS AND AT ALL INSET CORNERS.

Typical PCC Joints (6 / C2.1)
N.T.S.



PLAN VIEW
SHORT SIDE INLET



SECTION A-A
GREEN INFRASTRUCTURE INLET - TOP FLUSH WITH TOP OF CURB, NOT INTENDED FOR SIDEWALK APPLICATIONS

FTBSV CONFIGURATION
(OPTIONS: BASIN "-B", GREEN INFR. INLET "-I", PIPE INLET "-P", SLOTTED THROAT INLET "-T")

MEDIA BAY SIZE	VAULT SIZE (L x W)	LONG SIDE INLET DESIGNATION	SHORT SIDE INLET DESIGNATION	AVAILABILITY	OUTLET PIPE DIA	MIN. NO. OF INLET PIPES (-P ONLY)
4 x 4	4 x 4	FTBSV0404	FTBSV0404	ALL	4" SDR 35	1
6 x 4	6 x 4	FTBSV0604	FTBSV0406	N/A CA	4" SDR 35	1
6.5 x 4	6.5 x 4	FTBSV06504	FTBSV04065	CA ONLY	4" SDR 35	1
7.83 x 4.5	7.83 x 4.5	FTBSV078045	FTBSV045078	DE,MD,NJ,PA,VA,WV ONLY	4" SDR 35	1
8 x 4	8 x 4	FTBSV0804	FTBSV0408	N/A DE,MD,NJ,PA,VA,WV	4" SDR 35	1
6 x 6	6 x 6	FTBSV0606	FTBSV0606	ALL	4" SDR 35	1
8 x 6	8 x 6	FTBSV0806	FTBSV0608	ALL	4" SDR 35	1
10 x 6	10 x 6	FTBSV1006	FTBSV0610	ALL	6" SDR 35	2
12 x 6	12 x 6	FTBSV1206	FTBSV0612	ALL	6" SDR 35	2
13 x 7	13 x 7	FTBSV1307	FTBSV0713	ALL	6" SDR 35	2
14 x 8	14 x 8	FTBSV1408[1]	N/A	ALL	6" SDR 35	3
16 x 8	16 x 8	FTBSV1608[1]	N/A	N/A OR,WA	6" SDR 35	3
15 x 9	15 x 9	FTBSV1509[1]	N/A	OR,WA ONLY	6" SDR 35	3
18 x 8	18 x 8	FTBSV1808[1]	N/A	CALL CONTECH	6" SDR 35	3
20 x 8	20 x 8	FTBSV2008[1]	N/A	CALL CONTECH	6" SDR 35	4
22 x 8	22 x 8	FTBSV2208[1]	N/A	CALL CONTECH	6" SDR 35	4

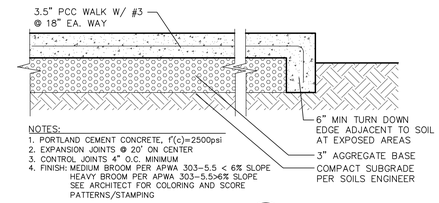
[1]UTILIZES (2) CURB OPENINGS WITH MIN 1' SPACING N/A = NOT AVAILABLE

Filterra Detail (1 / C2.1)
N.T.S.

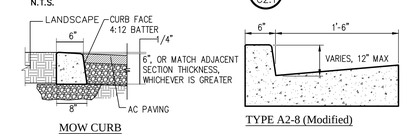
Typical Top of Slope Berm (2 / C2.1)
N.T.S.

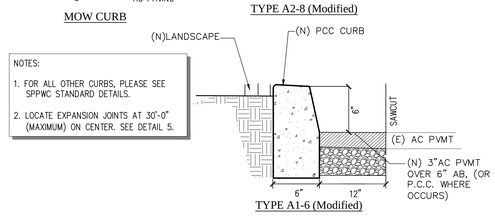
A subdrain system shall be installed behind the proposed fill slope. The subdrain system shall consist of a drain located at the rear of the keyway above the toe of the slope. The subdrain shall consist of 4–inch perforated pipes, with perforations facing downward. It shall be surrounded by a minimum of 3 cubic feet of gravel for each linear foot of pipe. The gravels shall be wrapped by filter fabric. The subdrain shall exit to the face of the fill slope through non–perforated pipes. Subdrain outlets shall be provided every 25 linear feet along the length of the slope.

Typical Key and Benching (3 / C2.1)
N.T.S.



Typical PCC Paving (4 / C2.1)
N.T.S.





Typical PCC Curbs (5 / C2.1)
N.T.S.

Revisions	By

BOLTON ENGINEERING CORP.

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

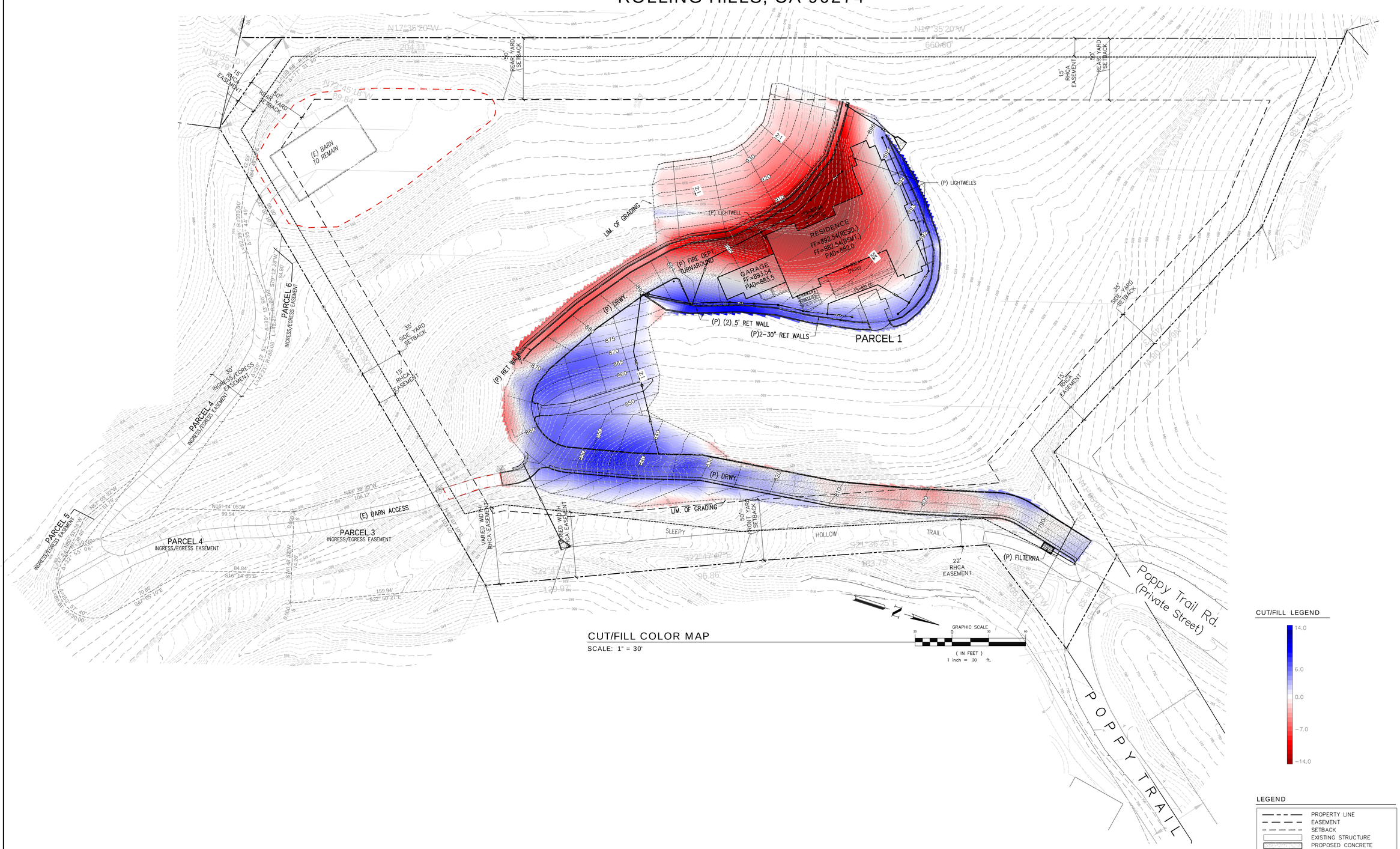
TITLE: CIVIL DETAILS
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

Date: August 29, 2023
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 20333
Sheet C2.0
Of 7 Sheets

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ARVIDSON RESIDENCE

4 POPPY TRAIL
ROLLING HILLS, CA 90274



CUT/FILL COLOR MAP

SCALE: 1" = 30'

CUT/FILL LEGEND

14.0
6.0
0.0
-7.0
-14.0

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- EXISTING STRUCTURE
- PROPOSED CONCRETE
- PROPOSED COVERED PORCH
- PROPOSED STRUCTURE
- PROPOSED BASEMENT
- PROPOSED POOL
- PROPOSED RETAINING WALL
- 800 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- -800- FUTURE MAJOR CONTOUR

ACRONYMS

(E)	EXISTING
EP	EDGE OF PAD
(P)	PROPOSED
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE

Revisions	By

BOLTON ENGINEERING CORP.

BEC

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

TITLE: OVERALL SITE PLAN
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

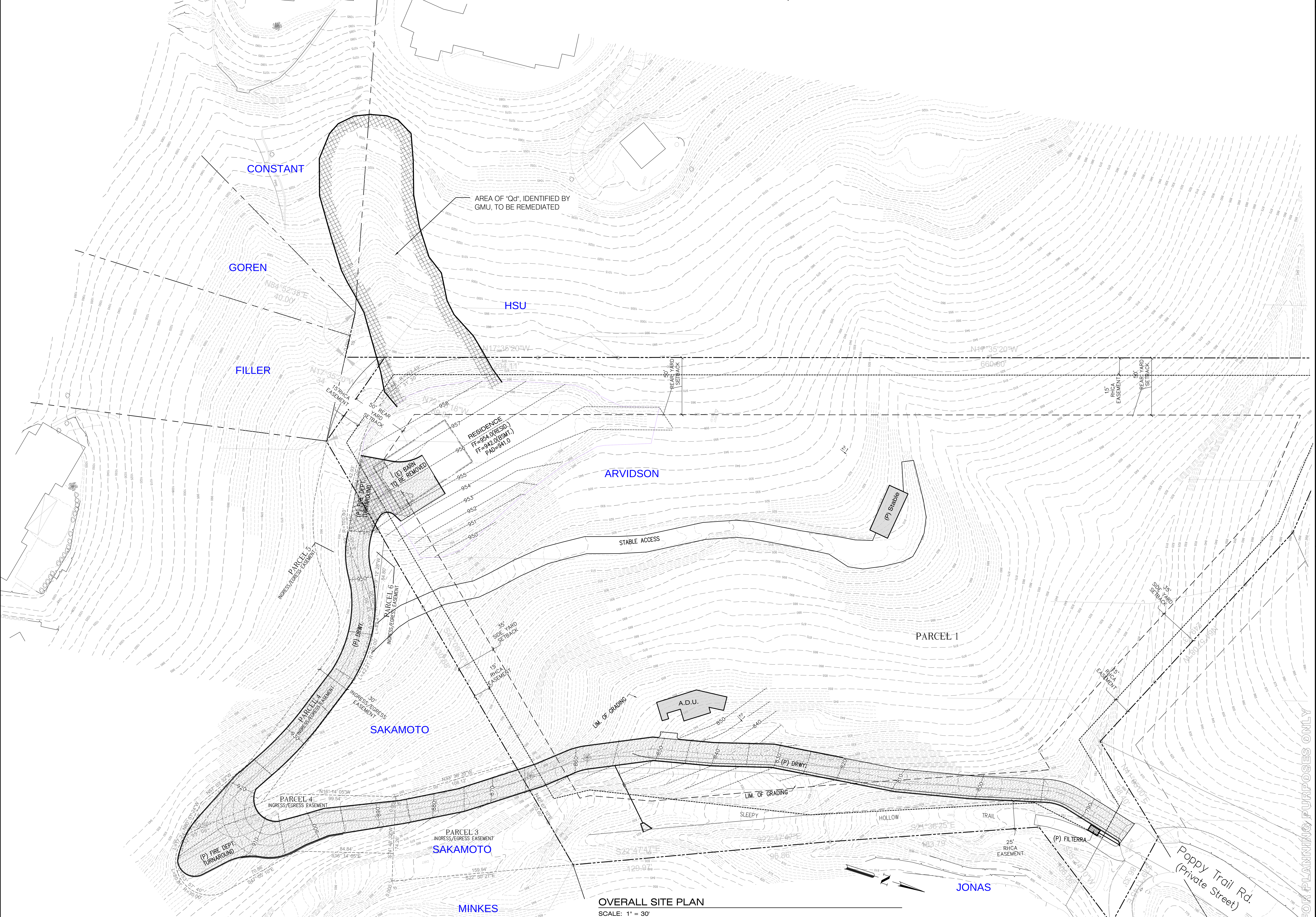
Date: August 29, 2023
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Job No. 20333
Sheet: CN
Of 7 Sheets

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ARVIDSON RESIDENCE

4 POPPY TRAIL
ROLLING HILLS, CA 90274

DRIVEWAY AND GRADING IF BARN PAD IS DEVELOPED



OVERALL SITE PLAN
SCALE: 1" = 30'

Revisions	By

BOLTON ENGINEERING CORP.

CLIENT: ANDY ARVIDSON
4 POPPY TRAIL
ROLLING HILLS, CALIF.

TITLE: OVERALL SITE PLAN
NEW RESIDENCE
4 POPPY TRAIL
ROLLING HILLS, CA 90274

Date: May 27, 2023
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No.: 20333
Sheet: C0.0
Of 7 Sheets

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Agenda Item No.: 9.B
Mtg. Date: 09/12/2023

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES**

THRU: **DAVID H. READY**

SUBJECT: **AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

DATE: **September 12, 2023**

BACKGROUND:
This item was continued by the Planning Commission on August 15, 2023. At that meeting, the Planning Commission directed staff to require a conditional use permit (CUP) for Type 3 facilities, which are new small wireless communication facilities ("WCF") on a new or replacement structure. The proposed Ordinance has been amended to incorporate the Commission's direction.

The City Council last updated the RHMC's WCF regulations in 2004. Numerous federal and state laws and regulations have since taken effect, which (among other things) significantly restricted local control over the permitting and placement of wireless communication facilities ("WCF"). Noteworthy features of these regulations include the following:

1. **Ban on Moratoria**

On August 2, 2018, the Federal Communications Commission ("FCC") adopted a Third Report & Order and Declaratory Ruling, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) ("**Moratoria Order**"), that, among other things, contained a declaratory ruling prohibiting express and *de facto* moratoria for all personal wireless services, telecommunications services and their related facilities under 47 U.S.C. § 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis. The declaratory ruling in the Moratoria Order was made effective upon release. This means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

2. **Shot Clocks and Enhanced Remedies**

The FCC has adopted shot clocks (i.e., timelines) within which a local government must act on WCF applications. The most recent shot clocks have focused on applications for small WCFs and modifications to existing WCFs.

2009 Shot Clocks: In 2009, the FCC adopted a Declaratory Ruling, 24 FCC Rcd. 18994 (rel. Nov. 18, 2009), to clarify existing federal law requiring local governments to act on WCF applications within a reasonable period of time. In that Declaratory Ruling, the FCC established two shot clocks for local action on wireless facilities applications:(1) a 60-day shot clock for collocations; and (2) a 150-day shot clock for all other types of WCF applications.

The State of California later adopted AB 57 (Gov. Code 65964.1), which that took effect on January 1, 2016, and created a "deemed granted" remedy (effective January 1, 2016 for collocations and "other" applications; effective January 1, 2022 for small cells) if the local government failed to act on an application during the time period allowed under the applicable FCC shot-clocks. This "deemed granted" remedy is available for any application under these shot clocks other than those proposed for placement on fire department facilities.

Eligible Facilities Requests: In 2012, Congress adopted a law (codified as 47 CFR Sec. 1455) requiring that certain applications to modify or add to existing WCFs must be approved at the local level. In 2014, the FCC adopted an implementing Order, including height and size criteria and a 60-day shot clock to process these "eligible facilities requests" (29 FCC Rcd. 12865). More recently, the FCC adopted clarifications and changes to its rules to further facilitate these types of deployments. A failure to act within this FCC shot clock period can result in the application being deemed approved under federal law.

Small Wireless Facilities Shot Clocks: On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088 (rel. Sep. 27, 2018) ("**Small Cell Order**"), which, among other things:

- Created new shorter (60-day and 90-day) shot clocks for small WCFs (as defined in the Small Cell Order);
- Interpreted existing shot clock regulations to require local public agencies to issue all relevant permits and authorizations within this period;
- Established a national standard for an effective prohibition related to small WCFs that replaced the existing "significant gap" test adopted by the United States Court of Appeals for the Ninth Circuit; and
- Provided that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

The Small Cell Order took effect went into effect in part on January 14, 2019, and in part on April 15, 2019. On August 12, 2020, a three-judge panel of the Ninth Circuit Court of Appeals upheld the Moratoria Order and significant portions of the Small Cell Order, including the shorter shot clocks and remedies for failing to meet a shot clock. (*City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020) (" *City of Portland*")). On October 22, 2020, the Ninth Circuit Court of Appeals denied a petition for en banc review of the above-referenced panel's decision.

In 2021, the California legislature enacted AB 537 (Gov. Code 65964.1), which further expanded the reach of AB 57's deemed granted remedy to apply to all WCF applications

subject to FCC shot clocks. Following AB 537, a deemed approved remedy is available for each and every WCF application type—which is triggered when the local government fails to render a final decision on a WCF application and issue all necessary approvals by the applicable FCC shot clock deadline.

3. **Limits on Design Standards**

In addition to the foregoing, the Small Cell Order placed limits on aesthetic regulations for small WCFs, including undergrounding. Under the Small Cell Order, local aesthetic regulations are permissible so long as they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, objective, and published in advance (so that applicants know the applicable WCF aesthetic requirements).

In *City of Portland* discussed above, the Court invalidated certain portions of the FCC's Small Cell Order that imposed new rules for aesthetic standards for small wireless facilities. Now, a city's aesthetic regulations for small wireless facilities will not be preempted if they are (1) reasonable (technically feasible); and (2) published in advance.

4. **Limits on Fees**

The Small Cell Order declared that all WCF-related fees (including permit fees and rental fees for use of government-owned infrastructure, such as streetlights) must be based on a reasonable approximation of the local government's costs, such that only objectively reasonable costs are factored into those fees, and fees are no higher than the fees charged to similarly situated competitors in similar situations. The FCC established presumptively reasonable fee levels (called "safe harbors") that include: non-recurring fees equal to $500 for a single application for up to five collocations, plus $100 for each additional collocation, and $1,000 for each new pole. Recurring fees for attachment to a local government's poles are presumed reasonable if equal to $270 per facility/per year, including the fee for attachment to the infrastructure and use of the public right-of-way.

DISCUSSION:

At the direction of the Planning Commission at the August 15th meeting, the following changes were made to the Ordinance:

- Ordinance No. 384, Section 4:
  - Section 17.27.040
    - A.2 (Permit Requirements): Type 3 was added to subsection a and removed from subsection b.
    - D (Findings for Approval): Type 3 was added to subsection 1 and removed from subsection 2.

Additionally, a recital was amended in Resolution 2023-10 and Ordinance No. 384 to reflect the Commission's action at the August 15th meeting. A redlined version of the Ordinance is included as Attachment 2.

<u>Wireless Ordinance</u>

Staff and the City Attorney's Office reviewed the RHMC's processes and regulations governing WCFs. From this review, it was determined that various amendments to the RHMC are warranted in order to comply with the changes in federal and state law profiled above. The attached ordinance so amends the RHMC.

A. *Repealing and replacing Section 17.27.040, ""*Wireless communication antennas and facilities"*:*
    a. Clarifies which facilities are exempt from the location, permit requirements, and other provisions of Section 17.27.040;
    b. Specifies that either a temporary use permit, zone clearance approval, or a conditional use permit is required all wireless communications facilities subject to Section 17.27.040 and establishes which types of facilities are subject to which type of approval and the procedures for such review;
    c. Establishes general standards for wireless communications facilities, such as aesthetics, landscaping, setbacks and lighting;
    d. Creates an application process with documentation requirements and a list of standard conditions of approval; and
    e. Provides for instances where the requirements provided for in Section 17.27040 may be waived or modified.
B. *Amending Section 17.44.020, "Applicability," to add a new subsection (G), requiring zone clearance for the installation, construction, modification, replacement, or placement of certain wireless communications facilities.*
C. *Amending Section 17.48.040, "Allowed Temporary Uses," to add a new subsection (B) (4) related to temporary wireless facilities via a temporary use permit.*

Findings

Section 9-2.1601 of the RHMC provides that the City's Zoning Chapter "may be amended to reclassify zones, to alter the boundaries of districts, to impose regulations not heretofore imposed, and to remove or modify any regulation heretofore imposed pursuant to provisions of Title 7 of the Government Code of the State." RHMC Section 9-2.1602 allows City staff to initiate a Zoning Code amendment. Finally, state law provides that city zoning ordinances must be consistent with the general plan of the city, pursuant to Government Code section 65860. Here, the proposed Zoning Code amendments are consistent with the City's General Plan as follows:

1. General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan;*
2. General Plan Safety Element Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*;
3. General Plan Safety Element Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and
4. Land Use Goal 2: *Accommodate development which is compatible with and complements existing land uses*.

Wireless Application

A draft Wireless Application is included as Attachment 3 and has been updated since the August 15th meeting. No substantive changes were made; only formatting and spacing issues. The Wireless Application includes a checklist of information needed to deem an application complete. It is meant to guide applicants and ensure proposals meets the City's wireless

requirements. Section 17.27.040 (C) of the draft ordinance permits the Director of Planning and Community Services to generate and update the form from time to time as necessary. No action by the Planning Commission is required on the Wireless Application.

ENVIRONMENTAL

The proposed ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the ordinance is exempt from CEQA on multiple grounds. First, the ordinance is exempt CEQA because the City Council's adoption of the ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Open and conduct a public hearing;
2. Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and
3. Adopt Resolution No. 2023-10 (Attachment 1), which recommends that the City Council adopt the proposed Ordinance No. 384 (Exhibit "A" to Attachment 1).

ATTACHMENTS:

ATTACHMENT1_2023-10_PCResolution_WCF_Ordinance_091223-c1_F2.pdf
ATTACHMENT2_384_WirelessOrdinance_D4_redline.pdf
ATTACHMENT3_PL_WCF_OrdAmend2023_WirelessApplicationDraft_8-29-23.pdf

RESOLUTION NO. 2023-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE REGARDING WIRELESS COMMUNICATION FACILITIES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Rolling Hills, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the City's zoning regulations are contained in Title 17 of the Rolling Hills Municipal Code ("RHMC"). Among other things, Title 17 includes regulations governing wireless communication facilities ("WCF"); and

WHEREAS, the City last updated the RHMC's WCF regulations in 2004. Since then, changes in federal and state law have placed significant procedural and substantive limits on the City's exercise of local control over matters involving WCFs; and

WHEREAS, the ordinance ("Ordinance") attached as Exhibit "A" will amend the RHMC's RCF regulations to comply with changes in state and federal law governing the same; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this Ordinance. Thereafter, the Planning Commission: (i) provided direction to staff regarding amendments to the Ordinance; and (ii) continued the public hearing to its September 12, 2023 meeting. Staff subsequently revised the Ordinance in accordance with the Planning Commission's instructions. The Planning Commission held a continued public hearing at its September 12th meeting.

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills does hereby resolve, determine, find, and order as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution**.**

Section 2. CEQA. The Planning Commission finds that this Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt

from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council's adoption of the Ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

Section 3. General Plan. This Ordinance's amendments to RHMC Title 17 are consistent with, and in further of, the City's adopted General Plan. Specifically, General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan;* and Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*; and Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and Land Use Goal 2: *Accommodate development which is compatible with and complements existing land uses*. This Ordinance furthers these goals, policies, and actions by updating the City's regulations to achieve consistency with federal and state law and making certain refinements to ensure that Title 17 is consistent and clear and provides for streamlined approval processes for wireless communication facilities. Therefore, the Ordinance is consistent with the General Plan.

Section 4. Recommendation. Based on the foregoing, the Planning Commission hereby recommends that the City Council approve and adopt the Ordinance attached as Exhibit "A" and incorporated herein by reference.

Section 5. Certification. The Planning Commission Chair shall sign and the Secretary shall attest to the adoption of this Resolution.

Section 6. Effective Date. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF SEPTEMBER 2023.

_____
BRAD CHELF, CHAIRPERSON

ATTEST:

_____
CHRISTIAN HORVATH, 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 Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2023-10 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE REGARDING WIRELESS COMMUNICATION FACILITIES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

was approved and adopted at a regular meeting of the Planning Commission on September 12, 2023, 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.

_____
CHRISTIAN HORVATH, CITY CLERK

EXHIBIT "A"

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Government Code, section 65800 *et seq*., authorizes the City of Rolling Hills ("City") to adopt and administer zoning laws, ordinances, rules and regulations as a means of implementing the General Plan; and

WHEREAS, the City's zoning regulations are contained in Title 17 of the Rolling Hills Municipal Code ("RHMC"). Among other things, Title 17 includes regulations governing wireless communication facilities ("WCF"); and

WHEREAS, Title 17's WCF regulations were most recently amended in 2004. Since then, changes in federal and state law—including various court decisions and Federal Communications Commission (FCC) orders and regulations—have placed significant procedural and substantive limits on the City's exercise of local control over matters involving WCFs. This ordinance ("Ordinance") amends Title 17 to comply with these changes in the law; and

WHEREAS, California Government Code sections 65854 and 65856(a) require the Planning Commission and the City Council, respectively, to conduct public hearings on proposed amendments to Title 17 (i.e., zoning code amendments). The Planning Commission's action serves as a recommendation to the City Council; and

WHEREAS, on August 4, 2023, the City gave public notice of a Planning Commission public hearing to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this Ordinance. Thereafter, the Planning Commission: (i) provided direction to staff regarding amendments to the Ordinance; and (ii) continued the public hearing to its September 12, 2023 meeting. Staff subsequently revised the Ordinance in accordance with the Planning Commission's instructions. The Planning Commission held a continued public hearing at its September 12th meeting and, thereafter, recommended that the City Council adopt the Ordinance; and

WHEREAS, on [DATE], the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on [DATE], the City Council considered the staff report, recommendations by staff, and public testimony regarding this Ordinance.

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. **Recitals**. The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

SECTION 2. **California Environmental Quality Act**. The City Council finds that this Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council's adoption of the Ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 3. **General Plan**. The City Council hereby finds that this Ordinance's amendments to RHMC Title 17 are consistent with, and in further of, the City's adopted General Plan. Specifically, General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan;* and Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*; and Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and Land Use Goal 2: *Accommodate development which is compatible with and complements existing land uses*. This Ordinance furthers these goals, policies, and actions by updating the City's regulations to achieve consistency with federal and state law and making certain refinements to ensure that Title 17 is consistent and clear and provides for streamlined

approval processes for wireless communication facilities. Therefore, the Ordinance is consistent with the General Plan.

SECTION 4. Code Amendment. Section 17.27.040 of the Rolling Hills Municipal Code is amended to read in its entirety as follows:

"17.27.040 Wireless communication antennas and facilities.

A. **General**. This Section establishes standards and procedures for the development and operation of wireless communications facilities, including, but not limited to, personal wireless services facilities, non-exempt satellite antennas, and single pole/tower amateur radio antennas. The requirements of this Section apply to all wireless communication facilities on public and private property and within the right of way that transmit and/or receive electromagnetic signals, including, but not limited to, personal wireless services, satellite, and radio and television broadcast facilities.

1. Application Types.

a. *Type 1 – Collocation of a small wireless facility on an existing structure*. Type 1 applications shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.

b. *Type 2 – Collocation on an existing structure which does not qualify as a Type 1 small wireless facility collocation or a Type 5 eligible facilities request*. Type 2 applications shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request.

c. *Type 3 – New small wireless facility on a new or replacement structure*. Type 3 applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.

d. *Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5, or 6 application*. Type 4 applications shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for

Type 1, 2, 3, 5, or 6 applications.

e. *Type 5 – Eligible facilities requests*. Type 5 applications shall include any applications that purport to meet the criteria for an eligible facilities request under federal law and FCC regulations.

f. *Type 6 – Temporary facilities*. Type 6 applications shall include any applications for a temporary facility to provide wireless services on a temporary or emergency basis.

2. Permit Requirements. No wireless communication facility shall be constructed, erected, placed, or modified anywhere within the City without first obtaining a permit pursuant to the requirements of this Section and without obtaining all permits required under any other applicable state, federal, or local laws or regulations.

a. *Conditional Use Permit Required*. A conditional use permit shall be required for Type 3 and 4 applications, which shall be reviewed and processed in accordance with Chapter 17.42 of this Code and the requirements of this Section 17.27.040.

b. *Zone Clearance Required*. A zone clearance shall be required for Type 1, 2, and 5 applications, which shall be reviewed and processed in accordance with Chapter 17.44 of this Code and the requirements of this Section 17.27.040.

c. *Temporary Use Permit Required*. A temporary use permit shall be required for Type 6 applications, which shall be reviewed and processed in accordance with Chapter 17.48 of this Code and the requirements of this Section 17.27.040.

3. Exempt Wireless Communication Facilities. The following wireless communication facilities are exempt from the requirements of this Section:

a. Wireless facilities operated by the City for public purposes.

b. Hand-held mobile, marine, and portable radio transmitters and/or receivers which are not affixed to land or a structure.

c. Traditional terrestrial radio and television mobile broadcast facilities.

d. A single ground-mounted or building-mounted antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions: (1) *Satellite Dish 39.37 inches (one meter) or Less*. A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless

services that are not classified as telecommunications services, is permitted anywhere on a lot, provided it does not exceed the height of the ridgeline of the primary structure on the same parcel. (2) *Non-Satellite Dish 39.37 inches (one meter) or Less*. A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

e. Amateur radio antennas meeting the following requirements: (1) That are completely enclosed within a permitted building; or (2) That consist of a single wire not exceeding one-fourth of an inch in diameter, and such wire antennas may be located in setback areas, provided the antenna does not extend above the maximum building height in the district; or (3) That consist of a single ground-mounted vertical pole or whip antenna not exceeding 50 feet in height, measured from finish grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the California Building Standards Code. A building permit may be required for the support structure or mast.

B. **Definitions**. For the purpose of this chapter, certain words and terms are hereby defined. Words used in the singular shall be deemed to include the plural and the plural the singular; unless more specifically defined in this chapter, the word "building" is interchangeable with the word "structure," and the word "shall" is mandatory and not discretionary. All equipment not specifically described herein shall be regulated in conformity with that equipment described herein which is most substantially similar, from a functionality standpoint. Reference to "facility" is interchangeable with "wireless communications facility," unless otherwise noted.

1. "Antenna" shall mean any system of wires, poles, rods, reflecting discs, or similar devices used in wireless communications for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

2. "Applicant" or "provider" shall mean the person or entity applying for a permit to install wireless communications facilities.

3. "Base Station" shall have the same meaning as defined by 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

4. "Colocation," "Co-location," and "Collocation" shall mean the same as defined by the FCC in 47 C.F.R. § 1.6002(g), which means (1) Mounting or installing an antenna facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure. For eligible facilities requests (Type 5), "Colocation," "Co-location," and "Collocation" shall mean the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which means the mounting or installation

of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

5. "Eligible Facilities Request" shall mean any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.

6. "Monopole" shall mean a free-standing pole, like a slim line, flagpole, or similar structure.

7. "Personal Wireless Services" shall mean those services as defined in 47 U.S.C. section 332(c)(7)(C)(i), or any successor provision, current examples of which include, but are not limited to, commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

8. "Roof-mounted" shall mean any type of facility in which antennas are mounted on the roof, parapet, or similar feature of a structure.

9. "Small Wireless Facility" shall mean the same as defined by the FCC in 47 C.F.R. section 1.6002(l), or any successor provision.

10. "Support structure" shall mean any structure capable of supporting a base station, as defined in 47 C.F.R. section 1.6002(m), or any successor provision.

11. "Temporary facility" shall mean any wireless communication facility intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location or following a duly proclaimed local or state emergency, as defined in Government Code section 8558, requiring additional service capabilities.

12. "Tower" shall mean the same as defined in 47 C.F.R. section 1.6100(b)(9), or any successor provision. This definition does not include Utility Poles.

13. "Utility pole" shall mean any structure designed to support electric, telephone, and similar utility lines. A Tower is not a utility pole.

14. "Wireless communications facilities" and "facilities" shall mean any transmitters, antenna structures, equipment cabinets, concealment, meters, switches, cabling, and other types of facilities used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

C. **Application Requirements**. An applicant seeking to install, construct, modify, replace, or place a wireless communications facility shall complete and submit an application to the Planning and Community Services Department for review and processing, upon the form published by the Director of the Planning and Community Services Department, which may be updated from time to time. In addition to any

requirements specified by the application form, all applications shall, at minimum, require submission of the following:

1. Name of applicant, contact information, location of proposed site, description of the application type sought, and the name and contact information of the user/ provider that will use the facility.

2. A brief narrative accompanied by written documentation and a site plan or map together with photo simulations that explain the project.

3. A narrative and scaled map(s) that precisely disclose the geographic area(s) within the City proposed to be serviced by the proposed facility.

4. A radiofrequency (RF) environmental evaluation report certifying that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations.

D. **Findings for Approval**.

1. *Findings for Approval of a Conditional Use Permit required by this section (Type 3 and 4)*. Approval of any Conditional Use Permit required by this section is subject to the following findings:

a. All findings for approval required for Conditional Use Permits as specified in Section 17.42.050; and

b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and

c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

d. The project has received approval from the Rolling Hills Community Association.

2. *Findings for Approval of a Non-Eligible Facility Request Zone Clearance required by this section (Types 1 and 2)*. Approval of any Non-Eligible Facility Request Zone Clearance required by this section is subject to the following findings:

a. The proposed facility is consistent with the provisions of Title 17; and

b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a

waiver exception therefrom; and

c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

d. The project has received approval from the Rolling Hills Community Association.

3. *Findings for Approval of a Zone Clearance for an Eligible Facilities Request required by this section (Type 5)*. No zone clearance shall be approved for an eligible facilities request unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:

a. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. sections 1.6100(b)(3)–(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The reviewing City authority shall make an express finding for each criterion; and

b. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. sections 1.6100(b)(7)(i)–(iv), or any successor provisions; and

c. The proposed facility will comply with all generally applicable laws.

4. *Findings for Approval of a Temporary Use Permit required by this section (Type 6)*. Approval of any Temporary Use Permit required by this Section is subject to the following findings:

a. The proposed temporary use is allowed within the applicable zoning district with the approval of a temporary use permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; and

b. The proposed temporary use would not unduly impair the integrity and character of the zoning district in which it is located; and

c. Appropriate measures have been taken to protect the public health, safety, and general welfare to minimize detrimental effects on adjacent properties; and

d. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and

e. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

f. The project has received approval from the Rolling Hills Community Association.

E. **Design and Development Standards**.

1. This subsection establishes generally applicable design and development standards for all wireless facilities, except Type 5 eligible facilities requests.

a. The facility shall be erected, located, operated, and maintained at all times in compliance with this section and all applicable laws, regulations, and requirements of the California Building Code, as modified by the City, and every other code and regulation imposed or enforced by the City, the State of California, and the United States Federal Government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.

b. State-of-the-art stealth design technology shall be utilized as appropriate to the site and type of facility so that the proposed wireless facility will look like something other than a wireless facility. Wireless communications facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, painted, or otherwise screened to achieve a stealth design in a manner that is compatible with the architectural design of the building or structure and compatible with the appearance and character of the surrounding neighborhood. New standalone facilities shall use designs that are compatible and blend in with the surrounding area. For example, faux trees should be of the same type and size as nearby real trees. All finishes shall be non-reflective.

c. The facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other legally required seals or signage.

d. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within an enclosure or underground vault in a manner that, if aboveground, is visually compatible with the surrounding area and either (1) shrouded by sufficient landscaping to screen the equipment from view, or (2) designed to match the architecture of adjacent buildings and (3) shall not interfere with equestrian activities or easements.

e. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors. All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued, non-reflective hues that match the underlying structure or otherwise blend in with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the

reviewing City authority's prior approval.

f. All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this code. The reviewing City authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

g. Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

h. To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing City authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences, or any similar security measures are prohibited. Alarm systems shall not include any audible sirens or other sounds.

i. All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities should be proactively monitored and maintained to continue and, if possible, improve the safety design.

2. This subsection establishes additional design and development standards for all wireless facilities, except Type 5 eligible facilities requests, proposed to be located upon a rooftop or attached to an existing building.

a. Any screening used in connection with a wall-mounted and/or roof-mounted facility, shall be compatible with the architecture, color, texture, and materials of the building or other structure to which it is mounted.

b. The facility shall be placed to the centermost location of the rooftop to screen it from view from the street and adjacent properties, or incorporate façades to create a stealth facility that is designed to look like something other than a wireless facility.

c. Wireless communication antennas and facilities shall not be located on roofs or walls of any structures on private residential property, but may be located on existing utility poles, commercial buildings and properties, and on publicly owned properties or buildings.

3. Temporary facilities shall be subject only to the following design and development standards in this Section 17.27.040(E). Temporary facilities include, without limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless facilities:

a. That will be in place for no more than six months, or such other longer time as the City may allow in light of the event or emergency;

b. For which required notice is provided to the FAA;

c. That do not require marking or lighting under FAA regulations;

d. That will not exceed fifty (50) feet in height; and

e. That will either involve no excavation or involve excavation only as required to safely anchor the facility where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two (2) feet.

F. **Infrastructure Controlled by City**. The City, as a matter of policy, will negotiate agreements for the use of City-owned property. The placement of wireless facilities on those structures and property shall be subject to one or more negotiated agreements. The agreements shall specify the compensation to the City for use of the structures. The person seeking an agreement shall, in addition to any consideration paid, reimburse the City for all costs the City incurs in connection with its review of and action upon that person's request for an agreement.

G. **Standard Conditions of Approval**. In addition to all other conditions adopted by the applicable approval authority, all permits issued in accordance with this section, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The approval authority (or the appellate authority on appeal) shall have discretion to modify, supplement, or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section.

1. *Permit Term*. For any non-eligible facilities request, this permit will automatically expire 10 years and one day from its date of issuance. Any other permits or approvals issued in connection with an application subject to this section, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

2. *Strict Compliance with Approved Plans*. Permittee must incorporate this permit, all conditions associated with this permit, and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless communication facility in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested

by the permittee or required by other departments or public agencies with jurisdiction over the wireless communication facility, must be submitted in a written request subject to the Director of the Planning and Community Services Department's prior review and approval.

3. *Permit Expiration*. This permit will automatically expire if construction or installation activities authorized herein do not commence within one (1) year from the date of this permit's issuance.

4. *Maintenance Obligations – Vandalism*. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

5. *Property Maintenance*. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved plans are maintained in a manner that is not detrimental or injurious to the public health, safety, or general welfare, and that the aesthetic appearance is continuously preserved and substantially the same as shown in the approved plans at all times relevant to this permit. The permittee further acknowledges that failure to maintain compliance with this condition may result in a code enforcement action.

6. *Compliance with Laws*. The permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders, or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility, or any use or activities in connection with the use authorized by this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the City fails to timely notice, prompt, or enforce compliance with any applicable provision in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation.

7. *Adverse Impacts on Other Properties*. The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Impacts of radio frequency emissions on the environment, to the extent that such emissions are compliant with all applicable laws, are not "adverse impacts" for the

purposes of this condition. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal, or other work that involves heavy equipment or machines, except during normal construction hours as set forth in the Rolling Hills Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Director of Planning and Community Services, or the Director's designee, may issue a stop work order for any activities that violate this condition.

8. *Inspections – Emergencies*. The permittee expressly acknowledges and agrees that the City's officers, officials, staff, and other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff, or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the City's officers, officials, staff, and other designees while any such inspection or emergency access occurs.

9. *Permittee's Contact Information*. The permittee shall furnish the Director of Planning and Community Services with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.

10. *Indemnification*. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify, and hold harmless the City, its agents, officers, officials, employees, and volunteers from and against any and all (1) damages, liabilities, injuries, losses, costs, and expenses and from any and all claims, demands, lawsuits, writs, and other actions or proceedings ("claims") brought against the City or its agents, officers, officials, employees, or volunteers to challenge, attack, seek to modify, set aside, void, or annul the City's approval of this permit; and (2) other claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', invitees', volunteers', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any third-party claims concerning this permit, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's

indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

11. *Performance Bond*. Prior to the issuance of any construction permit in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which include, without limitation, all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed, in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws.

12. *Recall to Approval Authority – Permit Revocation*. The approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

13. *Record Retention*. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which include, without limitation, this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies kept in the city's regular files will control over any conflicts between such hard copies and the permittee's electronic copies, and complete originals will control over all other copies in any form.

14. *Permit Renewal*. Any application to renew this permit must be tendered to the Director of Planning and Community Services within one (1) year prior to the expiration of this permit, and shall be accompanied by all required application materials, fees and deposits for a new application as then in effect. The approval authority shall review an application for permit renewal in accordance with the standards for new facilities as then in-effect. The Director of the Planning and Community Services Department may, but is not obligated to, grant a written temporary extension on the permit term to allow sufficient time to review a timely submitted permit renewal application.

15. *Eligible facilities requests conditions of approval*. In addition to compliance with the requirements of this Section, all facilities shall be subject to each of

the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the decision-making authority:

a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

b. No permit term extension. The City's grant or deemed grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the Town's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

H. **Limited Exceptions for Personal Wireless Service Facilities**.

1. The applicable review authority may grant waivers of the design and location standards for wireless communications facilities subject to this section if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

a. Prohibit, or effectively prohibit, the provision of personal wireless services, within the meaning of federal law; or

b. Otherwise violate applicable laws or regulations; or

c. Require a technically infeasible location, design, or installation of a wireless facility.

2. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design, or installation."

SECTION 5. **Code Amendment**. Section 17.44.020 of the Rolling Hills Municipal Code is hereby amended to add a new subsection (G), which shall read in its entirety as follows:

"17.44.020 Applicability.

. . .

G. The installation, construction, modification, replacement, or placement certain wireless communications facilities requiring a zone clearance, as specified by Section 17.27.040."

SECTION 6. **Code Amendment**. Section 17.48.040 the of Rolling Hills Municipal Code is hereby amended to add a new subsection (B)(4), which shall read in its entirety as follows:

"17.48.040 Allowed Temporary Uses.

. . .

B. Temporary Structures for Non-Active Construction Sites and Time Periods.

. . .

4. Temporary Wireless Facilities. The installation, construction, modification, replacement, or placement certain temporary wireless communications facilities requiring a temporary use permit, as specified by Section 17.27.040."

SECTION 7. **Code Amendment**. Subsections "C" and "F" of Section 17.16.200 of the Rolling Hills Municipal Code are hereby amended in their entirety to both state the following: "Reserved".

SECTION 8. **Severability**. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Rolling Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

SECTION 9. **Effective Date**. This Ordinance takes effect 30 days after its adoption.

SECTION 10. **Certification**. The City Clerk is hereby directed to certify to the passage of this Ordinance and cause the same, or a summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED this __ day of _____, 2023.

_____
Patrick Wilson, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

_____
Patrick Donegan, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. _____ was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the ___ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

REDLINE VERSION:
CHANGES MADE AFTER
8/15/23 PC MEETING

EXHIBIT "A"

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Government Code, section 65800 *et seq*., authorizes the City of Rolling Hills ("City") to adopt and administer zoning laws, ordinances, rules and regulations as a means of implementing the General Plan; and

WHEREAS, the City's zoning regulations are contained in Title 17 of the Rolling Hills Municipal Code ("RHMC"). Among other things, Title 17 includes regulations governing wireless communication facilities ("WCF"); and

WHEREAS, Title 17's WCF regulations were most recently amended in 2004. Since then, changes in federal and state law—including various court decisions and Federal Communications Commission (FCC) orders and regulations—have placed significant procedural and substantive limits on the City's exercise of local control over matters involving WCFs. This ordinance ("Ordinance") amends Title 17 to comply with these changes in the law; and

WHEREAS, California Government Code sections 65854 and 65856(a) require the Planning Commission and the City Council, respectively, to conduct public hearings on proposed amendments to Title 17 (i.e., zoning code amendments). The Planning Commission's action serves as a recommendation to the City Council; and

WHEREAS, on August 4, 2023, the City gave public notice of a Planning Commission public hearing to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this Ordinance. Thereafter, ~~Following the public hearing,~~ the Planning Commission: (i) provided direction to staff regarding amendments to the Ordinance; and (ii) continued the public hearing to its September 12, 2023 meeting. Staff subsequently revised the Ordinance in accordance with the Planning Commission's instructions. The Planning Commission held a continued public hearing at its September 12th meeting and, thereafter, recommended that the City Council adopt the Ordinance; and

WHEREAS, on [DATE], the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on [DATE], the City Council considered the staff report, recommendations by staff, and public testimony regarding this Ordinance.

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. **Recitals**. The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

SECTION 2. **California Environmental Quality Act**. The City Council finds that this Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council's adoption of the Ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 3. **General Plan**. The City Council hereby finds that this Ordinance's amendments to RHMC Title 17 are consistent with, and in further of, the City's adopted General Plan. Specifically, General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan;* and Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*; and Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and Land Use Goal 2: *Accommodate development which is compatible with and complements existing land*

uses. This Ordinance furthers these goals, policies, and actions by updating the City's regulations to achieve consistency with federal and state law and making certain refinements to ensure that Title 17 is consistent and clear and provides for streamlined approval processes for wireless communication facilities. Therefore, the Ordinance is consistent with the General Plan.

SECTION 4. Code Amendment. Section 17.27.040 of the Rolling Hills Municipal Code is amended to read in its entirety as follows:

"17.27.040 Wireless communication antennas and facilities.

A. **General**. This Section establishes standards and procedures for the development and operation of wireless communications facilities, including, but not limited to, personal wireless services facilities, non-exempt satellite antennas, and single pole/tower amateur radio antennas. The requirements of this Section apply to all wireless communication facilities on public and private property and within the right of way that transmit and/or receive electromagnetic signals, including, but not limited to, personal wireless services, satellite, and radio and television broadcast facilities.

1. Application Types.

a. *Type 1 – Collocation of a small wireless facility on an existing structure*. Type 1 applications shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.

b. *Type 2 – Collocation on an existing structure which does not qualify as a Type 1 small wireless facility collocation or a Type 5 eligible facilities request*. Type 2 applications shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request.

c. *Type 3 – New small wireless facility on a new or replacement structure*. Type 3 applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.

d. *Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5, or 6 application*. Type 4 applications shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for Type 1, 2, 3, 5, or 6 applications.

e. *Type 5 – Eligible facilities requests*. Type 5 applications shall include any applications that purport to meet the criteria for an eligible facilities request under federal law and FCC regulations.

f. *Type 6 – Temporary facilities*. Type 6 applications shall include any applications for a temporary facility to provide wireless services on a temporary or emergency basis.

2. Permit Requirements. No wireless communication facility shall be constructed, erected, placed, or modified anywhere within the City without first obtaining a permit pursuant to the requirements of this Section and without obtaining all permits required under any other applicable state, federal, or local laws or regulations.

a. *Conditional Use Permit Required*. A conditional use permit shall be required for Type 3 and 4 applications, which shall be reviewed and processed in accordance with Chapter 17.42 of this Code and the requirements of this Section 17.27.040.

b. *Zone Clearance Required*. A zone clearance shall be required for Type 1, 2~~, 3~~, and 5 applications, which shall be reviewed and processed in accordance with Chapter 17.44 of this Code and the requirements of this Section 17.27.040.

c. *Temporary Use Permit Required*. A temporary use permit shall be required for Type 6 applications, which shall be reviewed and processed in accordance with Chapter 17.48 of this Code and the requirements of this Section 17.27.040.

3. Exempt Wireless Communication Facilities. The following wireless communication facilities are exempt from the requirements of this Section:

a. Wireless facilities operated by the City for public purposes.

b. Hand-held mobile, marine, and portable radio transmitters and/or receivers which are not affixed to land or a structure.

c. Traditional terrestrial radio and television mobile broadcast facilities.

d. A single ground-mounted or building-mounted antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions: (1) *Satellite Dish 39.37 inches (one meter) or Less*. A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole

use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot, provided it does not exceed the height of the ridgeline of the primary structure on the same parcel. (2) *Non-Satellite Dish 39.37 inches (one meter) or Less*. A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

e. Amateur radio antennas meeting the following requirements: (1) That are completely enclosed within a permitted building; or (2) That consist of a single wire not exceeding one-fourth of an inch in diameter, and such wire antennas may be located in setback areas, provided the antenna does not extend above the maximum building height in the district; or (3) That consist of a single ground-mounted vertical pole or whip antenna not exceeding 50 feet in height, measured from finish grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the California Building Standards Code. A building permit may be required for the support structure or mast.

B. **Definitions**. For the purpose of this chapter, certain words and terms are hereby defined. Words used in the singular shall be deemed to include the plural and the plural the singular; unless more specifically defined in this chapter, the word “building” is interchangeable with the word “structure,” and the word “shall” is mandatory and not discretionary. All equipment not specifically described herein shall be regulated in conformity with that equipment described herein which is most substantially similar, from a functionality standpoint. Reference to “facility” is interchangeable with “wireless communications facility,” unless otherwise noted.

1. “Antenna” shall mean any system of wires, poles, rods, reflecting discs, or similar devices used in wireless communications for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

2. “Applicant” or “provider” shall mean the person or entity applying for a permit to install wireless communications facilities.

3. “Base Station” shall have the same meaning as defined by 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

4. “Colocation,” “Co-location,” and “Collocation” shall mean the same as defined by the FCC in 47 C.F.R. § 1.6002(g), which means (1) Mounting or installing an antenna facility on a pre-existing structure; and/or (2) Modifying a structure for the

purpose of mounting or installing an antenna facility on that structure. For eligible facilities requests (Type 5), "Colocation," "Co-location," and "Collocation" shall mean the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

5. "Eligible Facilities Request" shall mean any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.

6. "Monopole" shall mean a free-standing pole, like a slim line, flagpole, or similar structure.

7. "Personal Wireless Services" shall mean those services as defined in 47 U.S.C. section 332(c)(7)(C)(i), or any successor provision, current examples of which include, but are not limited to, commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

8. "Roof-mounted" shall mean any type of facility in which antennas are mounted on the roof, parapet, or similar feature of a structure.

9. "Small Wireless Facility" shall mean the same as defined by the FCC in 47 C.F.R. section 1.6002(l), or any successor provision.

10. "Support structure" shall mean any structure capable of supporting a base station, as defined in 47 C.F.R. section 1.6002(m), or any successor provision.

11. "Temporary facility" shall mean any wireless communication facility intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location or following a duly proclaimed local or state emergency, as defined in Government Code section 8558, requiring additional service capabilities.

12. "Tower" shall mean the same as defined in 47 C.F.R. section 1.6100(b)(9), or any successor provision. This definition does not include Utility Poles.

13. "Utility pole" shall mean any structure designed to support electric, telephone, and similar utility lines. A Tower is not a utility pole.

14. "Wireless communications facilities" and "facilities" shall mean any transmitters, antenna structures, equipment cabinets, concealment, meters, switches, cabling, and other types of facilities used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

C. **Application Requirements**. An applicant seeking to install, construct, modify, replace, or place a wireless communications facility shall complete and submit an

application to the Planning and Community Services Department for review and processing, upon the form published by the Director of the Planning and Community Services Department, which may be updated from time to time. In addition to any requirements specified by the application form, all applications shall, at minimum, require submission of the following:

1. Name of applicant, contact information, location of proposed site, description of the application type sought, and the name and contact information of the user/ provider that will use the facility.

2. A brief narrative accompanied by written documentation and a site plan or map together with photo simulations that explain the project.

3. A narrative and scaled map(s) that precisely disclose the geographic area(s) within the City proposed to be serviced by the proposed facility.

4. A radiofrequency (RF) environmental evaluation report certifying that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations.

D. **Findings for Approval**.

1. *Findings for Approval of a Conditional Use Permit required by this section (Type 3 and 4)*. Approval of any Conditional Use Permit required by this section is subject to the following findings:

a. All findings for approval required for Conditional Use Permits as specified in Section 17.42.050; and

b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and

c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

d. The project has received approval from the Rolling Hills Community Association.

2. *Findings for Approval of a Non-Eligible Facility Request Zone Clearance required by this section (Types 1 and~~,~~ 2~~, and 3~~)*. Approval of any Non-Eligible Facility Request Zone Clearance required by this section is subject to the following findings:

a. The proposed facility is consistent with the provisions of Title 17; and

b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception therefrom; and

c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

d. The project has received approval from the Rolling Hills Community Association.

3. *Findings for Approval of a Zone Clearance for an Eligible Facilities Request required by this section (Type 5)*. No zone clearance shall be approved for an eligible facilities request unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:

a. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. sections 1.6100(b)(3)–(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The reviewing City authority shall make an express finding for each criterion; and

b. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. sections 1.6100(b)(7)(i)–(iv), or any successor provisions; and

c. The proposed facility will comply with all generally applicable laws.

4. *Findings for Approval of a Temporary Use Permit required by this section (Type 6)*. Approval of any Temporary Use Permit required by this Section is subject to the following findings:

a. The proposed temporary use is allowed within the applicable zoning district with the approval of a temporary use permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; and

b. The proposed temporary use would not unduly impair the integrity and character of the zoning district in which it is located; and

c. Appropriate measures have been taken to protect the public health, safety, and general welfare to minimize detrimental effects on adjacent properties; and

d. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application

requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and

e. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

f. The project has received approval from the Rolling Hills Community Association.

E. **Design and Development Standards**.

1. This subsection establishes generally applicable design and development standards for all wireless facilities, except Type 5 eligible facilities requests.

a. The facility shall be erected, located, operated, and maintained at all times in compliance with this section and all applicable laws, regulations, and requirements of the California Building Code, as modified by the City, and every other code and regulation imposed or enforced by the City, the State of California, and the United States Federal Government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.

b. State-of-the-art stealth design technology shall be utilized as appropriate to the site and type of facility so that the proposed wireless facility will look like something other than a wireless facility. Wireless communications facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, painted, or otherwise screened to achieve a stealth design in a manner that is compatible with the architectural design of the building or structure and compatible with the appearance and character of the surrounding neighborhood. New standalone facilities shall use designs that are compatible and blend in with the surrounding area. For example, faux trees should be of the same type and size as nearby real trees. All finishes shall be non-reflective.

c. The facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other legally required seals or signage.

d. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within an enclosure or underground vault in a manner that, if aboveground, is visually compatible with the surrounding area and either (1) shrouded by sufficient landscaping to screen the equipment from view, or (2) designed to match the architecture of adjacent buildings and (3) shall not interfere with equestrian activities or easements.

e. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors. All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued,

non-reflective hues that match the underlying structure or otherwise blend in with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the reviewing City authority's prior approval.

f. All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this code. The reviewing City authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

g. Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

h. To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing City authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences, or any similar security measures are prohibited. Alarm systems shall not include any audible sirens or other sounds.

i. All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities should be proactively monitored and maintained to continue and, if possible, improve the safety design.

2. This subsection establishes additional design and development standards for all wireless facilities, except Type 5 eligible facilities requests, proposed to be located upon a rooftop or attached to an existing building.

a. Any screening used in connection with a wall-mounted and/or roof-mounted facility, shall be compatible with the architecture, color, texture, and materials of the building or other structure to which it is mounted.

b. The facility shall be placed to the centermost location of the rooftop to screen it from view from the street and adjacent properties, or incorporate façades to create a stealth facility that is designed to look like something other than a wireless facility.

c. Wireless communication antennas and facilities shall not be

located on roofs or walls of any structures on private residential property, but may be located on existing utility poles, commercial buildings and properties, and on publicly owned properties or buildings.

3. Temporary facilities shall be subject only to the following design and development standards in this Section 17.27.040(E). Temporary facilities include, without limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless facilities:

a. That will be in place for no more than six months, or such other longer time as the City may allow in light of the event or emergency;

b. For which required notice is provided to the FAA;

c. That do not require marking or lighting under FAA regulations;

d. That will not exceed fifty (50) feet in height; and

e. That will either involve no excavation or involve excavation only as required to safely anchor the facility where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two (2) feet.

F. **Infrastructure Controlled by City**. The City, as a matter of policy, will negotiate agreements for the use of City-owned property. The placement of wireless facilities on those structures and property shall be subject to one or more negotiated agreements. The agreements shall specify the compensation to the City for use of the structures. The person seeking an agreement shall, in addition to any consideration paid, reimburse the City for all costs the City incurs in connection with its review of and action upon that person's request for an agreement.

G. **Standard Conditions of Approval**. In addition to all other conditions adopted by the applicable approval authority, all permits issued in accordance with this section, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The approval authority (or the appellate authority on appeal) shall have discretion to modify, supplement, or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section.

1. *Permit Term*. For any non-eligible facilities request, this permit will automatically expire 10 years and one day from its date of issuance. Any other permits or approvals issued in connection with an application subject to this section, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

2. *Strict Compliance with Approved Plans*. Permittee must incorporate

this permit, all conditions associated with this permit, and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless communication facility in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless communication facility, must be submitted in a written request subject to the Director of the Planning and Community Services Department's prior review and approval.

3. *Permit Expiration*. This permit will automatically expire if construction or installation activities authorized herein do not commence within one (1) year from the date of this permit's issuance.

4. *Maintenance Obligations – Vandalism*. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

5. *Property Maintenance*. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved plans are maintained in a manner that is not detrimental or injurious to the public health, safety, or general welfare, and that the aesthetic appearance is continuously preserved and substantially the same as shown in the approved plans at all times relevant to this permit. The permittee further acknowledges that failure to maintain compliance with this condition may result in a code enforcement action.

6. *Compliance with Laws*. The permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders, or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility, or any use or activities in connection with the use authorized by this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the City fails to timely notice, prompt, or enforce compliance with any applicable provision in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation.

7. *Adverse Impacts on Other Properties*. The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby

properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Impacts of radio frequency emissions on the environment, to the extent that such emissions are compliant with all applicable laws, are not "adverse impacts" for the purposes of this condition. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal, or other work that involves heavy equipment or machines, except during normal construction hours as set forth in the Rolling Hills Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Director of Planning and Community Services, or the Director's designee, may issue a stop work order for any activities that violate this condition.

8. *Inspections – Emergencies*. The permittee expressly acknowledges and agrees that the City's officers, officials, staff, and other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff, or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the City's officers, officials, staff, and other designees while any such inspection or emergency access occurs.

9. *Permittee's Contact Information*. The permittee shall furnish the Director of Planning and Community Services with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.

10. *Indemnification*. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify, and hold harmless the City, its agents, officers, officials, employees, and volunteers from and against any and all (1) damages, liabilities, injuries, losses, costs, and expenses and from any and all claims, demands, lawsuits, writs, and other actions or proceedings ("claims") brought against the City or its agents, officers, officials, employees, or volunteers to challenge, attack, seek to modify, set aside, void, or annul the City's approval of this permit; and (2) other claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', invitees', volunteers', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any third-party claims concerning this permit, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval

shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

11. *Performance Bond*. Prior to the issuance of any construction permit in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which include, without limitation, all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed, in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws.

12. *Recall to Approval Authority – Permit Revocation*. The approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

13. *Record Retention*. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which include, without limitation, this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies kept in the city's regular files will control over any conflicts between such hard copies and the permittee's electronic copies, and complete originals will control over all other copies in any form.

14. *Permit Renewal*. Any application to renew this permit must be tendered to the Director of Planning and Community Services within one (1) year prior to the expiration of this permit, and shall be accompanied by all required application materials, fees and deposits for a new application as then in effect. The approval authority shall review an application for permit renewal in accordance with the standards for new facilities as then in-effect. The Director of the Planning and Community Services Department may, but is not obligated to, grant a written temporary extension on the permit

term to allow sufficient time to review a timely submitted permit renewal application.

15. *Eligible facilities requests conditions of approval*. In addition to compliance with the requirements of this Section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the decision-making authority:

a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

b. No permit term extension. The City's grant or deemed grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the Town's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

H. **Limited Exceptions for Personal Wireless Service Facilities**.

1. The applicable review authority may grant waivers of the design and location standards for wireless communications facilities subject to this section if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

a. Prohibit, or effectively prohibit, the provision of personal wireless services, within the meaning of federal law; or

b. Otherwise violate applicable laws or regulations; or

c. Require a technically infeasible location, design, or installation of a wireless facility.

2. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design, or installation."

SECTION 5. **Code Amendment**. Section 17.44.020 of the Rolling Hills Municipal Code is hereby amended to add a new subsection (G), which shall read in its entirety as follows:

"17.44.020 Applicability.

. . .

G. The installation, construction, modification, replacement, or placement certain wireless communications facilities requiring a zone clearance, as specified by Section 17.27.040."

SECTION 6. **Code Amendment**. Section 17.48.040 the of Rolling Hills Municipal Code is hereby amended to add a new subsection (B)(4), which shall read in its entirety as follows:

"17.48.040 Allowed Temporary Uses.

. . .

B. Temporary Structures for Non-Active Construction Sites and Time Periods.

. . .

4. Temporary Wireless Facilities. The installation, construction, modification, replacement, or placement certain temporary wireless communications facilities requiring a temporary use permit, as specified by Section 17.27.040."

SECTION 7. **Code Amendment**. Subsections "C" and "F" of Section 17.16.200 of the Rolling Hills Municipal Code are hereby amended in their entirety to both state the following: "Reserved".

SECTION 8. **Severability**. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Rolling Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

SECTION 9. **Effective Date**. This Ordinance takes effect 30 days after its adoption.

SECTION 10. **Certification**. The City Clerk is hereby directed to certify to the passage of this Ordinance and cause the same, or a summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED this __ day of _____, 2023.

_____
Patrick Wilson, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

_____
Patrick Donegan, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. _____ was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the ___ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY OF ROLLING HILLS
WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

Section 1 – General Project Information for All Applicants:

Applicant/Proposed Operator of Wireless Facility
Name: _____
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____
E-mail: _____

Applicant's Authorized Representative:
Name: _____
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____
E-mail: _____

Site Location and Description
Project Location/Address: _____
Project Name: _____
Zoning Description: _____
Current Use: _____

For Parcels:
Block: _____
Lot(s): _____
Assessor Parcel No(s): _____

For Rolling Hills Community Association Private Right-of-Way:
Pole Coordinates: _____
Pole Number (if applicable): _____

Type of Proposed Facility (Check One)

☐ Type 1 – Collocation of a small wireless facility on an existing structure
☐ Type 2 – Collocation on an existing structure which does not qualify as a Type 1 small wireless facility collocation or a Type 5 eligible facilities request
☐ Type 3 – New small wireless facility on a new or replacement structure
☐ Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5 or 6 application
☐ Type 5 – Eligible facilities requests
☐ Type 6 – Temporary facilities
☐ Section 17.27.040(H) – Request for Limited Exceptions for Personal Wireless Service Facilities

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THE CITY OF ROLLING HILLS
WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

Primary Wireless Facility Provider that will use this wireless communication facility:
Company Name: _____
Name: _____
Email: _____Phone No.:_____

Secondary Wireless Facility Provider that will use this wireless communication facility (if applicable):
Company Name: _____
Name: _____
Email: _____Phone No.:_____

Proof of Payment of Required Fees. At the time of submittal of any wireless facility application, the Applicant must pay to the City any requires fees. If the applicant has questions regarding the applicable fees, please contact the City's Planning and Community Services Department.

Other Permits and Authorizations Required:
Below, please either sign the acknowledgment OR identify other permits and/or authorizations which will be needed for this proposed facility:

☐ By signing below, the applicant hereby agrees that, should this application be granted, or granted subject to conditions, the FCC shot clock applicable to this application does not apply to any other permits, regulatory authorizations or agreements needed from the City, and that no work may be undertaken on the applied-for personal wireless services facility until all such permits, regulatory authorizations and agreements required from the City have been applied for and obtained.

Agreed: _____

--OR--

☐ Identify any and all additional permits, regulatory authorizations and agreements you contend the City must issue (absent agreement) within the time period that the City must take action on this application under the applicable FCC shot clock. It is the applicant's responsibility to review the Rolling Hills Municipal Code and to identify all additional permits, regulatory authorizations and agreements that will be needed from the City. The applicant's failure to identify and list any permits, regulatory authorizations or agreements required from the City below will be deemed a waiver of any claim by the applicant that the City was required to act on any of those permits, regulatory authorizations or agreements not so identified within the FCC shot clock applicable to this application.

☐ For each of the permits, authorizations or agreements you identify below, if you have the required authorization, attach and mark a copy as "Attachment – Other Permits and Authorizations." If you do not have the required authorization, indicate whether you have applied for it or not, and either submit the application and all fees or submit proof of previous submittal and previous payment of all such fees, as applicable.

☐ _____
☐ _____
☐ _____
☐ _____

THE CITY OF ROLLING HILLS
WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

Section 2 – General Application Requirements for All Wireless Communication Facility Types:

All applications for a wireless communication facility or modification including Eligible Facilities Requests (EFRs) shall include the following, except where noted:

□ 2.1 Cover Sheet. A complete cover sheet must include at a minimum:

□ a detailed project description that specifies the proposed installation and/or modifications. If the application is for a Small Cell Wireless Facility or an Eligible Facilities Request, explain how the proposed wireless communication facility meets the definition of Small Cell Wireless Facility or an Eligible Facilities Request;

□ site information that includes the site address, assessor's parcel number, block, lot(s), site latitude and longitude, zoning description, pole number (if applicable), site map, and project team contact information.

□ 2.2 Survey & Site Development Plan. Only a California Registered Civil Engineer or licensed surveyor may prepare the survey and site development plan. A complete survey and site development plan must include:

□ a north arrow, date, scale and legend;
□ plan-view drawings, which include:
□ the entire property or right-of-way block with the proposed project improvements;
□ detailed before-and-after views of the any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features;
□ detailed before-and-after views for each antenna sector;
□ detailed before-and-after views for any equipment pads, shelters, enclosures, rooms, vaults and/or platforms;
□ all existing and proposed equipment (including the point of origin and point of connection for all power and telco utilities) with all dimensions, labels and ownership identifications clearly called out;
□ boundaries for all areas leased/licensed in connection with the wireless site with all dimensions clearly shown and called out;
□ boundaries for all easements, encroachments and/or other rights-of-way for access and utilities in connection with the wireless site with all dimensions clearly shown and called out;
□ all existing and proposed primary and backup utilities, including without limitation all cables, connectors, risers, conduits, cable shrouds, trays, bridges and/or doghouses, transformers, disconnect switches, panels, meters, pedestals, cabinets, vaults, handholes, generators and/or generator sockets;
□ detailed before-and-after elevation drawings from all four cardinal directions, which include:
□ detailed before-and-after depictions of the any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes,

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manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features;

□ all existing and proposed equipment with all dimensions, labels and ownership identifications clearly called out;

□ for projects in the Rolling Hills Community Association private street easement, all existing and proposed fiber optic cables, conduits, risers, guy wires, anchors, primary and secondary power lines clearly called out;

□ callouts and notes for any proposed new or extended concealment elements;

□ depictions of the applicant's plan for electric and data backhaul utilities, which includes the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches and points of connection;

□ a demonstration that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.

□ (*not required for EFRs*) all structures or improvements within 100 feet in all directions of the proposed wireless communication facility, including;

- □ property boundaries with all bearings, distances, monuments, iron rods, caps or other markers clearly shown and called out;
- □ location of all traffic lanes;
- □ location of all fire hydrants, roadside call boxes and other public safety infrastructure;
- □ location of all streetlights, decorative poles, traffic signals and permanent signage, sidewalks, driveways, parkways, curbs, gutters and storm drains, benches, trash cans, mailboxes, kiosks and other street furniture;
- □ location of all existing trees, planters and other landscaping features, including any trees at least 4 inches in diameter at a point approximately 4.5 feet above ground;

□ (*not required for EFRs*) all residential dwelling units and or any historical structures within 300 feet in all directions in all directions of the proposed wireless communication facility;

- □ approximate topographical contour lines with elevations called out;
- □ wet stamp and wet signature from preparer;
- □ general specifications and notes identifying the applicable public health and safety codes and standards.

□ 2.3 Equipment Inventory. All equipment must be inventoried with the following information for each component in a separate cut sheet:

- □ manufacturer and model number;
- □ basic dimensions (height, width, length and weight).

□ 2.4 Fiber Network Plan. To the extent that the project requires running new fiber optic cables to the proposed wireless facility, the plans must include a street map view that shows all the proposed wireless communication facilities in the deployment, clearly labeled with pole number and/or site ID, the hub or base station that serves the wireless communication facilities in the deployment, all fiber optic cable routes that connect the wireless communication facilities to the hub, and a legend that identifies any symbols, colors

or other items on the map. The fiber plans should clearly identify all meet-me points and points of connection. Even if the fiber deployment will be performed by a third-party vendor, the applicant for wireless communication facilities must disclose all known or reasonably foreseeable fiber network elements.

☐ 2.5 Fire Safety. All proposed facility plans must include, describe and depict that the facility meets all applicable fire safety and electrical codes and standards.

☐ 2.6 Electrical and Structural Safety Information. The following engineering documents prepared under the responsible charge of and sealed by a California licensed Professional Engineer:

- ☐ A short circuit and coordination study ("SCCS") calculated pursuant to the IEEE 551-2006: Recommended Practice for Calculating AC Short-Circuit Currents in Industrial and Commercial Power Systems or the latest version of that standard. The study must demonstrate the protection devices will ensure the equipment enclosure will not be breached. The SCCS must include analysis of Voltage Transient Surges due to contact of conductors of different voltages;
- ☐ A one-line diagram of the electrical system;
- ☐ Voltage Drop & Load Flow Study;
- ☐ Load Calculation;
- ☐ Panel Directories;
- ☐ A plot plan showing the location of the mounting structure including address, or structure designation, or GPS location on the front sheet;
- ☐ A plot plan showing the location of the service disconnecting means;
- ☐ An elevation drawing of the equipment and the service disconnecting means

☐ 2.7 Structure or Pole Owner Authorization. If the applicant does not own the structure or pole, provide a written authorization executed by the property owner(s) that authorizes the applicant to file the application and perform the work to the extent described in the application. For facilities on utility poles, the applicant may submit the standard authorization form the pole owner or joint utility association uses to demonstrate that the applicant has the authority to perform the installation or modification. For facilities on any structure owned or controlled by the City located within the private Rolling Hills Community Association rights-of-way, the applicant must submit a copy of the executed license agreement with the written authorization from the City to demonstrate that the applicant has the authority to perform the installation or modification. If not applicable, check this box. ☐

☐ 2.8 Manufacturing Specifications for Noise Generating Equipment. All manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, including the equipment decibel ratings for both maintenance cycling and continual operation modes. If the manufacturer's specifications or other information suggest that noise generated by the proposed wireless communication facility would exceed applicable noise standards of the City, provide a noise study or study prepared and certified by an engineer (or other qualified personnel acceptable to the City) confirming compliance with applicable standards and/or demonstrating the maximum noise output for the wireless communication facility. If an applicant has prepared and submitted a noise study for a specific wireless communication facility design, a subsequent noise study is not required for the exact same design (inclusive of all components and technical features).

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WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

☐ 2.9 Site Photographs, Photo Simulations. Provide site photos and photo simulations that would allow the City to visualize the applicant's proposed project as constructed. The photo simulations must be in a high-resolution format and show the proposed facility from reasonable line-of-sight locations that would accurately and reliably reflect the appearance of the proposed facility and/or modifications as-built. Except as otherwise provided, photo simulations must contain all the following:

☐ 2.10.1 Current Site Photos. Current site photos must include:

- ☐ photos of the existing site from at least three different reasonable line-of-sight locations from public streets or other publicly available areas;
- ☐ a map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location.

☐ 2.10.2 Photo Simulations. Photo simulations must include:

- ☐ an accurate and reliable visual representation of the proposed facility from the same reasonable line-of-sight locations used in the current site photos and must include without limitation all interconnecting cables, conduits, brackets, and electronic equipment such as antennas, radio units and powering equipment;
- ☐ at least one photo simulation depicting the proposed facility from a vantage point approximately 50 feet from the proposed support structure or location;
- ☐ at least one photo simulation that demonstrates the impact of the proposed modification on the all the concealment elements, if any, of the support structure. Concealment elements include but are not limited to screen walls, architectural elements, radomes, landscape features, equipment enclosures and designs and/or techniques intended to mimic the natural or built environment;
- ☐ a map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location.

☐ 2.11 FCC Licenses. If the applicant proposes to operate in FCC-licensed spectrum, provide proof of licenses for all planned operating bands in the applicable geographic market(s). Alternatively, the applicant may provide a URL address or written instructions on where to find such licenses in publicly available FCC resources.

☐ 2.12 FAA Forms. If the proposed wireless facility requires the applicant to file FAA form 7460 or other documentation under Federal Aviation Regulation Part 77.13 et seq., or under other FCC rules, provide such documentation.

If not applicable, check this box ☐

☐ 2.13 State Regulatory Authorization, For facilities proposed in the private Rolling Hills Community Association rights-of-way, the applicant must submit evidence of the applicant's regulatory status under California law to provide the services and construct the facility proposed in the application. Applicants may provide a URL address or written instructions on where to find the regulatory status (e.g., CPCN or WIR) in publicly available resources.

If not applicable, check this box □

□ 2.14 Underground Service Alert Membership. Provide evidence that the applicant is a member in good standing with the Underground Service Alert of Southern California (DigAlert).

□ 2.15 Health and Safety Compliance. Provide a description of and documentation demonstrating that the proposed wireless communication facility will comply with generally-applicable health and safety standards of the Rolling Hills Municipal Code, City regulations and standards, and state and federal laws and regulations as may be applicable.

□ 2.16 Radio Frequency Emissions Exposure Compliance Report. Provide a radio frequency ("RF") emissions exposure compliance report prepared and certified by an engineer that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF compliance report must include:

□ the actual frequency and power levels (in watts effective radiated power, not effective isotropic radiated power) for all existing and proposed antennas at the site;

Include exhibits that show:

□ the location and orientation (degree azimuths) of all transmitting antennas;

□ the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC);

□ the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC);

Note: Each such boundary must be clearly marked and identified for every transmitting antenna at the project site.

□ an affirmation that the proposed installation will be operated in compliance with 47 U.S.C. § 324.

□ 2.17 Structural Analysis. Provide a report prepared and certified by an engineer (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole, support structure or base station has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in the most current versions of the CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, the California Building Code and any safety and construction standards required by all state and local regulations.

□ 2.18 Hazard Assessment. A full assessment of the hazards posed by the proposed facility in the event of failure due to flood, high wind, high heat, outage, lightning strike or fire must be conducted that includes the presence of nearby vegetation and structures at applicant's cost. All materials in the proposed facility must be disclosed, including hazardous materials in any and all equipment. The assessment must identify if any tree removal or tree trimming is required or necessary in order to reduce fire hazard.

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☐ 2.19 CEQA Documentation. Provide an environmental impact assessment to determine whether the proposed project is categorically exempt under Article 19 of the CEQA Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report. If a request has been made to the CPUC for a CEQA determination for the proposed project (for example, under the CPUC's 21-day expedited review process in Decision 21-04-006), provide a copy of that submittal and any CPUC staff determination.

☐ 2.20 NEPA/NHPA Documentation. Provide confirmation that an environmental assessment, or other application determination, has been completed by or on behalf of the FCC for any facility proposed in a location identified in 47 C.F.R. 1.307 (including a floodplain) or as otherwise required by National Environmental Policy Act or the National Historic Preservation Act.

☐ 2.21 Collocation Acceptance. Provide a letter to the City Manager stating the applicant's willingness to allow other carriers to co-locate on its facilities wherever feasible or a written explanation why the subject facility is not a candidate for co-location.

☐ 2.22 Coverage Map. Provide a narrative and map that discloses the exact location and nature of any and all existing facilities that are owned (including publicly owned structures), operated or used by the applicant and located within five miles from the geographic borders of the City.

Section 3 – Design and Location Information (not required for Eligible Facilities Requests)

☐ 3.1 Compliance with Design Standards. Describe how the application adheres to and is designed consistent with the Design Standards, as outlined in Section 17.27.040. All applicants shall, to the extent feasible, design a wireless communication facility to be a Stealth Facility. Include at least the following information:

☐ 3.1.2 Design Requirements. Does the proposed wireless communication facility comply with all design requirements in Section 17.27.040?

- ☐ Yes
- ☐ No
- ☐ If the answer above is no, identify all items of non-compliance and identify the basis for making an exception request pursuant to Section 17.27.040(H) for each item listed. The information must include at a minimum:
  - ☐ a map identifying the search area used to identify the proposed location
  - ☐ a minimum of two alternative designs
  - ☐ the information required to demonstrate the type of exception requested pursuant to Section 17.27.040(H) (e.g. effective prohibition claim, violation of applicable law claim, technical infeasibility claim, minor non-compliance claim)

☐ 3.2 Compliance with Location Standards & Alternative Site Analysis. Describe how the application adheres to and is designed consistent with the Location Standards, as outlined in Section 17.27.040. Provide an analysis supporting the applicant's assertion that no alternative sites are available technically

feasible to provide commercially adequate signal propagation in the target service area. The City may require independent verification of this analysis at the applicant's expense.

Section 4 – Supplemental Application Requirements for Eligible Facilities Requests Only:

□ 4.1 Qualification as Eligible Facilities Request (EFR). Provide a detailed description of the proposed project and how it qualifies as an Eligible Facilities Request. The project description must address all of the following items as applicable to the proposed project:

□ For existing towers outside the private Rolling Hills Community Association rights-of-way:

- □ The overall height of the existing tower will increase by _____(must be less than 10% or the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet (whichever is greater)).
- □ Any added appurtenance to the body of the existing tower will protrude from the edge of the tower by _____(must be not exceed 20 feet or the width of the tower at the level of the appurtenance (whichever is greater)).
- □ The number of equipment cabinets for the technology involved is _____ (must not exceed the standard number of new equipment cabinets for the technology involved or exceed 4 cabinets).
- □ Excavation or deployment is within the current boundaries of the leased or owned property surrounding the existing tower or is outside the current boundaries by no more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.

□ For existing towers in the private Rolling Hills Community Association rights-of-way and for all existing base stations:

- □ The overall height will increase by _____ (must not exceed 10% or 10 feet (whichever is greater)).
- □ Any added appurtenance to the body of the base station will protrude from the edge of that structure by _____ (must be less than 6 feet).
- □ Any ground cabinets to be installed are _____ in size (must not exceed 10% larger in height or overall volume than any other ground cabinets associated with the base station).
- □ There will be _____ new equipment cabinets installed on the ground (if there is no pre-existing ground cabinet associated with the base station, no new equipment cabinets may be installed on the ground). Provide cabinet dimensions on plans.
- □ There is no excavation or deployment outside the current site.

□ For all EFR applications:

- □ The modification does not defeat the preexisting concealment elements of the eligible support structure.
- □ The proposed modification does not violate a prior condition of approval, provided however that it need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the permitted thresholds for a non-substantial change described above.

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NOTE: The thresholds for height increases are cumulative limits.

□ 4.2 Prior Regulatory Authorizations and Approvals. Provide true and correct copies of all permits and/or other regulatory approvals issued by the City (or other local public agency with jurisdiction over the subject wireless tower or base station) in connection with the initial construction or installation and any subsequent collocations, modifications or permit renewals of the subject wireless tower or base station. Alternatively, the applicant may submit a written justification that sets forth reasons why prior permits or other regulatory approvals were not required for the wireless tower or base station at the time it was constructed or modified.

Section 5 – Requests for Limited Exceptions for Personal Wireless Service Facilities Pursuant to Section 17.27.040(H):

□ 5.1 The applicable review authority may grant waivers of the design and location standards for wireless communications facilities subject to Section 17.27.040, if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

a. Prohibit or effectively prohibit the provision of personal wireless services, within the meaning of federal law; or
b. Otherwise violate applicable laws or regulations; or
c. Require a technically infeasible location, design or installation of a wireless facility.

5.2. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design or installation.

□ 5.3 Exceptions must be requested at the time an application is initially submitted for a permit. The request must include both the specific provision(s) from which exception is sought and the basis of the request, including all supporting evidence on which the applicant relies. A request for exception from one or more requirements does not relieve the applicant from compliance with all other applicable requirements.

DRAFT

THE CITY OF ROLLING HILLS
WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

Section 6 – Applicant Certification

By signing and submitting this application, the applicant agrees to the following:

1. At its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Los Angeles, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

2. That all materials submitted as part of this application package are considered to be public information, may be posted on the internet, distributed to the necessary Committees, Commissions and Board of Commissioners as part of the approval process, and reviewed by the public.

3. To comply with all City regulations and State laws relating to building construction for any and all aspects of the project proposed in this application and authorizes representatives of the City and Advisory Agencies to enter the above mentioned property at reasonable times for inspection purposes related to the project for which this application is submitted.

4. The City's review relies on the written and/or oral statements by applicant and/or persons authorized to act on applicant's behalf. In any matter before the City in connection with the application, neither the applicant nor any person authorized to act on applicant's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

I declare under penalty of perjury that I am the owner or authorized agent for this property and that the foregoing statements and answers and all data information, documents and evidence herewith submitted are to the best of my knowledge and belief, true and correct.

_____
Applicant's Signature/Authorized Representative's Signature

_____
Printed Name

_____
Date

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Printed Name: _____

Title: _____

Signature: _____

Phone Number: _____

Date: _____

The City of Rolling Hills reserves the right to rescind any approval made under Section 6409(a) or the Spectrum Act should any portion of Section 6409(a) or the Spectrum Act, or the FCC's interpretation thereof, be deemed unconstitutional by a court of law"

DRAFT

Agenda Item No.: 10.A
Mtg. Date: 09/12/2023

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **STEPHANIE GRANT, ASSISTANT PLANNER**

THRU: **DAVID H. READY**

SUBJECT: **ZONING CASE NO 23-077: SITE PLAN REVIEW AND LOT LINE ADJUSTMENT BETWEEN THREE LOTS AT 10,12, AND 14 PINE TREE LANE TO CREATE TWO LARGER LOTS WITH A COMBINED GROSS LOT AREA OF 7.84 ACRES (LOTS 85-1-RH, 85-2-RH, 85-3-RH) (HASSOLDT); RESOLUTION NO. 2023-12**

DATE: **September 12, 2023**

BACKGROUND:

Zoning, Location, and Lot Description

The three subject properties are zoned RAS-2 and consists of a total of 3 parcels. The first property located at 10 Pine Tree Lane (Lot 1) has a net area of 1.94 Acres (84,503 sq.ft.). Lot 1 is developed with a single-family residence, garage, guest house, and barn. The second property located 12 Pine Tree Lane (Lot 2) has a net lot area of 1.70 acres (110,567 sq.ft.) and is vacant. The third property located at 14 Pine Tree Lane (Lot 3) has a net lot area of 1.61 acres (70,142 sq.ft.) and is vacant. The total net lot area of the three parcels combined are 5.21 acres (228,690 sq.ft.); the gross lot area is 7.84 acres (341,510 sq.ft.).

Past Projects and Approvals

On April 21, 2016, a Lot Line Adjustment (Zoning Case No. 907) application was filed by Gary Wynn, on behalf of William Hassoldt and Judith Hassoldt with the City of Rolling Hills. The project was never approved because the Rolling Hills Community Association (RHCA) would not approve the easement reduction.

On September 20, 2005, the Planning Commission approved Resolution No. 2005-30 (Zoning Case No. 713) for a Conditional Certificate of Compliance for a Lot Line Adjustment for the properties located at 10 Pine Tree Lane, 12 Pine Tree Lane, and 14 Pine Tree Lane.

On May 17, 1994, the Planning Commission approved Resolution No. 94-12 (Zoning Case No. 512) for a Tentative Parcel Map No. 21400, Subdivision No. 82, for the subdivision of 7.826 acre existing lot with one single family home in Zoning Case No. 512.

DISCUSSION:

Applicants' Requests

On June 26, 2023, a Site Plan Review (SPR) and Lot Line Adjustment (LLA) applications were filed by Gary Wynn, on behalf of William Hassoldt and Judith Hassoldt, with respect to real properties located at 10, 12, & 14 Pine Tree Lane. The applicants are requesting a Lot Line Adjustment between three (3) parcels of land which were created by a subdivision, Parcel Map No. 21400. The parcels under consideration have the following Assessor Parcel Numbers (APNs): 7569-013-016, 7569-013-017, AND 7569-013-018. No new development is being proposed with this application.

Lot Line Adjustment

The proposed project will create two larger lots from the existing three lots. The LLA would eliminate the existing lot line between 12 Pine Tree Lane (Lot 2) and 14 Pine Tree Lane (Lot 3). The existing lot line between 10 Pine Tree Lane (Lot 1) and 12 Pine Tree Lane (Lot 2) will be shifted north approximately 35 feet. The new lot line will essentially bisect the middle lot (Lot 2) giving portions to the other two lots.

The new lot line between 10 Pine Tree Lane (Lot 1) and 12 Pine Tree Lane (Lot 2) will have a dedicated 50-foot (25 feet on each side) Rolling Hills Community Association (RHCA) easement. There are no changes to any of the other existing easements, and the LLA complies with all of the development standards in the RAS-2 Zone.

Site Plan Review

The Rolling Hills Municipal Code (RHMC) requires a Lot Line Adjustment application to be processed with Chapter 17.46, Site Plan Review.

Minimum Net Lot Size

RHMC requires the minimum Lot Area in the RA-S-2 zone to contain a minimum net lot area of 2 acres (87,120 sq.ft.). The three existing lots are in compliance with the required minimum lot sizes. The existing lot at 12 Pine Tree Lane (Lot 2) is in non-compliance because the middle portion does not meet the minimum 150-foot width requirement. The proposed LLA will result in 10 Pine Tree Lane at 3.52 acres (gross) or 153,527 square feet (gross) and 12 Pine Tree Lane (Lot 2) at 4.32 acres (gross) or 188,005 square feet (gross).

Setbacks

The proposed lot line adjustment complies with all of the setback requirements for the RAS-2 Zone in the Rolling Hills Municipal Code.

Structural Coverage

The existing structural coverage for 10 Pine Tree Lane (Lot 1) is 6.83%, which is below the maximum permitted of 20% and complies with the development standards of the RHMC. There is no development proposed for Lot 1, so there is no additional structural coverage. 12 Pine Tree Lane (Lot 2) and 14 Pine Tree Lane (Lot 3) are both vacant, so there is no structural coverage. No development is proposed for the vacant lots.

Lot Line Adjustment Justification

The purpose of the lot line adjustment is to create 2 larger lots out of the 3 existing lots. Approval of the lot line adjustment would increase the frontage along the roadway easement on Lot 1 to 282.91 ft. and Lot 2 to 439.46 ft. The proposed gross lot area of 10 Pine Tree Lane (Lot 1) is 3.52 acres (153,527 SF) and the proposed gross lot area of 12 Pine Tree Lane (Lot 2) is 4.32 acres (177,335 SF). With this proposal, Lot 1 and Lot 2 will increase in size. The lot line adjustment will result in 12 Pine Tree Lane complying with the required 150 feet width.

Planning Commission Responsibilities

When reviewing a development application, the Planning Commission must consider whether the proposed project meets the criteria for a Lot Line Adjustment and Variance, as seen below.

Pursuant to the Subdivision Map Act, the Planning Commission may not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances. If there are variances associated with the application due to the existing and proposed non-conformities, the City could impose conditions.

Review by RHCA

The Rolling Hills Community Association has already approved this project.

Environmental Review

The proposed project is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") pursuant to State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.) sections 15060(c)(2) and 15061(b)(3) in that the lot line adjustment will not have a significant effect on the environment and will not result in any direct or foreseeable indirect physical change in the environment; it does not authorize any development or other activity that could result in a significant effect on the environment.

Field Visit
On September 12, 2023 at 7:30 a.m., the Planning Commission viewed the project in the field, opened the hearing to enable brief public testimony and continued the meeting to the evening meeting of the Planning Commission. It is recommended that the Planning Commission provide direction to staff.

FISCAL IMPACT:
None

RECOMMENDATION:
Open the public hearing, receive public testimony, discuss the project, close the public hearing, and provide direction to staff. In the event the Planning Commission decides to approve the project, Resolution No. 2023-12 is included for consideration.

ATTACHMENTS:
Attachment 1: Building Vicinity Map
Attachment 2: Resolution No. 2023-12
Attachment 3: Existing & Proposed Lot Information
Attachment 4: Development Table
Attachment 5: Tentative Lot Line Adjustment Map

MIRTORABI MOSTAFA
AND AZAM TRUST
#7 PINE TREE LANE
7569-013-06

BHARADIA FAMILY TRUST
#16 PINE TREE LANE
7569-013-19

PINE TREE LANE

SHARING CHRIS
FAMILY TRUST
#5 PINE TREE LANE
7569-012-08

KEITH MURPHY
#3 PINE TREE LANE
7569-012-07

42'

69'

43'

149'

260'

SU AUSTIN TRUST
#40 PORTUGUESE
BEND ROAD
7569-013-20

#10 PINE TREE LANE
7569-013-016 &
7569-013-017 (POR.)

38'

167'

#12 PINE TREE LANE
7569-013-017 (POR.) &
7569-013-018 (POR.)

UPPER

168'

KHORRAM OMID
FAMILY TRUST
#6 PINE TREE LANE
7569-013-11

SAMUEL OVENS
ASHLEIGH OVENS
#8 PINE TREE LANE
7569-013-10

BLACKWATER

186'

364'

HSIUNG DAVID CHOU ENJU
#8 UPPER BLACKWATER
CANYON ROAD
7569-013-12

A&MURRAY A SMITH TRUST
#10 UPPER BLACKWATER
CANYON ROAD
7569-013-13

CANYON ROAD

NORTH
SCALE: 1" = 100'

GRAPHIC SCALE

0 100 200 300 400

ADJACENT BUILDING EXHIBIT

REGISTERED PROFESSIONAL ENGINEER
GARY R. WYNN
No. C 43202
CIVIL
STATE OF CALIFORNIA

WYNN ENGINEERING, INC.
27315 VALLEY CENTER ROAD
VALLEY CENTER, CA. 92082
(760) 749-8722 (310) 306-9728
FAX (760) 749-9412

BKB	WEI JOB NO. 23-027	08-23-2023

RESOLUTION NO. 2023-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF SITE PLAN REVIEW AND LOT LINE ADJUSTMENT BETWEEN THREE LOTS AT 10,12, AND 14 PINE TREE LANE TO CREATE TWO LARGER LOTS WITH A COMBINED GROSS LOT AREA OF 7.84 ACRES IN ZONING CASE NO. 23-077 (LOTS 85-1-RH, 85-2-RH, 85-3-RH) (HASSOLDT)

THE PLANNING COMMISSION DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Gary Wynn, on behalf of William Hassoldt & Judith Hassoldt,with respect to real properties located at 10, 12, & 14 Pine Tree Lane and applying for a Lot Line Adjustment between the three (3) parcels of land which were created by a subdivision, Parcel Map No. 21400. The parcels under consideration have the following Assessor Parcel Numbers (APNs): 7569-013-016, 7569-013-017, and 7569-013-018. No new development is being proposed with this application.

Section 2. California Government Code Subsection 66412(d) authorizes lot line adjustments without requiring a tentative map, parcel map or final map if: (A) The lot line adjustment involves 3 existing adjacent parcels, where land is proposed to be taken from one parcel and added to an adjacent parcel; (B) A greater number of parcels than originally existed is not thereby created; (C) The lot line adjustment will create parcels that conform to local zoning and building ordinances; and (D) The lot line adjustment is approved by the City. The City may impose conditions on the lot line adjustment in order to make the lot conform to local zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the Lot Line Adjustment or to facilitate the relocation of existing infrastructure or easements. (*Id*.)

Section 3. The Rolling Hills Municipal Code also provides a procedure for the preparation, filing, processing, and approval or denial of a lot line adjustment application consistent with the policies of the General Plan and the requirements of the Subdivision Map Act (*See* Chapter 16.44 of the Rolling Hills Municipal Code-RHMC). The Planning Commission, in approving a lot line adjustment, shall adopt conditions only as necessary to conform the adjusted parcels comply with the requirements of Title 17 (Zoning) or to facilitate the relocation of existing utilities, infrastructure, trails or easements. (*See* RHMC Section 16.44.040.)

Section 4. The Planning Commission conducted duly noticed public hearings to consider the application at a field trip meeting and regular meeting on September 12, 2023. Neighbors within a 1,000-foot radius were notified of the public hearings and a notice was published in the Daily Breeze on September 2, 2023. The applicants and agent were notified of the public hearings in writing by first class mail and the applicants and agent were in attendance at the hearings. Evidence was heard and presented from all persons interested in affecting said proposal.

Section 5. The Planning Commission finds and determines that the proposed project is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") pursuant to State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.) sections 15060(c)(2) and 15061(b)(3) in that the lot line adjustment will not have a significant effect on the environment and will not result in any direct or foreseeable indirect physical change in the environment; it does not authorize any development or other activity that could result in a significant effect on the environment.

Section 6. Lot Line Adjustment Findings. RHMC Section 16.44.040 requires the Planning Commission to deny a proposed lot line adjustment if any of the circumstances provided in subsections (A)(1), (A)(2) or (A)(3) therein are present. The Planning Commission has considered the evidence, both written and oral, in connection with this application and has determined that none of the circumstances justifying denial are present. Accordingly, the Planning Commission hereby finds as follows: :

A. The adjustment will not have the effect of creating a greater number of parcels than exist before adjustment.

The adjustment will not have the effect of creating a greater number of parcels than existed before the adjustment. To the contrary, three parcels existed prior to the lot line adjustment. Following the lot line adjustment, there will only be two parcels.

B. No parcels resulting from the adjustment will conflict with any applicable regulations of the zoning ordinance.

The parcels resulting from the adjustment will not conflict with any applicable regulations of the zoning ordinance. The lots are very large and the lot line adjustments will not cause any non-conformities. All of the subject parcels are in the RAS-2 Zone and after the lot line adjustment will remain over the two net acre minimum lot size required by the zone.

C. **The adjustment will not result in an increase in the number of nonconforming parcels.**

The adjustment will not result in an increase in the number of nonconforming parcels. The two (2) remaining parcels (after the lot line adjustment) will each have an area over the two net acre requirement in RAS-2 zone.

Section 7. Site Plan Review Findings. Pursuant to RHMC Section 16.44.030 , lot line adjustments shall be processed in compliance with the procedures specified in Chapter 17.46 (Site Plan Review) . Section 17.46.050 requires the Commission to make findings in order to approve a site plan review application. The Planning Commission has considered the evidence, both written and oral, in connection with this application and

with respect to the site plan application for the lot line adjustment, the Planning Commission hereby finds as follows:

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

The proposed lot line adjustment is compatible with the General Plan, the Zoning Ordinance and surrounding uses because it meets the requirements of the criteria for approving of a lot line adjustment and there are no new structures being proposed with this application. The lot line adjustment will not affect the developed lot as the existing structures will continue to maintain sufficient setbacks to provide buffers between them and the future residential uses.

B. 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.

The lot line adjustment substantially preserves the natural and undeveloped state of the lot as there is no additional development proposed at this time.

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

The existing conditions of the lots are harmonious in scale with the neighborhood, and the lots are much larger than surrounding lots. The lot line adjustment will not result in any less consistency with the scale of the neighborhood. The proposed lot line adjustment will result in 10 Pine Tree Lane at 3.10 acres (net) or 135,168 square feet (net) and 12 Pine Tree Lane (Lot 2) at 4.07 acres (net) or 177,335 square feet (net). Therefore, exceeding the required 2 acres for the RAS-2 Zone.

D. 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).

The lot line adjustment is compatible with the rural character of the community and makes no change to the existing conditions because no development is proposed with the lot line adjustment.

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

There is no grading proposed.

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

There is no grading proposed.

G. 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.

The surrounding native vegetation and mature trees will not be affected.

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

There are no changes to the circulation patterns on the site. Access is provided on Pine Tree Lane.

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

The Project has been determined to be exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") pursuant to State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.) sections 15060(c)(2) and 15061(b)(3) in that the lot line adjustment will not have a significant effect on the environment and will not result in any direct or foreseeable indirect physical change in the environment; it does not authorize any development or other activity that could result in a significant effect on the environment.

Section 8. Approval; Conditions. Given the foregoing the Planning Commission hereby approves the lot line adjustment and site plan review, subject to the following conditions:

A. The approval shall expire within two years from the effective date of approval as defined in Section 17.46.070, unless otherwise extended pursuant to the requirements of this section.

C. The lot line adjustment approval shall not in any way constitute any representation that the adjusted lots can be developed even if in compliance with current zoning and building ordinance standards. No development, including study of soils, geology, hydrology, grading, and other requirements, shall occur on the properties without first complying with all applicable City Building and Zoning requirements and other applicable rules and regulations.

D. The lot line adjustment shall not in any respect limit or impair the City's application of the Site Plan Review Ordinance to the lots at such time as an application is made for development.

E. The applicants shall execute an Affidavit of Acceptance of all conditions of this Resolution for approval to be effective.

F. There shall be easements within the adjusted boundaries of the lots, as required by the Rolling Hills Community Association.

G. The Certificate of Compliance shall not be issued until a legal description complying with the delineation of adjustment are submitted to, and approved by the City. Upon the City's approval of the legal descriptions of the new adjusted lines a Certificate of Compliance shall be issued by the City, shall be recorded by the property owner in the offices of the Los Angeles County Recorder, and evidence of the recordation shall be returned to the City.

H. The applicant shall record the deeds of the properties effectuating the transfer concurrently with the Certificate of Compliance for the Lot Line Adjustment and shall submit proof of such recordation to the City of Rolling Hills.

PASSED, APPROVED AND ADOPTED ON THE 12th DAY OF SEPTEMBER, 2023.

_____
BRAD CHELF, CHAIRMAN

ATTEST:

_____
CHRISTIAN HORVATH, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2023-12 entitled:

> A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF SITE PLAN REVIEW AND LOT LINE ADJUSTMENT BETWEEN THREE LOTS AT 10,12, AND 14 PINE TREE LANE TO CREATE TWO LARGER LOTS WITH A COMBINED GROSS LOT AREA OF 7.84 ACRES IN ZONING CASE NO. 23-077 (LOTS 85-1-RH, 85-2-RH, 85-3-RH) (HASSOLDT)

was approved and adopted at a regular meeting of the Planning Commission on September 12, 2023 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

_____

CHRISTIAN HORVATH, CITY CLERK

Existing & Proposed Lot Information

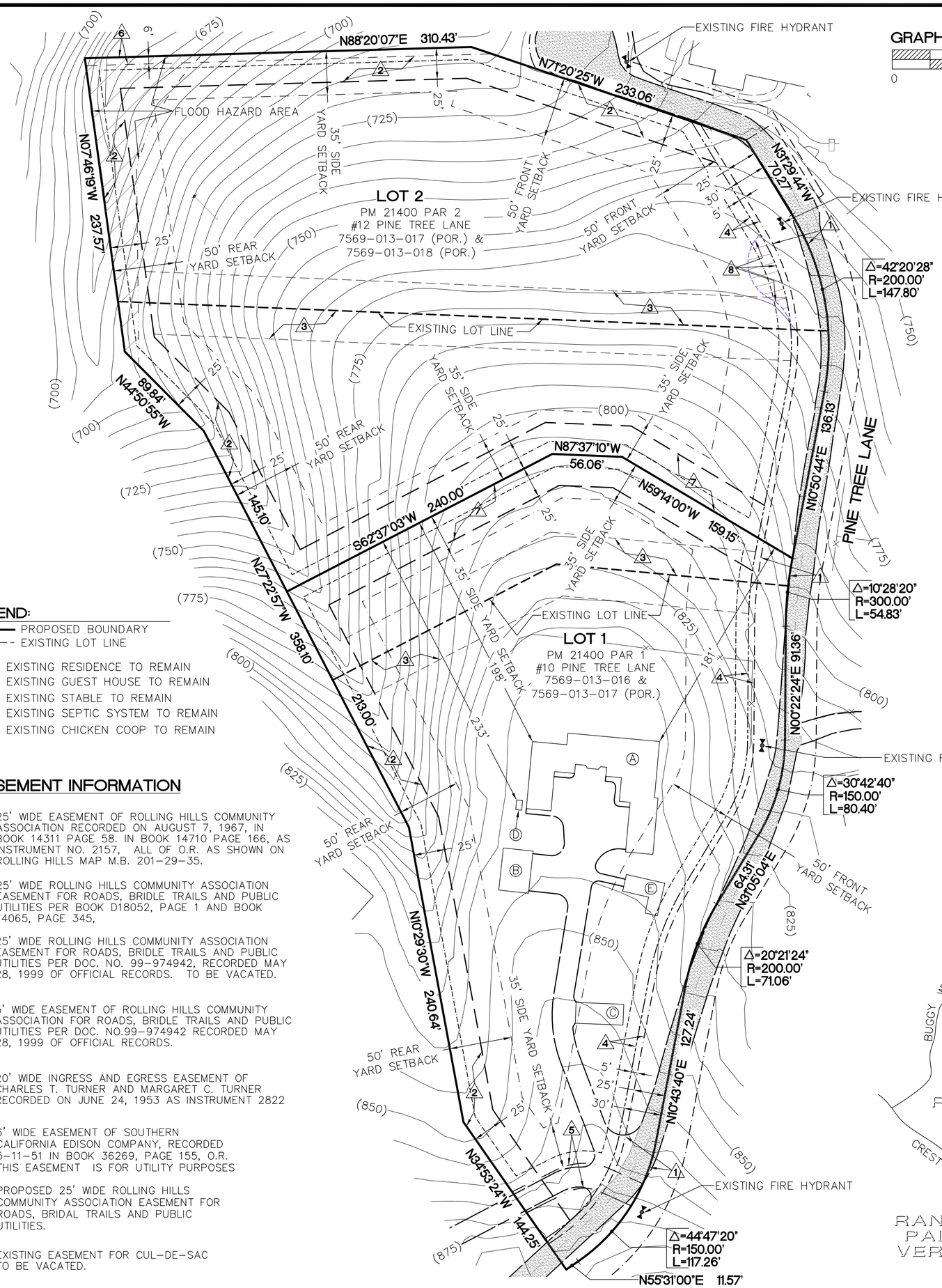
Zoning Case No. 23-077 Site Plan Review & Lot Line Adjustment 10, 12, & 14 Pine Tree Lane

PARCEL 1	EXISTING	PROPOSED
APN: 7569-013-016 (Lot 1)	**10 Pine Tree Lane**	**10 Pine Tree Lane**
Gross lot area	2.83 Acres 123,250 sq.ft.	3.52 Acres 153,527 sq.ft
Net lot area as calculated by City	1.94 Acres 84,503 sq.ft.	3.10 Acres 135,168 sq.ft.

PARCEL 2	EXISTING	TOTAL PROPOSED
APN: 7569-013-017	**Vacant (aka 12 Pine Tree)**	**Vacant (aka 12 Pine Tree)**
Gross lot area	2.54 Acres 110,567 sq.ft.	4.32 Acres 188,005 sq.ft.
Net lot area as calculated by City	1.70 Acres 74,249 sq.ft.	4.07 Acres 177,335 sq.ft.

PARCEL 3	EXISTING	PROPOSED
APN: 7569-013-018	**Vacant (aka 14 Pine Tree)**	**Vacant (aka 14 Pine Tree)**
Gross lot area	2.47 Acres 107,715 sq.ft.	0 0
Net lot area as calculated by City	1.61 Acres 70,142 sq. ft.	0 0

Development Table Zoning Case No. 23-077 10 Pine Tree Lane			
Site Plan Review, Conditional Use Permit	**EXISTING**	**PROPOSED**	**TOTAL**
RA-S- 2 Zone APN 7569-013-016 LOT 1	SINGLE FAMILY RESIDENCE, GARAGE, GUEST HOUSE, AND BARN	LOT LINE ADUSTMENT (LLA) AND SITE PLAN REVIEW	
Gross Lot Area	2.83 AC (123,250 SF)	.69 AC (30,277 SF)	3.52 AC (153,527 SF)
Net Lot Area	1.94 AC (84,503 SF)	1.16 AC (50,665 SF)	3.10 AC (135,168 SF)
Residence	4,051 SF	0 SF	4,051 SF
Garage	1,484 SF	0 SF	1,484 SF
Swimming Pools/Spa	0 SF	0 SF	0SF
Pool Equipment	0 SF	0 SF	0 SF
Pool House	0 SF	0 SF	0 SF
Guest House	1,309 SF		1,309 SF
Stable minimum: 450 SF Corral minimum: 550 SF	898 SF	0 SF	898 SF 1,000 SF
New Planter Box			
Recreation Court			
Attached Covered Porches			
Detached Sheds	244 SF	0 SF	244 SF
Attached Trellis			
Water features			
Service Yard			
Primary Driveway	7,529 SF	0 SF	7,529 SF
Paved walkways	320 SF	0 SF	320 SF
Patios			
Pool Deck			
Parking Pads			
Grading (balanced onsite)			
Structural Lot Coverage (15% maximum & with deductions)	7,986 SF (6.8%)	0 SF (0%0	7,986 SF (6.8%)
Flatwork Lot Coverage (20% maximums & with deductions)	7,849 SF (8.7%)	0 SF (0%)	7,849 SF (8.7%)
Total Lot Coverage (Structures and Flatwork) (35% maximum & with deductions)	15,535 SF (17.6%)	0 SF (0%)	15,535 SF (17.6%)
Building Pad 1 (30% guideline with deductions)	12.7%	0%	12.7%



GRAPHIC SCALE

0 60 120 180 240

NORTH

SCALE: 1" = 60'

LEGEND:

PROPOSED BOUNDARY

EXISTING LOT LINE

Ⓐ EXISTING RESIDENCE TO REMAIN
Ⓑ EXISTING GUEST HOUSE TO REMAIN
Ⓒ EXISTING STABLE TO REMAIN
Ⓓ EXISTING SEPTIC SYSTEM TO REMAIN
Ⓔ EXISTING CHICKEN COOP TO REMAIN

EASEMENT INFORMATION

1. 25' WIDE EASEMENT OF ROLLING HILLS COMMUNITY ASSOCIATION RECORDED ON AUGUST 7, 1967, IN BOOK 14311 PAGE 58. IN BOOK 14710 PAGE 166, AS INSTRUMENT NO. 2157, ALL OF O.R. AS SHOWN ON ROLLING HILLS MAP M.B. 201-29-35.

2. 25' WIDE ROLLING HILLS COMMUNITY ASSOCIATION EASEMENT FOR ROADS, BRIDLE TRAILS AND PUBLIC UTILITIES PER BOOK D18052, PAGE 1 AND BOOK 14065, PAGE 345,

3. 25' WIDE ROLLING HILLS COMMUNITY ASSOCIATION EASEMENT FOR ROADS, BRIDLE TRAILS AND PUBLIC UTILITIES PER DOC. NO. 99-974942, RECORDED MAY 28, 1999 OF OFFICIAL RECORDS. TO BE VACATED.

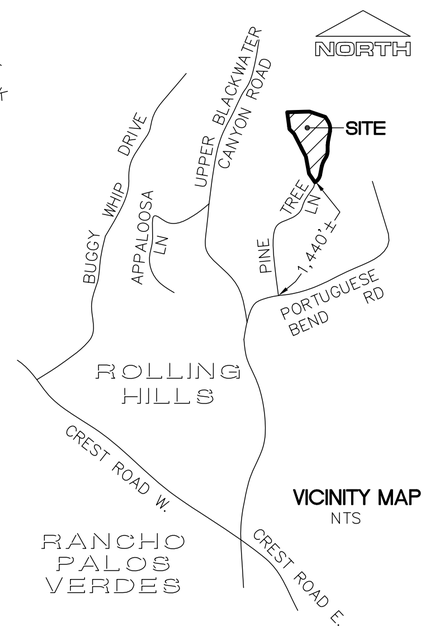
4. 5' WIDE EASEMENT OF ROLLING HILLS COMMUNITY ASSOCIATION FOR ROADS, BRIDLE TRAILS AND PUBLIC UTILITIES PER DOC. NO.99-974942 RECORDED MAY 28, 1999 OF OFFICIAL RECORDS.

5. 20' WIDE INGRESS AND EGRESS EASEMENT OF CHARLES T. TURNER AND MARGARET C. TURNER RECORDED ON JUNE 24, 1953 AS INSTRUMENT 2822

6. 6' WIDE EASEMENT OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED 5-11-51 IN BOOK 36269, PAGE 155, O.R. THIS EASEMENT IS FOR UTILITY PURPOSES

7. PROPOSED 25' WIDE ROLLING HILLS COMMUNITY ASSOCIATION EASEMENT FOR ROADS, BRIDAL TRAILS AND PUBLIC UTILITIES.

8. EXISTING EASEMENT FOR CUL-DE-SAC TO BE VACATED.



VICINITY MAP
NTS

OWNER INFORMATION

NAME: WILLIAM F. HASSOLDT AND JUDITH A. HASSOLDT, CO-TRUSTEES OF THE YANKEE TRUST, UNDER DECLARATION OF TRUST DATED MARCH 11, 1992

ADDRESS: 10 PINE TREE LANE

CITY: ROLLING HILLS

STATE: CALIFORNIA

ZIP: 90274

PROPERTY INFORMATION

SITE ADDRESS: 10, 12 AND 14 PINE TREE LANE
ROLLING HILLS, CALIFORNIA 90274

ASSESSOR'S ID NO.: 7569-013-016
7569-013-017
7569-013-018

LEGAL DESCRIPTION: PARCEL MAP 21400
LOT 1, LOT 2 AND LOT 3
PM 290-26-28

ZONING: RAS-2 (PRESENT AND PROPOSED)

AREA OF EXISTING LOTS PER PM 21400:

(LOT 1) – GROSS: 2.83 ACRES; 123,250 SF
NET: 1.94 ACRES; 84,503 SF

(LOT 2) – GROSS: 2.54 ACRES; 110,567 SF
NET: 1.70 ACRES; 74,249 SF

(LOT 3) – GROSS: 2.47 ACRES; 107,715 SF
NET: 1.61 ACRES; 70,142 SF

AREA OF PROPOSED LOTS:

(LOT 1) – GROSS: 3.52 ACRES; 153,527 SF
NET: 3.10 ACRES; 135,168 SF

(LOT 2) – GROSS: 4.32 ACRES; 188,005 SF
NET: 4.07 ACRES; 177,335 SF

REGISTERED PROFESSIONAL ENGINEER
GARY R. WYNN
No. C 43202
CIVIL
STATE OF CALIFORNIA

ENGINEER OF WORK

WYNN ENGINEERING, INC.
27315 VALLEY CENTER ROAD
VALLEY CENTER, CA. 92082
(760) 749-8722 (310) 306-9728
FAX (760) 749-9412

BKB	WEI JOB NO. 23-027	08-31-2023

CITY OF ROLLING HILLS

TENTATIVE LOT LINE ADJUSTMENT

MAP NUMBER _____

Agenda Item No.: 10.B
Mtg. Date: 09/12/2023

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **STEPHANIE GRANT, ASSISTANT PLANNER**

THRU: **DAVID H. READY**

SUBJECT: **ZONING CASE NO. 23-049: SITE PLAN REVIEW FOR A 1,957-SQUARE-FOOT ADDITION TO AN EXISTING RESIDENCE, AND CONDITIONAL USE PERMIT TO ADD 244 SQUARE FEET TO AN EXISTING POOL HOUSE, LOCATED AT 19 PORTUGUESE BEND ROAD IN ZONING CASE NO. 23-049 (LOT 80-RH) (HTJGDB/SIU)**

DATE: **September 12, 2023**

BACKGROUND:

The lot is an irregular rectangularly shaped parcel zoned RAS- 2. The net lot area is 155,320 square feet (3.57 acres). The lot is currently developed with a 4,854-square-foot single-family residence, 1,512-square-foot detached garage, 800-square-foot swimming pool/spa, 30-square-foot pool equipment, 545-square-foot pool house, 2,250-square-foot recreation court, 500-square foot attached trellis, 120-square-foot shed, and 200-square-foot service yard. There are a total of two building pads, the first building pad is developed for residential uses. The second building pad is developed for recreational uses.

DISCUSSION:

Applicant Requests

On April 3, 2023, applications were duly filed by Russ Barto, on behalf of Maryann Siu and Holy Tantra Jin Gang Dhyana (HTJGD) requesting a Site Plan Review for a 1,957-square-foot addition to the existing main residence and Conditional Use Permit for a 244-square-foot addition to an existing pool house.

Site Plan Review

The Rolling Hills Municipal Code (RHMC) requires a Site Plan Review for the construction of

an addition which increases the size of the residence by more than 999 square feet pursuant to RHMC Section 17.46.020(A). The applicant proposes a 1,957-square-foot addition to the residence. The existing residence is 4,854 square feet and the proposed addition will bring the total to 6,811 square feet.

Conditional Use permit

RHMC requires a Conditional Use Permit for a detached accessory structure that exceeds 200 square feet pursuant to RHMC Section 17.16.200(L). The Project proposes a 175-square-foot addition to the existing guest house. The existing guest house is 545 square feet and the proposed addition will add 244 square feet for a total of 789 square feet.

MUNICIPAL CODE COMPLIANCE

Setbacks

The project complies with all of the required setbacks in the RAS-2 Zone.

Lot Coverage and Building Pad Coverage

The applicant will provide the development data prior to the next meeting. Staff will present the data at the next Planning Commission Meeting.

Disturbance

There is no increase of disturbance because the proposed project is in an area that is already disturbed

Neighbor Concerns

No public comments have been received on the date of publication of this Agenda item.

Review by RHCA

The Rolling Hills Community Association will review this project.

Field Visit
On September 12, 2023 at 7:50 a.m., the Planning Commission viewed the project in the field, opened the hearing to enable brief public testimony and continued the meeting to the evening meeting of the Planning Commission.

Environmental Review

The Project has been determined *to* be exempt from the California Environmental Quality Act, (CEQA) pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including single family residence and accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the Project is for the construction of additions to the residence and pool house. Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

CRITERIA FOR SITE PLAN REVIEW

17.46.050 - Required Site Plan Review findings

1. The Commission shall be required to make findings in acting to approve, conditionally approve, or deny a Site Plan Review application.
2. 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.

If all of the above findings cannot be made with regard to the proposed project, or cannot be made even with changes to the project through project conditions imposed by City staff and/or the Planning Commission, the site plan review application shall be denied.

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.

FISCAL IMPACT:
None.

RECOMMENDATION:

Open the public hearing, receive public testimony, discuss the project, close the public hearing, provide direction to staff and the applicant, and continue the item to the next regularly scheduled Planning Commission meeting on October 17, 2023.

ATTACHMENTS:
Attachment 1: Development Table
Attachment 2: Photos
Attachment 3: Development Plans



City of Rolling Hills

TITLE VICINITY MAP

CASE NO. ZONING CASE NO. 23-049
Site Plan Review, Conditional Use Permit

OWNER HTJGDB/MARYANN SIU

ADDRESS ROLLING HILLS, CA 90274

SITE





SITE PHOTOS
19 Portuguese Bend Road
Rolling Hills,CA

Russell E Barto, AIA – Architect





SITE PHOTOS
19 Portuguese Bend Road
Rolling Hills,CA

Russell E Barto, AIA – Architect





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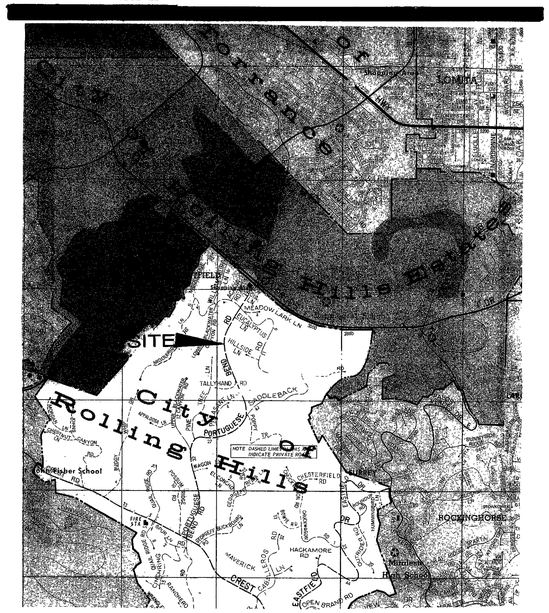




SITE PHOTOS
19 Portuguese Bend Road
Rolling Hills,CA

Russell E Barto, AIA – Architect

VICINITY MAP



HTJGDB ADDITION / REMODEL
19 Portugese Bend Road
Rolling Hills CA 90274

RUSSELL E. BARTO, AIA – ARCHITECT
3 Malaga Cove Plaza, Suite 202
Palos Verdes Estates, CA 90274
tel:(310) 378-1355 fax:(310) 378-6298
russbarto@earthlink.net

SHEET INDEX

SHEET	DESCRIPTION
1	VICINITY MAP / SHEET INDEX / PROJECT INFORMATION / CONSULTANTS
2	PLOT PLAN
3	VICINITY MAP
4	SURVEY
5	FLOOR PLAN / EXTERIOR ELEVATIONS
6	POOL HOUSE FLOOR PLAN / ELEVATIONS
7	ROOF PLAN
8	EXISTING & DEMOLITION PLAN

PROJECT INFORMATION

HTJGDB ADDITIONS/REMODEL ***19 Portuguese Bend Road***
Lot Coverage Summary 3/17/2023

Net lot area: 155,320 sf

STRUCTURES	existing	proposed	total
Main house	4854	1957	6811
Garage	1512	0	1512
Poolhouse	545	244	789
Stable	0	0	0
Pool/spa	800	0	800
Pool equip	30	0	30
Water feature	0	0	0
Att. covered porch	0	175	175
Att trellis	500	- 500	0
Storage closets/sheds	120	0	120
Service yd	200	0	200
	8561	**1876**	**10437**
	5.5%	**1.2%**	**6.7%**
Less deductions:	-120	- 0	-120
	8441	**0**	**10317**
	5.4%	**1.2%**	**6.6%**

FLATWORK			
Primary drive	3800	0	3800
Walks	1400	0	1400
Patios	1350	0	1350
Pool deck	2125	0	2125
Parking pads	5600	0	5600
	16525	**0**	**16525**
	10.6%	**0.0%**	**10.6%**
TOTAL:	**25086**	**1876**	**26962**
	16.1%	**1.2%**	**17.4%**
Less deductions:	**25410**	**0**	**26842**
	54.5%	**0.0%**	**17.3%**
DISTURBED AREA:	**42000**	**0**	**42000**
% DISTURBED AREA:	**27.0%**	**0**	**27.0%**

OWNER: HTJGDB

JOB ADDRESS: 19 Portugese Bend Road
Rolling Hills CA 90274

ZONING: RAS-2

BUILDING TYPE: Single Family Residence

OCCCUPANCY GROUP: R-3, U Residence

CONSTRUCTION TYPE: Type V-B

NUMBER OF STORIES: One Story

LEGAL DESCRIPTION: Lot 80 Tract Rolling Hills

AIN: 7969-013-001

FIRE SPRIKLERS: No existing - not proposed

CONSULTANTS

SCOPE OF WORK

- Addition (Main House) 1957 sq. ft.
- Pool House Addition 244 sq. ft.
- Interior Remodel 4,000 sq. ft.
- Replace all Doors & Windows
- Re-Roof throughout
- Up-Grade Electrical Service
- HVAC System
- Tankless Water Heater
- Septic System up-grade

REVISIONS

RUSSELL E. BARTO · AIA · ARCHITECT
3 Malaga Cove Plaza · Suite 202
Palos Verdes Estates · CA · 90274
(310) 378-1355 Fax (310) 378-6298

HTJGDB ADDITION
19 Portuguese Bend Road, Rolling Hills, CA 90274

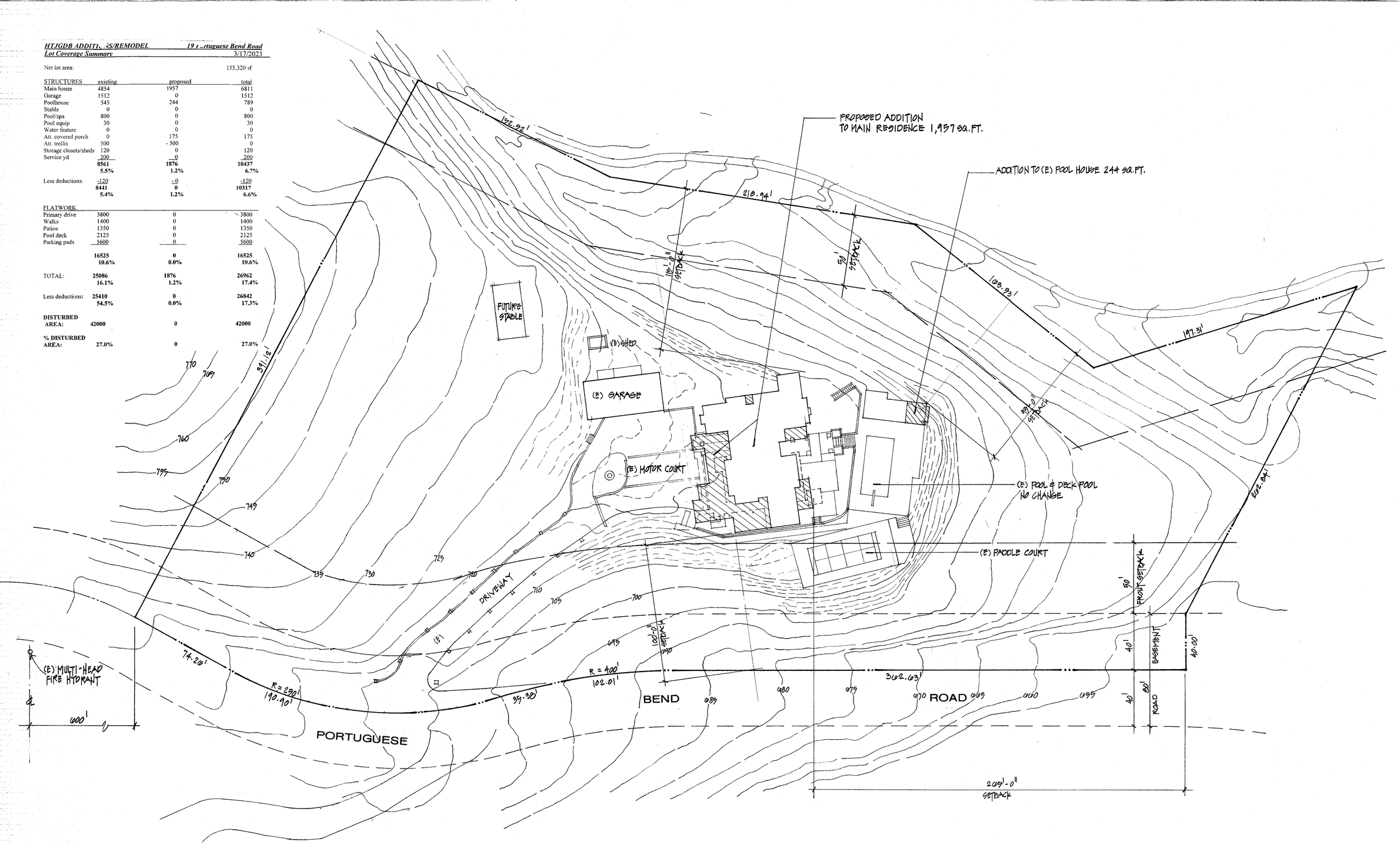
HTJGDB ADDITI.. .VS/REMODEL — **19 L .Atuguese Bend Road**

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Garage	1512	0	1512
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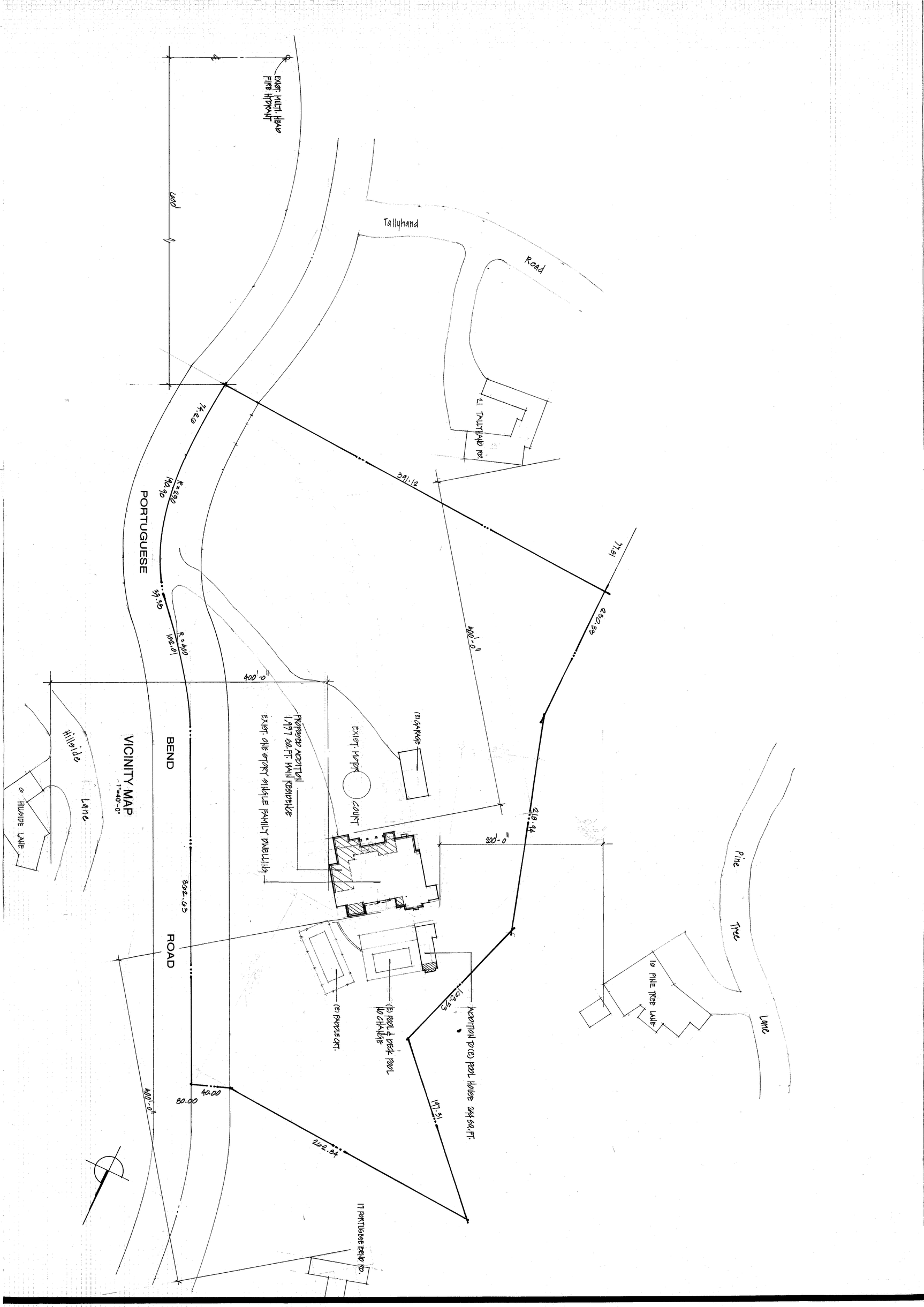


PLOT PLAN
1"=30'-0"

REVISIONS

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Palos Verdes Estates · CA · 90274
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HTJGDB ADDITION
19 Potuquese Bend Road, Rolling Hills, CA 90274



HTJGDB ADDITION

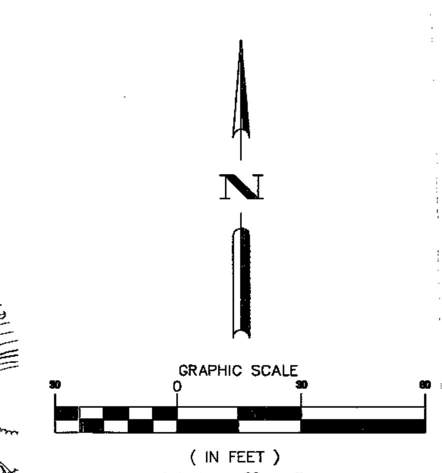
19 Portuquese Bend Road, Rolling Hills, CA 90274

RUSSELL E. BARTO · AIA · ARCHITECT

3 Malaga Cove Plaza · Suite 202
Palos Verdes Estates · CA · 90274
(310) 378-1355 Fax (310) 378-6298

REVISIONS





Property Description

ADDRESS: #19 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274

ASSESSOR'S PARCEL NO: 7569-013-001

LEGAL DESCRIPTION: LOT 80 ROLLING HILLS BK 201 PGS 29/35

Benchmark

FOUND SPK AT INTERSECTION OF SADDLEBACK ROAD & PORTUGUESE BEND ROAD

ASSUMED ELEVATION OF 533.5'

Basis Of Bearings

THE BASIS OF BEARINGS FOR THIS SURVEY, North 27° 32' 50" West BEING THE CENTERLINE OF PORTUGUESE BEND ROAD PER ROLLING HILLS TRACT BK 201, PGS 29–35, IN THE CITY OF ROLLING HILLS, CALIFORNIA.

Legend

AC	AIR CONDITIONER UNIT
ASPH	ASPHALT
BW	BACK OF WALL
BS	BRICK STAIRS
CL	CENTERLINE
CO	CLEAN OUT
CONC	CONCRETE
CS	CRAWL SPACE
CONC	CONCRETE
DWY	DRIVEWAY
EM	ELECTRIC METER
ENC	ENCLOSURE
FW	FACE OF WALL
FF	FINISHED FLOOR
FS	FINISHED SURFACE
GM	GAS METER
ICV	IRRIGATION CONTROL VALVE
PA	PLANTER AREA
PL	PROPERTY LINE
PVRS	PAVERS
RHCA	ROLLING HILLS COMMUNITY ASSOCIATION
TW	TOP OF WALL
WM	WATER METER
WS	WOOD STAIRS
WV	WATER VALVE
3RF	3 RAIL FENCE
⊕	4" AREA DRAIN
+123.12	SPOT ELEVATION
(retaining wall symbol)	RETAINING WALL
(vegetation symbol)	VEGETATION COVER, TOPOGRAPHY ESTIMATED WITHIN LIMITS

TOPOGRAPHY SHOWN BASED ON AN AERIAL SURVEY BY BARTON WALTERS ASSOCIATES DATED 8/2/2022.

Revisions	By

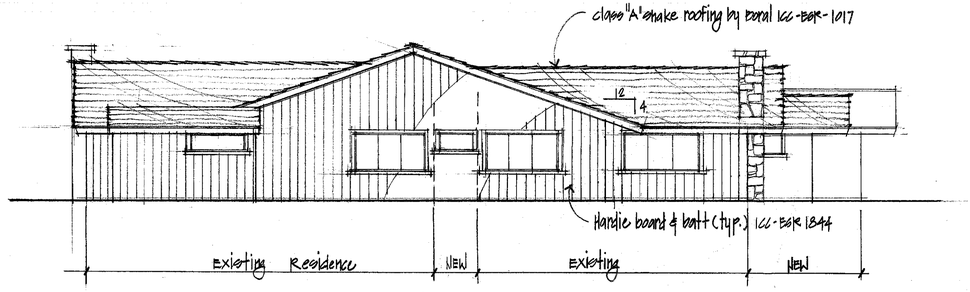
BOLTON ENGINEERING CORP.
boltonengineering.com | 310.325.5580

CLIENT: HOLY TANTRA JIN GANG DHYANA
19 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274

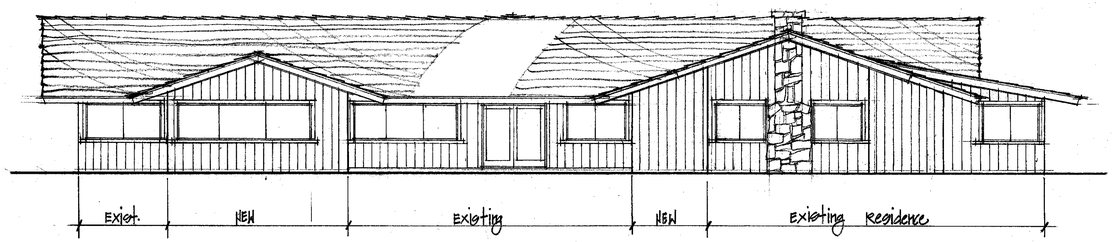
TITLE: TOPOGRAPHIC SURVEY
19 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274

Date: 08/31/2022
Scale: AS SHOWN
Drawn: ERM
Checked: BGO
Job No. 22124
Sheet 4 Of Sheets

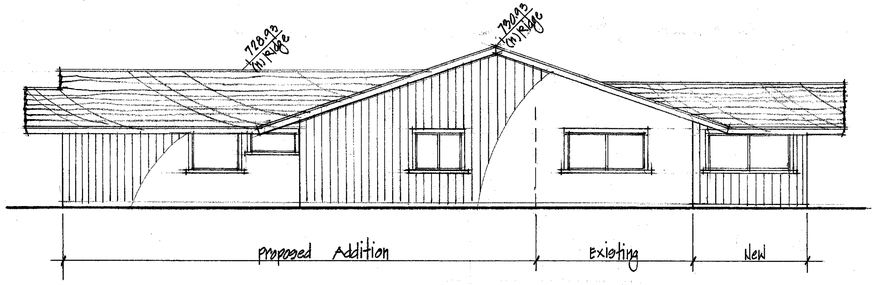
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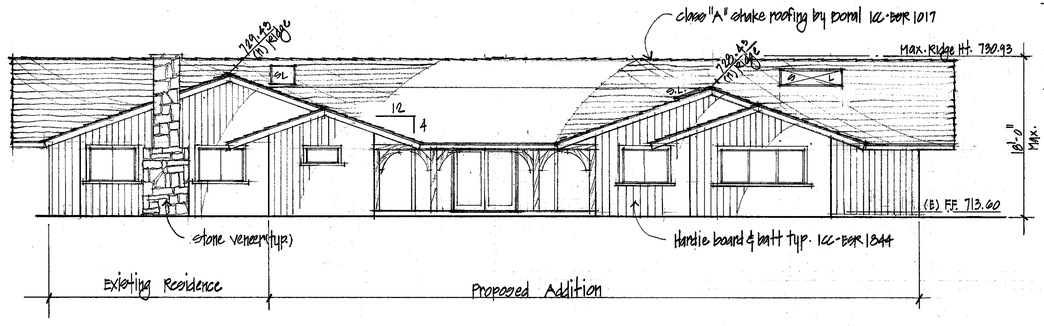
WEST ELEVATION
1/8"=1'-0"



NORTH ELEVATION
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"

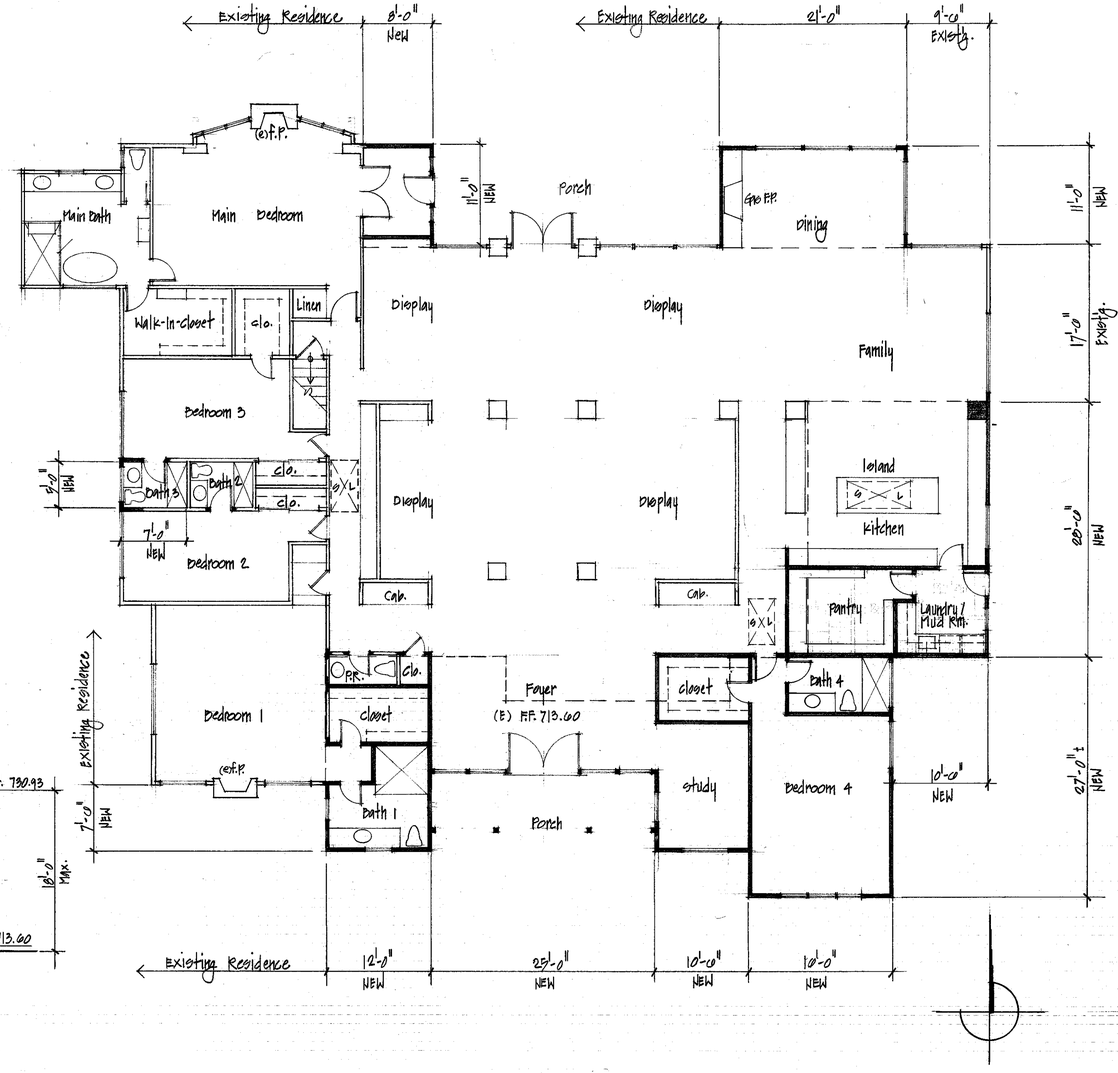


SOUTH ELEVATION
1/8"=1'-0"

LEGEND

NEW WALLS

EXISTING WALLS TO REMAIN

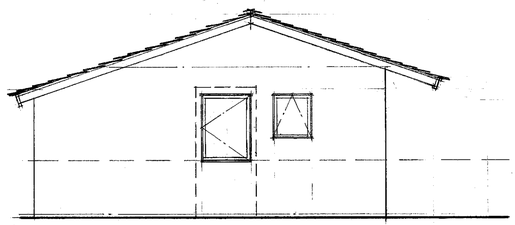


FLOOR PLAN
1/8"=1'-0"

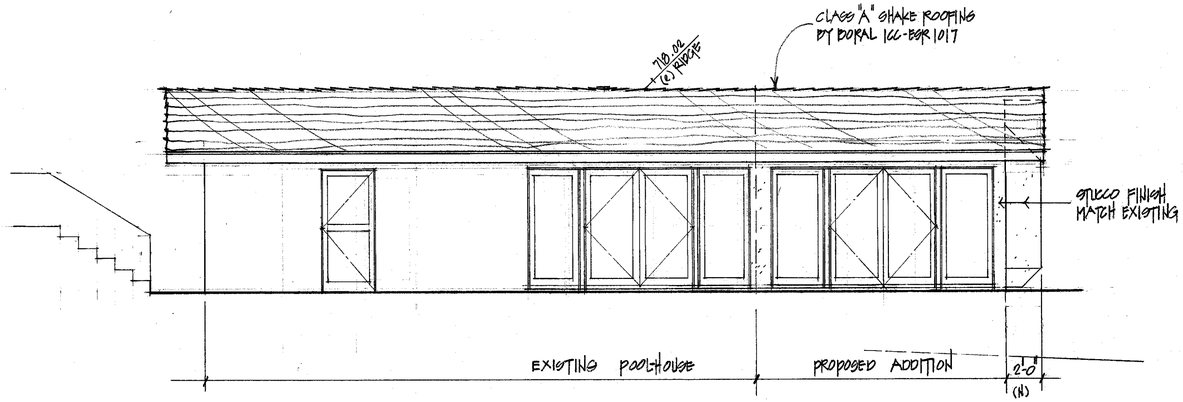
REVISIONS

RUSSELL E. BARTO · AIA · ARCHITECT
3 Malaga Cove Plaza · Suite 202
Palos Verdes Estates · CA · 90274
(310) 378-1555 Fax (310) 378-6298

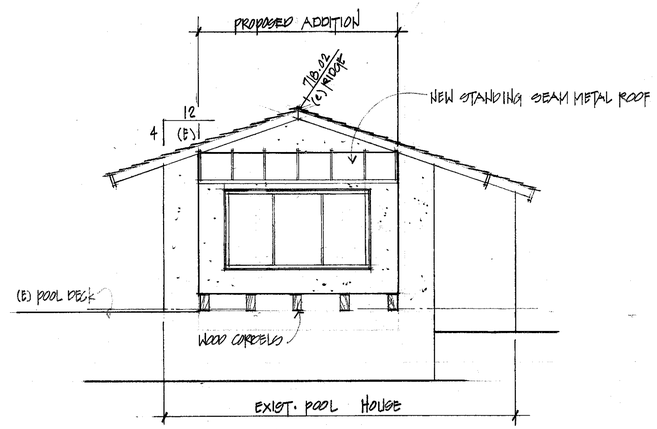
HTJGDB ADDITION
19 Portuguese Bend Road, Rollings Hills, CA 90274



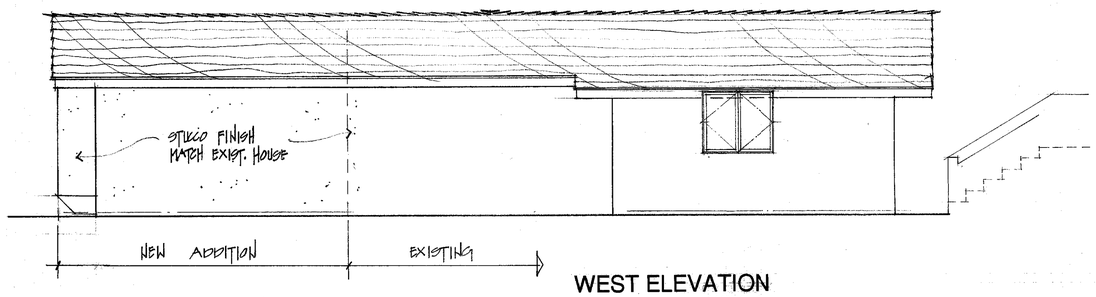
SOUTH ELEVATION
1/4"=1'-0"



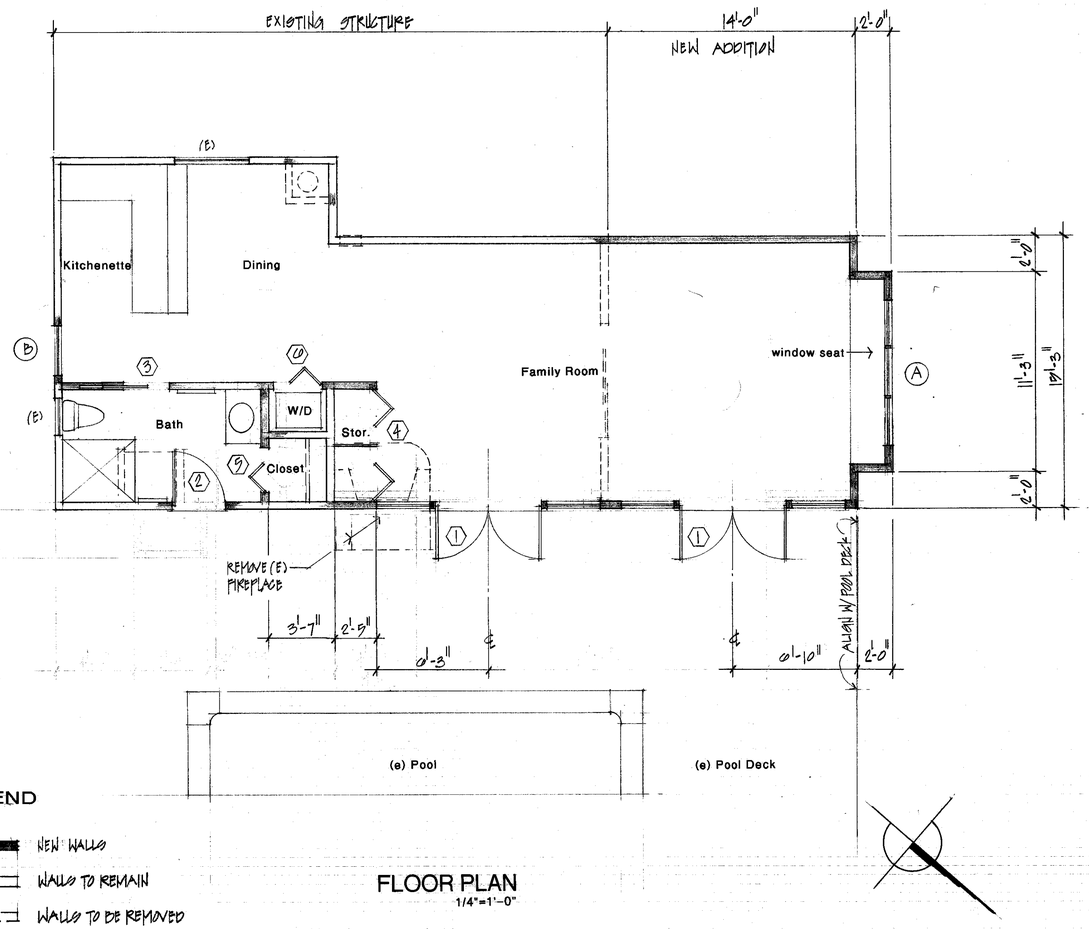
EAST ELEVATION
1/4"=1'-0"



NORTH ELEVATION
1/4"=1'-0"



WEST ELEVATION
1/4"=1'-0"



LEGEND

- NEW WALLS
- WALLS TO REMAIN
- WALLS TO BE REMOVED

FLOOR PLAN
1/4"=1'-0"

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ROOF PLAN
1/8"=1'-0"

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