

**MINUTES OF
A JOINT STUDY SESSION
OF THE
CITY COUNCIL AND PLANNING COMMISSION OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, APRIL 13, 2020**

1. CALL TO ORDER

A joint study session of the City Council and the Planning Commission of the City of Rolling Hills was called to order by Mayor Mirsch at 6:07p.m. via teleconference.

2. ROLL CALL

Councilmembers participating via teleconference:

Mayor Mirsch, Black*, Dieringer, Pieper, and Wilson.

Commissioners Present: Chairman Chelf, Cardenas, Cooley, Kirkpatrick and Seaburn.

Councilmembers Absent: None.

Others participating via teleconference:

Elaine Jeng, P.E., City Manager.

Meredith Elguira, Planning and Community Services Director.

Yohana Coronel, City Clerk.

Michael Jenkins, City Attorney.

Jane Abzug, Assistant City Attorney.

**Councilmember Black joined the meeting at 6:47pm.*

3. OPEN AGENDA –PUBLIC COMMENT

NONE.

4. CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION

Planning and Community Services Director Meredith Elguira presented the list of discussion topics submitted by both bodies for the meeting.

Enforcement of Power on Nuisance

PCS Director Meredith Elguira said that the City receives numerous complaints regarding lights, landscaping, dead vegetation, fallen trees on private property, and damaged fences.

Commissioner Cooley asked how the City distinguishes a nuisance from a code violation.

Assistant City Attorney Jane Abzug said that a nuisance is defined as anything that is injurious to health or safety; or indecent or offensive to the senses; or an obstruction to the free use of property. If the Planning Commission had a particular item to recommend to the Council as a nuisance, that could be a way to address the enforcement of power on nuisance.

City Manager Jeng said that from an operational standpoint, it is difficult to differentiate the two because when code violations are continuous, it becomes a nuisance.

Chair Chelf said there have been green construction fences up for years and roll-off containers left on properties for extended period of time. The containers should be placed in the backyard or side yard and residents should not be allowed to bring in more than one container at a time. They should only be for building materials and not used for storage.

Assistant City Attorney Jane Abzug said that this topic came up about 6 months ago when discussing resolutions of approval and the Commission considered placing conditions on the placement of trailers. She noted to the Council and the Planning Commission that if the City were to prohibit roll-off containers and construction trailers unrelated to development projects, then the existing code needs to be amended.

Chair Chelf reiterated a discussion among the Planning Commission that property owners could be required to reapply for a fencing permit every 6 months to justify the need for the fence. If no justification is submitted, then the property owner would be given a time limit to remove the fencing.

Mayor Pro Tem Pieper asked the PCS Director to address the issue and provide proposals to the Planning Commission.

Chair Chelf said that if the City required the applicant to renew permits every 6 months, then there would be no further action needed.

Commissioner Kirkpatrick said that fencing problems are not prevalent in the City. He suggested improvements in communication between property owners, contractors, and the Planning Commission.

Chair Chelf suggested having a definition of “under construction” in order to provide property owners clarity on the usage of construction fencing.

PCS Director Elguira said that staff can address the issue by including the allowable timeframe of construction fencing as a part of the conditions of approval for development projects and use the City’s code enforcement officer to ensure adherence to conditions of approval. Alternatively, the code can be amended but would need Building and Safety’s input.

Mayor Pro Tem Pieper requested that the Planning Commission take the lead in amending the City code to address the issue and provide proposals to the City Council for consideration.

Councilmember Wilson said that containers could be easily confused with roll-off dumpsters and that these containers come in many sizes. The code change needs to be specific to provide clarify.

Mayor Mirsch recalled a project on Crest Road where the City specified the size and number of storage containers allowed for the project.

Councilmember Dieringer recommended that the City seek input from Building and Safety to know the specific equipment necessary to be onsite and the appropriate time period that it should remain onsite.

PCS Director Elguira noted that staff will follow up on both issues with the Building and Safety Department.

Tree and View Protection

PCS Director Elguira reported that she is processing one case and estimated that there are three more cases on the horizon. The tree and view issue is becoming a hot topic.

Commissioner Kirkpatrick asked if the residents were interested in understanding the process or if they were attempting to resolve issues.

PCS Director Elguira reported that one resident was corresponding with the neighbor for over a year. Another resident spoke to his neighbor and wrote a letter, while another resident requested advice from staff on how to approach his neighbor.

Mayor Pro Tem Pieper said that these cases will be processed under new rules. If the new rules do not appear to be working well to resolve issues among residents, then the City will have to change the process again.

ADU & JADUs

PCS Director Elguira reported that the City amended ordinances required by State law to allow ADUs and JADUs. To date, one application was received and approved. The applicant met the setback and height requirements and the covenant is being prepared. A second applicant requested a site visit. Thus far, all applicants and potential applicants have been agreeable to adjust project design to be compatible with the City’s character.

Mayor Pro Tem Pieper asked if the Planning Commission has concerns about ADUs and JADUs.

PCS Director Elguira said the process for ADUs and JDU's is ministerial.

Chair Chelf expressed concerns that some residents will use the ADU process to bypass the Planning Commission's approval process to get a conditional use permit (CUP).

Assistant City Attorney Jane Abzug said that State law prohibits discretionary review for ADUs/JADUs. If an applicant seeks to have a guest house, the applicant would still need to get a CUP through the normal process.

Housing Element

PCS Director Elguira said that the City in the process of providing a draft of the revised Housing Element to HCD. City Manager Jeng is reviewing the draft. Staff is exploring alternatives to meeting the 18 affordable units required as a part of 4th and 5th Cycle. With new ADU laws in place, the State is allowing cities to use ADUs toward meeting the required number of affordable units. The City is exploring with HCD regarding using ADUs to comply with the RHNA obligations. The City is waiting to hear back from the State before moving forward with re-zoning the Rancho Del Mar school site or another site.

City Attorney Jenkins added that the availability of ADUs in the zoning ordinance alone will not be sufficient to obtain a certification for the Housing Element. The only way an ADU program will succeed is if the ADUs are covenanted for affordability and actually built. The only way the ADUs are going to be covenanted for affordability is if the City were to provide sufficient incentive for a property owner to place a covenant on their property, requiring that the unit built will only be rented to income eligible persons. There was internal discussion and there are no viable financial incentives that can be provided. The City cannot rely on the ADU program to satisfy the RHNA requirements, particularly for affordable housing. The City will have to identify some sites but is not limited to the two institutional sites located outside the gates. Residential zone sites could also be considered along Palos Verdes Drive.

City Manager Jeng informed the Planning Commission that the City has a work plan with HCD. As a part of the work plan, the final revised Housing Element will be provided to the Planning Commission for review and the Commission will conduct public outreach sometime in September/October 2020.

Councilmember Black joined the meeting at 6:47p.m.

Stormwater

Councilmember Black said that the City has less than ten stormwater discharge outlets. He proposed to have property owners address stormwater runoff by implementing catchments on private properties. Over time, catchments can be installed in the canyons to eventually eliminate all stormwater discharges from leaving the City.

Commissioner Kirkpatrick said that he supports the approach but suggested analyzing each site where a catchment would be placed.

The Planning Commission and the Council both expressed support to eliminate stormwater discharge from the city, however, the Planning Commission expressed the need to conduct a technical study to understand the scope and cost before taking action.

Mayor Pro Tem Pieper suggested that the Planning Commission take the lead on eliminating stormwater discharge from private property.

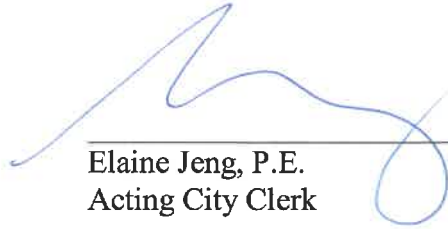
Chair Chelf said that the subject matter is outside of the realm of the Planning Commission. This matter will need the guidance of a consultant in order to draft proposals for the Council.

City Manager Jeng said that she will work with PCS Director Elguira on considerations, contact consultants to seek more information about eliminating stormwater discharge, and provide proposals for consideration.

5. **ADJOURNMENT**

To commence the City Council meeting scheduled at 7pm, Mayor Mirsch adjourned the joint session at 07:03 p.m.

Respectfully submitted,



Elaine Jeng, P.E.
Acting City Clerk

Approved,



Leah Mirsch
Mayor