REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, JANUARY 21, 2020
ROLLING HILLS CITY HALL
2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274

CALL MEETING TO ORDER

A regular meeting of the Planning Commission of the City of Rolling Hills was called to order by Chairman Chelf at 6:31 p.m. on Tuesday, January 21, 2020 in the City Council Chamber, at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

ROLL CALL

Commissioners Present:	Cooley, Kirkpatrick, Seaburn, and Chairman Chelf
Commissioners Absent:	Cardenas
Others Present:	Meredith T. Elguira, Planning & Community Services Director Todd Leishman, Assistant City Attorney Yohana Coronel, City Clerk Stephanie Grant, Administrative Clerk Tavisha Ales, Bolton Engineering, Civil Engineer Dave Palacios, 2408 Steed Court, Lomita Anthony F. Inferrera, 1967 Upland St. RPV

APPROVAL OF THE AGENDA

Commissioner Seaburn moved that the Planning Commission approve the agenda as presented. Commissioner Cooley seconded the motion, which carried without objection.

AYES:	COUNCILMEMBERS:	Chairman Chelf, Cooley, Kirkpatrick and Seaburn.
NOES:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	Cardenas.
ABSTAIN:	COUNCILMEMBERS:	None.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

NONE.

APPROVAL OF MINUTES

A. November 19, 2019, Regular Meeting of the Planning Commission.
B. November 19, 2019, Field Trip Meeting of the Planning Commission.
C. December 09, 2019, Special Meeting of the Planning Commission

Commissioner Seaburn moved that the Planning Commission approve the minutes as presented. Commissioner Cooley seconded the motion, which carried without objection.

AYES: COUNCILMEMBERS: Chairman Chelf, Cooley, Kirkpatrick and Seaburn.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: Cardenas.
ABSTAIN: COUNCILMEMBERS: None.

RESOLUTIONS

NONE.

PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

NONE.

(Out of Order)

NEW BUSINESS

A. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING TIME EXTENSION FOR A PREVIOUSLY APPROVED PROJECT FOR SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE PERMIT ON ZONING CASE 918, LOCATED AT 20 UPPER BLACKWATER CANYON ROAD (IANNITTI).

Planning Commissioner Chelf decided to go out of order to present New Business Item 9A Resolution No. 2020-02 first.

Planning Director Elguira presented an overview of Resolution No. 2020-02, a request for an extension for a project that was previously approved on January 16, 2018, under Resolution No. 2018-01. The applicant was requesting a 2-year extension for the Site Plan Review, Conditional Use Permit, and Variances for grading and construction for a new four-car garage, stable, corral, and various outdoor amenities including a new pool located at 20 Upper Blackwater Canyon. The applicant was requesting an extension because more time was needed to comply with Building and Safety Codes. In addition, the owner was requesting an extension,

due to the redesign of the home to follow Feng Shui requirements. Planning Director Elguira also stated the applicant was present at the meeting.

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

Planning Director Elguira explained that the proposed design revisions to the approved project do not require approval from the Planning Commission. The proposed changes are limited to the interior of the building. The applicant is before the Commission to request time extension for the previously approved project.

Chairman Chelf opened the item for public comment.

Tavisha Ales, Bolton Engineering, informed the Planning Commission that the Building and Safety Department has reviewed the grading and building plans. However, due to the redesign, to meet Feng Shui requirements, the project has fallen behind schedule and thus, the applicant is requesting for time extension.

Commissioner Cooley suggested to the applicant that in the future, a request for time extension should be made when the project is ready for construction.

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

Chairman Chelf expressed concerns about construction equipment and the green fences currently at the project site. He also inquired if any neighbors had expressed concerns.

Ms. Ales replied that she was not aware of any concerns with regard to the project site.

Chairman Chelf expressed additional concerns about the green fences and containers left at the project site for extended period of time. He also asked if the house was currently occupied.

Dave Palacios, the Project Manager, responded that the house had never been occupied. He informed Chairman Chelf that the owners of the house only intend to stay at the home on the weekends, and that the house was furnished but not occupied full time. He then added that the home was presentable and that the gardener was at the property on a weekly basis.

Commissioner Seaburn moved that the Planning Commission adopt Resolution No. 2020-02 granting approval of the applicant's request on Zoning Case No. 918 at 20 Upper Blackwater Canyon Road. Commissioner Kirkpatrick seconded the motion, which carried by voice vote:

Commissioner vote yeas: Cooley, Kirkpatrick, Seaburn, and Chairman Chelf.

Commissioner vote nays: None.
Commissioner vote absent: Cardenas
Commissioner vote abstain: None.

(Out of Order)

NEW PUBLIC HEARINGS

A. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

Planning Director Elguira introduced Stephanie Grant, the new Administrative Clerk for the City of Rolling Hills. She informed the Planning Commission that Ms. Grant had a background in planning and would be helping the Director with planning cases.

Planning Director Elguira presented Resolution 2020-01 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) via PowerPoint Presentation. Planning Director Elguira stated that in 2019, Governor Gavin Newsom signed into law a number of bills in Government Sections 65852.2 and 65852.22 ("New ADU Laws") and that they took effect on January 1, 2020. The new laws limited the local authority's regulations on ADU and JADU. The proposed ordinance would comply with the new ADU laws and are exempt from CEQA requirements. Planning Director Elguira stated that the proposed ordinance required findings and proceeded to state the findings; overall, there would be no significant cumulative impact. There would be no damage to scenic resources. She pointed out that the City is not located in hazardous waste site, and that there would be no significant impacts to historical resources. She explained the differences between an ADU and JADU, as well as the major changes in the regulations, including permitting, approvals, extensions, rentals, owner occupancy, deed restrictions, and development standards (lot size, maximum size, setbacks, lot coverage, open space, height, and parking requirements). She also noted that the City has its own set of architectural rules that are part of the ordinance. The RHCA has their own architectural requirements. Planning Director Elguira informed the Planning Commission that the RHCA is currently working on updating their architectural requirements. She stated that she has informed the Association that they must be more objective in terms of their requirements and be more specific because of new state regulations. She further explained that there are still landscape requirements and that historical protections do not apply to the City. She also stated that ADU and JADU fees, utilities fees, and Conditional Use Permits (CUPs) would be required for any nonconforming ADU. She ended her presentation by stating that she and Todd Leishman, the City's Assistant City Attorney, were available to answer any questions.

Commissioner Seaburn asked how many ADUs were allowed on a lot.

Assistant City Attorney Todd Leishman responded that generally it was limited to only one ADU or one JADU on a lot with a main house. He also stated that there are situations where it is allowable to have one JADU inside the main house and a detached ADU in the back or on the side (up to 800 square feet and 16 feet high). He further stated that in multifamily situations, there could be more than one ADU, but it is not applicable to the City.

Vice Chairman Kirkpatrick stated that it was his understanding that the ADU concept was to provide more housing. He stated that all the cities are dealing with the issue of providing more housing.

Chairman Chelf explained that the Housing Element is a different subject than ADUs. The Housing Element issue requires the City to provide an area for low income housing. ADU Laws, which became effective January 1, 2020, allow structures to be used as auxiliary dwelling units on private property. He further stated that in the past if someone wanted to build a guest house, the applicant would have had to go before the Planning Commission to request a Conditional Use Permit. Under the new ordinance, if the guidelines are met, the ADU must be approved within 60 days. He further discussed how New ADU Laws could have different guidelines from the City and the that City could do nothing about them. Chairman Chelf stated that the goal was to come up with City guidelines and regulation requirements. For example, if a pink house is proposed in the front yard, it would currently not be approved because it does not meet the requirements of the City, however it would be allowed under the New ADU Laws that supersede the City's regulations. He also discussed how structures like a garage or barn could be turned into an auxiliary structure and possibly be rented out. He further explained how an ADU rental could result in multifamily properties because of this ordinance and firmly stated that it was not the direction the City wanted to head towards.

Vice Chairman Kirkpatrick asked if the Association could still keep their codes, regulations, and rules as they currently have. He inquired if the dwelling units would fall under different regulations than what the City currently has. He mentioned that the new regulations bypass the current City standards, and expressed concern and wondered if there was a way to enforce City regulations. He stated that he felt that the City needed to implement guidelines and restrictions.

Chairman Chelf replied that Assistant City Attorney Leishman, along with staff, were asked to set some guidelines and restrictions in the hopes that there would not be any color, five story structures, or mobile homes allowed in the City.

Planning Director Elguira stated that the goal was to provide the most stringent standards that could be adopted. Once the ordinance was adopted by the City, it must go to the Housing Community Development (HCD) for approval. She informed the Planning Commission that with current regulations, if an applicant with a project came to the counter, she would try to

incentivize and guide them to place the unit in the back to minimize impact. She further informed the Planning Commission that the Association has limited authority and that the State could exercise their rights at any given moment.

Chairman Chelf expressed concern that the City is currently at the mercy of the State until some guidelines are put into place.

Commissioner Cooley stated that it was her understanding that the City was trying to be proactive. She recalled discussing the issue last year with the last Planning Director, Yolanta Schwartz, and that they tried to come up with guidelines that would satisfy the City Council and the State.

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

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

Assistant City Attorney Leishman clarified that he was not involved with the City of Rolling Hills at the time this issue was discussed with Planning Director Schwartz, but as of late September 2019, there were four or five ADU related bills, all to be signed by Governor Newsom. Assistant City Attorney Leishman stated that in October, a template ordinance was drafted that regulated and exercised as much local control as the State would allow.

Chairman Chelf asked the Assistant City Attorney if he thought the ordinance would be approved.

Assistant City Attorney Leishman responded yes, it was his opinion that the ordinance would pass HCD. He also stated that this was a conservative approach, but also the most aggressive. Currently, the City has no valid ordinance in the books, and State Law states that because the City does not have a compliant ordinance, whatever the City dose have, is null and void which leaves the City with the four or five, not very helpful, restraints that State Law imposes on ADUs. He expressed how much more latitude people have with State Standards, and that the strategy he would like to put forth is a ministerial box. If an ADU meets all the requirements of the ministerial box, then it must be approved ministerially, according to State law, but it also allows the City to define what that box looks like. He is hoping to make the ministerial box requirements as restrictive as State Law would allow. Mr. Leishman informed the Planning Commission that State Law declares it okay to have a ministerial box of your own. He explained that there are two categories to creating a ministerial box, 1) building permit only; where you cannot have any development or design standards. Except for the two or three things that State says about it. For example, you cannot say anything about architectural design for conversion of existing structures. The only thing you can care about is the building code. 2) Limited detached, which would be defined as a brand new ADU construction, up to 800 feet in size and 16 feet in height. Again, he reminded the Planning Commission, that the only thing

the City can care about is the building code portion. The City cannot ask about development or design standards, and no setbacks standards except for the 4 foot side and rear setback.

Chairman Chelf asked Assistant City Attorney Leishman if the ordinance will get HCD's approval.

Assistant City Attorney Leishman replied that the City must send a copy of the ordinance to HCD for review within 60 days of its adoption. In the past, HCD did not have any authority, only their opinion. He stated that HCD's review time is unpredictable because they would be receiving ordinances from every city in the State. However, HCD would respond with comments and/or changes, if deemed necessary. The City has 30 days to respond after receiving the comments, and either make the changes or contest HCD's conclusions. It is only after HCD replies, that HCD can refer the matter of the City's non-compliance to the Attorney General.

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

Assistant City Attorney Leishman responded yes.

Chairman Chelf stressed the importance of getting something on the books in order to enforce restrictions.

Assistant City Attorney Leishman concurred.

Chairmen Chelf inquired about how City staff should proceed on providing the ordinance information to applicants and how much notification needs to be provided to the residents.

Assistant City Attorney Leishman stated there's no obligation to provide any extra notification of the ADU Ordinance.

Planning Director Elguira stated that staff would provide the information to the applicants at the counter, as they come in. She further stated that she had a resident come in and request a site visit for a proposed ADU. She visited the site and provided the applicant with advice. Afterwards the resident decided not to move forward with the ADU because it would cost $80,000 to $100,000 to upgrade their septic system.

Commissioner Seaburn stated that having no hookup fees was a big advantage for the City.

Vice Chairman Kirkpatrick inquired about how this could be added to the building code.

Assistant City Attorney Leishman replied that the Planning Commission could only focus on changes to the zoning code.

Planning Director Elguira stated that restricting development standards via the building code is something that is also being explored with the Council.

Chairman Chelf thanked Planning Director Elguira for thinking of creative ways to regain some control over the matter given the difficult environment.

Planning Director Elguira recommended that the Planning Commission recommend to the City Council to adopt both Ordinances, but also, part of the recommendation was to assign both ordinances, urgency and non-urgency, with the same number. The only difference would be a U would be used for the urgency ordinance.

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

Commissioner Seaburn predicts that many cities will probably sue.

Assistant City Attorney Todd Leishman stated that there were already numerous lawsuits.

Commissioner Seaburn moved that the Planning Commission adopt Resolution No. 2020-01 adopting (A) Urgency Ordinance and (B) the Emergency Non-Urgency Ordinance as presented. Commissioner Kirkpatrick seconded the motion, which carried by voice vote:

Commissioner vote yeas:	Cooley, Kirkpatrick, Seaburn, and Chairman Chelf.
Commissioner vote nays:	None.
Commissioner absent:	Cardenas
Commissioner vote abstain:	None.

OLD BUSINESS

NONE.

SCHEDULE OF FIELD TRIPS

NONE.

ITEMS FROM STAFF (ORAL)

A. ANNOUNCEMENT OF THE CITY COUNCIL'S STRATEGIC PLANNING WORSHOP ON SATURDAY, JANUARY 25, 2020 AT 10AM (ORAL).

Planning Director Elguira announced the date and time of the City Council's Strategic Planning Workshop.

B. ANNOUNCEMENT OF THE SEXUAL HARRASSMENT AVOIDANCE TRAINING ON MONDAY, JANUARY 27, 2020 AT 5PM (ORAL).

Planning Director Elguira announced the date and time of the Sexual Harassment Avoidance Training.

C. REMINDER OF THE JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING ON MONDAY, MARCH 9, 2020 AT 7PM (ORAL).

Planning Director Elguira reminded Planning Commissioners of the date and time for Joint City Council and Planning Commission meeting.

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

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

ITEMS FROM THE PLANNING COMMISSION

NONE.

ADJOURNMENT

Hearing no further business before the Commission, Chairman Chelf adjourned the meeting at 7:17 p.m. to a regular meeting of the Planning Commission scheduled to be held on Tuesday, March 17, 2020 beginning at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

for

City Clerk

Approved,

Brad Chelf
Chairman