City of Rolling Hills INCORPORATED JANUARY 24, 1957

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

AGENDA | **CITY COUNCIL** | **CITY OF ROLLING HILLS**
Regular City Council Meeting | **Monday, May 13, 2024** | **7:00 PM**

The meeting agenda is available on the City's website. The City Council meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here: https://www.rolling-hills.org/government/agenda/index.php

Members of the public may submit written comments in real-time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Recordings to City Council meetings can be found here: https://www.rolling-hills.org/government/agenda/index.php

Next Resolution No. 1364 *Next Ordinance No. 385*

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

5. APPROVE ORDER OF THE AGENDA

This is the appropriate time for the Mayor or Councilmembers to approve the agenda as is or reorder.

6. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Blue folder (supplemental) items are additional back up materials to administrative reports, changes to the posted agenda packet, and/or public comments received after the printing and distribution of the agenda packet for receive and file.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

*This is the appropriate time for members of the public to make comments regarding items**not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

8. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any Councilmember 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 Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Councilmembers for discussion.

8.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF MAY 13, 2024

RECOMMENDATION: Approve.
CL_AGN_240513_CC_AffidavitofPosting.pdf

8.B. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA
RECOMMENDATION: Approve.

8.C. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: APRIL 22, 2024 REGULAR MEETING
RECOMMENDATION: Approve as presented.
CL_MIN_240422_CC_F.pdf

8.D. PAYMENT OF BILLS
RECOMMENDATION: Approve as presented.
CL_AGN_240513_CC_PaymentOfBills_E.pdf

8.E. REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR MARCH 2024
RECOMMENDATION: Receive and file.
VC_REP_240422_Mar_C&D_Report.pdf
VC_REP_240422_Mar_CallLog.pdf
VC_REP_240422_Mar_YTD_TonnageReport.pdf
VC_REP_240424_ComplaintsList_March_Redacted.pdf
VC_REP_240424_RedTags_March.pdf

8.F. ADOPT RESOLUTIONS NOS. 1362 AND 1363 PERTAINING TO A GENERAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024
RECOMMENDATION:

Adopt Resolution Nos. 1362 and 1363 pertaining to the General Municipal Election to be held on November 5, 2024 as presented.

ResolutionNo1362_EstablishRegulations_CandidateStatement_F.pdf
ResolutionNo1363_CallElection2024_CountyServices.pdf

9. EXCLUDED CONSENT CALENDAR ITEMS

10. COMMISSION ITEMS

10.A. ZONING CASE NO. 23-150: SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE AND STABLE GREATER THAN 999 SQUARE FEET, NEW BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, RETAINING WALLS, COVERED DECKS/PORCHES, GRADING, HARDSCAPE, LANDSCAPE, AND OTHER IMPROVEMENTS; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)
RECOMMENDATION: Receive and file.

Attachment 1: PL_ADR_240306_2PossumRidge_ZC23-150_VicinityProximityMaps.pdf
Attachment 2: PL_ADR_2PossumRidgeRd_ZC23-150_PC_240416_Development Table_F.pdf
Attachment 3: 2024-05_PC_Resolution_2PossumRidgeRd_ZC23-150_Whitcombe_F_E.pdf
Attachment 4: PL_ADR_2PossumRidgeRd_ZC23-150_LandscapePlan_240311_EDA_LandscapeReview.pdf
Attachment 5: PL_ADR_2PossumRidgeRd_ZC23-150_240319_240422_Email_Huh.pdf
Attachment 6: PL_ADR_2PossumRidgeRd_ZC23-150_240319_PC_Set_Photos.pdf
Attachment 7: PL_ADR_2PossumRidgeRd_ZC23-150_240416_PC_Set_DevelopmentPlans.pdf.pdf
Attachment 8: PL_ADR_2PossumRidgeRd_ZC23-150_240319_PC_Set_EngineeringPlans.pdf.pdf
Attachment 9: PL_ADR_2PossumRidgeRd_ZC23-150_240319_PC_Phase2_future_barn_court_swap.pdf

10.B. ZONING CASE NO. 23-056: SITE PLAN REVIEW FOR GRADING AND VARIANCE TO RETAIN GRADING IMPORT FOR A PROPERTY LOCATED AT 29 MIDDLERIDGE LANE SOUTH, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 239-A-6-MS) (JOHNSON)

RECOMMENDATION: Receive and file.

Attachment 1: PL_ADR_29MiddleridgeLnS_ZC23-056_240508_RadiusMap_ProximityMap.pdf
Attachment 2: PL_ADR_29MiddleridgeLnS_ZC23-056_240416_Development Table_F.pdf
Attachment 3: 2024-07_PC_Resolution_29MiddleridgeLnS_ZC23-056_Johnson_F_E.pdf
Attachment 4: PL_ADR_29MiddleridgeLaneS_ZC23-056_230727_EmailfromAnthonyWongtoKenJohnson_Redacted.pdf
Attachment 5: PL_ADR_29MRLS_ZC23-056_AerialPhoto_2019-2023.pdf
Attachment 6: PL_ADR_29MRLS_ZC23-056_VariousSitePhotos.pdf
Attachment 7: PL_ADR_29MiddleridgeLaneS_ZC23-056_230426_SurveyReport.pdf
Attachment 8: PL_ADR_29MiddleridgeLnS_ZC23-056_230426_TopographicSurvey.pdf
Attachment 9: PL_ADR_29MiddleridgeLnS_ZC23-056_240411_Plans.pdf

11. PUBLIC HEARINGS

12. OLD BUSINESS

13. NEW BUSINESS

13.A. FISCAL YEAR 2024/25 PROPOSED BUDGET - REPORT ON FINANCE COMMITTEE RECOMMENDATIONS

RECOMMENDATION: Receive, consider, and provide direction to staff regarding the Finance Committee's recommended adjustments to the proposed fiscal year 2024/25 General Fund expenditures.

CL_AGN_240513_Proposed_FY24-25_Expenditures_Descriptions.pdf

13.B. CONSIDERATION AND POSSIBLE ACTION TO PROCEED WITH IRS CODE SECTION 170(C)(1) FOR CHARITABLE CONTRIBUTIONS USED FOR PUBLIC PURPOSES

RECOMMENDATION: Receive and file. Direct staff to return with a formal a policy for accepting gifts and donations for public purposes.

Attachment A - CL_AGN_240513_CC_IRS_CharitableContributions_p1771.pdf

Attachment B - CL_AGN_240513_CC_IRS_SALT.pdf
Attachment C - CL_AGN_240513_CC_GiftPolicy_D1.pdf

14. MATTERS FROM THE CITY COUNCIL

14.A. CONSIDERATION OF RESOLUTION IN SUPPORT OF THE BI-PARTISAN HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT (INITIATIVE 23-0017A1) FOR TARGETED REFORMS TO PROPOSITION 47 (COUNCILMEMBER DIERINGER)

RECOMMENDATION: Receive and file. Consider the attached draft resolution and, if supportive, direct staff to return with a resolution for adoption.

Attachment A - CL_AGN_240422_CC_Prop47_Reform_DraftResolution.pdf
Attachment B - CL_AGN_240422_CC_23-0017A1_DrugAddictionTheftReform.pdf
Attachment C - CL_AGN_240422_CC_Prop47_FAQs.pdf
Attachment D - CL_AGN_240422_CC_CA_SafeCommunities_FactSheet.pdf
Attachment E - CL_AGN_240422_CC_HomelessnessAct_Handout.pdf
CL_AGN_240422_CC_Item14A_SlideDeck.pdf

15. MATTERS FROM STAFF

15.A. CONSIDERATION OF SUPPORTING RETAIL THEFT LEGISLATION IN THE CALIFORNIA LEGISLATURE THAT WOULD STRENGTHEN PUBLIC SAFETY

RECOMMENDATION: Discuss the issues and authorize the Mayor to sign letters of support for the proposed legislation addressing retail theft and shoplifting (see attached).

CL_AGN_240513_CC_AB1772(Ramos)_LOS.pdf
CL_AGN_240513_CC_AB1960-1990-2814-3209_SB1242_RetailTheftEnforcement_IncreasedPenalties_LOS.pdf
CL_AGN_240513_CC_AB2943(Zbur)_LOS.pdf
CL_AGN_240513_CC_OrganizedRetailTheftLegislation_LOS.pdf
CL_AGN_240513_CC_RetailTheftAggregation_ Multi-JurisdictionalLegislation_LOS.pdf
CL_AGN_240513_CC_RetailTheftResaleStolenGoodsLegislationLOS.pdf

16. RECESS TO CLOSED SESSION

16.A. CONFERENCE WITH LEGAL COUNSEL: THREATENED LITIGATION GOVERNMENT CODE SECTION 54956.9(D)(2) AND (E)(3)THE CITY COUNCIL FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION NUMBER OF POTENTIAL CASES: 1(GOVERNMENT CLAIMS ACT FORM SUBMITTED BY MR. DONALD SCHMID AGAINST THE CITY OF ROLLING HILLS ALLEGING DAMAGE TO PROPERTY IN RANCHOS PALOS VERDES)

RECOMMENDATION: None.

17. RECONVENE TO OPEN SESSION

18. ADJOURNMENT

Next regular meeting: Monday, June 10, 2024 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

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

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

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

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF MAY 13, 2024**

DATE: **May 13, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve.

ATTACHMENTS:
CL_AGN_240513_CC_AffidavitofPosting.pdf

Administrative Report

8.A., **File #** 2295 **Meeting Date**: 5/13/2024

To: MAYOR & CITY COUNCIL

From: Christian Horvath, City Clerk

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED REGULAR MEETING OF MAY 13, 2024

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
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	City Council
Posting Type	Adjourned 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	MAY 13, 2024 7:00pm Open Session

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: May 10, 2024

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.B
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA**

DATE: **May 13, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve.

ATTACHMENTS:

Agenda Item No.: 8.C
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **APPROVE THE FOLLOWING CITY COUNCIL MINUTES: APRIL 22, 2024 REGULAR MEETING**

DATE: **May 13, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_MIN_240422_CC_F.pdf

Minutes
Rolling Hills City Council
Monday, April 22, 2024
Regular Meeting 7:00 p.m.

1. CALL TO ORDER

The City Council of the City of Rolling Hills met in person on the above date at 7:00 p.m. Mayor Mirsch presiding.

2. ROLL CALL

Councilmembers Present:	Wilson, Black, Dieringer, Mayor Pro Tem Pieper, Mayor Mirsch
Councilmembers Absent:	None
Staff Present:	Karina Bañales, City Manager
	Christian Horvath, City Clerk / Executive Assistant to the City Manager
	John Signo, Planning & Community Services Director
	Samantha Crew, Management Analyst
	Robert Samario, Finance Operations Lead Consultant
	Pat Donegan, City Attorney

3. PLEDGE OF ALLEGIANCE – Councilmember Wilson

4. PRESENTATIONS / PROCLAMATIONS / ANNOUNCEMENTS – NONE

5. APPROVE ORDER OF THE AGENDA

Mayor Mirsch requested that all New Business Items be moved before Old Business. Without objection, so ordered.

6. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Dieringer to receive and file Blue Folder Items for Items 10A, 10B, 12A and 14A. Motion carried unanimously with the following vote:

AYES:	Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES:	None
ABSENT:	None

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Public Comment: Jim Aichele

8. CONSENT CALENDAR

8.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF APRIL 22, 2024

8.B. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

8.C. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: APRIL 8, 2024 REGULAR MEETING

8.D. PAYMENT OF BILLS

8.E. ACCEPT THE FINAL IMPROVEMENTS AND COMPLETION OF STORM HILL LANE AND AUTHORIZE THE RELEASE OF BONDS

Motion by Councilmember Black, seconded by Mayor Pro Tem Pieper to approve Consent Calendar. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

9. EXCLUDED CONSENT CALENDAR ITEMS – NONE

10. COMMISSION ITEMS

Mayor Mirsch recused herself from Item 10A due to her residence being within proximity of the Zoning Case subject and left the dais at 7:06 p.m. Mayor Pro Tem Pieper assumed the presiding officer duties.

10.A. ZONING CASE NO. 23-100: SITE PLAN REVIEW TO DEMOLISH AN EXISTING RESIDENCE, EXPAND THE RESIDENTIAL BUILDING PAD, CONSTRUCT A NEW RESIDENCE, ATTACHED GARAGE, SWIMMING POOL, RETAINING WALLS EXCEEDING A HEIGHT OF 3 FEET (UP TO A MAXIMUM HEIGHT OF 5 FEET), NON-EXEMPT GRADING, AND OTHER IMPROVEMENTS; AND VARIANCE TO EXCEED THE 40% DISTURBANCE FOR A PROPERTY LOCATED AT 4 SPUR LANE, ROLLING HILLS, CA, 90274, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 11-B-CH) (LUKIC)

Presentation by Planning & Community Services Director John Signo

Public Comment: Melissa McNabb, Charlie Raine, Alfred Visco

Motion by Councilmember Black, seconded by Councilmember Dieringer to receive and file. Motion carried with the following vote:

AYES: Black, Dieringer, Mayor Pro Tem Pieper
NOES: Wilson
ABSENT: Mayor Mirsch

Mayor Mirsch returned to the dais at 7:38 p.m.

10.B. ZONING CASE NO. 23-137: SITE PLAN REVIEW TO CONSTRUCT AN ADDITION TO AN EXISTING RESIDENCE GREATER THAN 999 SQUARE FEET, ATTACHED COVERED PORCHES, OUTDOOR KITCHEN, AND OTHER IMPROVEMENTS; AND VARIANCE REQUESTS TO CONSTRUCT IN THE FRONT YARD SETBACK AND WAIVE THE REQUIREMENT FOR A STABLE AND CORRAL SET ASIDE AREA, FOR A PROPERTY LOCATED AT 29 EASTFIELD DRIVE, ROLLING HILLS, CA, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 45-EF) (AQUINO)

Presentation by Planning & Community Services Director John Signo

Public Comment: Kameron Junghard

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Black to receive and file. Motion carried unanimously with the following vote:

AYES: Black, Dieringer, Pieper, Mayor Mirsch
NOES: Wilson
ABSENT: None

11. PUBLIC HEARINGS – NONE

Mayor Mirsch moved to New Business Items

13. NEW BUSINESS

13.A. RECEIVE AND FILE FISCAL YEAR 2024/2025 PROPOSED GENERAL FUND REVENUE PROJECTIONS AND EXPENDITURES BY DEPARTMENT

Presentation by Finance Operations Lead Consultant Robert Samario

Public Comment: Alfred Visco, Melissa McNabb

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Dieringer to receive and file. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

13.B. APPROVE PHASE 1 OF THE PORTUGUESE BEND ROAD / ROLLING HILLS ROAD 8" SEWER MAIN PROJECT DESIGN AND AUTHORIZE STAFF TO ADVERTISE FOR CONSTRUCTION BIDS

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath
City Consultant Alan Palermo

Public Comment: Charlie Raine, Alfred Visco

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Dieringer to approve as presented and authorize staff to advertise for construction bids. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

13.C. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH HOT LINE CONSTRUCTION, INC TO PROVIDE POTHOLING SERVICES FOR THE 20B PORTION OF THE EASTFIELD DRIVE FIRE PREVENTION POWER LINE UNDERGROUNDING PROJECT IN AN AMOUNT NOT TO EXCEED $57,915 FUNDED BY FEMA HAZARD MITIGATION PROGRAM #DR4382-177-7R-CA, AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath
City Consultant Alan Palermo

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Dieringer to approve as presented. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

13.D. APPROVE THE ROLLING HILLS COMMUNITY ASSOCIATION LEAD RESPONSIBILITY FOR THE COMBINED TENNIS COURT ADA AND CABANA PROJECTS AND CITY TO TAKE LEAD FOR CONSTRUCTION OF THE SUBSEQUENT TENNIS COURT #1 EXPANSION PROJECT

Presentation by City Manager Karina Bañales

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Black to approve as presented. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

Mayor Mirsch moved to Old Business

12. OLD BUSINESS

12.A. RECEIVE AND FILE AN UPDATE FROM SITELOGIQ REGARDING THE SOLAR PHOTOVOLTAIC DUAL-FUEL EMERGENCY GENERATOR PROJECT FOR THE CITY HALL CAMPUS BACK-UP POWER / RESILIENCY AND DIRECT STAFF TO PREPARE A TIMELINE TOWARDS A PUBLIC HEARING

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath
SiteLogIQ Consultants Josh Steeber, Jonathan Brown

Public Comment: Alfred Visco, Kameron Junghard, Kristen Raig

Motion by Councilmember Black, seconded by Mayor Pro Tem Pieper to approve Option C for whole campus and advertise for construction bids. Motion carried with the following vote:

AYES: Wilson, Black, Pieper, Mayor Mirsch
NOES: Dieringer
ABSENT: None

14. MATTERS FROM THE CITY COUNCIL

14.A. CONSIDERATION OF RESOLUTION IN SUPPORT OF THE BI-PARTISAN HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT (INITIATIVE 23-0017A1) FOR TARGETED REFORMS TO PROPOSITION 47 (COUNCILMEMBER DIERINGER)

Mayor Mirsch requested the Item be tabled to the next meeting. Without objection, so ordered.

15. MATTERS FROM STAFF

15.A. RECEIVE AND FILE FIRE FUEL ABATEMENT AND CODE ENFORCEMENT QUARTERLY REPORT FOR THE FIRST QUARTER OF 2024 (JANUARY 1 THROUGH MARCH 31)

Presentation by Planning & Community Services Director John Signo

Public Comment: Alfred Visco

Motion by Councilmember Black, seconded by Councilmember Dieringer to receive and file. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

16. RECESS TO CLOSED SESSION – NONE

17. RECONVENE TO OPEN SESSION – NONE

18. ADJOURNMENT: 10:05 P.M.

The meeting was adjourned at 10:05 p.m. on April 22, 2024 in memory of Los Angeles Sherriff's Department Deputy Daniel Okamoto. The next regular adjourned meeting of the City Council is scheduled to be held on Monday, May 13, 2024 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California. It will also be available via City's website link at: https://www.rolling-hills.org/government/agenda/index.php

All written comments submitted are included in the record and available for public review on the City website.

Respectfully submitted,

_____
Christian Horvath, City Clerk

Approved,

_____
Leah Mirsch, Mayor

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.D
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **PAYMENT OF BILLS**

DATE: **May 13, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_AGN_240513_CC_PaymentOfBills_E.pdf

CITY OF ROLLING HILLS
AP24-017, ACH24-021
Check Run 05/09/2024

Check No.	Check Date	Payee	Description	Amount
028571	VOID	VOID	Voided due to check formatting/printing error	
028572	VOID	VOID	Voided due to check formatting/printing error	
028573	5/9/2024	4Leaf, Inc.	Code Enforcement Services for March 2024	4,560.00
028574	5/9/2024	Alan Palermo Consulting	Mar 31 to Apr 27 Svcs - ADA, Sewer, Crest	3,382.50
028575	5/9/2024	Bennett Landscape	Landscape Maintenance Services for May 2024	1,139.67
028576	5/9/2024	Best Best & Krieger LLP	Legal - Code Enforce for March 2024	300.00
028576	5/9/2024	Best Best & Krieger LLP	Legal General Services for March 2024	6,365.00
028576	5/9/2024	Best Best & Krieger LLP	Legal-Land Use for March 2024	1,900.00
CHECK TOTAL			**$ 8,565.00**	
028577	5/9/2024	Cell Business Equipment	Cyan Toner Supply - Freight Charge	27.00
028577	5/9/2024	Cell Business Equipment	Magenta Toner Supply - Freight Charge	27.00
028577	5/9/2024	Cell Business Equipment	Waste Toner - Freight Charge	23.00
028577	5/9/2024	Cell Business Equipment	Yellow / Black Toner Supply - Freight Charge	32.00
CHECK TOTAL			**$ 109.00**	
028578	5/9/2024	Chungs Roofing Co.	11 Bowie Road_ZC#24-009_C & D#921	1,000.00
028579	5/9/2024	Civicplus	Municode Annual Online Code Hosting	687.23
028580	5/9/2024	County of Los Angeles Public Health	City Hall ADA-County Health Permit SR0375688	447.00
028581	5/9/2024	Cox Communications	Phone Service from Apr 26 to May 25, 2024	88.49
028582	5/9/2024	Southern California News Group	Balance Due on 10-14 Pinetree Lane Pub Notice Sept	452.50
028583	5/9/2024	Executive Suite Services Inc.	April 2024 Janitorial Services	920.00
028584	5/9/2024	County of Los Angeles	March 2024 Animal Housing Costs	52.27
028585	5/9/2024	County of Los Angeles	Building Services for February 2024	8,488.58
028586	5/9/2024	LA County Sheriff's Department	March 2024 Law Enforcement Services	33,732.05
028587	5/9/2024	Municpal Management Association of	MMASC Membership Dues through 06-01-25	125.00
028588	5/9/2024	MV CHENG AND ASSOCIATES	Monthly Accounting Services for April 2024	14,046.25
028589	5/9/2024	Orkin	April 2024 Monthly Pest Control	172.99
028590	5/9/2024	Providence Health & Services	Medical Background Serv for Mgmt Analyst	95.00
028591	5/9/2024	Race Communications	Internet / Fiber Communications for May 2024	1,020.00

028592	5/9/2024	Site Logiq	Design/Engineering Solar Backup	28,500.00
028593	5/9/2024	Vital Records Control	Laserfiche Archival Scanning Phase 1	17,758.23
028594	5/9/2024	Wildlife Specialist and Consultant	Coyote Consultation/Trapping for April 2024	1,150.00
028595	5/9/2024	Willdan Inc.	Bldg Plan Check/Permit Mar-2024 Project	4,795.00
028595	5/9/2024	Willdan Inc.	Traffic Engineering Services for March 2024	1,025.00
CHECK TOTAL			**$ 5,820.00**	
ACH-527	4/22/2024	CalPERS	CalPERS Retirement Payroll Ending 04-16-24	3,553.32
ACH-528	4/30/2024	Delta Dental	Dental Coverage for April 2024	783.28
ACH-529	5/1/2024	Delta Dental	Dental Coverage for May 2024	1,084.38
ACH-530	5/1/2024	Forum Info-Tech. Inc./Levelcloud	May 2024 Monthly Cloud Hosting	5,287.90
ACH-531	5/1/2024	Nextiva	Business Phone Service for May 2024	289.16
ACH-532	4/25/2024	Pacific Premier Bank / FNBO	Pacific Prem Cred Card #5191 April 2024 Stmt	135.58
ACH-533	4/25/2024	Pacific Premier Bank / FNBO	Pacific Prem Cred Card #5550 April 2024 Stmt	612.74
ACH-534	2/23/2024	Robert Half	Temp Admin Staff P/E 02-23-24	1,094.08
ACH-535	3/1/2024	Robert Half	Temp Admin Staff P/E 03-01-24	1,094.08
ACH-536	4/19/2024	Robert Half	Temp Admin Staff P/E 04-19-24	1,367.60
ACH-537	4/26/2024	Robert Half	Temp Admin Staff P/E 04-26-24	1,265.03
ACH-538	5/3/2024	Robert Half	Temp Admin Staff P/E 05-03-24	547.04
ACH-539	4/16/2024	Southern California Edison	Electricity Usage 03-18-24 to 04-16-24 ACCT#4218	282.80
ACH-540	4/22/2024	Southern California Edison	Electricity Usage 03-22-24 to 04-22-24 ACCT#8030	481.37
ACH-541	5/1/2024	Standard Insurance Company	May 2024 Life Insurance Policy #161783 Div 0001	221.69
ACH-542	4/16/2024	Vantagepoint Transfer Agents -	Deferred Comp Contributions PR Ending 04-16-24	1,873.58
ACH-543	5/1/2024	Vision Service Plan - (CA)	Vision Coverage for May 2024	164.32
PR LINK	5/3/2024	PR LINK - Payroll & PR Taxes PR#9	Payroll Processing Fee PR#9_04/17/24 - 04/30/24	63.22
PR LINK	5/3/2024	PR LINK - Payroll & PR Taxes PR#9	Pay Period PR#9_04/17/24 - 04/30/24	22,494.14
REPORT TOTAL				**175,007.07**

I, Karina Banales, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of
$ 175,007.07 for the payment of above items.

Karina Banales, City Manager

Agenda Item No.: 8.E
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR MARCH 2024**

DATE: **May 13, 2024**

BACKGROUND:
Please note that Republic has been asked to provide footnotes per Council direction. They will try to accommodate on future reports.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Receive and file.

ATTACHMENTS:
VC_REP_240422_Mar_C&D_Report.pdf
VC_REP_240422_Mar_CallLog.pdf
VC_REP_240422_Mar_YTD_TonnageReport.pdf
VC_REP_240424_ComplaintsList_March_Redacted.pdf
VC_REP_240424_RedTags_March.pdf

Republic Services
C&D Report

City of Rolling Hills
Reporting Period March-24

Disposal Site	Material	Loads Taken	Tons Collected
No C&D to Report			

Summary	
Row Labels	**Sum of Tons Collected**
(blank)	
Grand Total	

Republic Services Call Log Report

City: Rolling Hills

Year 2024

Month/Quarter 3

Summary of Calls by Type		
Final Call		
Final Call Type	**Sub-Type**	**Total**
2.Complaint	Escalation	1
2.Complaint Total		**1**
3.Missed Pick Up	Missed Bulk Service	4
	Missed Recycle - Residential	2
	Missed Trash - Residential	4
	Missed Yard Waste - Residential	1
3.Missed Pick Up Total		**11**
Grand Total		**12**

Republic Services Call Log Report

Final Call Type	Sub-Type	Case Number	Date/Time Opened	Date/Time Closed	Created By	Request Description	Resolution Comments	Customer Category	Account Number	Site	Account Name	Site Address	Phone
2.Complaint	Escalation	20240306-188924525	3/6/2024 1:59 PM	3/7/2024 1:06 PM	Pedro Barrera	Lulu Akino (424) 206-9824 called to report an issue. The customer stated that all 3 of her carts were missed yesterday. The driver serviced everyone else but forgot about her carts. The animals are making a mess with her trash. Can we recover her today? T	10.4 ON SCHEDULE FOR TODAY	RESI	9020003567	1	CURRENT RESIDENT	29 EASTFIELD DR ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Bulk Service	20240314-189413277	3/14/2024 10:46 AM	3/16/2024 10:21 PM	Nimsi Gonzalez	(blank)	(blank)	RESI	9020003336	1	CURRENT RESIDENT	33 CHUCKWAGON RD ROLLING HILLS CA	(310) 541-5546
3.Missed Pick Up	Missed Bulk Service	20240314-189402782	3/14/2024 9:28 AM	3/16/2024 10:21 PM	Shanna Little	(blank)	(blank)	RESI	9020003036	1	CURRENT RESIDENT	4 BOWIE RD ROLLING HILLS CA	3108720472
3.Missed Pick Up	Missed Bulk Service	20240318-189571043	3/18/2024 9:28 AM	3/20/2024 10:33 PM	David Voncannon	(blank)	(blank)	RESI	9020003036	1	CURRENT RESIDENT	4 BOWIE RD ROLLING HILLS CA	3108720472
3.Missed Pick Up	Missed Bulk Service	20240314-189434731	3/14/2024 1:25 PM	3/16/2024 10:21 PM	Miguel Ochoa	(blank)	(blank)	RESI	9020003692	1	CURRENT RESIDENT	9 JOHNS CANYON RD ROLLING HILLS CA	(000) 000-0000

Republic Services Call Log Report

Final Call Type	Sub-Type	Case Number	Date/Time Opened	Date/Time Closed	Created By	Request Description	Resolution Comments	Customer Category	Account Number	Site	Account Name	Site Address	Phone
3.Missed Pick Up	Missed Recycle - Residential	20240305-188849816	3/5/2024 3:10 PM	3/7/2024 11:33 PM	Edgar Montes Mascareno	(blank)	(blank)	RESI	9020003567	1	CURRENT RESIDENT	29 EASTFIELD DR ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Recycle - Residential	20240306-188922025	3/6/2024 1:42 PM	3/8/2024 11:38 PM	Charito Lousteau	(blank)	(blank)	RESI	9020003567	1	CURRENT RESIDENT	29 EASTFIELD DR ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Trash - Residential	20240306-188923798	3/6/2024 1:54 PM	3/8/2024 11:38 PM	Pedro Barrera	(blank)	(blank)	RESI	9020003567	1	CURRENT RESIDENT	29 EASTFIELD DR ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Trash - Residential	20240308-189064601	3/8/2024 11:15 AM	3/12/2024 10:31 PM	Amber Rust	(blank)	(blank)	RESI	9020003248	1	RESIDENT	65 PORTUGUESE BEND RD ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Trash - Residential	20240315-189511454	3/15/2024 1:33 PM	3/19/2024 10:33 PM	Shatrina Moore	(blank)	(blank)	RESI	9020003598	1	CURRENT RESIDENT	59 EASTFIELD DR ROLLING HILLS CA	6263758665
3.Missed Pick Up	Missed Trash - Residential	20240313-189313858	3/13/2024 8:45 AM	3/15/2024 10:28 PM	Juan Valdez	(blank)	(blank)	RESI	9020003242	1	HEIDI MACKENBACH	56 PORTUGUESE BEND RD ROLLING HILLS CA	(310) 544-8212

Republic Services Call Log Report

Final Call Type	Sub-Type	Case Number	Date/Time Opened	Date/Time Closed	Created By	Request Description	Resolution Comments	Customer Category	Account Number	Site	Account Name	Site Address	Phone
3.Missed Pick Up	Missed Yard Waste - Residential	20240306-188923683	3/6/2024 1:54 PM	3/8/2024 11:38 PM	Pedro Barrera	(blank)	(blank)	RESI	9020003567	1	CURRENT RESIDENT	29 EASTFIELD DR ROLLING HILLS CA	(000) 000-0000

CITY OF ROLLING HILLS RESIDENTIAL FRANCHISE

2024

Year 2024
Franchise Y/N Y

Month	Commodity	Tons Collected	Tons Recovered	Tons Disposed	Diversion %
1	Greenwaste	79.86	79.86	-	100.00%
	Trash	247.10	-	247.10	0.00%
1 Total		326.96	79.86	247.10	24.43%
2	Greenwaste	51.72	51.72	-	100.00%
	Trash	198.13	-	198.13	0.00%
2 Total		249.85	51.72	198.13	20.70%
3	Greenwaste	53.42	53.42	-	100.00%
	Trash	199.60	-	199.60	0.00%
3 Total		253.02	53.42	199.60	21.11%
Grand Total		829.83	185.00	644.83	22.29%

CITY OF ROLLING HILLS NON-FRANCHISE
2024

Year 2024
Franchise Y/N N

Month	Commodity	Tons Collected	Tons Recovered	Tons Disposed	Diversion %
1	Greenwaste	19.61	19.61	-	100.00%
	Recycle	0.27	0.04	0.23	15.00%
	Trash	59.97	-	59.97	0.00%
	Organics	0.16	0.10	0.06	61.71%
	C&D	4.27	3.43	0.84	80.24%
1 Total		84.29	23.18	61.11	27.50%
2	Greenwaste	16.94	16.94	-	100.00%
	Recycle	0.29	0.11	0.18	37.67%
	Trash	57.05	-	57.05	0.00%
	C&D	11.29	9.05	2.25	80.10%
2 Total		85.57	26.09	59.47	30.50%
3	Greenwaste	6.42	6.42	-	100.00%
	Recycle	0.22	0.08	0.13	38.48%
	Trash	35.05	-	35.05	0.00%
3 Total		41.69	6.50	35.19	15.60%
Grand Total		211.54	55.77	155.77	26.37%

3/4/2024	11:01AM	Missed Green Waste/Regular Waste	[redacted]	38 Eastfield Dr.	Tanasha Malone	Tanasha Malone	3/4/2024	6:37PM	yes
3/8/2024	11:48AM	Missed Reg. Waste		27 Eastfield Dr.	Tanasha Malone	Tanasha Malone	3/8/2024	12:46PM	yes
3/11/2024	9:07AM	Requested Accomodation for Bulk Event		7 Buggywhip Dr.	Tanasha Malone	Tanasha Malone	3/11/2024	10:14AM	yes
3/11/2024	2:31PM	Oil Spill in Driveway		2 Roadrunner Rd.	Tanasha Malone	Tanasha Malone	3/11/2024	6:00PM	yes
3/13/2024	1:17PM	Bulk Item Pickup Concern		25 Eastfield Dr.	Tanasha Malone	Tanasha Malone	3/13/2024	2:56PM	yes
3/13/2024	2:56PM	Bulk Item Pickup Concern		2 Saddleback Rd.	Tanasha Malone	Tanasha Malone	3/13/2024	3:46PM	yes
3/14/2024	8:28AM	Bulk Pickup Items Missed		2 Saddleback Rd.	Tanasha Malone	Tanasha Malone	No Response	No Response	no
3/14/2024	12:36PM	Missed bulk Item Pickup		2 Hillside Lane	Rutilio Baca	Rutilio Baca	No Response	No Response	yes
3/14/2024	7:55AM	Missed Bulk Item Pickup		28 Eastfield Dr.	Tanasha Malone	Tanasha Malone	No Response	No Response	no
3/14/2024	8:56AM	Missed Bulk Item Pickup		58 Eastfield Dr.	Tanasha Malone	Tanasha Malone	No Response	No Response	no
3/15/2024	11:19AM	Missed Bulk Item Pickup		7 Buggywhip Dr.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Bulk Item Pickup		14 Caballeros Rd.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Bulk Item Pickup		58 Eastfield Dr.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Bulk Item Pickup		3 Open Brand Rd.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Bulk Item Pickup		2 Saddleback Rd.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Bulk Item Pickup		28 Eastfield Dr.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Trash Pickup		7 Crest Rd. E.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	11:19AM	Missed Bulk Item Pickup		2 Meadowlark Ln.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	12:53PM	Missed Bulk Item Pickup		40 Chuckwagon Rd.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/15/2024	1:42PM	Missed Bulk Item Pickup		9 Bowie Rd.	Tanasha Malone	Tanasha Malone	3/16/2024	Before 1PM	yes
3/18/2024	11:19AM	Missed Bulk Items From Bulk Pickup Event		3 Pinto Rd.	Tanasha Malone	Tanasha Malone	3/18/2024	11:58AM	yes
3/18/2024	8:24AM	Missed Bulk Items From Bulk Pickup Event		15 Wideloop	Tanasha Malone	Tanasha Malone	3/19/2024	2:26PM	yes
3/18/2024	12:28PM	Tried to Reach Out to RS About the Free Once A Year Roll-Off Bins (No Response)		19 Southfield Dr.	Lori Reyna	No Response	No Response	No Response	no
3/18/2024	10:25AM	Missed Regular Trash Pickup		8 Maverick Ln.	Tanasha Malone	Tanasha Malone	3/18/2024	12:27PM	yes
3/18/2024	10:25AM	Missed Green Waste Pickup		1 Williamsburg	Tanasha Malone	Tanasha Malone	3/18/2024	12:27PM	yes
3/19/2024	12:38PM	Missed Bulk Items From Bulk Pickup Event		8 Wagon Ln.	Tanasha Malone	Tanasha Malone	3/19/2024	12:26PM	yes
3/19/2024	11:33AM	Staging Location on Buggywhip Left Trash/ Staged in Front of Driveway		13 Buggywhip	Tanasha Malone	Tanasha Malone	3/19/2024	12:28PM	yes
3/20/2024	8:44AM	Missed Regular Trash Pickup		18 Buggywhip	Tanasha Malone	Tanasha Malone	No Response	No Response	yes
3/21/2024	9:05AM	Reached Out To Republic Again Seeking Response For the Roll-Off Bin		19 Southfield Dr.	Lori Reyna	No Response	No Response	No Response	no
3/21/2024	3:42PM	Call Regarding Mother Truck Driver Being Rude to Resident		34 Crest Rd. E	Tanasha Malone	Tanasha Malone	3/21/2024	3:45PM	yes
3/21/2024	12:17PM	Staging Location on Poppytrail Leaking/ Mother Truck Driver Laying on Property		0 Poppytrail	Tanasha Malone	Tanasha Malone	3/21/2024	12:57PM	yes
3/23/2024	9:00AM	Missed Bulk Item Pickup (Wooden Sticks)		15 Wideloop	Tanasha Malone	Tanasha Malone	No Response	No Response	no
3/25/2024	10:12AM	Staging Location on Poppytrail Leaking/ Trash Flying Everywhere		0 Poppytail	Tanasha Malone	Tansaha Malone	No Response	No Response	no
3/25/2024	1:52PM	Call Regarding Lori Reyna		19 Southfield Dr.	Dawn Harris	Dawn Harris	3/25/2024	2:00PM	yes
3/26/2024	3:20PM	Missed Regular Trash Pickup		15 Eastfield Dr.	Tanasha Malone	Tanasha Malone	3/26/2024	4:39PM	yes
3/28/2024	3:28PM	Missed Bulk Pickup Items		5 Ranchero Rd.	Tanasha Malone	Tanasha Malone	3/29/2024	7:55AM	yes

3/4/2024	Red Tag: Green Waste Overloaded	Resident	Tanasha Malone	Tanasha Malone	3/4/2024	yes
3/5/2024	Red Tag: Green Waste Overloaded	Resident	Tanasha Malone	Tanasha Malone	3/5/2024	yes
3/7/2024	Red Tag: Green waste Overloaded/ Not Bundled	Resident	Tanasha Malone	Tanasha Malone	3/7/2024	yes
3/14/2024	Red Tag: Non Compliant Item (Iron Lung)	Resident	Rulilio Baca	Rutilio Baca	3/14/2024	yes
3/18/2024	Red Tag: Non Compliant Item (Bathtub)	Resident	Tanasha Malone	Tanasha Malone	3/18/2024	yes
3/20/2024	Red Tag: Green Waste Overloaded	Resident	Tanasha Malone	Tanasha Malone	3/20/2024	yes
3/26/2024	Red Tag: Non Compliant Item (Chicken Coop)	Resident	Tanasha Malone	Tanasha Malone	3/26/2024	yes

Agenda Item No.: 8.F
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **ADOPT RESOLUTIONS NOS. 1362 AND 1363 PERTAINING TO A GENERAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024**

DATE: **May 13, 2024**

BACKGROUND:

The California Voter Participation Rights Act prohibits a political subdivision, such as the City of Rolling Hills, from holding an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in a significant decrease in voter turnout, being at least 25% less than its average voter turnout in the previous 4 statewide general elections.

The City of Rolling Hills did not meet the qualifying criteria to continue to conduct stand-alone elections on a non-concurrent date and therefore moved its elections to coincide with the date of the statewide election. On October 24, 2016, the City Council of the City of Rolling Hills adopted Ordinance No. 347, moving the date of the City's General Municipal Election from the first Tuesday after the first Monday in March of odd-numbered years, to the first Tuesday after the first Monday in November of even-numbered years beginning in November 2020.

The City's next General Municipal Election will be held on Tuesday, November 5, 2024, to elect two members of the City Council to four-year terms. The seats are currently held by Mayor Pro Tem Jeff Pieper and Councilmember Bea Dieringer.

DISCUSSION:

Enclosed with this staff report are two routine-in-nature Resolutions relating to the General Municipal Election to be held on Tuesday, November 5, 2024. The first resolution is required to call and give notice of an election for November 5, 2024, and to request that the Los Angeles County Board of Supervisors direct the Registrar-Recorder/County Clerk to provide full services. The second resolution establishes the regulations for candidates for elective office. The Resolutions are as follows:

- A Resolution of the City Council of the City of Rolling Hills requesting the Board of Supervisors of the County of Los Angeles to order the consolidation of a General Municipal Election to be held on November 5, 2024 with the Statewide General Election to be held in the County of Los Angeles the same day; to authorize the Board of Supervisors of the County of Los Angeles to canvass the returns of said General Municipal Election; and to request that the Registrar-Recorder/County Clerk of said County be permitted to render full services to the City of Rolling Hills relating to the conduct of said General Municipal Election pursuant to California Elections Code Section 10403; and

- A Resolution of the City Council of the City of Rolling Hills, California, adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, November 5, 2024.

The City Clerk's Office will handle all candidate filings and publishing of notices. All other elements of the election would be administered by the Los Angeles County Registrar-Recorder/County Clerk's office.

FISCAL IMPACT:

The County has provided an unofficial conservative estimated cost for the November 5, 2024 General Election including any potential ballot measure(s) of $15,000. The $15,000 will be included in the General Fund Account for FY 2024/25.

RECOMMENDATION:

Adopt Resolution Nos. 1362 and 1363 pertaining to the General Municipal Election to be held on November 5, 2024 as presented.

ATTACHMENTS:
ResolutionNo1362_EstablishRegulations_CandidateStatement_F.pdf
ResolutionNo1363_CallElection2024_CountyServices.pdf

RESOLUTION NO. 1362

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. RECITALS. Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

Section 2. GENERAL PROVISIONS. Pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Rolling Hills on November 5, 2024, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 400 words of the candidate's education and qualifications expressed by the candidate. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

Section 3. FOREIGN LANGUAGE POLICY

A. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Los Angeles Registrar-Recorder/County Clerk. The County is required to translate candidate's statements into the following languages: Armenian, Chinese Farsi, Hindi, Japanese, Khmer, Korean, Russian, Spanish, Tagalog/Filipino, Vietnamese, and other required languages as identified.

B. The County will mail sample ballots and candidate statements in a particular language to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballot and candidate statements in the required languages available at all vote centers, on the County's website, and in the Election Official's office.

Section 4. PAYMENT

A. Translations

1. The candidate shall not be required to pay for the cost of translating the candidate statement into any required foreign language as specified in (A) of Section 2 above pursuant to Federal and\or State law.
2. The candidate shall be required to pay for the cost of translating the candidate statement into any foreign language that is not required as specified in (A) and/or (B) of Section 2 above, pursuant to Federal and\or State law, but is requested as an option by the candidate.

B. Printing

1. The candidate shall be required to pay for the cost of printing the candidate statement in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidate statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Section 5. MISCELLANEOUS.

A. All translations shall be provided by professionally-certified translators.

B. The City Clerk shall not allow bold type, underlining, capitalization, indentations, bullets, leading hyphens to the same extent and manner as in previous City elections.

C. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

Section 6. ADDITIONAL MATERIALS. No candidate will be permitted to include

additional materials in the sample ballot package.

Section 7. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

Section 8. That all previous Resolutions establishing City Council policy on payment for candidate's statements are repealed.

Section 9. That this Resolution shall apply only to the election to be held on November 8, 2022 and shall then be repealed.

Section 10. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 13th day of May, 2024.

_____
LEAH MIRSCH
MAYOR

ATTEST:

_____
CHRISTIAN HORVATH
CITY CLERK

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

The foregoing Resolution No. 1362 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

was approved and adopted at a regular meeting of the City Council on the 13th day of May, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
CHRISTIAN HORVATH
CITY CLERK

RESOLUTION NO. 1363

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO ORDER THE CONSOLIDATION OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN THE COUNTY OF LOS ANGELES THE SAME DAY; TO AUTHORIZE THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CANVASS THE RETURNS OF SAID GENERAL MUNICIPAL ELECTION; AND TO REQUEST THAT THE REGISTRAR-RECORDER/COUNTY CLERK OF SAID COUNTY BE PERMITTED TO RENDER FULL SERVICES TO THE CITY OF ROLLING HILLS RELATING TO THE CONDUCT OF SAID GENERAL MUNICIPAL ELECTION PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. RECITALS.

A. A General Municipal Election has been called by the City of Rolling Hills to be held in the City of Rolling Hills on November 5, 2024.

B. A Statewide General Election to be held in the County of Los Angeles has been or will be called to be held on November 5, 2024.

C. It is desired, pursuant to the authority found in California Elections Code section 10403, to consolidate said General Municipal Election with said Statewide General Election to be held in the County of Los Angeles.

Section 2. The Board of Supervisors of the County of Los Angeles is hereby respectfully requested to order the consolidation of said General Municipal Election to be held on November 5, 2024, with the Statewide General Election to be held in the County of Los Angeles on November 5, 2024.

Section 3. The Board of Supervisors of the County of Los Angeles is hereby further respectfully requested to place upon the same ballot as that provided for said Statewide General Election to be held in the County of Los Angeles on November 5, 2024, the names of the candidates for the offices of two (2) Councilmembers for the full term of four years, to be submitted to the electors of the City of Rolling Hills at said General Municipal Election.

Section 4. The City of Rolling Hills acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the California Elections Code.

Section 5. The Board of Supervisors of the County of Los Angeles is hereby authorized and respectfully requested to canvass the returns of said General Municipal Election.

Section 6. The Board of Supervisors of the County of Los Angeles is hereby authorized and respectfully requested to authorize and permit the Registrar-Recorder/County Clerk of the County of Los Angeles to:

a) Print and supply ballots for said City of Rolling Hills General Municipal Election;
b) Mail the City's sample ballots and candidate statements of qualifications to the electors of the City of Rolling Hills as part of the same material that will be mailed to the voters of the Statewide General Election to be held in the County of Los Angeles;
c) Perform such other services as may be required for the consolidation and conduct of said City of Rolling Hills General Municipal Election with said Statewide General Election to be held in the County of Los Angeles.

Section 7. The vote centers for the election shall be open as required during the identified voting period pursuant to California Elections Code sections 4007 and 14401.

Section 8. The City shall reimburse the County of Los Angeles in full for the services performed on behalf of the City upon the presentation of a bill by the County.

Section 9. The City Clerk is hereby directed to deliver a certified copy of this resolution to the Board of Supervisors of the County of Los Angeles and to transmit an electronic copy to the Board of Supervisors and the Registrar-Recorder/County Clerk of the County of Los Angeles.

PASSED, APPROVED AND ADOPTED this 13th day of May, 2024.

_____
LEAH MIRSCH
MAYOR

ATTEST:

_____
CHRISTIAN HORVATH
CITY CLERK

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

The foregoing Resolution No. 1363 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO ORDER THE CONSOLIDATION OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN THE COUNTY OF LOS ANGELES THE SAME DAY; TO AUTHORIZE THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CANVASS THE RETURNS OF SAID GENERAL MUNICIPAL ELECTION; AND TO REQUEST THAT THE REGISTRAR-RECORDER/COUNTY CLERK OF SAID COUNTY BE PERMITTED TO RENDER FULL SERVICES TO THE CITY OF ROLLING HILLS RELATING TO THE CONDUCT OF SAID GENERAL MUNICIPAL ELECTION PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

was approved and adopted at a regular meeting of the City Council on the 13th day of May, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
CHRISTIAN HORVATH
CITY CLERK

Agenda Item No.: 10.A
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **ZONING CASE NO. 23-150: SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE AND STABLE GREATER THAN 999 SQUARE FEET, NEW BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, RETAINING WALLS, COVERED DECKS/PORCHES, GRADING, HARDSCAPE, LANDSCAPE, AND OTHER IMPROVEMENTS; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)**

DATE: **May 13, 2024**

BACKGROUND:
On March 22, 2024, the Planning Commission conducted a morning field trip and evening meeting on this item. A notice was published in the Daily Breeze and mailed to owners within 1,000 feet (see Attachment 1). The following concerns were raised:

- Visibility of the tennis court (recreational game court) at a prominent street corner
- Stable size
- Height of the stable and residence
- Drainage
- Construction parking

The Planning Commission provided direction and continued the item to April 16, 2024. Suggestions included: (1) swapping the locations of the recreational game court and stable; and (2) demolishing existing structures so new development is not constrained by existing development.

On April 16, 2024, the Planning Commission reviewed the revised plan. The applicant was able to address some of the concerns by postponing the stable addition and tennis court for a future phase and proceeding with the residential addition and other improvements. The owners desired to move into the residence as soon as possible to provide for their family. The applicant also requested guidance from the Planning Commission on swapping the location of the existing stable with the tennis court and building a new stable on the eastern side of Possum Ridge Road. The Planning Commission provided guidance for the applicant to prepare plans for a second phase for the tennis court and stable, and approved the house addition with two conditions:

- A portion of the stable or residence must be demolished to meet the separation requirement that a stable cannot be within 35 feet of a habitable structure.
- No parking of construction vehicles is allowed on Possum Ridge Road.

The Planning Commission also had a concern with new trees blocking the view from Crest Road West. A condition is included that a landscape plan be reviewed and approved.

Resident Concerns

Amanda Huh of 8 Possum Ridge Road expressed concerns about the height of the stable and residence, access to Possum Ridge Road during construction, and drainage concerns due to the tennis court and swimming pool. The Commission approved the height of the residence, but the height of a new stable will be reviewed at a later date. A condition was added to prohibit parking of vehicles on Possum Ridge Road used for construction purposes. Drainage will be reviewed by Building and Safety, but the proposed project will not substantially change existing drainage patterns. Ms. Huh attended the March 22nd evening meeting but was not present at the April 16th meeting. Staff informed Ms. Huh of the Planning Commission's decision. Although she still had concerns with the view from Crest Road, she was grateful to the Commission for considering construction parking on Possum Ridge Road (see Attachment 5).

Zoning and Lot Area

The property is zoned RAS-2 and located in the southern portion of the City at the northwestern intersection of Portuguese Bend Road and Crest Road West. A roadway easement for Possum Ridge Road divides the property into two sections. The lot area, excluding the roadway easement, is 4.2 acres (181,429 square feet (SF)). For development purposes, the net lot area is 3.5 acres (151,990 SF). The net lot area is used for calculations throughout this report.

Existing Development

Records show the existing residence was constructed in 1949. Additions to the residence and other structures were built in the later years with significant improvements made in the 1970s. The property is currently developed with eight buildings and a transformer/generator summarized as follows (see Attachment 6):

- Main residence (3,660 SF)
    - Original 1,700 SF built in 1949 with attached garage and 900 SF of open porches
- Main residence extension
    - Connected by a breezeway; possibly added in 1975 or 1978
    - Building permits show 884 SF added in 1975
    - 1,000 SF addition and remodel in 1975

    - 96 SF added to master bedroom and 440 SF for family room in 1978
- Detached garage (built in 1975)
- Stable with loft (1,890 SF built in 1994)
- Farm equipment garage/shop (884 SF, built in 1975)
- Two storage sheds
    - 120 SF garden storage shed built in 1954
    - 300 SF hobby room built in 1975
- Enclosed cabana (225 SF)
- Transformer/generator

DISCUSSION:
After the March 19th Planning Commission meeting, the applicant decided to move forward with the addition to the residence and postpone the conditional use permits for the barn addition, corral, and recreational game court (tennis court). The addition to the residence is the same, but the applicant has decided to keep the three-car garage rather than demolishing the third stall and attached storage. Originally, the third stall and storage were proposed to be demolished because of proximity to the stable addition. According to the Municipal Code, since the garage is proposed to be connected to the residence it must be 35 feet from the existing stable. Since the stable addition is no longer proposed, the applicant wishes to keep the third stall. However, a portion of the garage still encroaches into the required 35 feet, so the applicant is willing to demolish the garage wall or abide to a condition requiring future demolition of the stable.

For purposes of this review, the Planning Commission only considered the site plan review for the addition to the residence and other improvements, and the variance request to encroach into the front and rear yard setbacks. The conditional use permits for the stable, corral and the recreational game court will be considered at this time.

Site Plan Review

As shown in Attachments 2, 7, and 8, the applicant is requesting a Site Plan Review for:

- 2,570 SF addition to an existing 3,660 SF residence for a total of 6,230 SF
    - Plus 980 SF attached covered porches (total)
    - Plus 1,950 SF basement (divided into two areas)
    - Plus 890-square-foot attached garage
    - Height: 18¾’
- 170-square-foot outdoor kitchen
- 335-square-foot fire pit
- 1,200-square-foot swimming pool
- Driveway expansion
    - Width: 20’
    - Motor court width: 32’
- Landscaping
    - Screening trees
    - Vineyard
    - Orchard
- Total Structural Lot Coverage: 12,605 SF (8.29% of net lot area)
- Total Structural and Flatwork Coverage: 28,280 SF (18.61% of net lot area)

The existing breezeway that connects the two residential buildings will be incorporated into the proposed residence, and the existing detached garage will be connected to the residence.

There are two separate basements proposed: the northern basement is for a wine cellar and storage (650 SF); the southern basement is for a theater, bunk room, and bathroom (1,300 SF). There is a light well from the southern basement to the exterior.

The project includes retaining walls with a maximum height of three feet located west and north of the residence, creating a patio and walkway. A new retaining wall will be built along the driveway expansion. The swimming pool wall on the western side will be five feet high overlooking a slope. The pool equipment vault and firepit will be located north of the swimming pool.

The driveway entrance will be widened to twenty feet and leads to a motor court with a tree feature in the center. The motor court will be pervious and extends 32 feet wide around a center tree planter. It connects to the garage and will provide access to the stable and shed.

The applicant is proposing screening trees along Crest Road West at a maximum height of eight feet above grade level of the street. A vineyard and orchard are proposed on the portion east of Possum Ridge Road. A second vineyard is proposed in the northwestern corner of the lot behind the residence (see Attachment 4).

Variances

Variances are requested for encroachment into the front and rear yard setbacks. The northern portion of the existing residence already encroaches into the front yard setback, which will require additions in that area to also encroach. A variance is also needed for the swimming pool, which will encroach into the required 50-foot rear yard setback. The applicant is claiming a hardship due to the configuration of the lot and the fact that Possum Ridge Road traverses the site into two portions.

PROJECT REVISIONS/APPLICANT RESPONSE

Stable, Corral, and Recreational Game Court on Hold

As mentioned above, the applicant would like to postpone the conditional use permits for the stable addition, corral, and recreational game court. The plan is to return for a second phase in which the stable and recreational game court are switched as recommended by the Planning Commission; a new stable will be located east of Possum Ridge Road, and the recreational game court will be located on the western side of the lot (see Attachment 9). The applicant is still developing the plans and the City will be considering this proposal at a later time.

Basement Connection to Swimming Pool Equipment

The applicant revised the plan so the swimming pool equipment is no longer attached to the basement. The new location is next to a stairway leading to a firepit on the north side of the swimming pool. It will be underground and accessible from outside.

Landscaping

The project includes a vineyard and orchard on the eastern portion of the lot and a vineyard

on the western portion of the lot behind the residence (see Attachment 4). The vineyard and orchard are expected to replace the recreational game court that is on hold.

The Rolling Hills Community Association (RHCA) has concerns with landscaping in its easement and requests the following condition be added: "The city cannot grant permission to use or encroach into the Rolling Hills Community Association easements. The applicant shall contact the Association regarding building regulations and easement policy."

The applicant proposes screening trees along Crest Road East for privacy. Crest Road East is located at a higher elevation and any trees along Crest Road East will already be higher than the roof ridge of the residence. The Planning Commission should consider if these trees are appropriate.

Issues Raised at March 19th Meeting
The applicant has attempted to address the issues raised at the last meeting:

- Visibility of the recreational game court at a prominent street corner
  - Response: Visibility of the recreational game court should be reduced once it is moved to the existing stable location.
- Stable size
  - Response: A new stable will be proposed east of Possum Ridge Road, which will meet City and RHCA requirements.
- Height of the stable and residence
  - Response: A new stable will be proposed meeting requirements. The height of the residence was approved in 1974 but was never constructed. It would be difficult to lower the height without affecting the roof pitch. Further, the proposed height of 18 feet 9 inches is not out of scale with the community.
- Drainage
  - Response: Existing drainage goes away from Possum Ridge Road to natural water courses. The proposed project follows the existing drainage pattern so runoff will not be discharged onto Possum Ridge Road. Drainage is not expected to impact properties further down on Possum Ridge Road.
- Construction parking
  - Response: The intent is for all construction parking to be handled on-site or along Crest Road. There will be no parking on Possum Ridge Road. The applicant is aware of the issue and agrees to a condition of approval.

MUNICIPAL CODE COMPLIANCE

Grading and Stabilization

The western portion of the site is already disturbed and developed. Grading is needed for the swimming pool, basement, stable, walkways, and driveway (see Attachment 8). There will be 1,943 cubic yards (CY) of cut and 1,875 CY of fill for a total of 3,818 CY. A total of 68 CY of exempt dirt will be exported for the swimming pool and basement.

Disturbance

An additional 12,800 SF of the lot will be disturbed as opposed to the original proposal of 25,770 SF. Currently, 34,700 SF is disturbed. The project will bring a total of 47,500 SF of disturbance, or 31.25% of the lot.

Height

The finished roof height of the proposed residence is 18 feet 9 inches. The basement will be approximately 10' in depth.

Storm Water Management

This application is subject to the General Permit requirements for storm water management, where the State requires that a Storm Water Pollution Prevention Plan be submitted and a permit obtained, due to grading on one or more acres of land. This application is also subject to the City's Low Impact Development (LID) ordinance requirements for retention of water on site, and the City's Water Efficient Landscaping Ordinance where the applicants must implement low water usage planting and devices and certify compliance. All of these requirements will be monitored at the plan check review process and during construction.

Lot Coverage

The structural net lot coverage is proposed at 12,605 SF or 8.29% (20% max. permitted). The total lot coverage proposed (structural and flatwork) will be 28,280 SF or 18.61%, which is less than the 32,605 square feet or 21.5% originally proposed (35% max. permitted).

The residential building pad is proposed at 46,830 square feet. The building pad coverage on the main residence pad is proposed at 12,605 SF or 26.92%, which includes the residence, garage, swimming pool, stable, storage buildings, and other structures.

Pedestrian Access

On grade walking paths are proposed to access the rear area of the property. There will be a minimum 5-foot-wide walkway around structures to comply with Fire Department requirements.

Utility Lines / Septic Tank

It will be a requirement that utility lines to the residence be placed underground. Septic tank review is done by the County Health Department.

General

In the application, the ratio of the proposed development to the lot is minimal because the site is very large. All setbacks and coverages are well below the requirements and the Zoning and General Plan allow a single-family residence on the lot.

Rolling Hills Community Association Review

Rolling Hills Community Association will review this project at a later date.

Environmental Review

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

Planning Commission Responsibilities

When reviewing a development application, the Planning Commission must consider whether the proposed project meets the criteria for a Site Plan Review, Conditional Use Permit, and Variance, as attached below.

SITE PLAN REVIEW CRITERIA

17.46.010 Purpose.

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

17.46.050 Required findings.

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:
3. The project complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance;
4. 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;
5. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences;
6. 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);
7. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area;
8. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course;
9. 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;
10. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles; and
11. The project conforms to the requirements of the California Environmental Quality Act.

CRITERIA FOR APPROVAL OF A VARIANCE

17.38.050 Required Variance findings.

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

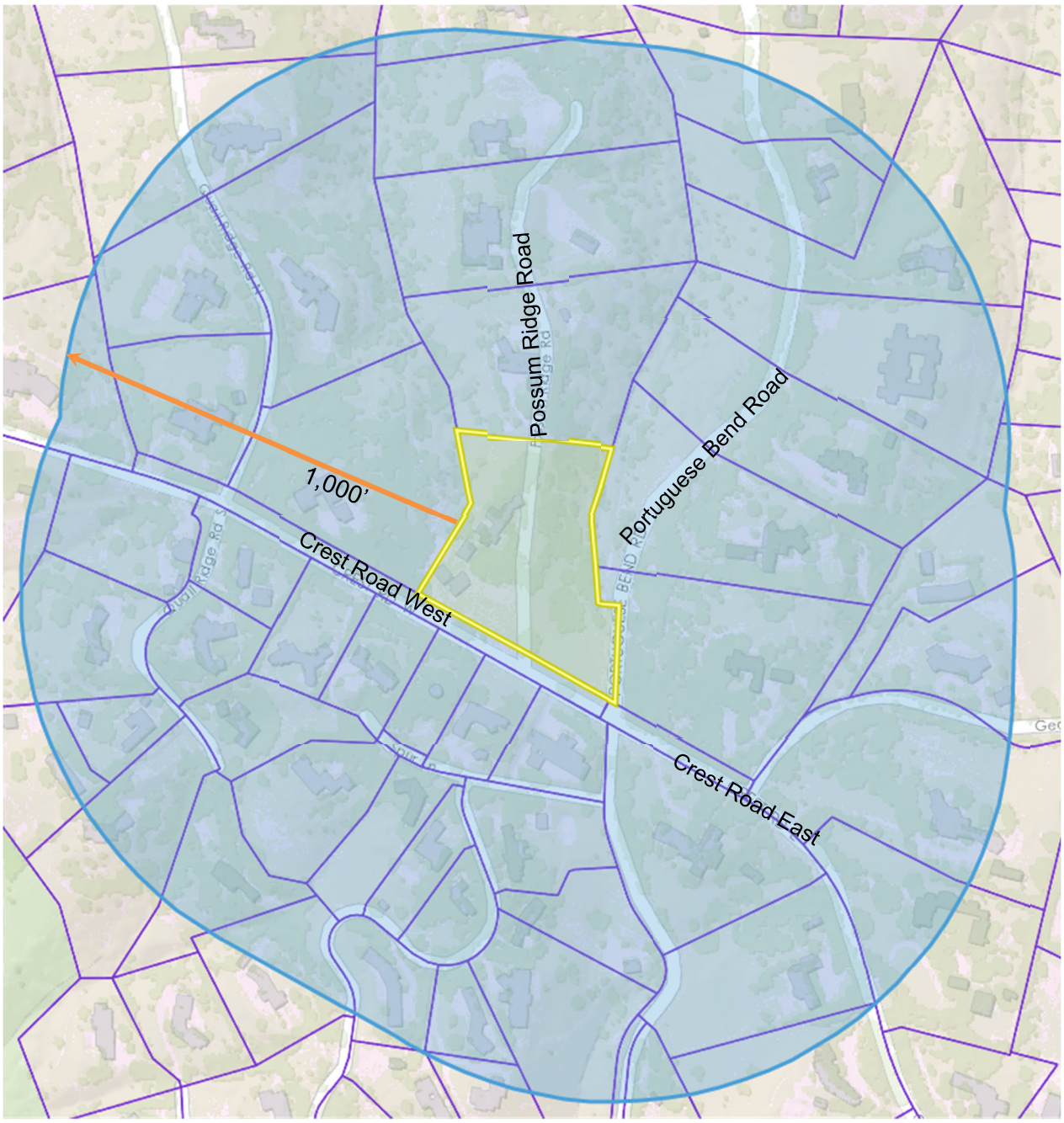
1. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone;
2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is 4 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:

Receive and file.

ATTACHMENTS:
Attachment 1: PL_ADR_240306_2PossumRidge_ZC23-150_VicinityProximityMaps.pdf
Attachment 2: PL_ADR_2PossumRidgeRd_ZC23-150_PC_240416_Development Table_F.pdf
Attachment 3: 2024-05_PC_Resolution_2PossumRidgeRd_ZC23-150_Whitcombe_F_E.pdf
Attachment 4: PL_ADR_2PossumRidgeRd_ZC23-150_LandscapePlan_240311_EDA_LandscapeReview.pdf
Attachment 5: PL_ADR_2PossumRidgeRd_ZC23-150_240319_240422_Email_Huh.pdf
Attachment 6: PL_ADR_2PossumRidgeRd_ZC23-150_240319_PC_Set_Photos.pdf
Attachment 7: PL_ADR_2PossumRidgeRd_ZC23-150_240416_PC_Set_DevelopmentPlans.pdf.pdf
Attachment 8: PL_ADR_2PossumRidgeRd_ZC23-150_240319_PC_Set_EngineeringPlans.pdf.pdf
Attachment 9: PL_ADR_2PossumRidgeRd_ZC23-150_240319_PC_Phase2_future_barn_court_swap.pdf



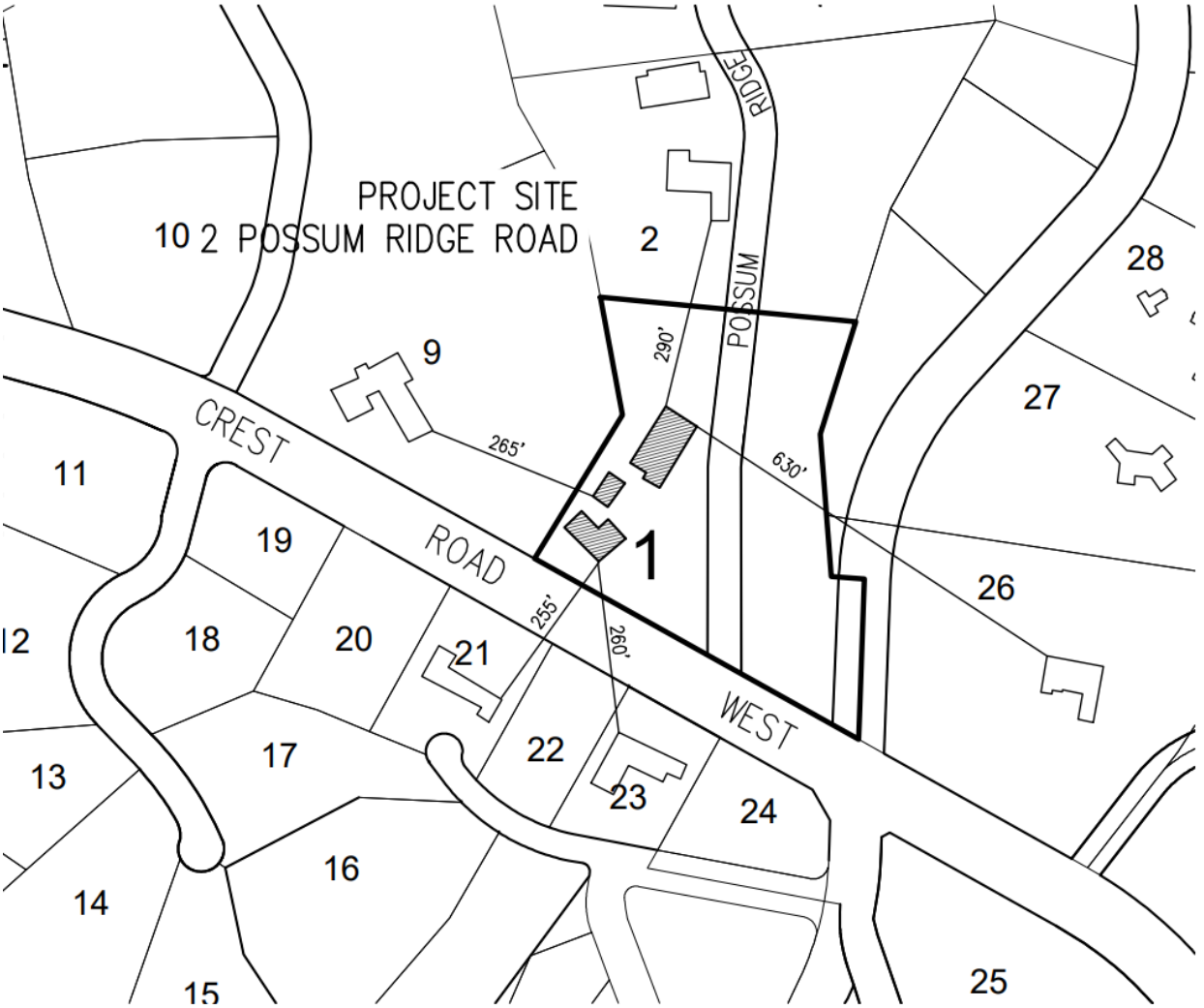
City of Rolling Hills **ROLLING HILLS, CA 90274**

TITLE VICINITY MAP **CASE NO.** Zoning Case No. 23-150
Site Plan Review, Conditional Use Permits, Variances

OWNER Whitcombe

ADDRESS 2 Possum Ridge Road, Rolling Hills 90274 **SITE**

PROXIMITY MAP – 2 POSSUM RIDGE ROAD



VICINITY MAP

DEVELOPMENT TABLE Zoning Case No. 23-150 2 Possum Ridge Road			
SITE PLAN REVIEW **VARIANCE**	**EXISTING**	**PROPOSED**	**TOTAL**
RA-S-1 Zone	SINGLE FAMILY RESIDENCE, ATTACHED GARAGE, STABLE, SHEDS, SERVICE YARD, PRIMARY DRIVEWAY, PAVED WALKWAYS, PATIO AREAS, AND COURTYARD	ADDITION TO RESIDENCE, BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, ATTACHED COVERED PORCHES, HARDSCAPE, GRADING, AND OTHERS	
Net Lot Area	151,990 SF	0 SF	151,990 SF
Residence	3,660 SF	2,570 SF	6,230 SF
Attached Garage	1,080 SF	-190 SF	890 SF
Swimming Pools/Spa	0 SF	1,200 SF	1,200 SF
Pool Equipment	0 SF	0 SF	0 SF
Guest House	0 SF	0 SF	0 SF
Cabana	225 SF	0 SF	225 SF
Stable minimum: 450 SF	1,060 SF	0 SF	1,060 SF
Recreation Court	0 SF	0 SF	0 SF
Attached Covered Porches	185 SF	795 SF	980 SF
Entryway/Porte Cochere, Breezeways	0 SF	0 SF	0 SF
Attached Trellises	0 SF	0 SF	0 SF
Detached Structures: Shed 1 Shed 2 Shed 3 Outdoor Kitchen Fire Pit	 360 SF 185 SF 880 SF 0 SF 0 SF	 0 SF 0 SF 0 SF 170 SF 335 SF	 360 SF 185 SF 880 SF 170 SF 335 SF
Service Yard	90 SF	0 SF	90 SF
Other	0 SF	0 SF	0 SF
Basement Area Depth of Basement	0 SF 0 SF	1,950 SF 10 FT	1,950 SF 10 FT
Primary Driveway	4,535 SF	4,140 SF	8,675 SF
Paved Walkways, Patio Areas, Courtyards	2,500 SF	2,690 SF	5,190 SF
Pool Decking	0 SF	1,810 SF	1,810 SF
Other Paved Driveways, Road Easements, Parking Pads	0 SF	0 SF	0 SF
Grading	0 CY	1,943 CY CUT 1,875 CY FILL	3,818 CY TOTAL 68 CY exempt export
Structural Lot Coverage (20% maximum with deductions)	7,725 SF (5.08%)	4,880 SF (3.21%)	12,605 SF (8.29%)
Flatwork Lot Coverage	7,035 SF (4.63%)	8,640 SF (5.68%)	15,675 SF (10.31%)
Total Lot Coverage (Structures & Flatwork) (35% max. w/ deductions)	14,760 SF (9.71%)	13,520 SF (8.90%)	28,280 SF (18.61%)
Total Disturbed Area (40% maximum)	34,700 SF (22.83%)	12,800 SF (8.42%)	47,500 SF (31.25%)
Main Residence Building Pad 1 (30% Maximum Guideline)	Pad Area: 23,900 SF 7,725 SF (32.32%)	Pad Area: 22,930 SF 4,880 SF (10.42%)	Pad Area: 46,830 SF 12,605 SF (26.92%)

RESOLUTION NO. 2024-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-150 FOR A SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE GREATER THAN 999 SQUARE FEET, NEW BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, RETAINING WALLS, COVERED DECKS/PORCHES, GRADING, HARDSCAPE, LANDSCAPE, AND OTHER IMPROVEMENTS; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. On December 28, 2023, an application was duly filed by Megan Campbell, Campbell Architects Inc. ("Applicant"), on behalf of the property owner, John D. Whitcombe, with respect to real property located at 2 Possum Ridge Road, Rolling Hills (LOT 123-RH) requesting: a Site Plan Review to construct 2,570 square feet of additions to an existing residence, a new 1,950-square-foot basement, 1,200-square-foot swimming pool with a 5-foot-high wall along a slope, 1,635 square feet of additions to connect an existing stable to an accessory building, 778-square-foot addition to the stable loft for a tack room, 170-square-foot outdoor kitchen, 335-square-foot fire pit, maximum three-foot-high retaining walls, 795 square feet of covered decks/porches, 5,058 cubic yards of grading, new hardscape including an expansion of the driveway and motor court, landscaping, and other improvements; conditional use permits for a stable with loft greater than 200 square feet, corral, and a recreational game court; and variances for construction in the front and rear yard setbacks for the additions to the residence and stable, covered porches/decks, swimming pool, lightwell access, and sports court.

Section 2. The lot is unusually shaped being traversed by Possum Ridge Road and having frontage on Crest Road West and Portuguese Bend Road. The net lot area is 3.49 acres (151,990 square feet), which excludes roadway easements and ten feet along property lines. Possum Ridge Road has a 50-foot-wide roadway easement which divides the property into two parts. The western part is developed and the eastern part is vacant. The lot has one 47,900-square-foot building pad (Pad 1) developed with the main residence, stable, and other improvements. The property is developed with a 3,660-square-foot main residence, 890-square-foot detached garage, 1,940 square-foot stable with a 793-square-foot storage loft, 225-square-foot enclosed cabana, 735 square feet of accessory structures used for storage, and a 90-square-foot service yard. The existing driveway is 4,535 square feet.

Section 3. The Planning Commission conducted duly noticed public hearings to consider the application at its field trip meeting and regular meeting on March 19, 2024. Neighbors within a 1,000-foot radius were notified of the public hearings and a notice was published in the Daily Breeze on March 7, 2024. The applicants were notified of the public hearings in writing by first class mail and the applicants were in attendance at the hearings. At

the March 19, 2024 meeting, the Planning Commission continued the public hearing to April 16, 2024, and advised the applicant to address: the visibility of the recreational game court at the corner of Possum Ridge Road, Portuguese Bend Road, and Crest Road; stable size; height of the stable and residence; drainage; and construction parking.

Subsequently, the applicant decided to move forward with the addition to the residence but postpone the conditional use permits for the barn addition, corral, and recreational game court. As such, the barn addition, corral, and recreational game court are not part of the revised project. On April 16, 2024, the Planning Commission considered the addition to the residence along with the other improvements, and provided direction to the applicant on the conditional use permit requests.

Section 4. 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 accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the proposed Project includes additions to the residence, a new swimming pool, hardscape, grading, and other residential 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. Much of the site has already been graded and developed.

Section 5. Site Plan Review. Site Plan Review is required for construction of any new building or structure pursuant to Rolling Hills Municipal Code (RHMC) Section 17.46.020(A). The Project is for an addition to the residence, new basement, swimming, driveway expansion, and other improvements. 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 is compatible with the General Plan and Zoning ordinance. The proposed structures comply with the General Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures. The development is located on the existing 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 151,990 square feet (3.49 acres) per RHMC Section 17.16.060(A). The structural net lot coverage is proposed at 19,030 square feet or 12.5% (20% max. permitted) excluding exempt structures; and the total lot coverage proposed, including flatwork, would be 33,045 square feet or 21.7% (35% max. permitted). The disturbed area is 60,470 square feet or 39.8% (40% max 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 project will not adversely affect or be materially detrimental to adjacent uses, buildings, or structures; the project will be on an existing building pad which enables project elements to be the least intrusive to surrounding properties. Further, the project will be a sufficient distance from nearby residences so views and privacy of surrounding neighbors will not be impacted. The lot has an existing building pad and 31.25% of the lot will be disturbed with the remaining area either landscaped or left 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 Portuguese Bend Road, Crest Road West, and Possum Ridge Road. 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).

There will be no significant changes to the overall drainage features on the lot. The proposed project is located on an existing building pad. There will be minimal impact to site design, vegetation, and mature trees. The property will be landscaped in accordance with the approved landscape plan.

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 will be balanced on site with exception to 68 cubic yards of export needed to create the basement and swimming pool, which is exempt. The project has been designed to follow natural contours of the site and minimize grading.

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 balanced on site with exception to 68 cubic yards of export needed to create the basement and swimming pool, which is exempt. Existing drainage channels will not be affected nor redirected. Additional hardscape will direct stormwater toward existing drainage channels.

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 or will be replaced. New vegetation will be installed in accordance with the approved landscape plan. The development will be considerate of the environment and will enhance the rural character of the community. 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.

There are no changes to the existing circulation patterns for pedestrians or vehicles. The driveway will be widened and motor court enlarged to provide better vehicular circulation and more off-street parking.

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

The Project is exempt from the 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 additions to the residence, a new swimming pool, hardscape, grading, and other residential 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. Much of the site has already been graded and developed.

Section 6. Variance Findings. Section 17.38.050 sets forth the required findings for granting Variances for a portion of the proposed project to be constructed in the front and rear yard setbacks for the additions to the residence, covered porches/decks, swimming pool, and lightwell access. With respect to this 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. Unlike most properties in the RAS-2 Zone, the subject property is traversed by a roadway easement creating two smaller sections each with front yard setbacks along the easement. The existing residence already encroaches into the front yard setback, and the existing accessory buildings already encroach into the rear yard setback. The proposed project would encroach into the required front and rear yard setbacks; however, these areas are already developed and disturbed. The

main residence on the western portion of the property is accessible from a driveway on Possum Ridge Road. The existing eastern section of the residence already encroaches into the front yard setback, meaning the addition will be consistent with the appearance of the existing property.

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.

The proposed project, including additions, is consistent with the existing development on the site which already encroaches into the front and rear yard setbacks. The variance requests are necessary for preservation and enjoyment of property rights consistent with other properties in the same vicinity and zone.

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 a variance for encroachment into the front and rear yard setbacks will not be detrimental to the public welfare and will not be injurious to properties in the vicinity because it is consistent with the encroachments by the existing residence and structures. Further, the project will improve the appearance of the property by connecting buildings into a larger mass. Landscaping will be provided to screen structures from Crest Road West.

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

The granting of the variance will allow for a development that is harmonious in scale and mass with the site, the proposed project is visually harmonious with adjacent properties and in scale with adjacent residential development.

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

The variance does not grant special privileges for the Applicant; the proposed project is an expansion of the existing development which already encroaches into the front and rear yard setbacks. The project, together with the variance, will be compatible with the objectives, policies, general land uses, and programs specified in the General Plan.

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 a variance 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. The proposed project would not constitute a hazardous waste facility.

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

Approvals granting the variance to allow encroachments into the front and rear yard setbacks will be consistent with the General Plan of the City of Rolling Hills, which encourages residential uses.

Section 7. Based upon the foregoing findings, and the evidence in the record, the Planning Commission hereby approves Zoning Case No. 23-150 subject to the following conditions:

A. Approval for the Site Plan Review and Variances shall expire within two years from the effective date of approval as defined in RHMC Section 17.38.070 of the Zoning Ordinance unless otherwise extended pursuant to the requirements of this section.

B. If any condition of this resolution is violated, the entitlement 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 Chapter 17.58 of the Rolling Hills Municipal Code (RHMC).

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 April 16, 2024, 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 nature. Minor modifications are subject to approval by the City Manager or his or her designee. Major modifications are subject to approval by the Planning Commissioner after a public hearing. 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 12,605 square feet or 8.29% of the net lot area (20% maximum). The flatwork coverage is 15,675 square feet or 10.31%. The total lot coverage proposed, including structures and flatwork, shall not exceed 28,280 square feet or 18.61% (35% maximum).

H. The lot is already developed and the total disturbed area will be 47,500 square feet or 18.61% (maximum 40%). Grading for this project shall not exceed 1,943 cubic yards of cut and 1,875 cubic yards of fill for a total of 3,818 cubic yards. Export of 68 cubic yards for the basement and swimming pool is exempt.

I. The total proposed building pad coverage for the residential main pad is 12,605 square feet or 26.92% which is still below the 30% maximum guideline.

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

K. Access to the stable and to the corral shall be decomposed granite or 100% pervious roughened material; it shall not be wider than 12 feet.

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, including the detached garage and stable, or as otherwise required by the Fire Department.

M. The applicant shall comply with all requirements of the Low Impact Development requirements for storm water management on site (RHMC Chapter 8.32).

N. 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.

O. 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.

P. 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 development with vegetation not to exceed 10 feet in height, and that the vegetation used for screening shall be planted in an off-set manner, so as 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.

Q. 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.

A Certificate of Completion shall be submitted by the project designer or contractor prior to final landscape installation inspection.

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

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

T. 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.

U. Perimeter easements, including roadway easements and trails, if any, shall remain free and clear of any 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.

V. 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.

W. *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.

X. *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.

Y. *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.

Z. Prior to demolition of the 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.

AA. 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.

AB. Development 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.

AC. *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.

AD. *During construction*, an Erosion Control Plan containing the elements set forth in Section 7010 of the 2022 County of Los Angeles Uniform Building Code shall be followed to minimize erosion and to protect slopes and channels to control storm water pollution.

AE. 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.

AF. 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.

AG. 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.

AH. The applicants shall execute an Affidavit of Acceptance of all conditions of the Variance approval, or the approval shall not be effective.

AI. 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.

AJ. 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.

AK. To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Rolling Hills, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion,

elect to defend any such action with attorneys of its choice. The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this permit. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

AL. The pool equipment shall be relocated next to the swimming pool and shall have direct access from outside. Basement space outside of the footprint of the building is prohibited, with exception to the lightwell.

AM. A minimum of 6,265 square feet of new pervious surface shall be provided to meet low impact development (LID) standards. Future expansion of the driveway or motor court is prohibited unless previously approved by the City. Connection to the stable and corral shall be decomposed granite or 100% pervious roughened material; it shall not be less than 6 feet wide and no wider than 12 feet.

AN. The city cannot grant permission to use or encroach into the Rolling Hills Community Association easements. The applicant shall contact the Association regarding building regulations and easement policy.

AO. Prior to plan check submittal, the applicant shall demolish a portion of the main residence or a portion of the stable in order to create a separation of 35 feet between each structure.

AP. There shall be no parking of vehicles used for construction on Possum Ridge Road.

PASSED, APPROVED AND ADOPTED THIS 16th DAY OF APRIL, 2024.

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. 2024-05 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-150 FOR A SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE GREATER THAN 999 SQUARE FEET, NEW BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, RETAINING WALLS, COVERED DECKS/PORCHES, GRADING, HARDSCAPE, LANDSCAPE, AND OTHER IMPROVEMENTS; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

was approved and adopted at a regular meeting of the Planning Commission on April 16, 2024, by the following roll call vote:

AYES: Cardenas, Cooley, Vice Chair Kirkpatrick, Chair Chelf

NOES: None

ABSENT: Douglass

ABSTAIN: None

and in compliance with the laws of California was posted at the following:

Administrative Offices.

CHRISTIAN HORVATH, CITY CLERK

DATE: March 8, 2024
TO: John Signo
FIRM: City of Rolling Hills
FROM: Carrie Mandarino
PROJECT: 2 Possum Ridge Road
SUBJECT: Preliminary Landscape Plan Review

Dear John,

Thank you for the opportunity to review the preliminary landscape plan for 2 Possum Ridge Road located in the City of Rolling Hills. The landscape plans have been reviewed for compliance with the Model Water Efficient Landscape Ordinance (MWELO). Landscape plans were 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. Review of hardscape and precise grading and drainage are not included.

Model Water Efficient Landscape Ordinance (MWELO) Compliance
Landscape plans have been reviewed for compliance with The City of Rolling Hills Water Efficient Landscape Ordinance No. 361.

This is a Preliminary Plan submittal with 69,997 s.f. of landscape. The Water Efficient Landscape Worksheet calculations for the project was submitted. The Eto of 39.7 for City of Rolling Hills was used in the calculations. The pool is included in the ETWU calculation, however a 1.0 plant factor and 1.0 irrigation efficiency (1.0 ETAF) should be used. A hydrozone map is not provided.

The preliminary plant palette is comprised of low and moderate water use plants, including California natives and grasses. Plant water use is shown in the legend and checked per WUCOLS IV Region 3 South Coastal. Several large zones show either low water use Kurapia ground cover or moderate water use Buffalo grass. A small area of high water use Marathon turfgrass is specified.

The project application was submitted, along with MWELO Compliance notes, a Statement of Compliance with the Landscape Ordinance, and a note requiring a 3-inch layer of mulch. Planting notes with soil preparation with amendments for planting are shown.

Irrigation Plan
An irrigation equipment legend is provided. A rain sensor/shut-off needs to be added. Provide an irrigation plan with final submittal.

Planting Plan
The plant palette is comprised of a wide variety of low and moderate water use trees, shrubs, natives, grasses, and ground cover that are adapted to the local climate and conditions on site. A large area on the property proposes either low water use Lippia nodiflora ground cover or moderate water use UC Verde Buffalo grass.

Low water use Olive 'Swan Hill', native Quercus agrifolia, and Prunus lyonii are proposed. Moderate water use trees include native Platanus racemosa, Cercis 'Texas White', Citrus species, and stone fruit trees. Planting notes are provided.

A variety of low and moderate water use shrubs, grasses, and ground cover include: Acacia, Agapanthus, Baccharis, Carex, Carissa, Carpenteria, Ceanothus, Correa, Dianella, Dymondia, Heuchera, Iris, Laurus nobilis, Lavandula, Leucadendron, Lomandra, Muhlenbergia, Myoporum, Olea, Pennisetum, Pittosporum, Rhamnus, Rhaphiolepis, Rhus, Rosa, Rosmarinus, Salvia, Teucrium, Vitus, and Westringia.

Low water use Lippia nodiflora (Kurapia) and moderate water use UC Verde Buffalo grass are proposed. Per Water Requirements of Turfgrass in WUCOLS IV, Buffalo grass is a moderate water user with a .6 plant factor.

The proposed vineyard with a low growing erosion control understory and fruit tree orchard provide an interesting landscape element to the property.

City Requirements and Notes
Per City of Rolling Hills requirements, trees specified shall not grow taller than the roof ridge height. Species of concern that grow taller than this include, Olea europaea, Quercus agrifolia, and Platanus racemosa. Show the mature tree height in the legend. Trees should also be located so that neighboring views are not obstructed.
No City prohibited tree species are shown on the plan.

No planting is allowed in the RHCA easement. The landscaping along Crest Road West roadway easement has been removed. In addition, hedges are not allowed in Rolling Hills. Laurus nobilis or Prunus lyonii proposed at the edge of the property will create a hedge as shown unless spaced farther apart or in an uneven pattern approximately 15 feet minimum apart. The row of Olive trees as spaced will also create a screen and are at a higher elevation than the residence.

The following City notes should be added to the Plan:
No landscaping shall be allowed in the RHCA easement.
Trees specified shall not grow higher than the height of the roof ridge.
Trees shall be planted in locations that do not hinder views from the adjacent lots.
Trees are required to be maintained to a height not to exceed the roof ridge and so that views from adjacent lots are not obstructed.
Hedges are not allowed.

Required Revisions for MWELO Compliance

- The pool should have a 1.0 ETAF (1.0 plant factor and 1.0 irrigation efficiency) in the ETWU calculation.
- If Buffalo grass is specified, use a moderate .6 plant factor in ETWU.
- Provide an irrigation plan with legend, notes/specifications, and details. Add rain sensor/shut-off to irrigation legend.
- Provide a planting plan with legend, notes/specifications, and details.
- Specify smaller trees with acceptable mature tree height below roof ridge. Locate trees so that neighboring views are not obstructed. Show mature height in legend.
- Space Laurus nobilis or Prunus lyonii shrubs so as not to create a hedge. Olive trees as shown will also create a screen and will grow above roof ridge height.
- Add City Required Notes shown above to plan.

Installation Note

The irrigation and planting plans shall be installed per the approved landscape plan documentation package. Any changes or substitutions to plans shall be subject to approval by the planning department and landscape architect for the City.
A Certificate of Completion shall be submitted by the project designer or contractor prior to final landscape installation inspection.

I appreciate the opportunity to assist with the review of this landscape plan and would be happy to discuss any questions you may have.

Respectfully submitted,
Environmental Design Associates

Carrie Mandarino, RLA #4769

John Signo

From: John Signo
Sent: Monday, April 22, 2024 11:03 AM
To: Amanda Huh
Subject: RE: Tonight's meeting

Hi Amanda,

There are multiple permits in the file from decades ago. The difficulty is matching the permits with the actual construction since plans were not kept once the permits were finalized. Anything encroaching into a required yard setback should have been approved by the Planning Commission, but standards change and the requirements under the County were probably different than today. The Planning Commission approved the proposed additions to the residence and looked at the structure as a whole. Portions do encroach into the front and rear yard setbacks, but those were approved under the variance. It's a large property so they met and were under the coverage requirements.

John F. Signo, AICP
Director of Planning and Community Services

City of Rolling Hills
2 Portuguese Bend Road, Rolling Hills CA 90274
310.377.1521
jsigno@cityofrh.net

From: Amanda Huh <ahuh12@gmail.com>
Sent: Thursday, April 18, 2024 5:58 PM
To: John Signo <jsigno@cityofrh.net>
Subject: Re: Tonight's meeting

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Awww it will be a shame to not see the view from the street anymore ☹ Growing up here my whole life, you definitely get used to things being more low key, so seeing such a big tall house from Crest will definitely be different for us all. Hopefully it will be okay and nice.

Okie dokie thanks for letting me know. I think one of the main benefits of our community is we offer tennis courts so having anything larger than a smaller court seems excessive. I know that the ones ive seen that are visible from the main roads from other properties aren't that attractive to the overall rustic feel of rolling hills. Also since the lot is right off of crest and the center of rolling hills it would be such an eye sore to have any tennis court visible from the street. I know that they have a large lot so maybe they will be creative and put it behind their house so we don't all have to look at it from crest 👌

I had a question- if the previous owner built structures and additions that went into the easements and what not and wasn't approved by the board since they were all under the 1,000 sq, is that total square footage calculated accurate since it's self reported? And if not would that affect the coverage of the property? Is there some sort of discovery done in these cases of development? Haha sorry for all the question just curious.

Thank you!

Amanda

On Thu, Apr 18, 2024 at 9:31 AM John Signo <jsigno@cityofrh.net> wrote:

It was not changed. The silhouettes on the house are showing the correct height.

The silhouettes for the barn and tennis court will have to be redone for the next meeting.

Best,

John F. Signo, AICP

Director of Planning and Community Services

City of Rolling Hills

2 Portuguese Bend Road, Rolling Hills CA 90274

310.377.1521

jsigno@cityofrh.net

From: Amanda Huh <ahuh12@gmail.com>
Sent: Thursday, April 18, 2024 9:19 AM
To: John Signo <jsigno@cityofrh.net>
Subject: Re: Tonight's meeting

Hi John,

Was the height the same as the first proposal or revised?

Okay hopefully they are respectful and it goes well 😊

Best,

Amanda

On Thu, Apr 18, 2024 at 7:46 AM John Signo <jsigno@cityofrh.net> wrote:

Hi Amanda,

The height of the house was approved as proposed.

Thanks for your kind words. If you do have an issue with parking, please let us know and we can reach out to the contractor. I expect there will be delays but they cannot park on Possum Ridge Road nor block the road for an extended amount of time.

Best,

John F. Signo, AICP

Director of Planning and Community Services

City of Rolling Hills

2 Portuguese Bend Road, Rolling Hills CA 90274

310.377.1521

jsigno@cityofrh.net

From: Amanda Huh <ahuh12@gmail.com>
Sent: Thursday, April 18, 2024 12:10 AM
To: John Signo <jsigno@cityofrh.net>
Subject: Re: Tonight's meeting

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Hi John,

So glad that the meeting went well 😊 In their addition approval was the height of the house ensured to preserve the view? Please send my deepest gratitude to the Commission for keeping our street vacant and safe during the development of this project. Our family really appreciates all of your efforts on that issue.

Thank you!

Amanda

On Thu, Apr 18, 2024 at 12:00 AM John Signo <jsigno@cityofrh.net> wrote:

> Hi Amanda.
>
> The meeting went well. The addition was approved and the applicant may be coming back with a Phase 2 to swap the tennis court location with the existing barn. The Commission wanted to make sure there is no construction parking on Possum Ridge Road and had a concern with olive trees along Crest Road. The next step is to take the house addition to City Council next month for them to consider the project.
>
> Best,
>
> **John F. Signo, AICP**
>
> *Director of Planning and Community Services*
>
> **City of Rolling Hills**
>
> 2 Portuguese Bend Road, Rolling Hills CA 90274
>
> 310.377.1521
>
> jsigno@cityofrh.net

From: Amanda Huh <ahuh12@gmail.com>
Sent: Wednesday, April 17, 2024 8:00 PM
To: John Signo <jsigno@cityofrh.net>
Subject: Re: Tonight's meeting

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Hi John!

Thanks for the update 😊 How did the meeting go?

Best,

Amanda

On Tue, Apr 16, 2024 at 5:45 PM John Signo <jsigno@cityofrh.net> wrote:

> Hi Amanda,
>
> Yes, it is on the agenda. The applicant is requesting approval of the house addition. The stable and tennis court will be brought back at a later time. Tonight, the applicant wants to get an idea if the Commission would support swapping the tennis court and stable.
>
> The agenda is on the City's website: https://www.rolling-hills.org/government/agenda/index.php
>
> **John F. Signo, AICP**
>
> *Director of Planning and Community Services*
>
> **City of Rolling Hills**
>
> 2 Portuguese Bend Road, Rolling Hills, CA 90274

310.377.1521

jsigno@cityofrh.net

From: Amanda Huh <ahuh12@gmail.com>
Sent: Tuesday, April 16, 2024 5:16 PM
To: John Signo <jsigno@cityofrh.net>
Subject: Tonight's meeting

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hi John,

Hope that you are well 😊 I was wondering if there were any new updates regarding 2 Possum Ridge Road and if anything was going to be addressed tonight at the meeting and if they are at what time they will be on the agenda.

Thank you!

Amanda

John Signo

From: Amanda Huh <ahuh12@gmail.com>
Sent: Tuesday, March 19, 2024 12:26 PM
To: John Signo; City Clerk
Subject: 2 Possum Ridge

Hi John,

It was a pleasure to speak with you today. Here are the points that I wanted to bring up for the meeting:

1. The roof line from the barn is a 2nd story and attaching it to the house makes it seem like a 2 story home. The overall height of the house from the flags seems quite high. We would love to maintain the ranch style aesthetic and hope that the height of the home will not block the entire view for those around the house.

2. Access to possum ridge during construction- our street is really a one way road so we want to make sure that we will have access and not be blocked during construction. Will their trucks have access through crest instead of possum ridge? We have already had issues of being blocked by trucks from 4 Possum Ridge and have been stuck behind it for 30mins+. Also our neighbors blocked our driveway once and we had an emergency with our toddler and had to go to urgent care, but could not leave because we could not drive out, which was quite a dangerous situation to be put in. Since we have small children and this project seems extensive, we want to make sure that this will be safe and have easy access to our home.

3. We are concerned about the build out of the tennis court on the east side of possum ridge as well as the pool. This season we had a lot of drainage issues with water running down our street, which caused a lot of erosion on the hill side. We are worried that the tennis court as well as the pool will cause more drainage issues and runoff down our street since there will be a lot of concrete coverage and because our street does not have a lot of structural drainage. Also we want to make sure that the tennis court does not encroach on the set back to the street and around the trails etc... We are a bit concerned about the 10 foot walls going around the tennis court as it will change the aesthetic of the community especially since Rolling Hills already offers tennis courts to the entire community for use. In addition, we are worried about the lighting that a tennis court would need; their home already has quite unusually bright spotlights around their barn and garage that shine directly towards the street, which you can see driving up from crest and portuguese bend.

Thank you,
Amanda Huh

Thank you,
Amanda



VIEW FROM CREST



VIEW AT DRIVEWAY



EXISTING HOUSE REAR



EXISTING HOUSE AND DETACHED ACCESSORY STRUCTURES



VIEW FROM CREST & PORTUGUESE BEND



EXISTING HOUSE REAR



EXISTING HOUSE FRONT



EXISTING STABLE

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

SITE PHOTOS

SCALE: 12" = 1'-0"

DESIGNER:

Campbell ARCHITECTS

REV. #	DATE	DESCRIPTION
	03.19.24	SITE PLAN REVIEW

A0-01

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3/6/2024 12:58:28 PM

WHITCOMBE RESIDENCE

SINGLE FAMILY HOME ADDITION

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

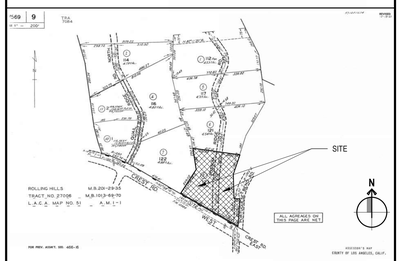


PROJECT DATA

LOT AREA:	217,890 SF (5.00 ACRES)
NET LOT AREA:	151,990 SF (3.49 ACRES)
ASSESSOR PARCEL NO. (APN):	7569-009-008
LEGAL:	ROLLING HILLS LOT 123
ZONING	RAS-2
(E) BUILDING SF:	3213 SF LIVING AREA OF PRIMARY RESIDENCE (2016 SF + 1196 SF) 1947 SF STABLE & AGRICULTURAL EQUIPMENT GARAGE
PROPOSED SF:	6856 SF LIVING AREA OF PRIMARY RESIDENCE + ATTACHED GARAGE
STORIES:	(E) SINGLE (+ LOFT IN STABLE)
HEIGHT:	(E) 13'-0" AFF, PROPOSED ±19'
YEAR BUILT	1949
TYPE OF CONSTRUCTION	V-B
OCCUPANCY CATEGORY	R-3
SPRINKLERS	NONE
ARCHITECTURAL STYLE	CONTEMPORARY RANCH

SEE CIVIL SHEETS FOR DETAILED AREA CALCULATIONS

ASSESSOR MAP



SHEET INDEX

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A0-02	MODEL MASSING & VIEW SIMULATIONS
SURVEY	
T1	TOPOGRAPHIC SURVEY
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C0.0	OVERALL SITE PLAN
C0.1	EXISTING SITE CONDITIONS
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C1.1	COLOR CUT/FILL MAP
C2.0	SECTIONS
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LANDSCAPE	
L1.1	PRELIMINARY LANDSCAPE PLAN
L1.2	PRELIMINARY PLANT LIST, MWELO INFORMATION & NOTES
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GENERAL NOTES

1. INTERPRETATION OF DRAWINGS AND DOCUMENTS: EACH CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE PROJECT SITE BEFORE EXECUTING ANY WORK AND SHALL NOTIFY THE OWNER AND THE ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING. THE ARCHITECT SHALL BE NOTIFIED OF ANY UNUSUAL OR UNFORESEEN CONDITIONS OR SITUATIONS WHICH MAY AFFECT THE STRUCTURAL INTEGRITY OR SAFETY OF THE PROJECT.

2. ADHERENCE TO PLANS: STRICT ADHERENCE TO THE CONSTRUCTION DOCUMENTS MUST BE MAINTAINED. NO CHANGES SHALL BE MADE IN THE PROJECT WHICH DEVIATE FROM THE PLANS AND SPECIFICATIONS WITHOUT THE WRITTEN CONSENT OF THE OWNER. NO STRUCTURAL CHANGES SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

3. WORKING DRAWING: FIGURED DIMENSIONS AND DETAILED DRAWINGS SHALL BE FOLLOWED IN PREFERENCE TO SCALE MEASUREMENTS. IN CASE OF ANY DOUBT ON THE PART OF THE CONTRACTOR AS TO THE EXACT MEANING OF THE DRAWINGS AND THESE SPECIFICATIONS, HE SHALL APPLY TO THE ARCHITECT FOR AN INTERPRETATION BEFORE PROCEEDING WITH HIS WORK.

4. SHOP DRAWINGS: CONTRACTOR SHALL SUBMIT COPIES OF ALL SHOP DRAWINGS FOR REVIEW BY ARCHITECT PRIOR TO CONTRACTOR'S APPROVAL FOR CONSTRUCTION.

5. THE CONTRACTOR SHALL PROVIDE ALL SHORING AND BRACING REQUIRED TO PROTECT PERSONNEL AND ADJACENT PROPERTY AND TO INSURE SAFETY OF THE PROJECT WORK.

6. WHEREVER IN THESE DRAWINGS ANY MATERIAL OR PROCESS IS INDICATED, IT IS FOR THE PURPOSE OF FACILITATING DESCRIPTION OF THE MATERIAL OR PROCESS DESIRED. THE CONTRACTOR MAY OFFER ANY MATERIAL OR PROCESS WHICH SHALL BE DEEMED EQUIVALENT BY THE ENGINEER AND THE ARCHITECT TO THAT MATERIAL OR PROCESS INDICATED OR SPECIFIED.

7. UNLESS OTHERWISE SPECIFIED, ALL MATERIALS SHALL BE NEW AND BOTH WORKMANSHIP AND MATERIALS SHALL BE THE BEST OF THEIR RESPECTIVE KINDS. THE CONTRACTOR SHALL, IF REQUIRED, FURNISH SATISFACTORY EVIDENCE AS THE KIND AND QUALITY OF MATERIALS.

8. IT SHALL BE THE DUTY OF THE GENERAL CONTRACTOR TO SEE THAT ALL SUB-CONTRACTORS ARE FULLY INFORMED IN REGARD TO THE GENERAL CONDITIONS AND PRELIMINARY SPECIFICATIONS.

B. PERMITS AND REGULATIONS

1. EACH CONTRACTOR SHALL PAY FOR AND OBTAIN ALL PERMITS REQUIRED BY LOCAL AUTHORITIES BEFORE PROCEEDING WITH HIS RESPECTIVE INSTALLATION AND SHALL ARRANGE AND PAY FOR ANY INSPECTIONS AND EXAMINATIONS REQUIRED BY THOSE AUTHORITIES.

2. ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE CURRENT EDITION OF THE UNIFORM BUILDING CODE, AND LAWS, ORDINANCES AND REGULATIONS OF ALL GOVERNMENTAL BODIES WITH JURISDICTION OVER THE PROJECT.

3. IF THE DRAWINGS AND SPECIFICATIONS ARE AT VARIANCE WITH ANY FEDERAL, STATE AND LOCAL OR MUNICIPAL LAW, ORDINANCE, RULES OR DEPARTMENTAL REGULATIONS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN WRITING BEFORE PROCEEDING WITH THAT WORK. IF ANY OF THE CONTRACTOR'S WORK SHALL BE DONE CONTRARY THERETO WITHOUT SUCH NOTICE HE SHALL BEAR ALL COST ARISING THEREFROM.

C. PROTECTION OF WORK & PROPERTY

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL VIOLATIONS OF CITY ORDINANCES AND STATE LAWS INVOLVED IN THE PERFORMANCE OF HIS WORK. HE SHALL PROVIDE, DURING THE PROGRESS OF HIS WORK, EVERY AND ALL SAFEGUARDS AND PROTECTION AGAINST ACCIDENTS, INJURY AND DAMAGE TO PERSONS AND PROPERTY INCLUDING ADJOINING PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS WORK AND EVERY PART THEREOF, AND FOR ALL MATERIALS, TOOLS, APPLIANCES AND PROPERTY OF EVERY DESCRIPTION USED IN CONNECTION THEREWITH.

2. THE CONTRACTOR ASSUMES ALL RISKS, HAZARDS AND CONDITIONS IN CONNECTION WITH THE PERFORMANCE OF THE CONTRACT, AND EVEN IF THE PERFORMANCE OF THE CONTRACT INVOLVES A GREATER EXPENDITURE OF MONEY THAN THE CONTRACTOR EXPECTED AT THE TIME OF BIDDING, NO ALLOWANCE WILL BE MADE ON ACCOUNT THEREOF, AND THE CONTRACTOR SHALL CONTINUE WITH AND COMPLETE THE WORK.

D. SUPERVISION

1. THE CONTRACTOR SHALL GIVE PERSONAL SUPERVISION TO THE WORK, USING HIS BEST SKILL AND ATTENTION, AND SHALL KEEP A COMPETENT FOREMAN AND NECESSARY ASSISTANTS CONSTANTLY ON THE SITE. THE FOREMAN SHALL BE THE PERSONAL REPRESENTATIVE OF THE CONTRACTOR AND ALL DIRECTIONS GIVEN BY HIM SHALL BE AS BINDING AS IF GIVEN BY THE CONTRACTOR. COMMUNICATION DELIVERED TO THE FOREMAN BY THE ARCHITECT SHALL BE AS BINDING AS IF DELIVERED TO THE CONTRACTOR.

E. DAMAGES IN THE WORK

1. THE OWNER, WITHOUT INVALIDATING THE CONTRACT, MAY ALTER BY ADDING TO OR DEDUCTING FROM THE WORK COVERED IN THE CONTRACT. ALL SUCH WORK SHALL BE EXECUTED UNDER THE CONDITIONS OF THE ORIGINAL CONTRACT EXCEPT THAT NO EXTRA WORK OR CHANGES SHALL BE DONE WITHOUT WRITTEN ORDER FROM THE ARCHITECT. SUCH ORDERS SHALL COVER THE AGREED PRICE AND TERMS OF EXTRA WORK OF CHANGES. IF WORK IS TO BE OMITTED, THEN PROPER CREDIT FOR SUCH OMITTED WORK SHALL BE GIVEN THE OWNER.

F. CLEANING BUILDING AND PREMISES

1. PRIOR TO THE COMPLETION OF THE WORK, THE CONTRACTOR SHALL THOROUGHLY CLEAN THE EXTERIOR AND INTERIOR OF THE BUILDING, INCLUDING FIXTURES, EQUIPMENT, FLOORS AND HARDWARE. REMOVING ALL PLASTER SPOTS, STAINS, PAINT SPOTS AND ACCUMULATED DUST AND DIRT. THIS SHALL INCLUDE THOROUGH CLEANING OF ALL ROOFS, WINDOW SILLS AND LEDGES, HORIZONTAL PROJECTIONS, STEPS, RAILS, SIDEWALKS OR OTHER SURFACES WHERE DEBRIS MAY HAVE COLLECTED. WASH AND POLISH ALL GLASS.

G. GUARANTEES

1. EXCEPT AS OTHERWISE SPECIFIED, ALL WORK SHALL BE GUARANTEED IN WRITING BY THE CONTRACTOR AGAINST DEFECTS RESULTING FROM DEFECTIVE MATERIALS, POOR WORKMANSHIP OR FAULTY EQUIPMENT, FOR A PERIOD OF ONE YEAR FROM THE DATE OF FILING THE NOTICE OF COMPLETION AND THE ACCEPTANCE OF THE BUILDING BY THE OWNER. IF WITHIN THE GUARANTEE PERIOD CORRECTION OF FAULTY MATERIALS OR WORKMANSHIP IS NECESSARY IN THE OPINION OF THE OWNER, THE CONTRACTOR SHALL PROMPTLY, UPON RECEIPT OF NOTICE FROM THE OWNER AND WITHOUT EXPENSE TO THE OWNER, CORRECT FAULTY MATERIALS OR WORKMANSHIP.

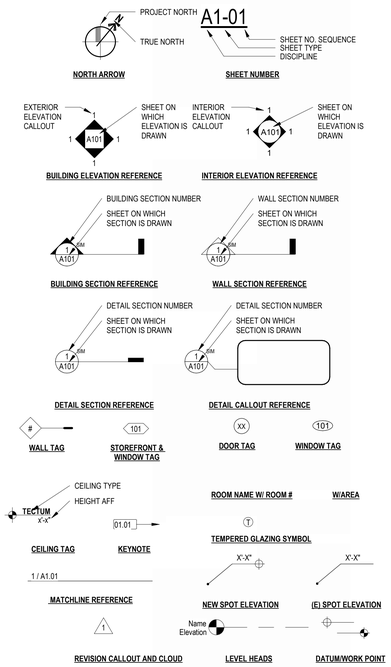
H. VERIFICATION OF UNDERGROUND UTILITY IMPROVEMENTS

1. WHEN APPLICABLE THE GENERAL CONTRACTOR SHALL PROVIDE THE OWNER WITH AN AS-BUILT DRAWING LOCATING AND DESCRIBING ALL UNDERGROUND UTILITIES LOCATED ON THE SITE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: GAS LINES, WATER LINES, SANITARY SEWERS, TELEPHONE LINES, AND ELECTRIC LINES.

I. TRANSPORTATION OF EXCAVATED MATERIAL

1. WHEN APPLICABLE, THE CONTRACTOR SHALL TRANSPORT ALL EXCAVATED MATERIAL NOT REQUIRED FOR RE-COMPACTION TO AN APPROVED LANDFILL SITE OUTSIDE THE COASTAL ZONE. PROVIDE TRIP TICKETS FOR ALL EXCAVATED MATERIAL REMOVED FROM THE PROJECT.

SYMBOLS LEGEND



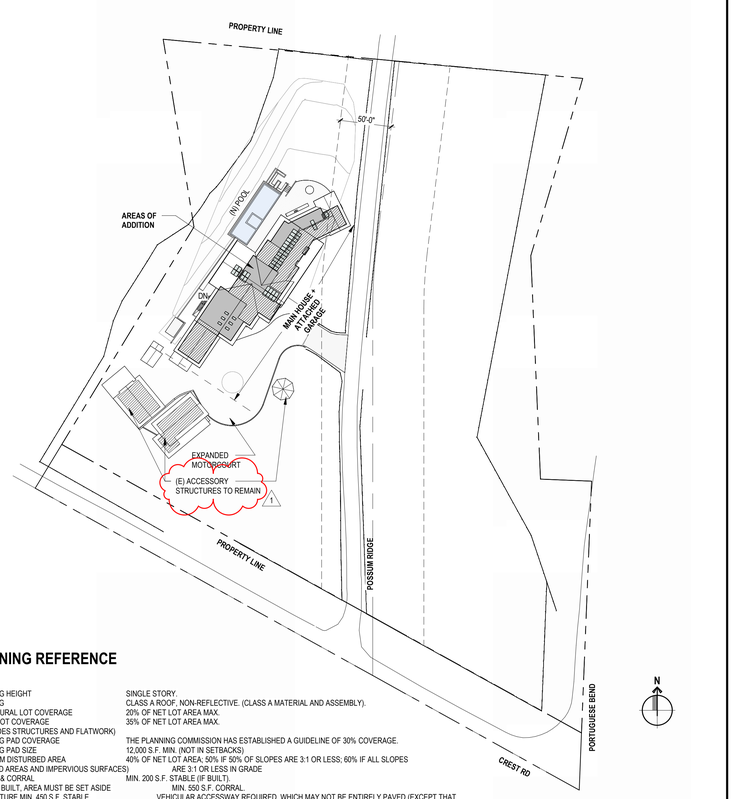
APPLICABLE CODES

PROJECT SHALL COMPLY WITH 2022 CBC AND ALL LOCAL CITY OF ROLLING HILLS AMENDMENTS

2022 CALIFORNIA BUILDING CODE
2022 CALIFORNIA ELECTRICAL CODE
2022 CALIFORNIA GREEN BUILDING STANDARDS CODE
2022 CALIFORNIA MECHANICAL CODE
2022 CALIFORNIA PLUMBING CODE
2022 CALIFORNIA RESIDENTIAL CODE
2022 CALIFORNIA TITLE 24 ENERGY STANDARDS
2022 TRIENNIAL EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, TITLE 24

GLAZING NOTE:
PROPERTY IS IN A HIGH FIRE DANGER ZONE. ALL NEW GLAZING SHALL BE TEMPERED.

KEYPLAN



RH ZONING REFERENCE

BUILDING HEIGHT	SINGLE STORY.
ROOFING	CLASS A ROOF, NON-REFLECTIVE. (CLASS A MATERIAL AND ASSEMBLY).
STRUCTURAL LOT COVERAGE	20% OF NET LOT AREA MAX.
TOTAL LOT COVERAGE (INCLUDES STRUCTURES AND FLATWORK)	35% OF NET LOT AREA MAX.
BUILDING PAD COVERAGE	THE PLANNING COMMISSION HAS ESTABLISHED A GUIDELINE OF 30% COVERAGE.
BUILDING PAD SIZE	12,000 S.F. MIN. (NOT IN SETBACKS)
MAXIMUM DISTURBED AREA (GRADED AREAS AND IMPERVIOUS SURFACES)	40% OF NET LOT AREA; 50% IF 50% OF SLOPES ARE 3:1 OR LESS; 60% IF ALL SLOPES ARE 3:1 OR LESS IN GRADE
STABLE & CORRAL (IF NOT BUILT, AREA MUST BE SET ASIDE FOR FUTURE MIN. 450 S.F. STABLE & 550 S.F. FOR CORRAL)	MIN. 200 S.F. STABLE (IF BUILT). MIN. 550 S.F. CORRAL. VEHICULAR ACCESSWAY REQUIRED, WHICH MAY NOT BE ENTIRELY PAVED (EXCEPT THAT THE FIRE DEPARTMENT MAY REQUIRE A PAVED ACCESS)
VIEWS	NEIGHBORS ARE ENCOURAGED TO WORK TOGETHER TO PRESERVE VIEWS.
GEOLOGY & SOILS	REQUIRED FOR ALL CONSTRUCTION.
UTILITIES	MUST BE PLACED UNDERGROUND FOR ALL NEW CONSTRUCTION & UPGRADES

AERIAL PHOTOS



TRUE NORTH



PROJECT NORTH

PROJECT TEAM

CLIENT CONTACT (APPLICANT)
JOHN WHITCOMBE
25550 HAWTHORNE BLVD, SUITE 310
TORRANCE, CA 90505
TEL 310.791.3343

ARCHITECT:
MEGAN CAMPBELL, AIA, LEED AP
CAMPBELL ARCHITECTS INC
PO BOX 7554
TORRANCE, CA 90504
TEL 805.858.8508
MEGAN@MCARCHLA.COM

CIVIL ENGINEER:
DAN BOLTON
BOLTON ENGINEERING CORP
26834 NARBONNE AVE #210
LOMITA CA 90717
TEL 310.325.5580
DBOLTON@BOLTONENGINEERING.COM

LANDSCAPE ARCHITECT:
ERIN CARROLL
TEL 805.364.5075
ERINOCARROLL@GMAIL.COM

STRUCTURAL ENGINEER:
TBD

PROJECT DESCRIPTION

ADDITION TO EXISTING SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES. NEW POOL, ENLARGED DECK, ENLARGED DRIVE.

SEE CIVIL SHEETS FOR DETAILED ANALYSIS

1

UNDER SEPARATE PROJECT (PHASE 2) - DEMO (E) BARN, NEW ROLACATED BARN & SPORT COURT

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

COVER SHEET SCALE: As indicated

DESIGNER:
Campbell ARCHITECTS

REV. #	DATE	DESCRIPTION
1	04.16.24	SCOPE REVISION

04.16.24 SITE PLAN REVIEW

A0-00

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4/8/2024 2:06:00 PM

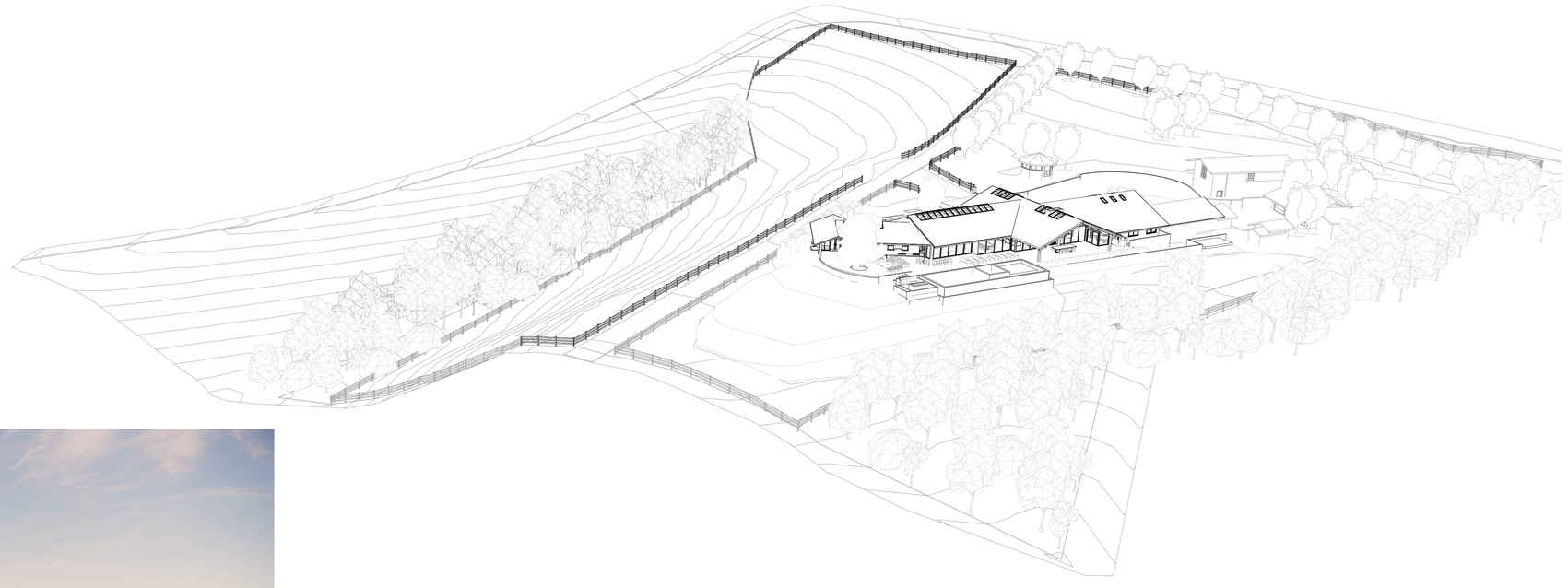


VIEW FROM CREST

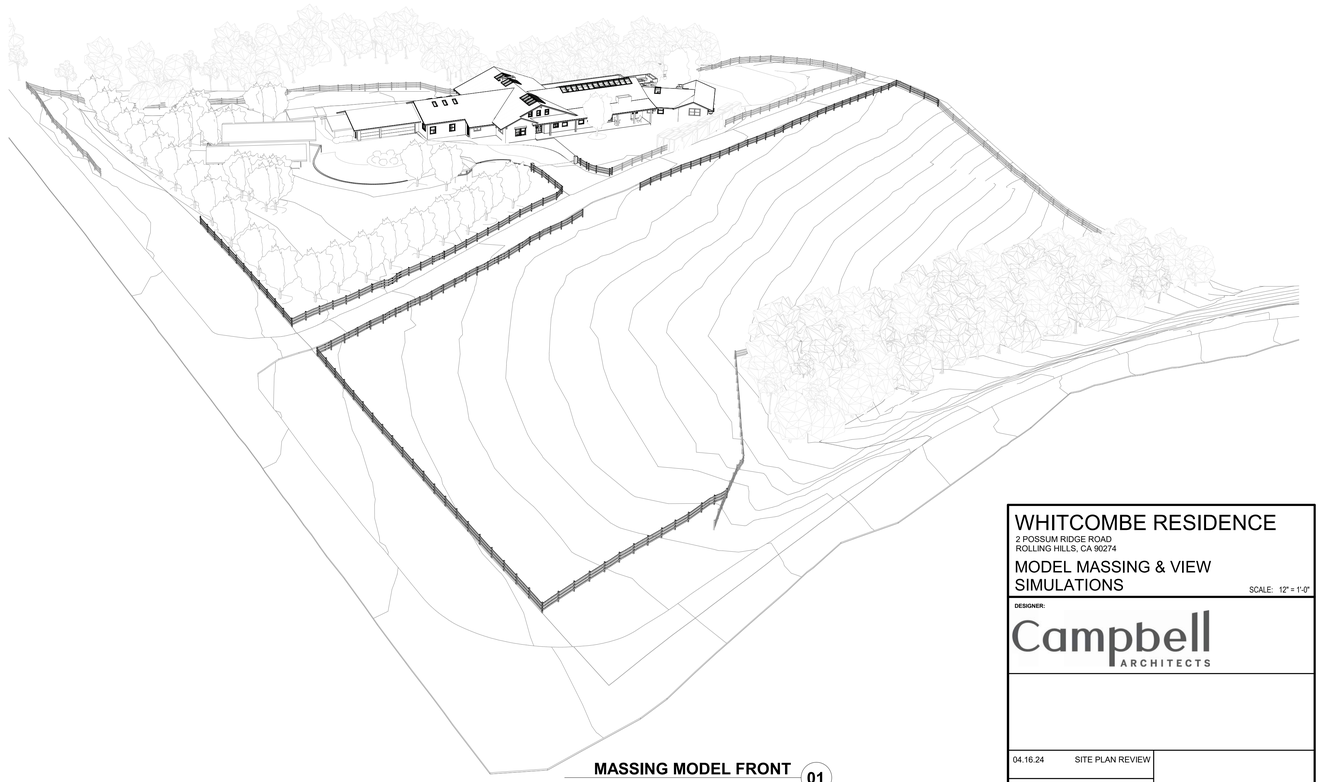


VIEW FROM PORTUGUESE BEND & CREST

VIEW SIMULATIONS 03
12" = 1'-0"



MASSING MODEL REAR 02



MASSING MODEL FRONT 01

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

MODEL MASSING & VIEW SIMULATIONS

SCALE: 12" = 1'-0"

DESIGNER:

Campbell ARCHITECTS

04.16.24	SITE PLAN REVIEW

REV. #	DATE	DESCRIPTION

A0-02

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4/8/2024 2:06:06 PM

(E) 3-RAIL FENCE TO BE REMOVED

(E) TOOL SHED - NOT IN SCOPE

(E) FARM EQUIPMENT BUILDING TO REMAIN

(E) TOOL SHED - NOT IN SCOPE

25'-0" EASEMENT

50'-0" REAR SETBACK

(E) 3-RAIL FENCE TO REMAIN, TYP UNO

REAR SETBACK

DEMOLISH EXISTING CONCRETE WALKWAY

AREAS OF ADDITION - DEMOLISH ALL SITE HARDSCAPE, LANDSCAPE, ETC

ROOF PORTIONS TO BE DEMOLISHED A REQUIRED

ALL (E) TREES TO REMAIN UNO

(E) STORAGE ROOM TO BE REMOVED

(E) 3-CAR GARAGE TO BE REDUCED TO 2-CAR GARAGE

SITE WALLS TO REMAIN

WALL TO BE RELOCATED TO ALLOW FOR 35' MIN SEPARATION TO STABLE BUILDING

(E) GUEST HOUSE

(E) MAIN HOUSE

UP

SITE WALLS TO REMAIN

(E) 3-RAIL FENCE TO BE REMOVED

EXISTING DRIVEWAY TO BE RECONFIGURED - REFER TO CIVIL

EXISTING DRIVEWAY & GARDEN WALL TO BE RECONFIGURED - REFER TO CIVIL

(E) HOUSE AREA IN FRONT SETBACK

ALL (E) TREES TO REMAIN UNO

COMPOSITE DECK AND STEPS TO BE REPLACED/RECONFIGURED AS NECESSARY

(E) 'LAIR' NOT IN SCOPE

40'-0" FRONT SETBACK

EXISTING DRIVEWAY TO BE RECONFIGURED - REFER TO CIVIL

(E) 3-RAIL FENCE TO BE REMOVED/RELOCATED AS NEEDED FOR DRIVEWAY WIDENING

DRIVEWAY APRON TO REMAIN

EXISTING/DEMO FLOORPLAN 01

1/8" = 1'-0"

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

EXISTING/DEMO FLOORPLAN

SCALE: 1/8" = 1'-0"

DESIGNER:

Campbell ARCHITECTS

04.16.24	SITE PLAN REVIEW

REV. #	DATE	DESCRIPTION

A2-01

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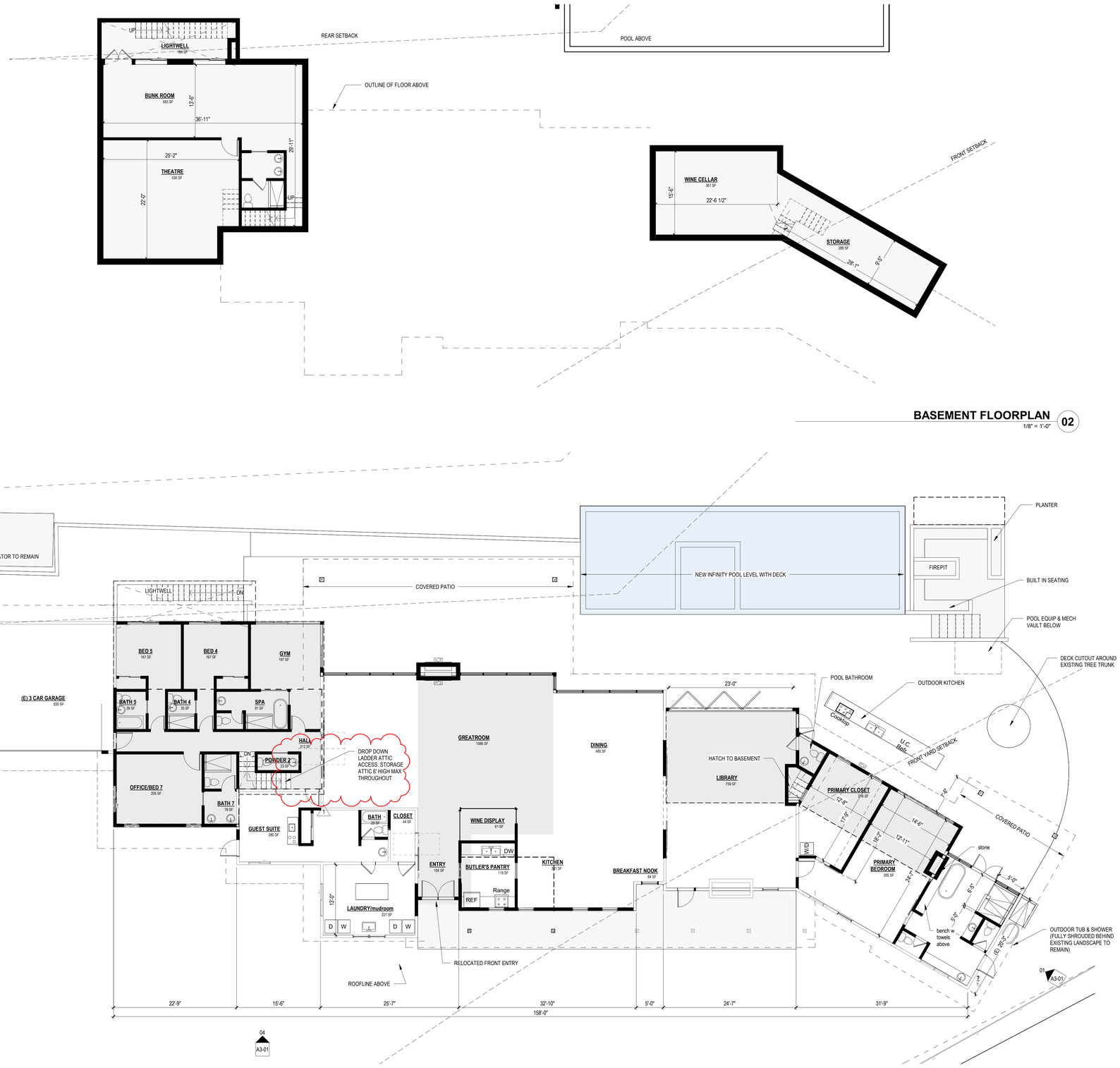
4/8/2024 2:06:07 PM



BASEMENT FLOORPLAN 02
1/8" = 1'-0"

PROPOSED FLOORPLAN 01
1/8" = 1'-0"

WHITCOMBE RESIDENCE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

PROPOSED FLOORPLAN SCALE: 1/8" = 1'-0"

DESIGNER:
Campbell ARCHITECTS

04.16.24 SITE PLAN REVIEW

REV. #	DATE	DESCRIPTION
1	04.16.24	SCOPE REVISION

A2-02

All ideas, designs and plans indicated or represented by these drawings are owned by and are property of the Architect and were created and developed for use in connection with the specified project. None of such ideas, designs or plans shall be used for any purpose whatsoever without the written permission of the Architect.

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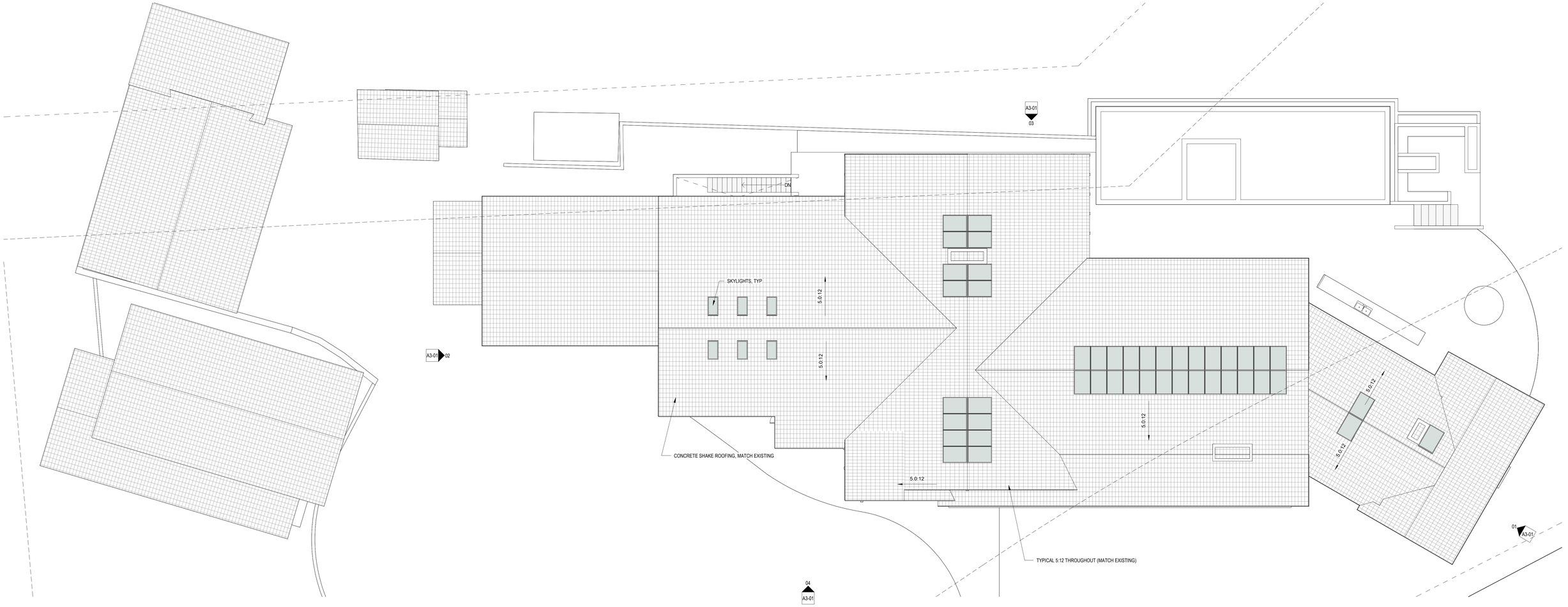

PROPOSED ROOFPLAN 01
1/8" = 1'-0"

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

PROPOSED ROOF PLAN SCALE: 1/8" = 1'-0"

DESIGNER:

Campbell ARCHITECTS

04.16.24 SITE PLAN REVIEW

REV. #	DATE	DESCRIPTION

A2-03

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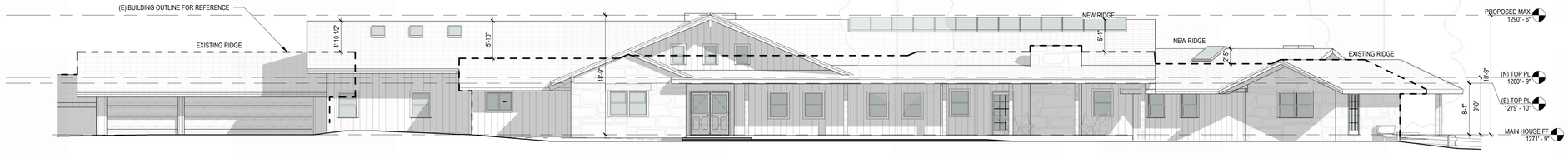
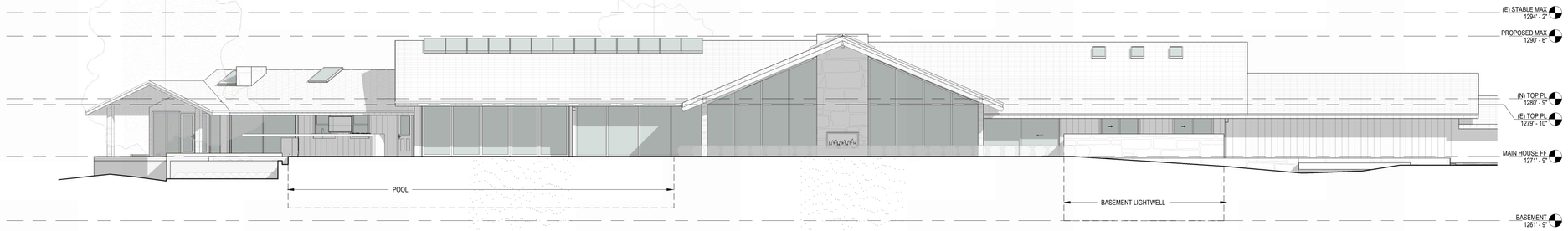


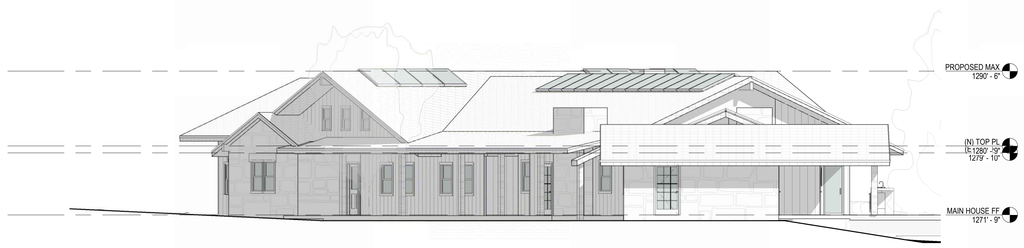
EAST (FRONT) ELEVATION 04
1/8" = 1'-0"



WEST (REAR) ELEVATION 03
1/8" = 1'-0"



SOUTH (SIDE) ELEVATION 02
1/8" = 1'-0"



NORTH (SIDE) ELEVATION 01
1/8" = 1'-0"

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

DESIGNER:

Campbell ARCHITECTS

04.16.24	SITE PLAN REVIEW

REV. #	DATE	DESCRIPTION

A3-01

All ideas, designs and plans indicated or represented by these drawings are owned by and are property of the Architect and were created and developed for use in connection with the specified project. None of such ideas, designs or plans shall be used for any purpose whatsoever without the written permission of the Architect.

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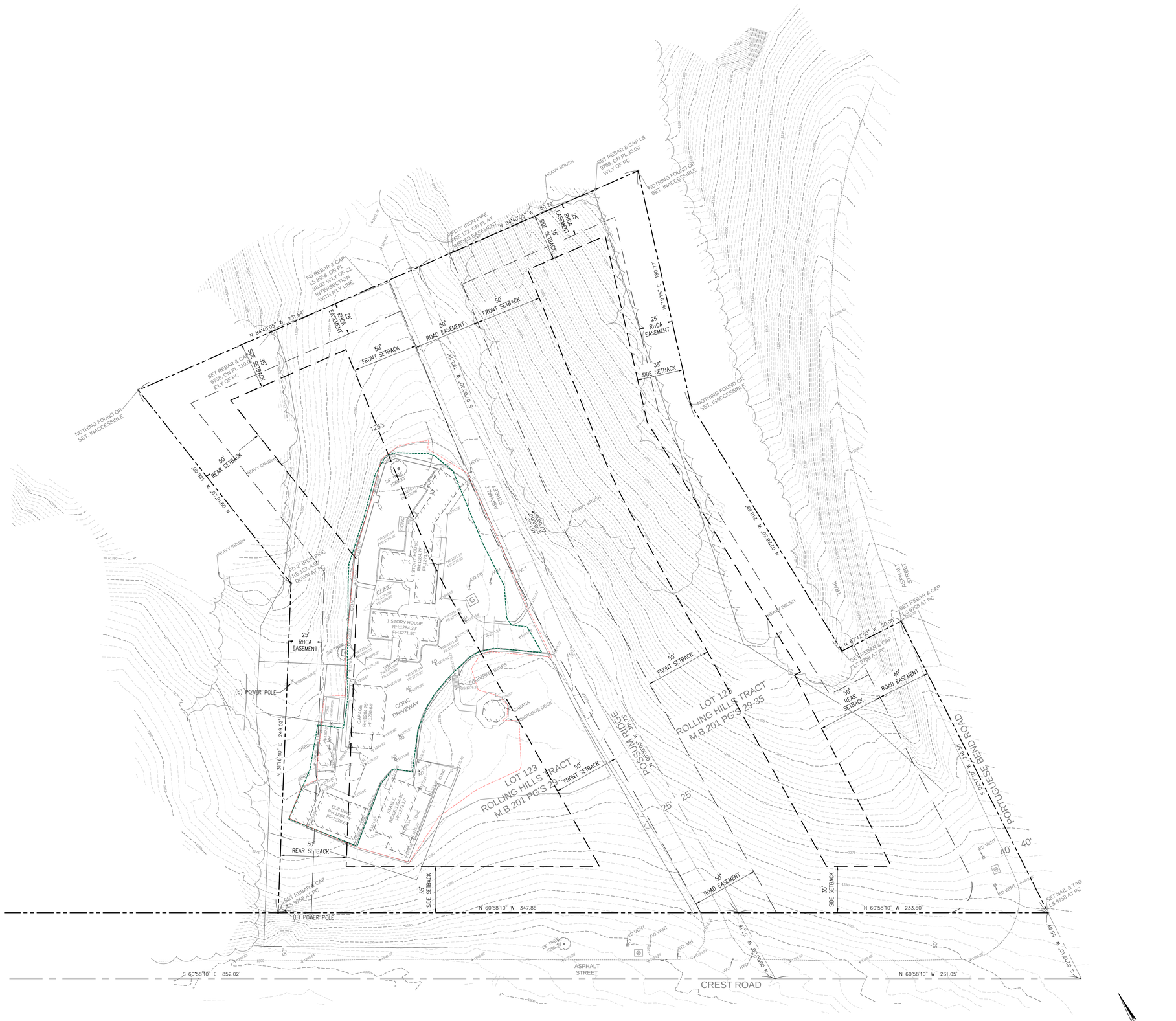
WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274


N 84°40'05" W 231.89'
RHCA EASEMENT
SIDE SETBACK
50' FRONT SETBACK
50' ROAD EASEMENT
N 84°40'05" W 180.29'
35' SIDE SETBACK
N 60°58'10" E 249.68'
50' REAR SETBACK
(P) PLAY AREA 1,285
(P) FIRE PIT 335 SF
(P) POOL 1,200 S.F.
(P) POOL EQUIPMENT VAULT 360 SF
(P) RESIDENCE 6,230 S.F.
(P) GARAGE 640 S.F.
(P) LIGHTWELL ACCESS 300 SF
(P) ENTRY GATE
(E) POWER POLE
(E) TANKS
(E) SHED 2 (185sf)
(E) SHED 1 (185sf)
(E) SHED 3 (185sf)
(E) STABLE (1,088 SF)
(E) CABANA (225sf)
(E) CORRAL A=1000sf
TREE
(P) SERVICE YARD 90 SF
DEMO (E) SHOP
N 31°16'40" E 249.02'
N 60°58'10" W 347.86'
N 60°58'10" W 233.60'
N 60°58'10" W 231.05'
S 60°58'10" E 852.02'
N 29°01'50" W 218.68'
S 29°01'50" E 218.68'
N 60°58'10" W 50.00'
S 60°58'10" E 50.00'
N 29°01'50" W 30.12'
S 29°01'50" E 30.12'
N 29°01'50" W 30.00'
S 29°01'50" E 30.00



EXISTING SITE CONDITIONS

SCALE: 1" = 30'

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

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- (E) STRUCTURE
- 1235 (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- + 1271.53' (E) SPOT ELEVATION
- (E) RETAINING WALL
- (E) FREE-STANDING WALL
- (E) WOOD FENCE
- (E) CHAINLINK FENCE
- DISTURBED AREA.
- PAD AREA

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

Revisions	By

BOLTON ENGINEERING CORP.

BEC

CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

TITLE: EXISTING SITE CONDITIONS
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

Date: April 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 23318
Sheet
C0.1
Of 6 Sheets

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Revisions	By

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CLIENT: DOUG WHITCOMBE

2 POSSUM RIDGE ROAD

ROLLING HILLS, CALIF.

TITLE: PRELIMINARY GRADING PLAN

NEW ADDITIONS & TENNIS COURT

2 POSSUM RIDGE ROAD

ROLLING HILLS, CA 90274

FOR PLANNING PURPOSES ONLY

Date:	April 8, 2024
Scale:	AS SHOWN
Drawn:	JPD
Checked:	DJB
Job No.	23318
Sheet	C1.0
Of	6 Sheets

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- LIMIT OF GRADING
- (E) RESIDENCE
- (P) RESIDENTIAL ADDITION
- (E) DETACHED STRUCTURE
- (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- 1252.0BW 1254.0TW (P) GRADES
- 1265 (P) CONTOURS
- (P) RETAINING WALL
- (P) POOL
- (P) SPORTS COURT
- (P) CONCRETE
- (P) DRAINAGE
- EXISTING PROPOSED DISTURBED AREA.
- EXISTING PROPOSED PAD AREA

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

PRELIMINARY GRADING PLAN

SCALE: 1" = 20'

GRAPHIC SCALE

20 0 20 40

(IN FEET)

1 inch = 20 ft.

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CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

TITLE: CUT – FILL AND COLOR MAP
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

FOR PLANNING PURPOSES ONLY

Date: April 8, 2024
Scale: AS SHOWN
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Job No. 23318
Sheet: C1.1
Of 6 Sheets

LEGEND

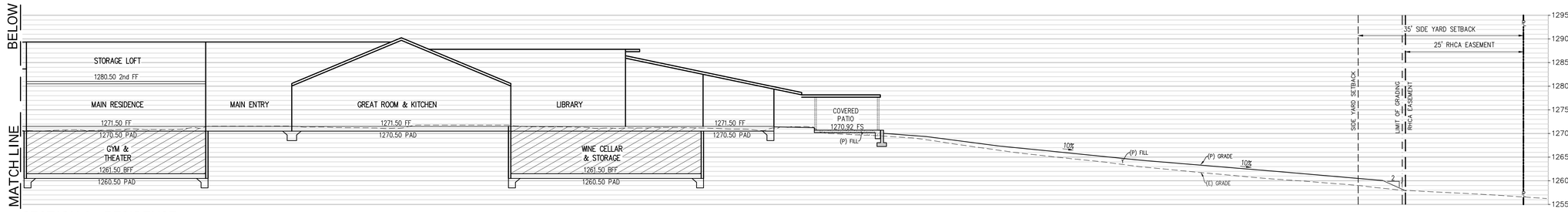
- PROPERTY LINE
- EASEMENT
- SETBACK
- LIMIT OF GRADING
- (E) RESIDENCE
- (P) RESIDENTIAL ADDITION
- (E) DETACHED STRUCTURE
- (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- 1252.0BW / 1254.0TW (P) GRADES
- 1265 (P) CONTOURS
- (P) RETAINING WALL
- (P) POOL
- (P) CONCRETE
- (P) DRAINAGE
- (P) CUT AREA 14,865 S.F.
- (P) FILL AREA 14,175 S.F.
- (P) BUILDING PAD LIMIT
- (P) NET LOT AREA

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

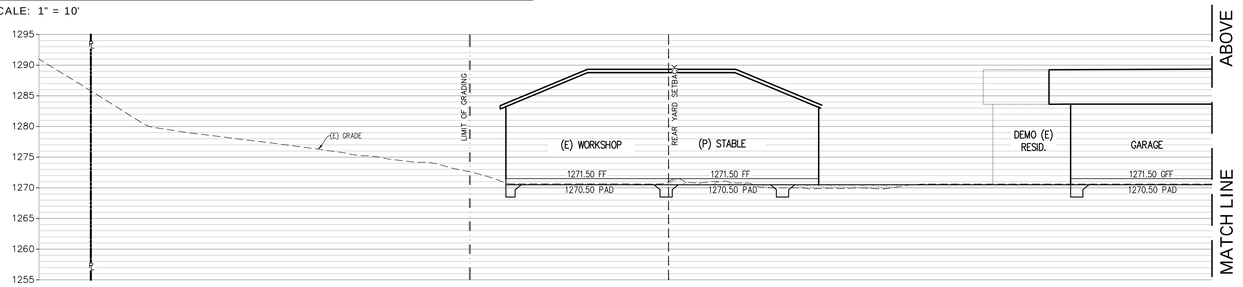
CUT - FILL AND COLOR MAP
SCALE: 1" = 20'

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



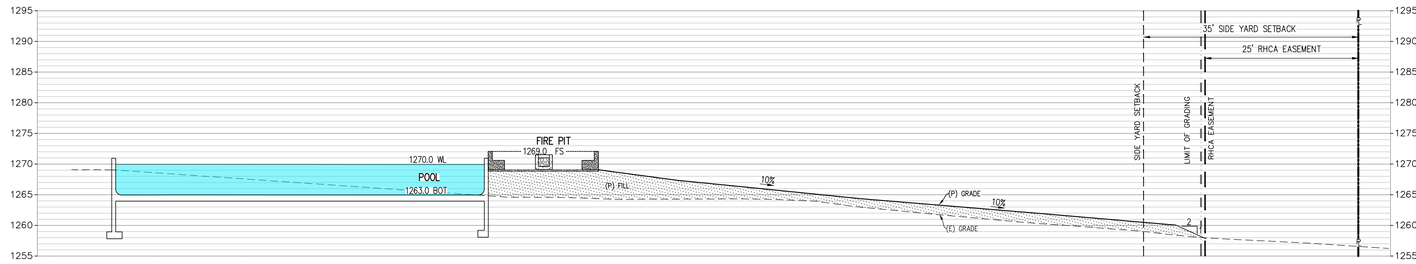
SECTION A - RESIDENCE

SCALE: 1" = 10'



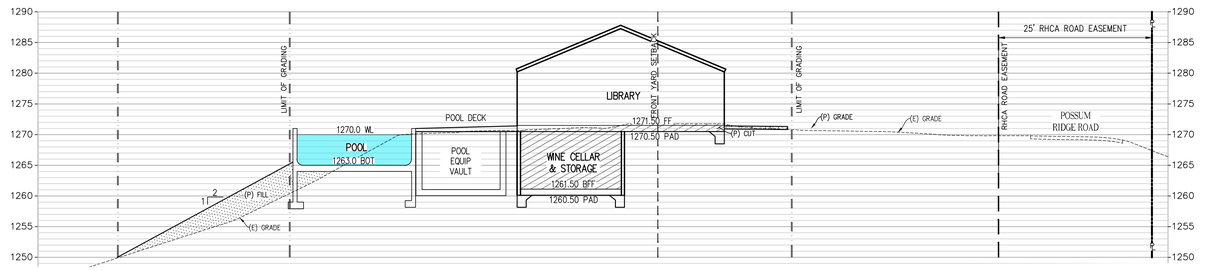
SECTION A CONTINUED- RESIDENCE

SCALE: 1" = 10'



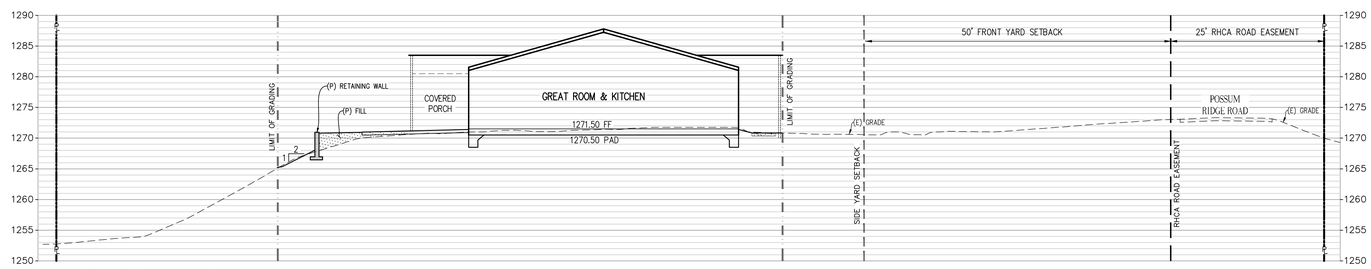
SECTION A1 - THROUGH FIRE PIT AND POOL

SCALE: 1" = 10'



SECTION B - RESIDENCE› POOL AND BASEMENT AREAS

SCALE: 1" = 10'



SECTION C - RESIDENCE

SCALE: 1" = 10'

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

SECTIONS LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- (P) LIMIT OF GRADING
- (P) RESIDENTIAL ADDITION
- (P) RETAINING WALL
- (P) POOL
- (P) SPORTS COURT
- (P) CUT AREA
- (P) FILL AREA

Revisions	By

BOLTON ENGINEERING CORP.

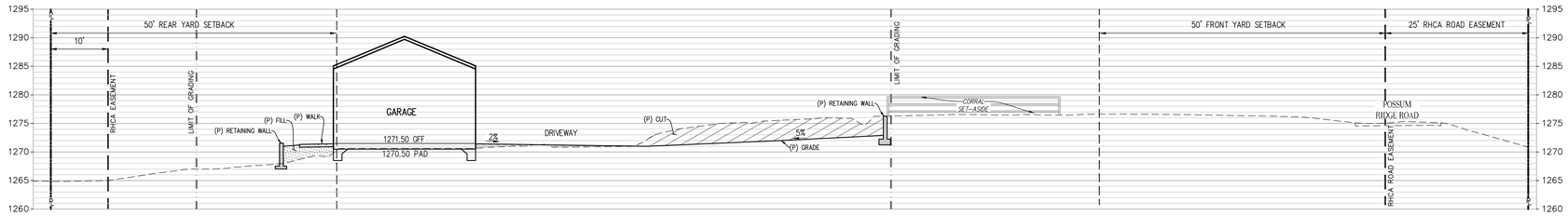
BEC

CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

TITLE: SITE SECTIONS
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

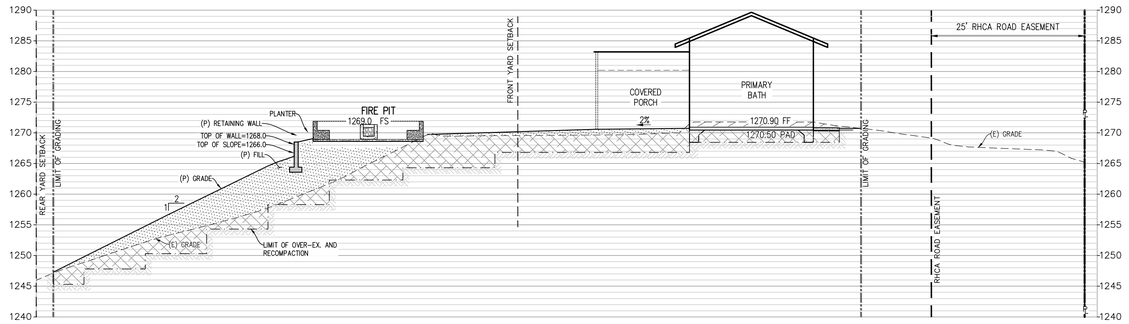
FOR PLANNING PURPOSES ONLY

Date: April 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 23318
Sheet: C2.0
Of 6 Sheets



SECTION D - RESIDENCE› DRIVEWAY

SCALE: 1" = 10'



SECTION E - FILL SLOPE AND FIRE PIT

SCALE: 1" = 10'

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

SECTIONS LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- (P) LIMIT OF GRADING
- (P) RESIDENTIAL ADDITION
- (P) RETAINING WALL
- (P) POOL
- (P) SPORTS COURT
- (P) CUT AREA
- (P) FILL AREA

FOR PLANNING PURPOSES ONLY

Revisions	By

BOLTON ENGINEERING CORP.

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CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

TITLE: SITE SECTIONS
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

Date: April 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 23318
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Of 6 Sheets

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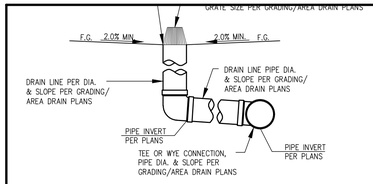
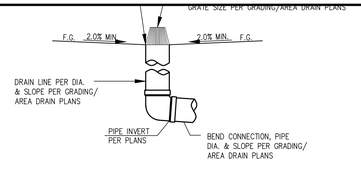
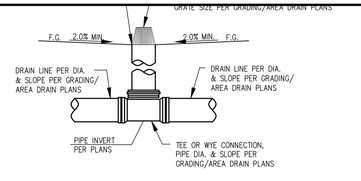


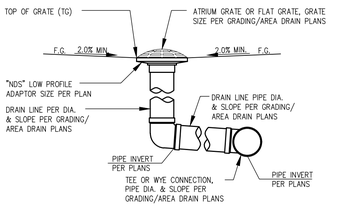
ROUND LANDSCAPE AREA DRAIN (OFF-LINE)



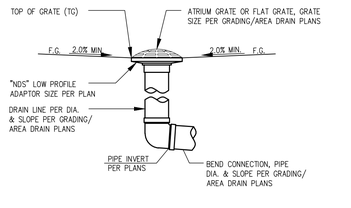
ROUND LANDSCAPE AREA DRAIN (TERMINAL)



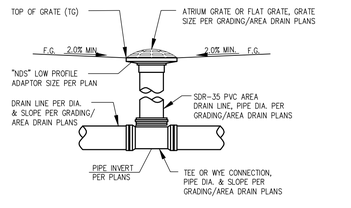
ROUND LANDSCAPE AREA DRAIN (IN-LINE)



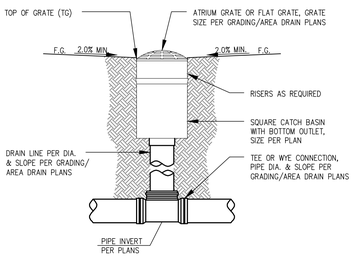
SQUARE LANDSCAPE AREA DRAIN (OFF-LINE)



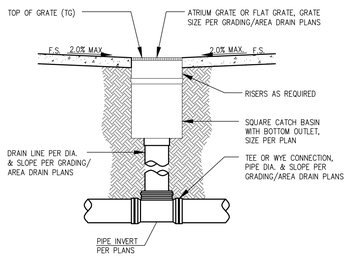
SQUARE LANDSCAPE AREA DRAIN (TERMINAL)



SQUARE LANDSCAPE AREA DRAIN (IN-LINE)



SUMP BOX LANDSCAPE AREA DRAIN

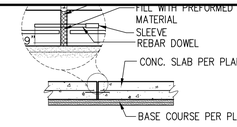


SUMP BOX PEDESTRIAN AREA DRAIN

Area Drain Details

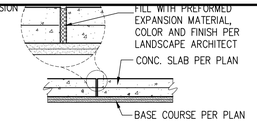
N.T.S.

7/6



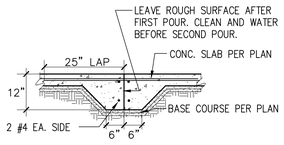
Typ. Dowelled Exp. Joint

PLACE EXPANSION JOINTS WHERE INDICATED ON PLAN

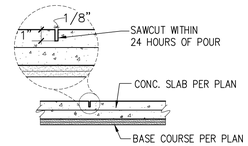


Typ. Expansion Joint

PLACE EXPANSION JOINTS WHERE INDICATED ON PLAN



Typ. Construction Joint



Typ. Control Joint

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

Typical PCC Joints

N.T.S.

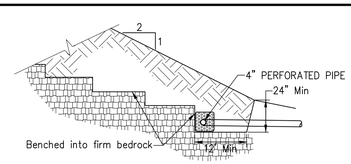
6/6



Typical Top of Slope Berm

N.T.S.

2/6

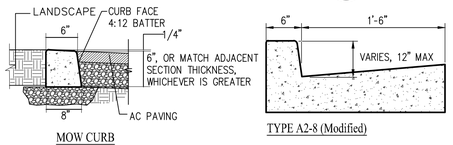


A subdrain system shall be installed behind the proposed fill slope. The subdrain system shall consist of a drain located at the rear of the keyway above the toe of the slope. The subdrain shall consist of 4-inch perforated pipes, with perforations facing downward. It shall be surrounded by a minimum 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

N.T.S.

3/6

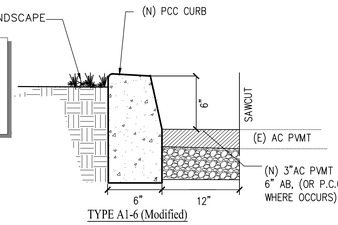


MOW CURB

TYPE A2-8 (Modified)

NOTES:

1. FOR ALL OTHER CURBS, PLEASE SEE SPPWC STANDARD DETAILS.
2. LOCATE EXPANSION JOINTS AT 30'-0" (MAXIMUM) ON CENTER. SEE DETAIL 5.

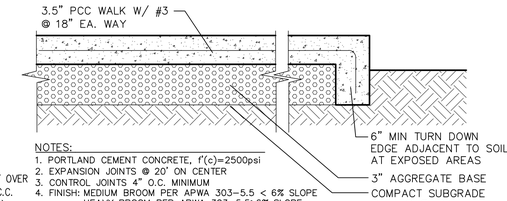


TYPE A1-6 (Modified)

Typical PCC Curbs

N.T.S.

5/8

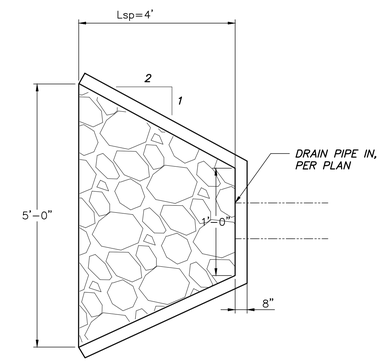


NOTES:
1. PORTLAND CEMENT CONCRETE, f'(c)=2500psi
2. EXPANSION JOINTS @ 20' ON CENTER
3. CONTROL JOINTS 4" O.C. MINIMUM
4. FINISH: MEDIUM BROOM PER APWA 303-5.5 < 6% SLOPE
   HEAVY BROOM PER APWA 303-5.5>6% SLOPE
   SEE ARCHITECT FOR COLORING AND SCORE PATTERNS/STAMPING

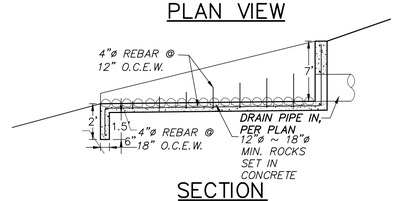
Typical PCC Paving

N.T.S.

4/6



PLAN VIEW



SECTION

Typical PCC Curbs

N.T.S.

8/8

Revisions	By

Bolton Engineering Corp.
Civil Engineering and Surveying
25834 Narbonne Avenue Suite 210
Lomita, Ca. 90717
Ph.310-325-5580 Fax: 310-325-5581

CLIENT: DOUG WHITCOMBE
#2 POSSUM RIDGE ROAD
ROLLING HILLS, CA.

TITLE: DETAILS
#2 POSSUM RIDGE ROAD
ROLLING HILLS, CA.

Date: NOV. 28, 2023
Scale: 1"=20'
Drawn: JPD
Checked: DJB
Job No. 23318
Sheet 6
Of 2 Sheets

POSSOM RIDGE RD

75'-0"
50'-0"
75'-0"
FRONT YARD SETBACK

25'-0"
EASEMENT

DN

PERMEABLE PAVERS

KEEP EXISTING 3-CAR GARAGE

EXISTING SITE
WALL TO REMAIN

BURM
PLANTER
W TREE

DEMOLISH (E) BARN

FF 1272.90

120'-0"

60'-0"

PROPOSED COURT

FRONT SETBACK

RELOCATED COURT
NOT IN SETBACK

GRADE THIS AREA AS NEEDED
FOR MAX 2.5' RETAINING

SIDE SETBACK

PROPERTY LINE

CL CREST

PROPOSED DG DRIVEWAY FOR
AG EQUIPMENT, WILL REQUIRE
TRAFFIC APPROVAL

EXISTING FENCE

PREVIOUS COURT GRADED AREA

PREVIOUS COURT

PREVIOUS RETAINING WALLS

CORRAL SET ASIDE

DG

25'-0"
EASEMENT

25'-0"
EASEMENT

25'-0"
EASEMENT

PROPOSED BARN

72'-0"

48'-0"

8'-0"

TURNOUT

40'-0"
EASEMENT

EQUESTRIAN GATE

BEGINNING OF UPPER SIS TRAIL

CL PORTUGUESE BEND

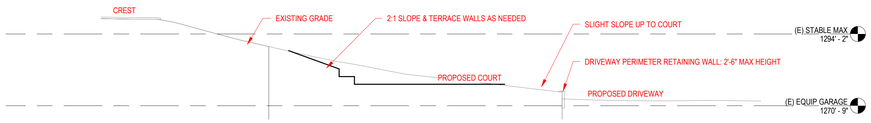
PROPERTY LINE



ADJACENT PROPERTY
BARN DEVELOPMENT FOR
REFERENCE



SECTION THROUGH STABLE 03
1" = 20'-0"



SECTION THROUGH COURT 02
1" = 20'-0"

SCOPING SITE PLAN 01
1" = 20'-0"

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

DRAFT PH 2 SCOPING
SITE PLAN

SCALE: 1" = 20'-0"

DESIGNER:
Campbell ARCHITECTS

REV. #	DATE	DESCRIPTION
	04.16.24	SITE PLAN REVIEW

SK2-00

All ideas, designs and plans indicated or represented by these drawings are owned by and are property of the Architect and were created and developed for use in connection with the specified project. None of such ideas, designs or plans shall be used for any purpose whatsoever without the written permission of the Architect.

4/10/2024 12:42:57 PM

Agenda Item No.: 10.B
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **ZONING CASE NO. 23-056: SITE PLAN REVIEW FOR GRADING AND VARIANCE TO RETAIN GRADING IMPORT FOR A PROPERTY LOCATED AT 29 MIDDLERIDGE LANE SOUTH, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 239-A-6-MS) (JOHNSON)**

DATE: **May 13, 2024**

BACKGROUND:
On April 16, 2024, the Planning Commission reviewed this request to retain unpermitted dirt imported to the site. A notice of the public hearing was published in the Daily Breeze and mailed to owners within 1,000 feet of 29 Middleridge Lane South (see Attachment 1). Lot size and project calculations are shown in a table included in Attachment 2. The Commission needed to determine if removing the imported dirt was appropriate or if it would be just as impactful to the neighborhood to haul the dirt away. The owner Ken Johnson acknowledged the dirt was brought to the property illegally but indicated it would help with fire protection by allowing fire trucks to get closer to the canyon. He stated he would be willing to meet the requirements needed to pull a grading permit, which includes hiring a grading engineer and preparing plans showing the final pad. The LA County grading plan checker has already visited the site and provided Mr. Johnson with a list of requirements needed for a grading permit (see Attachment 4).

The Planning Commission's responsibility was to review the Site Plan Review and Variance request; the technical review of the grading plan and calculations will be reviewed by the grading plan checker in the building stage. At the conclusion of the public hearing, the Commission adopted Resolution No. 2024-07 approving the project to keep the imported dirt on the property. A condition was included that minor adjustments for additional dirt may be approved by staff regarding the quantity needed for remediation (see Attachment 3).

Resident Concerns
No complaints were raised at the field trip or evening Planning Commission meeting even though this began as a code enforcement case reported by a resident. The resident was informed of the Planning Commission meeting and action.

History
In September 2022, staff opened a code enforcement case after it was reported by a resident that dump trucks had been seen delivering dirt to Middleridge Lane South. Staff visited the area and determined the destination of the delivery was at 29 Middleridge Lane South. Pictures provided by a resident showed grading work, including imported soil, on the lower portion of the property (see Attachments 5 and 6 for reference). A notice of violation was issued that the import and storage of dirt was a violation of the Rolling Hills Municipal Code (RHMC), especially in close proximity of a trail and canyon (RHMC Sections 8.32.060 and 15.04.130(1)). The trail is maintained by the Rolling Hills Community Association (RHCA) and the canyon is a natural drainage course. The owner was informed that the imported dirt must be abated, or an application be submitted for review and approval. The dirt was imported purportedly to restore the pad and slope that had previously eroded.

In early 2023, rain caused uncompacted dirt to erode onto the trail and possibly into the natural drainage course. On January 25, 2023, staff and representatives of RHCA visited the site and trail below to assess the condition. On February 7, 2023, City staff met with representatives of RHCA and the California Department of Fish and Wildlife (CDFW) to inspect the site and any impacts to the trail and natural drainage course. Subsequently, RHCA cleared the trail of debris, but CDFW determined the erosion had not impacted the natural drainage course and no further action was required.

On April 25, 2023, the property owner, Ken Johnson, submitted a site plan review application for non-exempt grading and a variance application to retain grading import placed on a lower existing pad. The project engineer estimates 638 cubic yards (CY) was imported covering a surface area of 5,848 square feet (SF) at a depth of three feet (see Attachment 7).

On July 27, 2023, staff and the Los Angeles County grading plan checker visited the site and informed Mr. Johnson of necessary steps needed to stabilize the site to prevent further erosion (see Attachment 4 for reference).

Lot Size and Existing Development
The gross lot area is 3.42 acres (149,008 square feet) in the RAS-2 zoning district (see Attachment 2 for reference). For development purposes, the net lot area, which excludes the roadway easement and 10 feet along the property lines, is 2.48 acres (108,188 square feet). There are three building pads: (1) the main residential pad which is 32,288 square feet; (2) the barn pad which is 9,446 square feet; and (3) the proposed lower pad which is 9,709 square feet. The property is developed with a 3,784-square-foot residence with a 704-square-foot attached garage. The property is also developed with a swimming pool, service yard, entryway, trellis, barn, and other improvements. The lower pad, which is the subject of this application, is undeveloped and the owner has no intention of developing it in the near future.

DISCUSSION:
As this is a code enforcement case, receiving information for "as built" grading has been difficult. Aerial photos can show how the site looked before and after (see Attachment 5) but quantifying the amount of dirt moved has been challenging. According to the project engineer,

approximately 638 CY was imported covering a surface area of 5,848 SF with a maximum depth of three feet (see Attachment 7). However, based on site observations, portions of the imported soil appear to be deeper near the edge of the slope. Additionally, settling and erosion may have caused the dirt to shift over the months (see Attachments 8 and 9).

According to the owner, the dirt was imported from an excavation site at Bowie Road behind the Rolling Hills gates. However, the dirt appears to be nonnative and not indicative of local soil due to it being soft and sandy. The owner claims the dirt was placed on the lower pad near the trail easement in preparation for repairing the trail. However, RHCA indicated they were unaware of the issue. The owner indicates no other properties are affected, but the dirt appears to have eroded onto the trail below and to the neighboring property to the north. The owner claims the pad provides fire defense from canyon fires and also provides a pad for firefighters to access the canyon with large trucks and firefighter equipment. It also facilitates vegetation control and emergency access. The owner indicates the work slightly enlarges the existing pad so there is better firefighting access to the canyon bottom.

SITE PLAN REVIEW CRITERIA

17.46.010 Purpose.

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

17.46.050 Required findings.

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:
3. The project complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance;
4. 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;
5. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences;
6. 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);
7. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area;
8. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course;

9. 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;
10. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles; and
11. The project conforms to the requirements of the California Environmental Quality Act.

Per Section 17.46.050, the Planning Commission must make findings for approval of a Site Plan Review to grade the lower pad to repair the slope due to erosion. Findings to support the grading are included in the attached resolution.

CRITERIA FOR APPROVAL OF A VARIANCE

Findings for approval of a variance are needed to keep the imported dirt to restore a pad and slope. Sections 17.38.010 through 17.38.050 of the Rolling Hills Municipal Code permit approval of a variance from the standards and requirements of the Zoning Ordinance when exceptional or extraordinary circumstances applicable to the property and not applicable to other similar properties in the same zone prevent the owner from making use of a parcel of property to the same extent enjoyed by similar properties in the same vicinity. In the subject application, the Applicant requests a variance for exemption from strict compliance to Sections 17.16.220-230, which require balanced grading on site. The Applicant is requesting a variance to retain the imported soil. Findings to support the variance request are included in the attached resolution.

17.38.050 Required Variance findings.

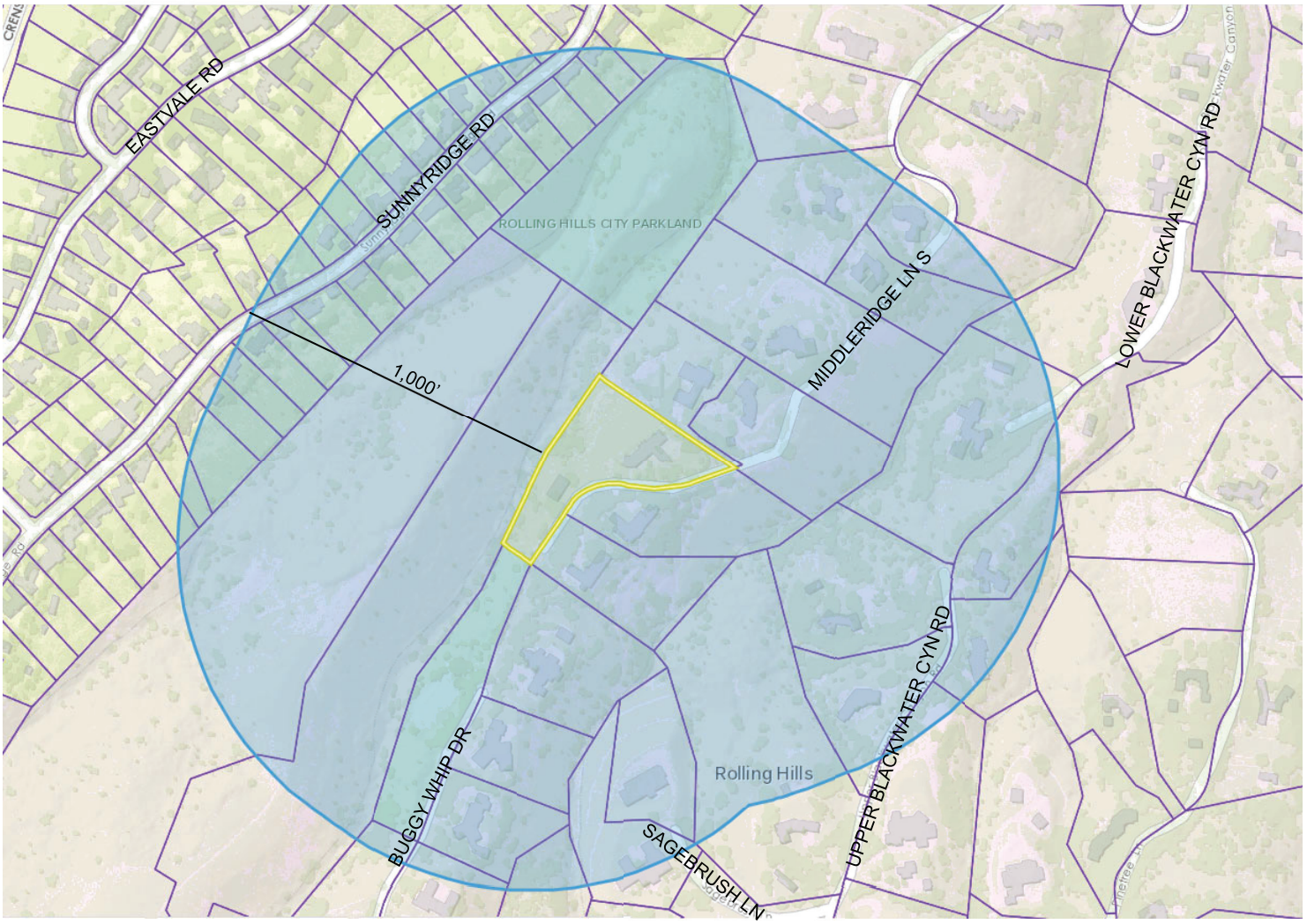
In granting a variance, the Commission (and Council on appeal) must make the following findings:

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 4 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:
Receive and file.

ATTACHMENTS:
Attachment 1: PL_ADR_29MiddleridgeLnS_ZC23-056_240508_RadiusMap_ProximityMap.pdf
Attachment 2: PL_ADR_29MiddleridgeLnS_ZC23-056_240416_Development Table_F.pdf
Attachment 3: 2024-07_PC_Resolution_29MiddleridgeLnS_ZC23-056_Johnson_F_E.pdf
Attachment 4: PL_ADR_29MiddleridgeLaneS_ZC23-056_230727_EmailfromAnthonyWongtoKenJohnson_Redacted.pdf
Attachment 5: PL_ADR_29MRLS_ZC23-056_AerialPhoto_2019-2023.pdf
Attachment 6: PL_ADR_29MRLS_ZC23-056_VariousSitePhotos.pdf
Attachment 7: PL_ADR_29MiddleridgeLaneS_ZC23-056_230426_SurveyReport.pdf
Attachment 8: PL_ADR_29MiddleridgeLnS_ZC23-056_230426_TopographicSurvey.pdf
Attachment 9: PL_ADR_29MiddleridgeLnS_ZC23-056_240411_Plans.pdf



City of Rolling Hills **ROLLING HILLS, CA 90274**

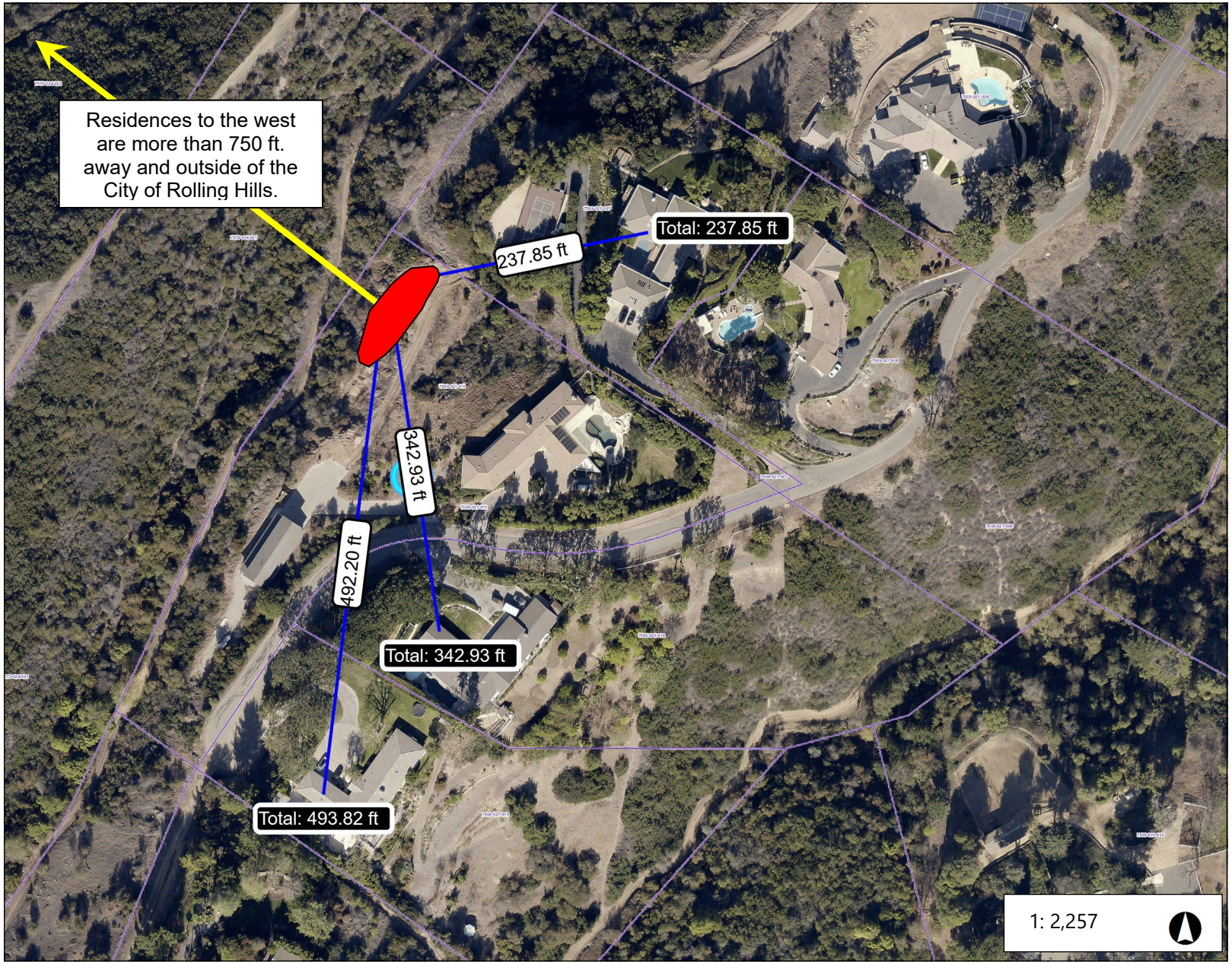
TITLE VICINITY MAP **CASE NO.** Zoning Case No. 23-056
Site Plan Review, Variance

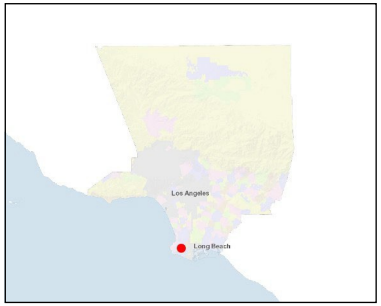
OWNER JOHNSON

ADDRESS 29 MIDDLERIDGE LANE SOUTH, ROLLING HILLS, CA 90274

SITE

Proximity Map: 29 Middleridge Lane South





Legend

Graded Area

Notes

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FORNAVIGATION

Development Table Zoning Case No. 23-056 29 Middleridge Lane South			
SITE PLAN REVIEW, CONDITIONAL USE PERMIT, & VARIANCE	**EXISTING**	**PROPOSED**	**TOTAL**
RAS-1 Zone	Residence, swimming pool, trellis, barn, and other improvements	Import of dirt only	
Net Lot Area	108,133 SF (2.48 AC)	--	108,133 SF (2.48 AC)
Residence	3,784 SF	--	3,784 SF
Garage	704 SF	--	704 SF
Swimming Pools/Spa	472 SF	--	472 SF
Pool Equipment	40 SF	--	40 SF
Guest House	0 SF	--	0 SF
Cabana	0 SF	--	0 SF
Stable minimum: 450 SF Corral minimum: 550 SF	2,160 SF Minimum met	--	2,160 SF Minimum met
Recreation Court	0 SF	--	0 SF
Attached Covered Porches	0 SF	--	0 SF
Entryway/Porte Cochere, Breezeways	130 SF	--	130 SF
Attached Trellises	260 SF	--	260 SF
Detached Structures:	0 SF	--	0 SF
Service Yard	96 SF	--	96 SF
Other	0 SF	--	0 SF
Basement Area Depth of Basement	0 SF 0 SF	-- --	0 SF 0 FT
Primary Driveway	3,717 SF	--	3,717 SF
Paved Walkways, Patio Areas, Courtyards	188 SF	--	188 SF
Pool Decking	878 SF	--	878 SF
Other Paved Driveways, Road Easements, Parking Pads	4,783 SF	--	4,783 SF
Grading (balanced onsite)	0 CY	**638.34 CY FILL** **0 CY CUT**	**638.34 CY TOTAL** **(all imported)**
Structural Lot Coverage (20% maximum with deductions)	7,646 SF (7%)	No change	7,646 SF (7%)
Flatwork Lot Coverage (15% maximum)	4,783 SF (4.4%)	No change	4,783 SF (4.4%)
Total Lot Coverage (Structures and Flatwork) (35% maximum with deductions)	12,429 SF (11.5%)	No change	12,429 SF (11.5%)
Total Disturbed Area (40% maximum)	37,216 SF (34.40%)	**5,848 SF (1.90%)**	**43,064 SF (39.8%)**
Building Pad 1 (Residence) (30% Maximum Guideline)	12,702 SF PAD AREA 5,486 SF (43.10%)	No change	12,702 SF PAD AREA 5,486 (43.10%)
Building Pad 2 (Stable) (30% Maximum Guideline)	6,262 SF PAD AREA 2,160 SF (34.40%)	No change	6,262 SF PAD AREA 2,160 SF (34.40%)
Building Pad 3 (Lower Pad) (30% Maximum Guideline)	--	**5,848 SF** **Limit of grading only** **No development**	**5,848 SF** **Limit of grading only** **No development**

RESOLUTION NO. 2024-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-056 FOR A SITE PLAN REVIEW FOR GRADING AND VARIANCE TO RETAIN GRADING IMPORT AT 29 MIDDLERIDGE LANE SOUTH AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 248-A-1-UR) (JOHNSON)

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. In September 2022, staff conducted an inspection and observed grading work including imported soil in the lower portion of the property. A notice of violation was issued and the owner was instructed that Planning approval was required.

Section 2. On April 25, 2023, the property owner, Ken Johnson, submitted a site plan review application for non-exempt grading and a variance application to retain grading import placed on a lower existing pad at a property located at 29 Middleridge Lane South. A visit to the site revealed that the loose dirt delivered to the pad was next to a trail maintained by the Rolling Hills Community Association (RHCA) and a canyon. There is a potential for the dirt to fall onto the trail and into the bottom of the canyon which supports a natural drainage course. If not properly engineered, the dirt may cause erosion of the slopes into the trail and canyon. City Staff notified the owner that the imported dirt and storage of dirt adjacent to the trail and canyon was a violation of Rolling Hills Municipal Code Section 8.32.060 and Section 15.04.130(1) and required that the imported dirt be abated or an application be submitted for review and approval. The project engineer estimates 638 cubic yards (CY) was imported covering a surface area of 5,848 square feet (SF). Based on site observations, portions of the imported soil is six feet high near the edge of the slope.

Section 3. The Planning Commission considered this item at a duly noticed public hearing on April 16, 2024. The Planning Commission reviewed and considered the staff report, reviewed and considered the Applicant's request, public testimony, and other information on the record.

Section 4. The applicant was notified of the public hearing in writing by first class mail. Neighbors within 1,000-foot radius were notified of the public hearings and a notice was published in the Daily Breeze on April 5, 2024. Evidence was heard and presented from all persons interested in affecting said proposal and from members of the City staff and the Planning Commission having reviewed, analyzed and studied said proposal. The applicant was in attendance at the hearing.

Section 5. The Project is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15304, Class 4 (Minor Alterations to Land), which exempts grading of land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state,

or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist. Accordingly, the Project qualifies for this exemption since grading is on slopes less than 10 percent and not in a waterway, wetland, or officially designated scenic area. 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. Much of the site has already been graded and disturbed.

Section 6. The gross lot area is 3.42 acres (149,008 square feet) in the RAS-2 zoning district. For development purposes, the net lot area, which excludes the roadway easement and 10 feet along the property lines, is 2.48 acres (108,188 square feet). There are three building pads: (1) the main residential pad which is 32,288 square feet; (2) the barn pad which is 9,446 square feet; and (3) the proposed lower pad which is 9,709 square feet. The property is developed with a 3,784-square-foot residence with a 704-square-foot attached garage. The property is also developed with a swimming pool, service yard, entryway, trellis, barn, and other improvements. The lower pad, which is the subject of this application, is undeveloped and the owner has no intention of developing it in the near future.

Section 7. Findings for approval of a variance are needed to keep 638 cubic yards of imported dirt to restore a pad and slope. Sections 17.38.010 through 17.38.050 of the Rolling Hills Municipal Code permit approval of a variance from the standards and requirements of the Zoning Ordinance when exceptional or extraordinary circumstances applicable to the property and not applicable to other similar properties in the same zone prevent the owner from making use of a parcel of property to the same extent enjoyed by similar properties in the same vicinity. In the subject application, the Applicant requests a variance for exemption from strict compliance to Sections 17.16.220-230, which require balanced grading on site. With respect to this request, 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 exceptional and extraordinary circumstances and conditions applicable to the property or to the intended use that do not apply generally to the other property in the same zone because the imported dirt replaces dirt that has eroded. Other properties do not have the same issues with erosion.

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.

Strict application of the Zoning Ordinance would deprive the Applicants of the right and benefits enjoyed by similarly situated properties in the same vicinity and zone. Integration of the imported soil onto the property permits the use of the lot to the extent

allowed for other properties in the vicinity and will otherwise avoid the environmental impacts related to the removal of all imported dirt from the property.

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.

The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. Integration of the imported soil into the development of the project permits the use of the lot to the extent allowed for other properties in the vicinity and will otherwise avoid the environmental impacts related to the removal of all imported dirt from the property.

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

In granting the variance, the spirit and intent of the Zoning Code will be observed because the integration of the soil permits the use of the lot to the extent allowed for other properties in the vicinity.

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

The variance does not grant any special privilege(s) to the applicant; the applicant needs to integrate the imported soil on the property to prevent further erosion.

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.

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 because there are no hazardous waste facilities involved.

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

The variance request is consistent with the General Plan of the City of Rolling Hills because the proposed improvements will repair and preserve the stability of the slopes which were damaged by erosion. Furthermore, the slopes will be landscaped in order to prevent further erosion.

Section 8. Findings for Approval of Site Plan Review to grade the lower pad to repair the slope due to erosion, as required by Section 17.46.050. With respect to the Site Plan Review application, the Planning Commission 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 grading complies with and is consistent with the goals and policies of the General Plan and all requirements of the Zoning Ordinance. The grading will repair and preserve the stability of the slope and pad, which will be landscaped in order to prevent further erosion.

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 grading will substantially preserve the natural and undeveloped state of the lot because it will be conducted on the slope above the canyon adjacent to the property. The proposed grading will not affect the developed pads above and will not increase building coverage because no development is proposed; the project is for slope restoration due to erosion.

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

The proposed grading is harmonious in scale and mass with the site, the natural terrain and surrounding residences because nothing will be constructed on the pad and slope. The proposed grading will repair and preserve the stability of the pad and slope with a gradient not to exceed 2:1. The slope will also be landscaped and therefore will not impact the aesthetics of the surrounding canyon.

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 proposed grading will not negatively impact existing topographic features of the site. Repairing the pad due to erosion would increase the aesthetics of the site.

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.

The grading has been designed for the lower pad and will retain a slope no greater than 2:1 gradient.

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

The proposed project will consider drainage channels and stormwater flow. The natural flow is toward the canyon below and the project will restore the existing slope and drainage course.

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.

As part of the overall approval of the project, the grading must preserve the surrounding native vegetation and mature trees by supplementing these elements with drought-tolerant native landscaping (which is compatible with and enhances the rural character of the community while providing a buffer/transition area between private and public areas).

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

The proposed grading is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles because it will not be conducted on or near any existing driveway or pedestrian walkway. Nor will the grading along the slope impact any hiking or horse trails which is located below along the canyon.

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

The proposed grading conforms to the requirements of the California Environmental Quality Act and qualifies as a Class 4 Exemption, and is therefore categorically exempt from environmental review under the California Environmental Quality Act (see Section 5).

Section 9. Based upon the foregoing findings, the Planning Commission hereby approves the Site Plan Review and Variance application in Zoning Case No. 23-056 subject to the following conditions:

A. The Site Plan Review and Variance approvals shall expire within two years from the effective date of approval if construction pursuant to this approval has not commenced within that time period, as required by Sections 17.46.080(A) and 17.38.070(A) of the Rolling Hills Municipal Code, or the approval granted is otherwise extended pursuant to the requirements of those sections.

B. If any condition of this resolution is violated, the entitlement 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 Chapter 17.58 of the Rolling Hills Municipal Code (RHMC).

C. All requirements of the Building and Construction Code, the Zoning Code, and of the zone in which the subject property is located must be complied with, including the Outdoor Lighting Ordinance, unless otherwise set forth in this approval, or shown otherwise on an approved plan.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file and approved by the Planning Commission on April 16, 2024. Prior to submittal of final working drawings to the Building and Safety Department for issuance of grading and/or building 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.

The conditions of approval specified herein shall be printed on all construction plans and shall be available at the construction site at all times.

E. The 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 therein 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.

F. The project must be reviewed and approved by RHCA.

G. Grading shall not exceed 638 cubic yards total. No additional grading or disturbance, including for access to the construction site shall be permitted.

H. Structural lot coverage shall not exceed 7,646 square feet or 7% of the net lot area in conformance with the zoning requirement.

I. The total structural and flatwork coverage on the residential and stable building pads shall not exceed 5,486 square feet or 43.1% and 2,160 square feet or 34.4%, respectively.

J. Total lot coverage of structures and paved areas shall not exceed 12,429 square feet, or 11.5% in conformance with the zoning ordinance.

K. The disturbance of the net lot shall not exceed 43,064 square feet of surface area or 39.8% of the net lot area, which includes the lower pad and graded slope.

L. Prior to any further grading activity, the applicants shall inform the City and RHCA staff of the date and time of this activity. Workers shall implement Best Management Practices to assure that streets and adjacent properties are not impacted.

M. Prior to issuance of a grading permit a detailed landscaping plan shall be submitted to City staff for review. 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. A final inspection shall not be granted unless the slopes are vegetated.

N. The graded areas shall be landscaped and continually maintained in good condition. Any trees and shrubs used in the landscaping scheme for this project shall be planted in a way that will not result in a hedge like screening and will not impair views from neighboring properties.

O. If applicable, the applicant shall be required to conform to the City of Rolling Hills Water Efficient Landscape Ordinance, Chapter 13.18 of the Municipal Code.

P. The applicants shall submit a detailed drainage plan to the City's drainage engineer. This project shall meet the requirements of the City's Low Impact Development portion of the Storm Water Management and Pollution Control ordinance, if applicable. The applicant shall comply with grading requirements relative to submittal of grading and construction reports as required by the Building Official. In order to prevent sediments and water run-off from reaching the canyon from the disturbed slopes by June 16, 2024, an erosion control plan shall be submitted to the Building Department and implemented, even if grading permits have not been issued by that time.

The applicants shall secure all permits from the Department of Building and Safety prior to commencing any work. Consult with the California Department of Fish and Wildlife for additional requirements.

Q. Minimum of 65% of the construction material spoils shall be recycled and diverted from landfills. The hauler shall obtain a Construction and Demolition permit from the City and provide proof of recycling.

R. There shall be no discarding of any debris, trash, soil and construction spoils or any other material into the canyon or deposited anywhere on the property,

including easements. No grading, planting, structures, drainage devices or hardscape, including driveways, or storage of any objects including building materials shall take place in the easements, unless approved by the RHCA.

S. The City or the Building Department may require a construction fence for the duration of the grading for this project. Such fence shall not be located in any easement or cross over trails or natural drainage course and shall be removed immediately upon completion of the grading work.

In addition, any construction facility, such as a construction trailer/office or portable toilets, to a maximum extent practicable, shall be located in a manner not visible from the street, and be in a location satisfactory to City staff.

T. During construction, the property owners shall be required to schedule and regulate construction and related 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.

U. Construction vehicles or equipment, employees vehicles, delivery trucks shall not impede any traffic lanes to maximum extend practical; if traffic must be blocked in order to aid in the construction, no more than a single lane may be blocked for a short period of time and flagmen utilized on both sides of the impeded area to direct traffic.

V. During construction, all parking shall take place on the project site, and, if necessary, any overflow parking may take place within the unimproved roadway easement along Portuguese Bend Road, and shall not obstruct neighboring driveways or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. A minimum of 4' wide path, from the edge of the roadway pavement, for pedestrian and equestrian passage shall be available and clear at all times.

W. No drainage device may be located in such a manner as to contribute to erosion or in any way affect a slope, an easement, trail or adjacent properties. The energy dissipaters shall be designed in such a manner as to not cross over any equestrian trails or easements. The drainage system(s) shall not discharge water onto a trail, shall incorporate earth tone colors, including in the design of the dissipater and shall be screened from any trail and neighbors views to the maximum extent practicable, without impairing the function of the drainage system.

X. The property owners shall be required to conform to the Regional Water Quality Control Board and County Public Works Department requirements for the installation of best management practices (BMPs) related to solid waste and storm water management, including erosion control measures, and post construction maintenance of stormwater drainage facilities.

Y. During construction, conformance with the air quality management district requirements shall be complied with, so that people or property are not exposed to undue vehicle trips, noise, dust, and objectionable odors.

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

AA. 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.

AB. The property on which the project is located shall maintain an area of minimum of 550 square feet to provide an area meeting all standards for a corral with access thereto, if applicable.

AC. Until the applicants execute and record an Affidavit of Acceptance of all conditions of this Site Plan Review and Variance approvals, as required by the Municipal Code, the approvals shall not be effective.

AD. 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.

AE. 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. Minor adjustments to the project regarding grading or soil retention may be approved by staff.

AF. All conditions of the Site Plan and Variance approvals, that apply, shall be complied with prior to the issuance of grading or building permit.

AG. All conditions of Resolution No. 2011-02 adopted by the Planning Commission on February 15, 2011, unless amended by this resolution, shall be in full force and effect.

PASSED, APPROVED AND ADOPTED THIS 16th DAY OF APRIL 2024.

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 Code of Civil Procedure Section 1094.6

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

I certify that the foregoing Resolution No. 2024-07 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-056 FOR A SITE PLAN REVIEW FOR GRADING AND VARIANCE TO RETAIN GRADING IMPORT AT 29 MIDDLERIDGE LANE SOUTH AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 248-A-1-UR) (JOHNSON)

was approved and adopted at a regular meeting of the Planning Commission on April 16, 2024, by the following roll call vote:

AYES: Cardenas, Cooley, Vice Chair Kirkpatrick, Chair Chelf

NOES: None

ABSENT: Douglass

ABSTAIN: None

and in compliance with the laws of California was posted at the following:

Administrative Offices.

CHRISTIAN HORVATH, CITY CLERK

From: Anthony Wong
To: [redacted]
Cc: John Signo; Stephanie Grant
Subject: 29 Middleridge Lane South, Rolling Hills, CA 90274 - Unpermitted Grading
Date: Thursday, July 27, 2023 3:03:36 PM
Attachments: inky-injection-inliner-Qu4cfKRjY1wLxlol-bzGsQ.png
inky-injection-inliner-b0LUiNNIz82Gv_IJfK-fag.png

External (anwong@dpw.lacounty.gov)

Report This Email FAQ Protection by INKY

Hello Ken,

Thank you for letting us visit today and see the unpermitted grading at 29 Middleridge Lane South, Rolling Hills, CA 90274. As discussed, I have reviewed our procedures for unpermitted grading, and determined that the site will need to be stabilized asap. Here is the procedure:

- Owner will need to stabilize the site, i.e. erosion control, drainage, geotechnical (if necessary).
    - Erosion Control Plan with **Special Purpose Permit**
        - Civil Engineer Hired to create an erosion control plan, and address drainage control for control of sediment and stormwater flow. Must consider downslope properties.
        - D&G plan checker [me] to review and approve this special purpose permit prior to work on the site.
    - Geotechnical/Geologist
        - Stability
            - Assess the stability of the unpermitted slope and provide recommendations.
            - D&G / GMED [LA County Public Works] to determine whether stability work will need to occur right away
        - Dumped Fill
            - Determine the volume of dumped fill
            - Provide recommendations on how to remove dumped fill [if necessary]
            - Determine if any contaminated soil is on site
    - Environmental Engineer
        - Identify which landfill to take contaminated soils

Here is additional information for minimum compliance requirements:

1. A licensed civil/soils engineer is required to prepare an investigation report.
2. Is imported soil contaminated or not? Boring tests required.

3. If soil is contaminated, must be removed. An environmental engineer shall identify which landfill to take to OR
4. If soil is clean, it may remain with these conditions and is only applicable to this case –
   a. Document and record fill area as “Restricted Use Area - Uncertified fill. No building structures permitted at recorded at this location.”
   b. Slope stability report required with global safety factor of 1.5 minimum.
   c. Max slope permitted is 2:1 or less.
   d. GMED review and approval of soils report may be required.
5. A grading permit application is required to initiate review. Others fees such as GMED review, code enforcement, etc. may also be assessed.

After the soil has been stabilized, I would be able to begin the process of the grading permit. It is my understanding that you would like to keep the soil on site.

If you have additional questions, please let us know.

Thanks,

Anthony Wong, P.E.
Associate Civil Engineer
Los Angeles County Public Works
Cell: [redacted]
Office: (310) 534-3760

We strive to answer all emails within two business days. Should you experience delays beyond the response time, you can contact my Supervisor, Mr. Jason Zhang, at [redacted] or email [redacted]. For additional information, you may visit our website at Los Angeles County Building and Safety (lacounty.gov).

29 MIDDLERIDGE LANE SOUTH

2023 **2019**



29 MIDDLERIDGE LANE SOUTH

2023 **2019**







Above (2): Dump truck on Middleridge Lane South (Taken by resident, circa Sept. 2022)

Bottom: Dump truck on lower pad of 29 Middleridge Lane South (Taken by resident, circa Sept. 2022)





Close up of dump truck on lower pad of 29 Middleridge Lane South (Taken by resident, circa Sept. 2022)



Top: Pathway to lower pad on 29 Middleridge Lane South (Sept. 2022)

Bottom: Lower pad and pathway (Sept. 2022)





Top: Lower pad of 29 Middleridge Lane South looking north (Sept. 2022)

Bottom: Lower pad of 29 Middleridge Lane South looking south (Sept. 2022)



29 Middleridge Lane South – ZC 23-056



Top: Johns Canyon Trail shown undisturbed (1/25/23)

Bottom: Johns Canyon Trail covered with eroded soil (1/25/23)





Top and bottom: Photos of erosion on lower pad of 29 Middleridge Lane South caused by rain (2/7/23)





Top and bottom: Wattles to prevent further erosion onto Johns Canyon Trail (2/7/23)





Top: Path of runoff eroding onto Johns Canyon Trail (2/7/23)

Bottom: Extent of erosion onto Johns Canyon Trail (2/7/23)



RECEIVED

APR 2 5 2023

City of Rolling Hills

By _____

SOLOFF SURVEYING & CONSULTING

1223 WILSHIRE BLVD.
#1635
SANTA MONICA, CA 90403

(310) 543-9491 voice
(310) 543-9391 fax
(310) 729-9606 cell

QUANTITY SURVEY AT 29 MIDDLERIDGE LANE SOUTH, ROLLING HILLS

Client: Ken Johnson 12/27/22

-CUBIC YARDS OF FILL-

Lower Area	571.50
West Area	52.67
South Area	14.17
TOTAL	638.34

Surface Area Disturbed Per This Survey: 5,848 SF

Note: Due to site conditions and the necessity to rely on historical documents the above figures are approximate only

Lewis Soloff, PLS



RECEIVED
APR 25 2023
City of Rolling Hills
Middleridge Ln S
John's Canyon Trail
John's Canyon Trail
SOUTH
Google

CA-EW-1	Earthwork Quantity Calculations

RECEIVED
APR 2 5 2023
City of Rolling Hills

29 MIDDLERIDGE LANE SOUTH
ROLLING HILLS
LOWER AREA

Date 12/27/22

By _____

	CUTS Prop Line # _____				FILLS Prop Line # _____			
Station	End Area ft²	Average End Area ft²	Length Between Stations ft	Volume yd³	End Area ft²	Average End Area ft²	Length Between Stations ft	Volume yd³
000+25	0.00				0.00			
		0.00	25.00	0.00		28.00	25.00	25.93
000+50	0.00				56.00			
		0.00	25.00	0.00		84.25	25.00	78.01
000+75	0.00				112.50			
		0.00	25.00	0.00		142.65	25.00	132.08
001+00	0.00				172.80			
		0.00	25.00	0.00		186.30	25.00	172.50
001+25	0.00				199.80			
		0.00	21.00	0.00		209.55	21.00	162.98
001+46	0.00				219.30			

Total cuts, yd³ 0.00 Total fills, yd³ 571.50

(Area 1 + Area 2) ÷ 2 = Average End Area
ft² — square foot

Average End Area × Length ÷ 27 = Volume
yd³ — cubic yard

Lewis Soloff, PLS — Calculated by
12/27/22 — Date

Checked by — Date

ODOT Form date: 2/22/14

CA-EW-1	Earthwork Quantity Calculations

RECEIVED
APR 25 2023
City of Rolling Hills

29 MIDDLERIDGE LANE SOUTH
ROLLING HILLS
WEST AREA

Date 12/27/22

By _____

	CUTS Prop Line # _____				FILLS Prop Line # _____			
Station	End Area ft²	Average End Area ft²	Length Between Stations ft	Volume yd³	End Area ft²	Average End Area ft²	Length Between Stations ft	Volume yd³
000+00	0.00				18.00			
		0.00	72.00	0.00		19.75	72.00	52.67
000+72	0.00				21.50			

Total cuts, yd³ 0.00 Total fills, yd³ 52.67

(Area 1 + Area 2) ÷ 2 = Average End Area ft² — square foot

Average End Area × Length ÷ 27 = Volume yd³ — cubic yard

Lewis Soloff, PLS — Calculated by
12/27/22 — Date

Checked by — Date

ODOT Form date: 2/22/14

CA-EW-1	Earthwork Quantity Calculations

RECEIVED
APR 25 2023
City of Rolling Hills

29 MIDDLERIDGE LANE SOUTH
ROLLING HILLS
SOUTH AREA

Date 12/27/22

By

	CUTS Prop Line #				FILLS Prop Line #			
Station	End Area ft²	Average End Area ft²	Length Between Stations ft	Volume yd³	End Area ft²	Average End Area ft²	Length Between Stations ft	Volume yd³
000+00	0.00				25.50			
		0.00	15.00	0.00		25.50	15.00	14.17
000+15	0.00				25.50			

Total cuts, yd³ 0.00 Total fills, yd³ 14.17

(Area 1 + Area 2) ÷ 2 = Average End Area ft² — square foot

Average End Area × Length ÷ 27 = Volume yd³ — cubic yard

Lewis Soloff, PLS — Calculated by
12/27/22 — Date

Checked by — Date

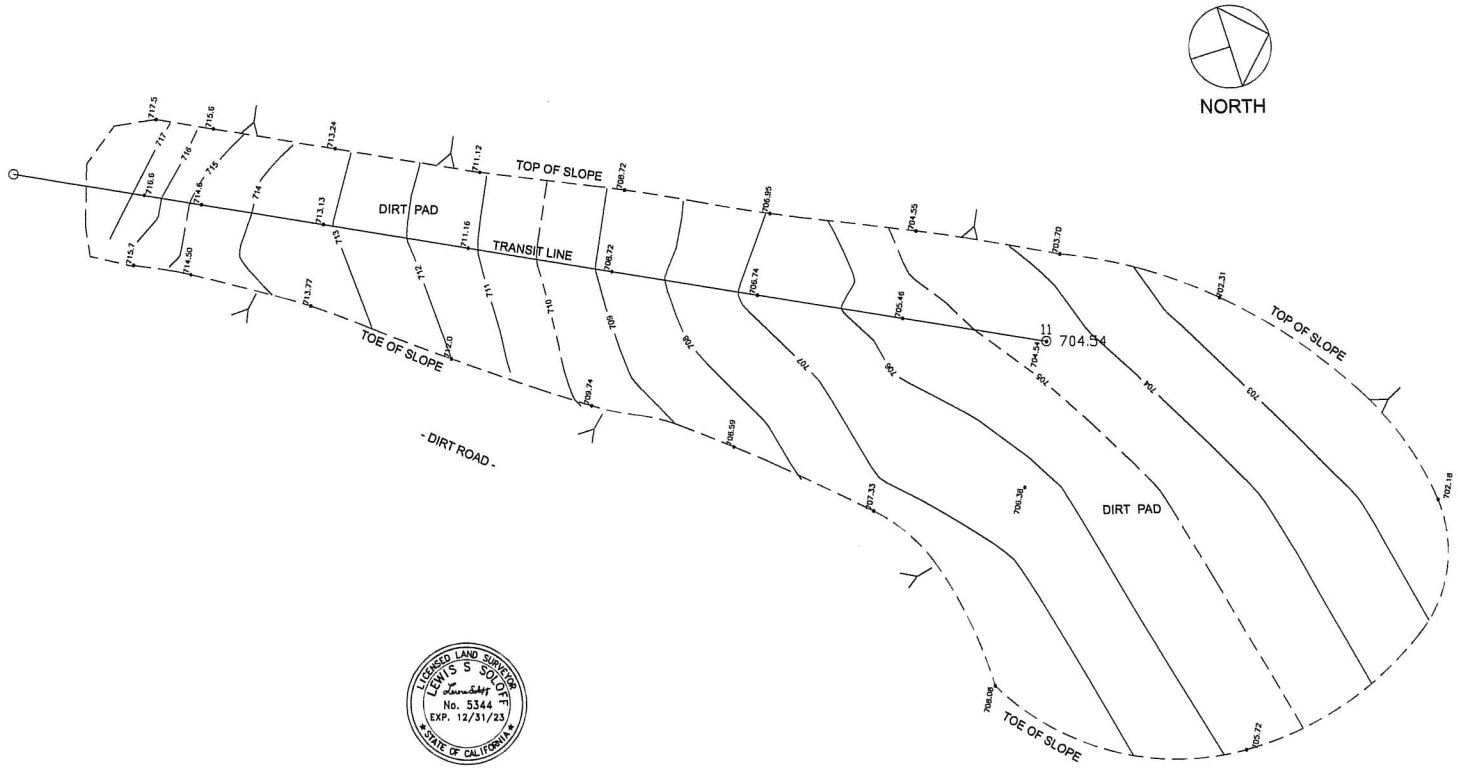
ODOT Form date: 2/22/14

RECEIVED
APR 25 2023
City of Rolling Hills
By

TOPOGRAPHIC SURVEY
IN THE CITY OF ROLLING HILLS
STATE OF CALIFORNIA

BY: LEWIS SOLOFF, P.L.S. 5344
JANUARY, 2023

BARN
FF= 741.00' BENCH MARK



MONUMENT/SYMBOL LEGEND:

- FD MONUMENT AS NOTED
- SET GIN SPIKE AND WASHER, P.L.S. 5344
- SET NAIL AND TAG, P.L.S. 5344
- SET LEAD AND TAG, P.L.S. 5344
- SET HUB AND TAG, P.L.S. 5344
- SET SCRIBED "X"
- PROPERTY LINE
- CENTERLINE
- UTILITY POLE (AS NOTED)
- FIRE HYDRANT
- UTILITY BOX (AS NOTED)
- VALVE (AS NOTED)
- SANITARY SEWER MANHOLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- PALM TREE
- x.xx SPOT ELEVATION
- x.xx SPOT ELEVATION
- DOWNSPOUT
- SLOPE

LINETYPE/HATCH LEGEND:

- CENTERLINE
- PROPERTY/ROW LINE
- CHAIN LINK FENCE
- WOOD FENCELINE
- METAL FENCELINE
- GRADE BREAK
- BUILDING WALL
- FLOWLINE
- WALL
- SEWERLINE
- OVERHEAD WIRES
- PCC
- OVERHANG
- WOOD
- BRICK
- TILE

ABBREVIATION LEGEND:

AC___ASPHALT CONCRETE
ACU___AIR CONDITIONING UNIT
EG___EDGE GUTTER
FL___FLOWLINE
GB___GRADE BREAK
PA___PLANTER AREA
PCC___PORTLAND CONCRETE CEMENT
PPL___POWER POLE WITH LIGHT
TC ___TOP OF CURB
TW ___TOP OF WALL
BBS___BOTTOM OF BOTTOM STEP
TBS___TOP OF BOTTOM STEP
TH ___THRESHHOLD
TTS___TOP OF TOP STEP

PROJECT: 29 MIDDLERIDGE LANE SOUTH
ROLLING HILLS, CALIFORNIA

CLIENT: KEN JOHNSON

NOTES:

BENCH MARK:
BARN FINISHED FLOOR, AS NOTED ON THIS MAP, ELEVATION= 741.00'

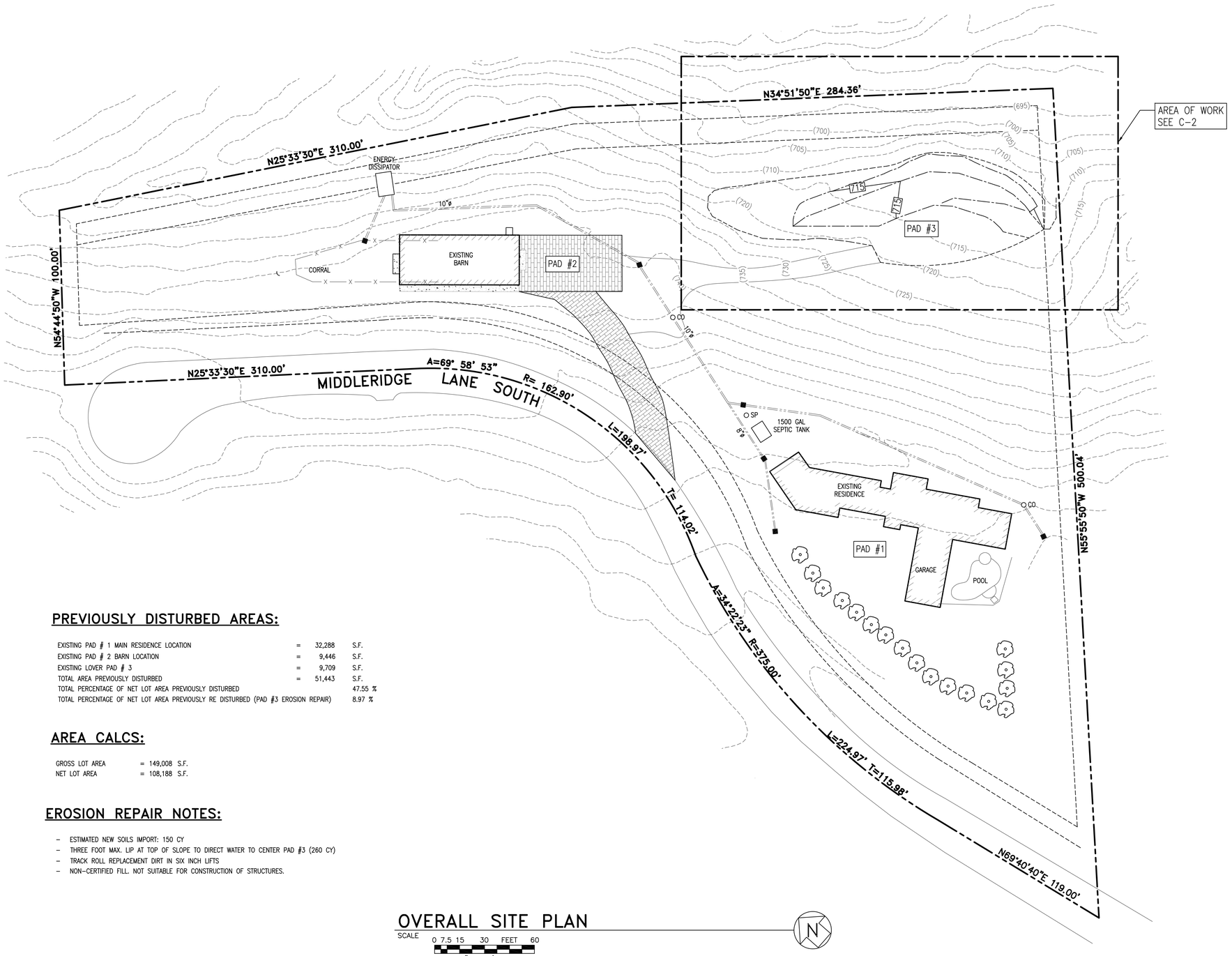
PREPARED BY: SOLOFF
SURVEYING & CONSULTING
LAND SURVEYING, MAPPING AND CONSTRUCTION STAKING
1223 WILSHIRE BLVD. SUITE 1835
SANTA MONICA, CA 90403
PHONE: (310) 543-9491 FAX: (310) 543-9391 EMAIL: SOLOFF@AOL.COM

LICENSED LAND SURVEYOR
LEWIS S SOLOFF
No. 5344
EXP. 12/31/23
STATE OF CALIFORNIA

DRAWN BY: LSS	APPROVED BY: L. SOLOFF	
DATE: 2/20/23	PROJ. NO.:	
SCALE: 1"=10'	DWG NAME: KJ1.DWG	

BAR SCALE: 0 10 20 30

REVISIONS:	SHT. NO.
	1 of 1



PREVIOUSLY DISTURBED AREAS:

EXISTING PAD # 1 MAIN RESIDENCE LOCATION	=	32,288	S.F.
EXISTING PAD # 2 BARN LOCATION	=	9,446	S.F.
EXISTING LOVER PAD # 3	=	9,709	S.F.
TOTAL AREA PREVIOUSLY DISTURBED	=	51,443	S.F.
TOTAL PERCENTAGE OF NET LOT AREA PREVIOUSLY DISTURBED			47.55 %
TOTAL PERCENTAGE OF NET LOT AREA PREVIOUSLY RE DISTURBED (PAD #3 EROSION REPAIR)			8.97 %

AREA CALCS:

GROSS LOT AREA	= 149,008	S.F.
NET LOT AREA	= 108,188	S.F.

EROSION REPAIR NOTES:

- ESTIMATED NEW SOILS IMPORT: 150 CY
- THREE FOOT MAX. LIP AT TOP OF SLOPE TO DIRECT WATER TO CENTER PAD #3 (260 CY)
- TRACK ROLL REPLACEMENT DIRT IN SIX INCH LIFTS
- NON-CERTIFIED FILL. NOT SUITABLE FOR CONSTRUCTION OF STRUCTURES.

OVERALL SITE PLAN

SCALE 0 7.5 15 30 FEET 60
1" = 30'

N

REVISIONS		
No.	DESCRIPTION	DATE
△	1ST SUBMITTAL	11/08/2023

REGISTERED PROFESSIONAL ENGINEER
CHRISTIAN J. PERU
No. C80680
CIVIL
STATE OF CALIFORNIA

PERU CONSULTANTS, INC.
CIVIL ENGINEERING & DRAFTING SERVICES
5061 Rockvalley Rd, Rancho Palos Verdes, CA 90275
ph: (424) 404-7692 cell: (310)-270-0811
email: peruconsultants@live.com

PREPARED FOR:
MR. & MRS. KEN JOHNSON
29 MIDDLERIDGE LANE SOUTH, ROLLING HILLS ESTATES, CA 90274

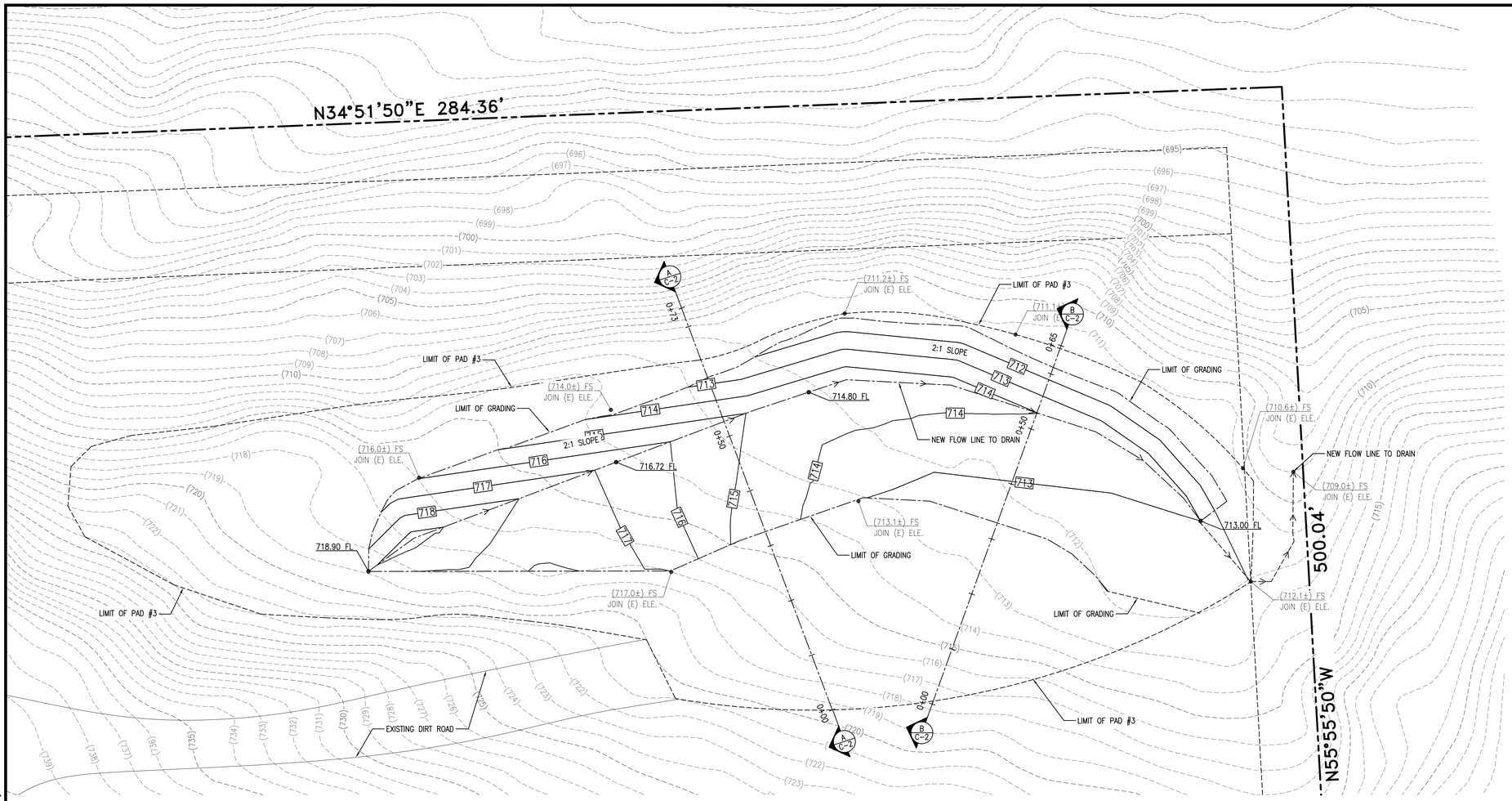
PROJECT LOCATION:
29 MIDDLERIDGE LANE SOUTH
ROLLING HILLS, CA 90274

SHEET TITLE:
OVERALL SITE PLAN

DATE: 07 Dec 2023
JOB No: 23155
DRAWN BY: CP

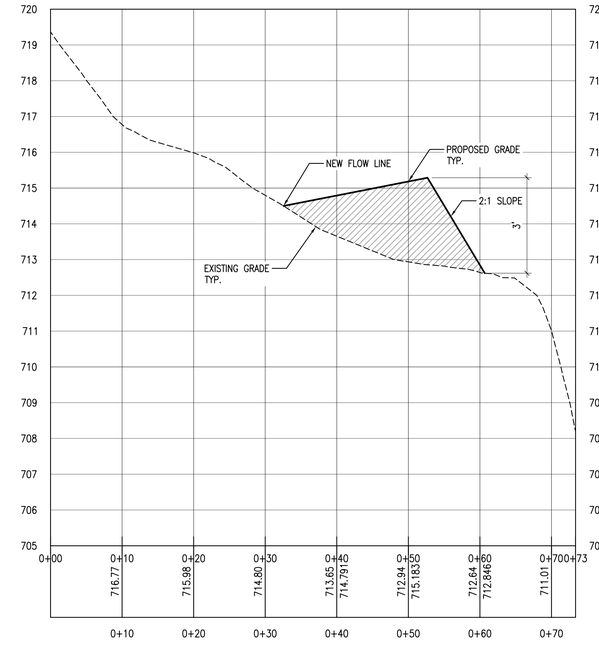
C-1
SHEET 1 OF 2

DATE/TIME: 07 Dec 2023, 10:10AM
FILE: C:\Users\peruc\Dropbox\01-PERU CONSULTANTS\2023\23155-KEN JOHNSON-Grading Plan-29 Middleridge Ln South, RH\CIVIL23155.dwg



GRADING PLAN

SCALE 0 1 5 10 FEET 20
1" = 10'

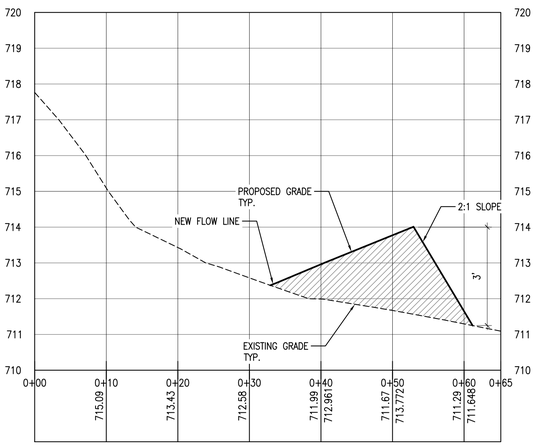


SECTION

HORIZONTAL SCALE: 0 1 5 10 FEET 20
1" = 10'

VERTICAL SCALE: 0 0.5 1 2 FEET 4
1" = 2'

A C-2



SECTION

HORIZONTAL SCALE: 0 1 5 10 FEET 20
1" = 10'

VERTICAL SCALE: 0 0.5 1 2 FEET 4
1" = 2'

B C-2

REVISIONS		
No.	DESCRIPTION	DATE
△	1ST SUBMITTAL	11/08/2023

REGISTERED PROFESSIONAL ENGINEER CHRISTIAN J. PEREZ No. C80680 CIVIL STATE OF CALIFORNIA

PERU CONSULTANTS, INC.
CIVIL ENGINEERING & DRAFTING SERVICES
5061 Rockvalley Rd, Rancho Palos Verdes, CA 90275
ph: (424) 404-7692 cell: (310)-270-0811
email: peruconsultants@live.com

PREPARED FOR:
MR. & MRS. KEN JOHNSON
29 MIDDLERIDGE LANE SOUTH, ROLLING HILLS ESTATES, CA 90274

PROJECT LOCATION:
29 MIDDLERIDGE LANE SOUTH
ROLLING HILLS, CA 90274

DATE: 07 Dec 2023
JOB No: 23155
DRAWN BY: CP

SHEET TITLE:
GRADING PLAN & CUT SECTIONS

C-2

SHEET 2 OF 2

DATE/TIME: 07 Dec 2023, 10:10AM
FILE: C:\Users\peruc\Dropbox\01-PERU CONSULTANTS\2023\23155-KEN JOHNSON-Grading Plan-29 Middleridge Ln South, RH\CIVIL23155.dwg

Agenda Item No.: 13.A
Mtg. Date: 05/13/2024

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

FROM: **ROBERT SAMARIO, FINANCE DIRECTOR**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **FISCAL YEAR 2024/25 PROPOSED BUDGET - REPORT ON FINANCE COMMITTEE RECOMMENDATIONS**

DATE: **May 13, 2024**

BACKGROUND:
Over the last few months, the City of Rolling Hills has been working on developing the proposed budget for fiscal year 2024/25. On April 22, 2024, staff presented an overview of the proposed General Fund expenditure budget for fiscal year 2024/25. As recommended by staff, the Council approved forwarding the item to the Finance/Budget/Audit Committee (Committee) for a more detailed discussion of staff's proposed expenditures.

Pursuant to the Council-approved budget calendar, the Committee convened on May 6, 2024, to review the most recent General Fund proposed expenditure budget, including staff-recommended adjustments to certain line-item accounts relative to the current year budget.

Staff will be presenting the Committee's recommendations for Council consideration.

DISCUSSION:
The Committee had the following recommendations:

1. Reduce Account 01-775 (City Council Expense) by $2,500 - The current year budget for this account is $5,000, but actual costs are projected to reach $7,500. As such, staff had proposed increasing it by $2,500. The Committee recommends leaving it at the current level of $5,000.
2. Utilize funds held in the City's Section 115 Trust to make the fiscal year 2024/25 Unfunded Actuarial Liability (UAL) to CalPERS rather than from the City's main bank account. Each year, the City is required to make a payment to CalPERS to amortize its unfunded pension liability. The City has established an IRS Section 115 Trust to accumulate funds for future pension requirements. The balance of this account as of March 31, 2024, is $488,298. Since these funds were created to cover unfunded liabilities, staff suggested, and the Committee recommends, that the UAL payment of approximately $63,000 be paid from the Section 115 Trust. The effect of this is to

balance the projected General Fund budget for the next fiscal year.

In addition to the recommendations noted above, staff would like to make a correction to account 891 - Records Management, increasing it from $1,700 to $7,500 to provide sufficient funds to cover the annual costs.

FISCAL IMPACT:
None.

RECOMMENDATION:
Receive, consider, and provide direction to staff regarding the Finance Committee's recommended adjustments to the proposed fiscal year 2024/25 General Fund expenditures.

ATTACHMENTS:
CL_AGN_240513_Proposed_FY24-25_Expenditures_Descriptions.pdf

CITY OF ROLLING HILLS
FY24/25 Proposed Budgeted Expenditures

Department/Object Account		Proposed Budget	Description
01 - CITY ADMINISTRATOR			
702	Salaries -Full Time	$ 436,262	
705	Temporary Salaries	7,000	
710	Retirement CalPERS-Employer	35,159	
712	CalPERS Unfunded Liability	63,217	
715	Workers Compensation Insurance	9,100	
716	Group Insurance	80,378	
717	Retiree Medical	37,500	
718	Employer Payroll Taxes	33,821	
719	Deferred Compensation	2,239	
720	Auto Allowance	3,600	
721	Phone Allowance	2,400	
740	Office Supplies	13,000	Misc Office Supplies
745	Equipment Leasing Costs	11,000	Postage Meter Leasing Cost; copier maint / supplies / print costs; folding machine maint
750	Dues & Subscriptions	14,000	SBCCOG ($8,091); ICMA ($1200); CCCA ($1,575); SCAG Fee ($319); LOCC Fee ($1255/$924); Misc ($434) LATimes/DB ($202)
755	Conference Expense	2,000	Conferences for City Manager and Staff
757	Meetings Expense	2,300	Meeting Expenses for CM and Staff
759	Training & Education	5,000	Training
761	Auto Mileage	500	Mileage Reimbursement
765	Postage	19,500	Postage for newsletters and notices (public and private development)
775	City Council Expense	7,500	Meeting, Travel, Conf. for Each Council member
776	Miscellaneous Expenses	3,000	Misc Items (E.g., Employee Photos)
780	Comm./Newsletters & Outreach	2,500	Newsletters or additional outreach
785	Codification	2,400	Muni Code Hosting / Updates (Civic Plus)
790	Advertising	2,400	City Advertising and Noticing Costs (non development)
795	Other Gen Admin Expense	3,300	Payroll Link Fees; Background Checks; Employee Drug Testing
801	City Attorney	75,000	General Services - BBK

CITY OF ROLLING HILLS
FY24/25 Proposed Budgeted Expenditures

Department/Object Account		Proposed Budget	Description
802	Legal Expense - Other	3,000	Extra Non-Recurring Legal Services
820	Website	6,000	Website/CMS hosting (Revize); Domains
850	Election Expense City Council	15,000	One-Time Election Costs (even numbered years)
890	Consulting Fees	35,000	Contracted Project Management
891	Records Management	7,500	Laserfiche Services (VRC); Retention Consulting/Legal Review; Scanning of New Materials
	Total City Administrator	**940,576**	
05 - Finance			
750	Dues & Subscriptions	4,500	Accounting Software
810	Annual Audit	35,000	Independent Audit
890	Consulting Fees	120,000	MV Cheng Contract; GASB 68 report; Actuarial Services
	Total Finance	**159,500**	
15- PLANNING & DEVELOPMENT			
702	Salaries	219,953	
703	Salaries - Part-Time	26,587	
710	Retirement CalPERS-Employer	17,726	
715	Workers Comp. Insurance	3,900	
716	Group Insurance	48,107	
718	Employer Payroll Taxes	19,310	
719	Deferred Comp	4,681	
720	Auto Allowance	1,200	
721	Phone Allowance	600	
761	Auto Mileage	300	
750	Dues & Subscription	11,670	
755	Conference Expense	2,000	
759	Training & Education	1,000	
776	Miscellaneous Expenses	2,000	
790	Publication/Advertising/Noticing	10,000	Private development projects - Tied to $750 Fee
802	Legal Expenses-Other	10,000	Code enforcement legal services

CITY OF ROLLING HILLS
FY24/25 Proposed Budgeted Expenditures

Department/Object Account		Proposed Budget	Description
872	Property Development-Legal Exp	37,000	Planning-related legal services - BBK
875	Willdan Building	45,000	Expedited Building Permit/Plan Check Services
878	Build Inspect. LA County	250,000	Contracted Building Permit/Plan Check Services
881	Storm Water Management	90,990	Stormwater costs not covered by Measure W
884	Special Project Study & Consult.	5,000	Arborist
886	Code Enforcement	62,880	Code Enforcement Contracting Costs
890	Consulting Fees (Onward)	15,000	Onward Engineering - Inspection Services
928	Traffic Engineering	5,645	Traffic Engineer as needed
	Total Planning & Development	**890,549**	
25 - Public Safety			
830	Law Enforcement	293,000	70% of Law Enforcement Contract
833	Other Law Enforcement Exp	4,000	School Security Reimb, ALPR, Other Programs
837	Wild Life Mgmt & Pest Control	20,000	LAC Weights & Measures / Coyote Specialst Contractor
838	Animal Control Expense	6,000	LAC Animal Control
	Total Public Safety	**323,000**	
65 - NON-DEPARTMENTAL			
895	Insurance & Bond Expense	40,000	Property, Liability, W/C, etc.
901	South Bay Comm. Organization	17,600	Community Support/Donations
915	Community Recognition	8,000	Holiday party
917	Emergency Preparedness	77,000	Block Captain Program, Area G, Alert SouthBay, EXPO, EOC
	Total Non-Departmental	**142,600**	
75 - CITY PROPERTIES			
892	IT Services	63,000	Cloud Hosting and tech support
893	Granicus Services	8,300	Annual Renewal
894	Computer Hardware Fund	5,000	For as needed computer hardware replacements
925	Utilities	60,000	Phone, Nextiva, I-Net, Water, Gas, Electric, CCTV Lease

CITY OF ROLLING HILLS
FY24/25 Proposed Budgeted Expenditures

Department/Object Account		Proposed Budget	Description
930	Repairs & Maintenance	19,100	Janitorial, Pest Control, Emerg Rep
932	Area Landscaping	21,600	Area Landscaping Maintenance
946	Buildings & Equipment	15,000	As needed
947	Non-Building Improvements		
	Total City Properties	**192,000**	
	TOTALS BEFORE TRANSFERS	**$ 2,648,225**	

Agenda Item No.: 13.B
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **CONSIDERATION AND POSSIBLE ACTION TO PROCEED WITH IRS CODE SECTION 170(C)(1) FOR CHARITABLE CONTRIBUTIONS USED FOR PUBLIC PURPOSES**

DATE: **May 13, 2024**

BACKGROUND:
On June 26, 2023, the Charitable Foundation Ad Hoc Committee (Mayor Leah Mirsch and Councilmember Patrick Wilson) presented the City Council with a status update on exploring the establishment of a charitable 501 (c) foundation for the City of Rolling Hills (Attachment A). During the meeting, the committee presented findings on how other Peninsula Cities have successfully established similar 501(c) foundations, detailing their achievements and organizational structures. This information provided valuable insights into potential models and strategies that could be adapted to suit Rolling Hills' unique needs and objectives.

While the committee initially considered the possibility of establishing a 501(c) organization, it subsequently identified an additional mechanism, Section 170(c)(1) of the Internal Revenue Code, which specifies the types of organizations and donations that can be made by donors and qualify for a tax deduction. These organizations include religious organizations, educational institutions, hospitals, medical research organizations, and governmental units (if the contribution is made exclusively for public purposes). The City of Rolling Hills is a governmental unit and, thus, comes under the purview of IRS Code Section 170(c)(1). Similar to a 501(c)(3) entity, IRS Code Section 170(c)(1) entities are eligible to receive tax-deductible charitable contributions under this provision with the added benefit of not having to create a separate legal entity.

On February 12, 2024, the Ad Hoc Committee and staff presented a report that the 170(c)(1) was worth pursuing and directed staff to return with a more refined 170(C)(1) action plan.

DISCUSSION:
Subsequent to the February 12, 2024, City Council discussion, City staff has researched the utilization of accepting charitable donations under section 170(c)(1) and answered some

questions below.

What is the difference between section 501 (c)(3) and section 170?
All of the 501(c) sections, including 501(c)(3), describe particular types of organizations that qualify for tax exemption. Section 170 provides that contributions to certain types of organizations—primarily 501(c)(3)s and a few others—are deductible by the donor as itemized deductions. Section 501(c)(3) governs the tax exemption of organizations, while section 170 governs the deductibility of contributions by individuals to various types of organizations, including governmental units.

How does one distinguish Nonprofits, Tax-Exempt Organizations, and Qualified Charities
Nonprofits, tax-exempt organizations, and qualified charities are all entities created to achieve social good. It is possible that an entity could be all three at once, but for the purposes of the Internal Revenue Code (IRC), these are distinct types of organizations.

- **Nonprofits -** As the name indicates, a nonprofit is created for purposes other than generating profit, so no part of the organization's income can be distributed to its members, directors, or officers. Nonprofit status is conferred under state statute rather than federal law, so the requirements of and benefits to these organizations vary from state to state. As an entity formed under state statute, a nonprofit must follow all state requirements and entity organizational filing requirements.
- **Tax-exempt organizations -** A tax-exempt organization is a nonprofit that is exempt from federal income taxation—a clear advantage indeed. To qualify for tax-exempt status, a nonprofit must be organized and operated exclusively for one or more exempt purposes, as identified in the Internal Revenue Code. The types of organizations that can claim tax-exempt status are listed in IRC Sec. 501(c).
- **Qualified charitable organizations -** For a donor to receive a charitable tax deduction for a contribution, the charity must not only be tax-exempt, it must also be "qualified." A charity may be qualified for income tax purposes but not necessarily qualified for gift and/or estate tax purposes—IRC Secs. 170(c), 2522, and 2055(a) individually list the categories of qualified charities that allow a donor to deduct contributions for income, gift, and estate tax (respectively).

What is an allowable Income Tax deduction for gifts to qualified entities?
Donors make charitable donations for any number of reasons—a personal connection to the charity, a desire to help a specific cause, a family tradition of support, or a tradition of charitable giving in general. Though it may not be the primary reason donors give, the income tax charitable deduction plays a role in philanthropic decisions and is the nexus between philanthropic intentions and tax planning.

Under IRC Sec. 170(c), a contribution or gift must be to or for the use of:

- The United States, a State, a possession of the United States, or any political subdivision, or the District of Columbia, but only if made for public purposes
- A corporation, trust, or community chest, fund, or foundation organized for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports, or for the prevention of cruelty to children or animals
- A post or organization of war veterans
- A domestic fraternal society, order, or association operating under the lodge system, but only if contributions are used exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals

- A cemetery company owned and operated exclusively for members and not for profit, with no part of the earnings benefitting any private shareholder or individual

What amount of a charitable contribution is deductible?
Not every charitable contribution will be deductible in the same way for income tax purposes. Generally, you can deduct up to 60% of your adjusted gross income from charitable donations. However, depending on the type of organization and type of contribution, you may be limited to 20%, 30%, or 50%. There are distinctions to draw between the deductibility of contributions made to a 50% organization as opposed to a 30% organization. Lastly, for individuals, charitable contributions are only available to those who itemize their deductions on IRS Form Schedule A versus taking the standard deduction.

What qualified charities expressly described under IRC Sec. 170(b)(1)(A) are considered 50% Limit Organizations?
- Churches
- Hospitals and medical research organizations
- Educational organizations
- Governmental unit
- Publicly supported charities
- Certain private foundations
- Supporting organizations

Non-50% Limit Organizations are those that do not meet any of the qualifications above. This includes gifts to veterans' organizations, fraternal societies, nonprofit cemeteries, and certain private non-operating foundations.

The City of Rolling Hills is described under section 170(b)(1)(A)(v) as a “governmental unit,” and as such, is classified as a public charity and not a private foundation under section 509(a)(1).

Can the City accept contributions or gifts, and for what purpose?
Under Code Section 170(c)(1), IU, as a governmental entity, is an eligible recipient of charitable contributions for federal income, estate, and gift tax purposes. Likewise, those charitable contributions may be deducted by donors for federal income, estate, and gift tax purposes. Such contributions and gifts can be used by the City of Rolling Hills exclusively for public purposes.

What steps does the City need to take to receive affirmation of tax-exempt status?
Government entities are frequently asked to provide a tax-exempt number or “determination” letter to prove its status as a “tax-exempt” or charitable entity. For example, applications for grants from a private foundation or a charitable organization generally require this information as part of the application process. In addition, donors frequently ask for this information as substantiation that the donor’s contribution is tax deductible, and vendors ask for this to substantiate that the organization is exempt from sales or excise taxes (exemption from sales taxes is made under state law rather than Federal law).

The Internal Revenue Service does not provide a tax-exempt number. A government entity may use its Federal TIN (taxpayer identification number), also referred to as an EIN (Employer Identification Number), for identification purposes.

Governmental units, such as states and their political subdivisions, are not generally subject to federal income tax. Political subdivisions of a state are entities with one or more of the sovereign powers of the state, such as the power to tax. Typically, they include counties or municipalities and their agencies or departments. Charitable contributions to governmental units are tax-deductible under section 170(c)(1) of the Internal Revenue Code if made for a public purpose.

As a special service to government entities, the IRS will issue a “governmental information letter” free of charge. This letter describes government entity exemption from Federal income tax and cites applicable Internal Revenue Code sections pertaining to deductible contributions and income exclusion. Most organizations and individuals will accept the governmental information letter as the substantiation they need.

Government entities can request a governmental information letter by calling 877-829-5500.

What does a local government need to provide a donor to substantiate the gift for IRS purposes?
See Attachment A, IRS Publication 1771, "Charitable Contributions – Substantiation and Disclosure Requirements."

Has the IRS issued final regulations on donations to charities in exchange for SALT (State and Local Taxes) credits?
The IRS issued final regulations (TD 9907) under IRC Sections 162, 164, and 170 regarding limitations on the deductibility of charitable contributions made in exchange for state or local tax credits.

For the most part, the final regulations adopted proposed regulations issued in December 2019 (REG-107431-19), with some clarifications in response to the comments and testimony the IRS received.

The final regulations:

1. adopt the safe harbor under IRC Section 162 for businesses that make payments to IRC Section 170(c) entities;
2. adopt the safe harbor under IRC Section 164 for individuals who make payments to IRC Section 170(c) entities if the individuals itemize deductions and receive, or expect to receive, a state or local tax credit in return; and
3. update the IRC Section 170 regulations to address how the quid pro quo principle applies to donors who receive benefits from a third-party in exchange for contributions.

For more details, see Attachment B.

Next Steps

Based on the research conducted, City staff concludes that there is no specific entity, be it a formal board or separate governance structure, that is required to be created or formed to utilize 26 USC 170(c)(1). This code section designates the authority for the position that gifts to the City may be tax deductible.

The City Attorney and staff would recommend that the City Council adopt a formal gift

acceptance policy that clearly defines the acceptance or denial of a gift or charitable contribution for public purposes (Attachment C).

FISCAL IMPACT:
Unknown at this time.

RECOMMENDATION:
Receive and file. Direct staff to return with a formal a policy for accepting gifts and donations for public purposes.

ATTACHMENTS:
Attachment A - CL_AGN_240513_CC_IRS_CharitableContributions_p1771.pdf
Attachment B - CL_AGN_240513_CC_IRS_SALT.pdf
Attachment C - CL_AGN_240513_CC_GiftPolicy_D1.pdf

Charitable Contributions

Substantiation and Disclosure Requirements

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Are you an organization that receives contributions of **$250 or more**?

– or –

Are you an organization that provides goods or services to donors who make contributions of **more than $75**?

– or –

Are you a donor who makes contributions to a charity?

Charitable Contributions – Substantiation and Disclosure Requirements, Publication 1771, provides a general explanation of the federal income tax law for organizations, such as charities and churches, that receive federal income tax-deductible charitable contributions and for donors who make contributions.

The IRS imposes recordkeeping and substantiation rules on donors making charitable contributions and disclosure rules on charitable organizations that receive certain quid pro quo contributions from donors.

- Donors must have a **record of the contribution or a timely written communication** for any **monetary contribution** before donors can claim a charitable deduction on their federal income tax returns.
- Donors are responsible for obtaining a **contemporaneous written acknowledgment** from a charitable organization for any single **monetary contribution** or **noncash contribution** valued at $250 or more before donors can claim a charitable deduction on their federal income tax returns.
- Charitable organizations are required to provide a **written disclosure statement** in **quid pro quo** charitable contributions where donors receive **goods or services** in exchange for a single payment in excess of $75.

For more detailed information on charitable contributions, see Charitable Contributions, Publication 526. For assistance on valuing property donated to charitable organizations, see Determining the Value of Donated Property, Publication 561. The rules in this publication do not apply to a donated motor vehicle, boat, or airplane if the claimed value exceeds $500. For information on vehicle donations, see A Charity's Guide to Vehicle Donation, Publication 4302, and A Donor's Guide to Vehicle Donation, Publication 4303. This publication does not address conservation easement donations. For information on qualified conservation contributions, see Publication 526, Publication 561, and the instructions to Form 8283, Noncash Charitable Contributions.

Recordkeeping Rules

Monetary Contribution Requirement

A donor cannot claim a federal income tax deduction for any **monetary contribution** unless the donor maintains a **record of the contribution** or a **timely written communication** from the charitable organization showing the name of the organization, the **date of the contribution**, and the amount of the contribution.

A **monetary contribution** includes cash, check, a transfer of a gift card redeemable for cash, and a payment made by credit card, electronic fund transfer, an online payment service, or payroll deduction.

A **record of the contribution** includes a bank record, a statement from a financial institution, an electronic fund transfer receipt, a canceled check, a scanned image of both sides of a canceled check obtained from a bank website, or a credit card statement.

A **written communication** includes a receipt, a letter, and an email.

A **timely written communication** from the charitable organization is one that the donor receives from the organization on or before the earlier of the date the donor files the donor's original federal income tax return for the taxable year in which the contribution was made or the due date, including extensions, for filing the donor's original return for that year.

The **date of the contribution** is the date the donor gave the charitable organization the contribution.

Payroll Deductions

For monetary contributions made by payroll deduction, the donor may use a pledge card prepared by or at the direction of the charitable organization, along with one of the following documents:

- a pay stub,
- Form W-2, Wage and Tax Statement, or
- other employer-furnished document that shows the amount withheld and paid to the charitable organization.

The donor must have these documents on or before the earlier of the date the donor files the donor's original federal income tax return for the taxable year in which the contribution was made or the due date, including extensions, for filing the donor's original return for that year.

If a donor makes **a single monetary contribution of $250 or more by payroll deduction**, the pledge card or other document from the charitable organization must also include a statement to the effect that the organization did not provide **goods or services** in exchange for any contributions made to the organization by payroll deduction if that was the case.

Each payroll deduction amount of $250 or more is treated as a separate contribution for purposes of the $250 threshold requirement for **contemporaneous written acknowledgments**.

Noncash Contributions

Noncash contributions are contributions of property that do not meet the definition of **monetary contributions**, above. Just as is the case for monetary contributions, donors are responsible for obtaining a **contemporaneous written acknowledgment** from a charitable organization for any single noncash contribution valued at $250 or more before donors can claim a charitable deduction on their federal income tax returns. Additional substantiation requirements may apply to noncash contributions. These requirements can be complicated. They depend on the type of property contributed and the claimed value of the property contributed. See Form 8283 and its instructions as well as Publication 526 for additional information.

Contemporaneous Written Acknowledgment

Requirement

A donor cannot claim a federal income tax deduction for any single contribution valued at $250 or more unless the donor obtains a **contemporaneous written acknowledgment** of the contribution from the donee charitable organization. An organization that does not acknowledge a contribution incurs no penalty; but, without a **contemporaneous written acknowledgment**, the donor cannot claim the federal income tax deduction. Although it's a donor's responsibility to obtain a **contemporaneous written acknowledgment**, a charitable organization must assist a donor by providing a **contemporaneous written statement** containing:

1. the name of the organization
2. the amount of any **monetary contribution**
3. a description (but not the fair market value) of any contribution of property
4. a statement that no **goods or services** were provided by the organization in return for the contribution, if that was the case
5. If the organization did provide **goods or services** in return for the contribution, a description and good faith estimate of the fair market value of the **goods or services**
6. If the organization only provided intangible religious benefits (described later in this publication) in return for the contribution, a statement so providing.

It isn't necessary to include either the donor's Social Security number or tax identification number on the **contemporaneous written acknowledgment**.

A separate **contemporaneous written acknowledgment** may be provided for each single contribution valued at $250 or more, or one **contemporaneous written acknowledgment**, such as an annual summary, may be used to substantiate several single contributions valued at $250 or more. There are no IRS forms for the **contemporaneous written acknowledgment**. However, samples of such acknowledgments are provided below.

Letters, postcards, or computer-generated forms with the above information are acceptable. A charitable organization can provide either a paper copy of the **contemporaneous written acknowledgment** to the donor, or an organization can provide the acknowledgment electronically, such as via an email addressed to the donor. A donor shouldn't attach the acknowledgment to his or her individual federal income tax return, but must retain it to substantiate the contribution. Separate contributions of less than $250 will not be aggregated. An example of this could be weekly offerings to a donor's church of less than $250 even though the donor's annual total contributions are $250 or more.

Contemporaneous

For the **contemporaneous written acknowledgment** to be considered **contemporaneous**, a donor must receive the acknowledgment on or before the earlier of:

- the date on which the donor files the donor's individual federal income tax return for the year of the contribution; or
- the due date (including extensions) of such return.

Charities typically send written acknowledgments to donors no later than January 31 of the year following the donation.

Goods and Services

A **contemporaneous written acknowledgment** must describe and include a good faith estimate of the fair market value of any **goods or services** a charitable organization gives to the donor in exchange for the donor's contribution that is valued at $250 or more. Generally, a donor's deduction for a contribution to an organization is limited to the fair market value of the contribution minus the fair market value of the goods and services the donor receives from the organization in exchange for the contribution.

Goods or services include cash, property, services, benefits, or privileges. However, there are important exceptions:

Token Exception – Goods or services that have insubstantial value that a charitable organization provides in exchange for contributions do not have to be described in the contemporaneous written acknowledgment.

Good and services are considered to be of insubstantial value if the payment the donor makes occurs in the context of a fundraising campaign, the charitable organization informs the donor as to the amount of the payment that is a deductible contribution, and:

1. the fair market value of the goods and services the donor receives does not exceed the lesser of 2 percent of the donor's payment or $125,* or
2. donor's payment is at least $62.50,* the only goods or services the charitable organization provides bear the organization's name or logo (for example, calendars, mugs, or posters), and the cost of these items, in the aggregate, is within the limit for "low-cost articles," which is $12.50.*

Low-cost articles a charitable organization sends for free to taxpayers who have not ordered these articles are also considered to be of insubstantial value; examples include mailing labels or greeting cards.

Example of a Token Exception: If a charitable organization gives a coffee mug bearing its logo that costs the organization $12.50 or less to a donor who contributes $62.50 or more, the organization may state that no goods or services were provided in return for the contribution. The contribution is fully deductible.

Membership Benefits Exception – An annual membership benefit is also considered to be insubstantial if it is provided in exchange for an annual payment of $75 or less and consists of annual recurring rights or privileges, such as:

1. free or discounted admissions to the charitable organization's facilities or events
2. discounts on purchases from the organization's gift shop
3. free or discounted parking
4. free or discounted admission to member-only events sponsored by the organization, where a per-person cost (not including overhead) is within the "low-cost articles" limits

*The dollar amounts are for 2023. Guideline amounts are adjusted for inflation. See IRS.gov for annual inflation adjustment information.

Example of a Membership Benefits Exception: If a charitable organization offers a $75 annual membership that allows free admission to all of its weekly events, plus a $20 poster, the contemporaneous written acknowledgment need only mention the $20 value of the poster, since the free admission would be considered insubstantial and, therefore, would be disregarded.

Intangible Religious Benefits Exception – If a religious charitable organization provides only "intangible religious benefits" to a donor, the contemporaneous written acknowledgment does not need to describe or value those benefits. It can simply state that the organization provided intangible religious benefits to the donor.

What are "intangible religious benefits"? Generally, they are benefits provided by a charitable organization organized exclusively for religious purposes, and are not usually sold in commercial transactions outside a donative (gift) context. Examples include admission to a religious ceremony and a de minimis tangible benefit, such as wine used in a religious ceremony. Benefits that are not intangible religious benefits include education leading to a recognized degree, travel services, and consumer goods.

Services and Unreimbursed Expenses

Generally, donors cannot deduct the value of services donors give to a charitable organization. Under some narrow circumstances, however, donors may be able to deduct unreimbursed expenses associated with the services donors give to a charitable organization. See Publication 526 for a description of these circumstances and the substantiation requirements.

If a donor makes a single contribution valued at $250 or more in the form of unreimbursed expenses, then the donor must obtain a **contemporaneous written acknowledgment** from the charitable organization containing a:

- description of the services provided by the donor
- statement of whether the charitable organization provided goods or services in return for the unreimbursed expenses
- description and good faith estimate of the fair market value of goods or services, if any, that the organization provided in return for the unreimbursed expenses
- statement that goods or services, if any, that the organization provided in return for the unreimbursed expenses consisted entirely of **intangible religious benefits** (described earlier in this publication), if that was the case

Example of an Unreimbursed Expense: A chosen representative to an annual convention of a charitable organization purchases an airline ticket to travel to the convention. The organization doesn't reimburse the delegate for the $500 ticket. The representative should keep a record of the expenditure, such as a copy of the ticket. The representative should obtain from the organization a description of the services that the representative provided and a statement as to whether the representative received goods or services in accordance with the requirements set forth above.

Examples of Contemporaneous Written Acknowledgments

- "Thank you for your cash contribution of $300 that (organization's name) received on December 12, 2015. No goods or services were provided in exchange for your contribution."
- "Thank you for your cash contribution of $350 that (organization's name) received on May 6, 2015. In exchange for your contribution, we gave you a cookbook with an estimated fair market value of $60."
- "Thank you for your contribution of a used oak baby crib and matching dresser that (organization's name) received on March 15, 2015. No goods or services were provided in exchange for your contribution."

The following is an example of a contemporaneous written acknowledgment when a charitable organization accepts contributions in the name of one of its activities:

- "Thank you for your contribution of $450 to (organization's name) made in the name of its Special Relief Fund program. No goods or services were provided in exchange for your contribution."

Written Disclosure Statement

Requirement

Donors may only take a contribution deduction to the extent that their contributions exceed the fair market value of the goods or services the donors receive in return for the contributions; therefore, donors need to know the value of the goods or services. An organization must provide a written disclosure statement to a donor who makes a payment exceeding $75 partly as a contribution and partly for goods and services provided by the organization. A contribution made by a donor in exchange for goods or services is known as a **quid pro quo contribution**.

Example of a Quid Pro Quo Contribution: A donor gives a charitable organization $100 in exchange for a concert ticket with a fair market value of $40. In this example, the donor's tax deduction may not exceed $60. Because the donor's payment (quid pro quo contribution) exceeds $75, the charitable organization must furnish a disclosure statement to the donor, even though the deductible amount doesn't exceed $75.

A required written disclosure statement must:

- inform the donor that the amount of the contribution that is deductible for federal income tax purposes is limited to the excess of money (and the fair market value of property other than money) contributed by the donor over the value of goods or services provided by the organization
- provide the donor with a good faith estimate of the fair market value of the goods or services

An organization must furnish a disclosure statement in connection with either the solicitation or the receipt of the quid pro quo contribution. The statement must be in writing and must be made in a manner that is likely to come to the attention of the donor. For example, a disclosure in small print within a larger document might not meet this requirement.

Exception

A written disclosure statement is not required:

- where the goods or services given to the donor meet the "token exception," the "membership benefits exception" or the "intangible religious benefits exception" described earlier
- where there is no donative element involved in a particular transaction, such as in a typical museum gift shop sale

Penalty

A penalty is imposed on charities that do not meet the written disclosure requirement. The penalty is $10 per contribution, not to exceed $5,000 per fundraising event or mailing. An organization may avoid the penalty if it can show that failure to meet the requirements was due to reasonable cause.

Further Information

recordkeeping rules – Recordkeeping rules for monetary contributions are contained in Section 170(f)(17) of the Internal Revenue Code and Section 1.170A-15 of the Income Tax Regulations.

contemporaneous written acknowledgment – Detailed rules for contemporaneous written acknowledgments are contained in Section 170(f)(8) of the Internal Revenue Code and Section 1.170A-13(f) of the Income Tax Regulations. The "low-cost article" rules are in Code Section 513(h)(2).

written disclosure statement – Detailed rules for written disclosure statements are contained in Section 6115 of the Internal Revenue Code and Section 1.6115-1 of the Income Tax Regulations. The penalty rules are contained in Section 6714 of the Internal Revenue Code.

IRS publications – Order publications by calling the IRS at (800) 829-3676. Download IRS publications at www.irs.gov.

IRS customer service – Telephone assistance for general tax information is available by calling IRS customer service toll-free at (800) 829-1040.

EO customer service – Telephone assistance specific to exempt organizations is available by calling IRS Exempt Organizations customer account services toll-free at (877) 829-5500.

EO website – Visit Exempt Organizations website at irs.gov/eo.

EO Update – Subscribe to IRS Exempt Organizations' EO Update, a regular email newsletter with information for tax-exempt organizations and tax practitioners who represent them.

StayExempt – An IRS interactive web-based training program covering tax compliance issues confronted by small and mid-sized tax-exempt organizations.



Tax News Update
U.S. Edition

August 13, 2020
2020-2059

IRS issues final regulations on donations to charities in exchange for SALT credits

The IRS issued final regulations (TD 9907) under IRC Sections 162, 164 and 170 regarding limitations on the deductibility of charitable contributions made in exchange for state or local tax credits.

For the most part, the final regulations adopt proposed regulations issued in December 2019 (REG-107431-19; see Tax Alert 2020-0054) with some clarifications in response to the comments and testimony the IRS received.

The final regulations: (1) adopt the safe harbor under IRC Section 162 for businesses that make payments to IRC Section 170(c) entities; (2) adopt the safe harbor under IRC Section 164 for individuals who make payments to IRC Section 170(c) entities if the individuals itemize deductions and receive, or expect to receive, a state or local tax credit in return; and (3) update the IRC Section 170 regulations to address how the quid pro quo principle applies to donors who receive benefits from a third-party in exchange for contributions.

Background

An itemized deduction is generally allowed under IRC Section 170(a)(1) for any charitable contribution paid within a tax year. Taxpayers can qualify for such a deduction if the charitable contributions are made to a state, US possession, political subdivision or the District of Columbia, in addition to certain corporations, trusts, community chests, funds or foundations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or to foster amateur sports competition, or to prevent cruelty to children or animals. A taxpayer that (1) transfers to an IRC Section 170(c) entity with a direct relationship to the taxpayer's trade or business and (2) reasonably expects to receive a commensurate financial return, may be entitled to deduct the contributed amount as a trade or business expense deduction under IRC Section 162, rather than as a charitable contribution deduction. IRC Section 164 permits taxpayers to claim deductions for the payment of certain taxes, including state and local property taxes.

Added to the code under the Tax Cuts and Jobs Act (TCJA), IRC Section 164(b)(6) provides that, in the case of an individual, the deduction for aggregated state and local tax (SALT) (e.g., income tax, sales tax, real property tax, personal property tax) paid during the tax year is capped at $10,000 (or $5,000 for married couples filing separately) for tax years beginning in calendar years 2018 through 2025 (SALT deduction limit).

Various state and local governments created programs aimed at helping taxpayers mitigate the effect of the SALT deduction limit, including SALT credit programs under which taxpayers who contribute to IRC Section 170(c) entities created and promoted by state and local governments received a corresponding tax credit against their respective SALT liabilities in return.

In response to these programs, the IRS and Treasury issued several pieces of formal and informal guidance. In August 2018, new regulations (REG-112176-18; see Tax Alert 2018-1714) were proposed that would amend regulations under IRC Section 170 to generally provide that if a taxpayer makes a payment or transfers property to or for the use of an IRC Section 170(c) entity and receives or expects to receive a SALT credit in return, the taxpayer must reduce its charitable contribution deduction by the amount of the tax credit, because it is considered a return benefit (quid pro quo principle).

In June 2019, the IRS and Treasury issued final regulations (TD 9864; Tax Alert 2019-1150) that largely retained the rules described in the 2018 proposed regulations. Concurrent with the 2019 final regulations, the IRS issued Revenue Procedure 2019-12 and Notice 2019-12, containing safe harbors that generally allow businesses and individuals who itemize deductions to treat would-be charitable contribution deductions that are disallowed under the final regulations as state or local taxes for federal income tax purposes.

The proposed regulations issued in December 2019 included the safe harbors provided under Revenue Procedure 2019-12 and Notice 2019-12, updating regulations under IRC Section 162 to reflect current law regarding how IRC Section 162 applies to a taxpayer that makes a payment or transfer to an IRC Section 170(c) entity for a business purpose and clarifying how the quid pro quo principle applies under IRC Section 170 to benefits received or expected to be received from third parties.

Final regulations

Confirms business expense deduction

The final regulations retain the proposed amendments to Treas. Reg Section 1.162-15(a), which provide that if a taxpayer's payment or transfer has a direct relationship to its trade or business and is made with a reasonable expectation of receiving commensurate financial return, the payment or transfer to an IRC Section 170(c) entity may be claimed as a business expense under IRC Section 162 instead of as a charitable contribution under IRC Section 170.

Safe harbors under IRC Section 162 for businesses

The final regulations retain the safe harbors under IRC Section 162 for payments (of cash or cash equivalents) by C corporations or specified passthrough entities to IRC Section 170(c) organizations if those corporations or entities receive or expect to receive state or local tax credits in return. The safe harbor for specified passthrough entities does not apply if the credit received or expected to be received reduces a state or local income tax.

Safe harbors under IRC Section 164 for individuals

Treas. Reg. Section 1.164-3(j) retains the safe harbors under IRC Section 164 for payments (of cash or cash equivalents) to IRC Section 170(c) organizations by individuals who itemize deductions and receive or expect to receive a SALT credit in return. Taxpayers can deduct the portion of the payment that is a charitable contribution deduction under IRC Section 170 or will be disallowed under Treas. Reg. Section 1.170A-1(h)(3). The safe harbor may be applied in the tax year in which the payment is made but only to the extent that the SALT credit is applied under applicable state or local law to offset the taxpayer's SALT liability for that tax year or the preceding tax year. An unused credit may be carried forward and treated as a SALT payment under IRC Section 164.

Under the final regulations, individuals who apply these safe harbors to make deductions under IRC Section 164 may not also deduct the same payments under any other IRC section.

Quid pro quo clarification

The final regulations retain the amendments to the IRC Section 170 regulations regarding the application of the quid pro quo principle to a donor who receives or expects to receive benefits from a third party. The final regulations clarify that the quid pro quo principle applies regardless of whether the party providing the quid pro quo is the donee or a third party.

Specifically, the final regulations define "in consideration for" and "goods and services" for purposes of applying Treas. Reg. Section 1.170A-1(h): "a taxpayer will be treated as receiving goods and services in consideration for a taxpayer's payment or transfer to an entity described in [IRC S]ection 170(c) if, at the time the taxpayer makes the payment or transfer, the taxpayer receives or expects to receive goods or services in return." The final regulations further clarify that the fair market value of goods and services includes the value of goods and services provided by parties other than the donee.

Applicable dates

The amendments to Treas. Reg. Section 1.162-15 apply to payments or transfers made on or after December 17, 2019. However, taxpayers may choose to apply the amendments to payments or transfers made on or after January 1, 2018. Treas. Reg. Section 1.164-3(j) applies to payments made to IRC Section 170(c) entities on or after June 11, 2019. But, taxpayers may choose to apply paragraph (j) to payments made after August 27, 2018. The definitions provided in Treas. Reg. Section 1.170A-1(h)(4) are applicable to amounts paid or property transferred on or after December 17, 2019.

Implications

The final regulations largely reduce to regulation form the existing views of Treasury and the IRS on the state tax credit systems relating to charitable contributions. Although TD 9907 is a tax regulation, it was largely a joint undertaking between the Department of Treasury and Department of Education to provide clarity on the state tax credit systems that involve contributions made to support education.

IRC Section 170(c) donee organizations may want to review their procedures regarding the contemporaneous written acknowledgement of charitable contributions in order to accommodate the clarification to the quid pro quo principle.

The final regulations are a virtual carbon copy of the proposed regulations. Treasury and the IRS received more than 40 comments responding to the proposed regulations and did not adopt any of these comments, except for a few clarifications that have little impact on the effect of the regulations.

RELATED RESOURCES

— For more information about EY's Exempt Organization Tax Services group, visit us **here**.

Contact Information
For additional information concerning this Alert, please contact:

Private Client Services
- **David Kirk** (david.kirk@ey.com)
- **Justin Ransome** (justin.ransome@ey.com)

Tax-Exempt Organizations Group
- **Terence Kennedy** (tery.kennedy@ey.com)
- **Melanie McPeak** (melanie.mcpeak@ey.com)



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Policy for Gifts to the City of Rolling Hills

Purpose:
To provide guidelines for the City's acceptance of gifts in a responsible, ethical, transparent and accountable manner.

Types of gifts:
Gifts may be offered only in the form of cash, services or personal property. Donations of real property are not subject to this policy. Any such proposed donation of real property will be evaluated individually.

A “restricted gift” is a gift designated by the donor for a particular City department, location or purpose. An “unrestricted gift” is a gift without any limitations placed on its use by the City. For the purpose of this policy, the term "gift" includes, without limitation goods or services provided by a City contractor or vendor beyond that specified in its contract with the City.

Procedure:

- The City Manager shall perform an initial evaluation of a proposed gift. Factors to be considered include, but are not limited to, the following:
    - Whether acceptance of the gift is in the City’s best interest and is consistent with applicable policies, ordinances, and resolutions;
    - Whether the acceptance of the gift would give rise to an appearance of impropriety;
    - In the case of a restricted gift, whether the gift obligates the City to make an immediate or initial City expenditure that has not been included in the approved City budget, and whether it may result in ongoing costs.
- The City shall consider whether to accept a proposed gift at a City Council meeting as an item on its agenda for gifts exceeding a value of [INSERT AMOUNT]. Gifts below that may be accepted by the City Manager at the City Manger’s discretion and in accordance with this policy. The staff report for the agenda item should discuss the staff's initial evaluation of the proposed gift. There is no need for staff to provide a recommendation to the City Council for each donation.
- To avoid the appearance of impropriety, among other things, the City shall not accept gifts from or on behalf of any individual or entity who is in the process of obtaining discretionary approval from the City, or who applied for discretionary approval within XX months prior to the proposed gift. In the event a donor seeks discretionary approval from the City within XX months following City's acceptance of a gift, the City shall return the gift to the donor when possible.
- All gifts shall become City property.
- Upon acceptance by the City Council, a letter or email of the acknowledgement of the gift shall be sent to the donor, signed by the mayor.
- The City does not provide legal, accounting, tax or other such advice to donors. The City shall only provide to the donor an estimate of fair market value for gifts of services or personal property when requested. Any decision or estimate by the City under a request shall be final.

- The City will not accept anonymous gifts. All records of donations shall be subject to disclosure under the Public Records Act.

Policy for Gifts to City Employees

Gifts to individual employees:
Compensation for employees performing their public duty is limited to salaries, fringe benefits and any personal satisfaction that employees may derive from doing a good job. Therefore, individual employees shall not accept any personal gifts or tips from anyone other than the City for the performance of acts within the regular course of duties.

Gifts for the benefit of City employees:
Edible gifts (e.g., gift baskets) are allowed but shall be made available to all employees. Alcohol is not allowed.

Received and Reviewed: _____

DRAFT

Agenda Item No.: 14.A
Mtg. Date: 05/13/2024

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

FROM: **KARINA BAÑALES, CITY MANAGER**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **CONSIDERATION OF RESOLUTION IN SUPPORT OF THE BI-PARTISAN HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT (INITIATIVE 23-0017A1) FOR TARGETED REFORMS TO PROPOSITION 47 (COUNCILMEMBER DIERINGER)**

DATE: **May 13, 2024**

BACKGROUND:

The Homelessness, Drug Addiction, and Theft Reduction Act (23-0017 A1) is a comprehensive legislative proposal meticulously designed to address the complex and interconnected issues of homelessness, drug addiction, and theft within communities. The Act outlines a wide array of strategies and interventions aimed at prevention, treatment, and enforcement to comprehensively address the root causes and consequences of these societal challenges.

Californians for Safer Communities is the official coalition leading the Homelessness, Drug Addiction, and Theft Reduction Act. They are currently collecting signatures for the Act to qualify for the 2024 November General Election. The Act would provide targeted reforms to Proposition 47 that the authors feel legislative proposals alone are unable to deliver.

Councilmember Dieringer requested that this item be brought before the City Council to consider the draft resolution (Attachment A) in support of the Homelessness, Drug Addiction, and Theft Reduction Act Initiative 23-0017 A1 (Attachment B).

DISCUSSION:

Proposition 47 Safe Neighborhoods and Schools Act

Proposition 47, also known as the Safe Neighborhoods and Schools Act, was passed by California voters in 2014. It reclassified certain nonviolent offenses, such as drug possession and theft, from felonies to misdemeanors. The intent behind Proposition 47 was to reduce

incarceration rates, prioritize rehabilitation, and redirect cost savings to support mental health and drug treatment programs. Since its enactment, Proposition 47 has generated discussion and debate regarding its effectiveness and unintended consequences. Supporters argue that it has reduced prison overcrowding, provided opportunities for rehabilitation, and promoted fairness in sentencing. However, critics have raised concerns about its impact on public safety, citing an increase in property crimes and challenges related to homelessness and drug addiction.

Homelessness, Drug Addiction, and Theft Reduction Act

A new proposal, called The Homelessness, Drug Addiction and Theft Reduction Act, would amend parts of Proposition 47. The measure aims at reforming laws that have dramatically increased homelessness, drug addiction, and theft throughout California.

The measure will:

- Provide drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine.
- Add fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm.
- Add fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs.
- Permit judges to use their discretion to sentence drug dealers to state prison instead of county jail when they are convicted of trafficking hard drugs in large quantities or are armed.
- Warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic hard drugs, and someone dies as a result.
- Reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user.
- Increase penalties for people who repeatedly engage in theft.
- Introduce new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage or are committed by multiple thieves working together.

There is an argument that the leniency currently under Proposition 47 has led to skyrocketing theft in recent years. Under the new proposal, “an offender with two prior convictions for theft can be charged with a felony, regardless of the value of the stolen property.” It would also allow prosecutors to add together the value of property stolen across multiple thefts to exceed the $950.00 threshold for a felony charge and create harsher punishments for organized retail theft rings. Proposition 47 turned most drug possession offenses from felonies to misdemeanors. Right now, non-prescription fentanyl is not listed on Proposition 47 as a hard drug, and the new proposal would create harsher penalties for people who deal fentanyl and other hard drugs.

The Homelessness, Drug Addiction, and Theft Reduction proposal is currently being circulated as a petition. Phase 1 (Qualification), which concludes on April 30, 2024. To qualify the

measure for the November 2024 ballot, the law requires 546,651 valid signatures. If the threshold of valid signatures is reached in Phase 2, the initiative will go to California voters in November 2024.

As of April 18, 2024, the Californians for Safer Communities, the official coalition, announced that they had collected over 900,000 signatures.

This evening, Staff seeks the direction of the City Council on potentially adopting a resolution supporting the Homelessness, Drug Addiction, and Theft Reduction Act. Attachments to this staff report provide additional information for the Council's review and consideration.

FISCAL IMPACT:
None.

RECOMMENDATION:
Receive and file. Consider the attached draft resolution and, if supportive, direct staff to return with a resolution for adoption.

ATTACHMENTS:
Attachment A - CL_AGN_240422_CC_Prop47_Reform_DraftResolution.pdf
Attachment B - CL_AGN_240422_CC_23-0017A1_DrugAddictionTheftReform.pdf
Attachment C - CL_AGN_240422_CC_Prop47_FAQs.pdf
Attachment D - CL_AGN_240422_CC_CA_SafeCommunities_FactSheet.pdf
Attachment E - CL_AGN_240422_CC_HomelessnessAct_Handout.pdf
CL_AGN_240422_CC_Item14A_SlideDeck.pdf

RESOLUTION IN SUPPORT OF THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

WHEREAS: While Prop 47 achieved notable success in making California's criminal justice system more equitable, Prop 47 also led to unintended consequences over the past decade.

WHEREAS: Unintended consequences of Prop 47 include repeat and often organized retail theft, inner-city store closings, and difficulty convincing people to seek drug and mental health treatment.

WHEREAS: These unintended consequences can only be corrected by the voters at the ballot box with modest amendments to Prop 47.

WHEREAS: Initiative 23-0017A1, the Homelessness, Drug Addiction, and Theft Reduction Act is currently collecting signatures to qualify for the 2024 November General Election

WHEREAS: The Homelessness, Drug Addiction, and Theft Reduction Act is a bi-partisan measure that provides common sense, targeted reforms to Prop 47 that legislative proposals alone are unable to deliver.

WHEREAS: Rampant retail theft is harming businesses and residents in California because those who commit these crimes know they'll get away with it, even if they're caught.

WHEREAS: This measure will hold repeat offenders accountable for the safety of our communities, rather than putting them back on the streets.

WHEREAS: The fentanyl crisis has reached alarming levels, and is now responsible for 20 percent of youth deaths in California.

WHEREAS: The Homelessness, Drug Addiction, and Theft Reduction Act will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers.

WHEREAS: Breaking the cycle of repeat offenders means addressing the many root causes of retail theft.

WHEREAS: The Homelessness, Drug Addiction, and Theft Reduction Act provides critical mental health, drug treatment services, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse.

WHEREAS: It's time for meaningful reforms to our justice system that ensure our communities are safe.

NOW, THEREFORE, BE IT RESOLVED by the City of { }, that the City Council formally expresses support for the Homelessness, Drug Addiction, and Theft Reduction Act and the benefit that it provides for our community's safety.

23-0017 A1

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RECEIVED
Sep 22 2023
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

September 22, 2023

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 23-0017 – Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 23-0017, The Homelessness, Drug Addiction, and Theft Reduction Act. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,

Thomas W. Hiltachk

THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

SECTION 1. Title

This Act shall be known as The Homelessness, Drug Addiction, and Theft Reduction Act.

SECTION 2. Purposes and Intent

This measure will reform laws that have dramatically increased homelessness, drug addiction, and theft throughout California.

This measure will:

A. Provide drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine.

B. Add fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm.

C. Add fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs.

D. Permit judges to use their discretion to sentence drug dealers to state prison instead of county jail when they are convicted of trafficking hard drugs in large quantities or are armed with a firearm while engaging in drug trafficking.

E. Warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result.

F. Reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user.

G. Increase penalties for people who repeatedly engage in theft.

H. Add new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage, or that are committed by multiple thieves working together.

SECTION 3. Findings and Declarations

The People of the State of California find and declare as follows:

A. Reducing Homelessness Through Drug and Mental Health Treatment

1. California has reached a tipping point in its homelessness, drug, mental health, and theft crises. Our state has the highest rate of homelessness per capita of any state in the country. And drug overdoses now kill two to three times the number of people in California as car accidents.

2. Since the passage of Proposition 47 in 2014, homelessness in California has increased by 51%, while during the same time period in the rest of the country, it has declined by 11%. Proposition 47 reduced the legal consequences of both possession of hard drugs (fentanyl, cocaine, heroin, methamphetamine, and phencyclidine), and theft. The result has been massive increases in drug addiction, mental illness, and property crimes, including retail theft, committed by addicts to support their addiction. At the same time, California has seen a dramatic decrease in mental health and drug treatment for homeless people due to reduced incentives to participate in treatment. Our homelessness problem is directly connected to these unintended consequences of Proposition 47, which the voters now desire to correct.

3. Progressive states such as New Jersey, Maryland, Illinois, and Michigan have significantly stronger hard drug laws than California, and their homeless rate is 4 to 5 times lower than California's.

4. This proposal takes a modest step in the direction of these states by enacting a new class of crime called a "treatment-mandated felony." Under this new "treatment-mandated felony," prosecutors would have the discretion to charge a felony for hard drug possession after two previous drug convictions. If charged with this "treatment-mandated felony" for a third or subsequent drug offense, the offender would be given the option of participating in drug and mental health treatment. If the offender successfully completes drug and mental health treatment, the charge would be fully expunged, and the offender would receive no jail time. If the offender refuses drug and mental health treatment, they would serve jail time for hard drug possession. For a second conviction of the treatment-mandated felony (the 4th total conviction for hard drug possession), a judge would have the option of imposing time in jail or state prison. Along with hard drug and mental health treatment, offenders charged with a treatment-mandated felony would be offered shelter, job training, and other services designed to break the cycle of addiction and homelessness.

B. Cracking Down on Hard Drug Dealers

1. Fentanyl is the most dangerous drug that our nation has ever seen. Because it is largely produced synthetically, fentanyl is typically cheaper than other hard drugs. As a result, drug dealers now regularly include fentanyl in other drugs such as diet, anxiety, and

sleeping pills, cocaine, and heroin. Further, fentanyl is up to 50 times stronger than heroin. Therefore, a very tiny amount of fentanyl can prove deadly. One kilogram (2.2 pounds) of fentanyl provides enough of the drug to manufacture four to ten million doses, or enough to kill 500,000 people. Finally, because such a small amount of fentanyl is necessary to create addiction, it is easier to smuggle across the border in smaller, yet much more deadly quantities.

2. This Act would authorize greater consequences for hard drug dealers whose trafficking kills or seriously injures a person who uses those drugs, and it would provide a mechanism to warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result.

3. This Act would add non-prescription fentanyl to an existing list of hard drugs such as heroin, cocaine, and methamphetamine, for which it is illegal to possess the drug while armed with a loaded firearm.

4. This Act would also add non-prescription fentanyl to an existing list of hard drugs such as heroin, cocaine, and methamphetamine that authorizes greater consequences for drug dealers who sell large quantities of hard drugs.

5. This Act also permits judges to sentence drug dealers who traffic in large quantities of hard drugs or who are armed with a firearm while trafficking in hard drugs to state prison instead of local county jails. Only our state prisons are equipped to manage security for hardened drug dealers and to provide them the rehabilitation services they need to safely re-enter society.

C. Accountability for Repeat Theft and Smash and Grab Thefts

1. Prior to Proposition 47, individuals who repeatedly engaged in theft could be charged with a felony. Prop 47 eliminated this repeat offender felony and instead provided that any theft up to $950 in value is now a misdemeanor – regardless of how many times the offender has committed theft. In practice, this means that an offender who repeatedly steals up to $950 in value faces virtually no legal consequences.

2. The result has been an explosion in retail and cargo theft causing stores throughout California to close to protect employees and customers from criminal activity that disrupts the efficient delivery of products directly to consumers and creates billions of dollars in economic losses to our local communities and state. This rapid increase in retail and cargo theft has also contributed to rising inflation, as businesses have been forced to raise prices to account for their economic losses. This retail and cargo theft explosion has collided with the fentanyl epidemic, as hard drug users have engaged in brazen theft to support their drug habits, knowing that there will be no consequences for either their theft or their hard drug use.

3. Under this Act, an offender with two prior convictions for theft can be charged with a felony, regardless of the value of the stolen property. Diversion programs will continue to

exist, meaning that judges will retain discretion not to incarcerate an offender even for more than two theft convictions. But prosecutors will have the ability to bring felony charges against hardened, repeat offenders who continue to engage in theft. Judges will have the discretion to sentence a repeat offender to jail in appropriate cases, or to state prison if an offender is convicted four or more times of theft.

4. This Act also authorizes judges to exercise their discretion to impose an enhanced penalty when an offender steals, damages, or destroys property by acting together with two or more offenders or by causing losses of $50,000 or more. By permitting discretion in these scenarios, judges will be able to fashion sentences that are appropriate for the crime committed, including so-called "smash and grabs" committed by mobs or large groups of people working together.

5. The value of property stolen in multiple thefts will be permitted to be added together so that in appropriate cases an offender may be charged with felony theft instead of petty theft. This provision addresses the problem of offenders who commit a series of thefts in which the property stolen during each theft has a value under the $950 felony theft threshold, in order to insulate themselves from felony charges.

6. Along with the hard drug provisions in this Act, these theft law changes will stop the vicious cycle of hard drug users stealing to support their habits without legal consequences for their actions.

SECTION 4. Section 11369 is added to the Health & Safety Code to read:

11369. (a) This section shall be known, and may be cited, as Alexandra's Law.

(b) The court shall advise a person who is convicted of, or who pleads guilty or no contest to, a violation of Section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, of the following:

"You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in such conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code."

(c) The advisory statement shall be provided to the defendant in writing, either on a plea form if used, as an addendum to a plea form, or at sentencing, and the fact that the advisory was given shall be specified on the record and recorded in the abstract of the conviction.

(d) (1) Except as provided in paragraph (2), as used in this section, "hard drug" means a substance listed in Sections 11054 or 11055, including a substance containing fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and the analogs of any of these substances as defined in Sections 11400 and 11401.

(2) As used in this section "hard drug" does not include cannabis, cannabis products, peyote, lysergic acid diethylamide (LSD) or other psychedelic drugs such as mescaline and psilocybin (mushrooms), or any other substance listed in subdivisions (d) and (e) of Section 11054, or, with the exception of methamphetamine, any other substance listed in subdivision (d) of Section 11055.

SECTION 5. Section 11370.1 of the Health & Safety Code is amended to read:

11370.1. (a) Notwithstanding Section 11350 or 11377 or any other provision of law, every person who unlawfully possesses any amount of a substance containing cocaine base, a substance containing cocaine, a substance containing heroin, a substance containing methamphetamine, *a substance containing fentanyl, a* crystalline substance containing phencyclidine, a liquid substance containing phencyclidine, plant material containing phencyclidine, or a hand-rolled cigarette treated with phencyclidine while armed with a loaded, operable firearm is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years.

(b) Subdivision (a) does not apply to any person lawfully possessing fentanyl, including with a valid prescription.

(c) As used in ~~this~~ subdivision *(a),* "armed with" means having available for immediate offensive or defensive use.

~~(b)~~ *(d)* Any person who is convicted under this section shall be ineligible for diversion or deferred entry of judgment under Chapter 2.5 (commencing with Section 1000) of Title 6 of Part 2 of the Penal Code.

SECTION 6. Section 11370.4 of the Health & Safety Code is amended to read:

11370.4. (a) ~~Any~~ *(1) A* person convicted of a violation of, or of a conspiracy to violate, Section 11351, 11351.5, or 11352 with respect to a substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, or cocaine as specified in paragraph (6) of subdivision (b) of Section 11055 shall receive an additional *state prison* term as follows:

~~(1)Where~~

(A) If the substance exceeds one kilogram by weight, the person shall receive an additional term of three years.

~~(2)Where~~

(B) If the substance exceeds four kilograms by weight, the person shall receive an additional term of five years.

~~(3)Where~~

(C) If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 10 years.

~~(4)Where~~

(D) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 15 years.

~~(5)Where~~

(E) If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 20 years.

~~(6)Where~~

(F) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

(2) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(b) ~~Any~~ *(1) A* person convicted of a violation of, or of conspiracy to violate, Section 11378, 11378.5, 11379, or 11379.5 with respect to a substance containing methamphetamine, amphetamine, phencyclidine (PCP) and its analogs shall receive an additional *state prison* term as follows:

~~(1)Where~~

(A) If the substance exceeds one kilogram by weight, or 30 liters by liquid volume, the person shall receive an additional term of three years.

~~(2)Where~~

(B) If the substance exceeds four kilograms by weight, or 100 liters by liquid volume, the person shall receive an additional term of five years.

~~(3)Where~~

(C) If the substance exceeds 10 kilograms by weight, or 200 liters by liquid volume, the person shall receive an additional term of 10 years.

~~(4)Where~~

(D) If the substance exceeds 20 kilograms by weight, or 400 liters by liquid volume, the person shall receive an additional term of 15 years.

(2) In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(3) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(c) (1) A person convicted of a violation of, or of a conspiracy to violate, Section 11351 or 11352 with respect to a substance containing fentanyl shall receive an additional state prison term as follows:

(A) If the substance exceeds 28.35 grams (one ounce) by weight, the person shall receive an additional term of three years.

(B) If the substance exceeds 100 grams by weight, the person shall receive an additional term of five years.

(C) If the substance exceeds 500 grams by weight, the person shall receive an additional term of seven years.

(D) If the substance exceeds one kilogram by weight, the person shall receive an additional term of 10 years.

(E) If the substance exceeds four kilograms by weight, the person shall receive an additional term of 13 years.

(F) If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 16 years.

(G) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 19 years.

(H) If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 22 years.

(I) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

(2) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

~~(c)~~ *(d)*The additional terms provided in this section shall not be imposed unless the allegation that the weight of the substance containing heroin, *fentanyl,* cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, cocaine as specified in paragraph (6) of subdivision (b) of Section 11055, methamphetamine, amphetamine, or phencyclidine (PCP) and its analogs exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(e)Notwithstanding paragraph (9) of subdivision (h) of Section 1170 of the Penal Code, a defendant convicted of an underlying violation specified in this section who admits an enhancement pursuant to this section or for whom an enhancement pursuant to this section is found true, is punishable by imprisonment in the state prison and not pursuant to subdivision (h) of Section 1170 of the Penal Code.

~~(d)~~ *(f)*The additional terms provided in this section shall be in addition to any other punishment provided by law.

~~(e)~~ *(g)*Notwithstanding any other ~~provision of~~ law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

SECTION 7. Article 8 (commencing with Section 11395) is added to Chapter 6 of Division 10 of the Health & Safety Code, to read:

11395. (a) This section shall be known as the "Treatment-Mandated Felony."

(b) (1) Notwithstanding any other law, and except as provided in subdivision (d), a person described in subdivision (c) who possesses a hard drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code. A second or subsequent conviction of this section, is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) A person shall not be sentenced to jail or prison pursuant to this section unless a court determines that the person is not eligible or suitable for treatment or that any other circumstance described in paragraph (4) of subdivision (d) applies to that person.

(c) Subdivision (b) applies to a person who has two or more prior convictions for a felony or misdemeanor violation of Sections 11350, 11351, 11351.5, 11352, 11353, 11353.5, 11353.7, 11370.1, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, or 11395, including a conviction that occurred before the effective date of this section. Prior convictions shall be alleged in the accusatory pleading, and either admitted by the defendant in open court or found to be true by the trier of fact.

(d) (1)(i) In lieu of a jail or prison sentence, or a grant of probation with jail as a condition of probation, a defendant charged with a violation of this section may elect treatment by pleading guilty or no contest to a violation of this section and admitting the alleged prior convictions, waiving time for sentencing and the pronouncement of judgment, and agreeing to participate in, and complete, a detailed treatment program developed by a drug addiction expert and approved by the court. A defendant's plea of guilty or no contest shall not constitute a conviction for any purpose unless judgment is entered pursuant to paragraph (4) for a violation of this section.

(ii) Upon or subsequent to arraignment for a violation of this section, and at the request or with the consent of the defendant or their attorney, the court shall order a drug addiction expert to conduct a substance abuse and mental health evaluation of the defendant. The expert shall submit a report of the evaluation to the court and parties. The evaluation may be based on an interview of the defendant and/or other individuals with relevant knowledge and review of records the expert deems appropriate, such as medical records, criminal history, prior treatment history, and records pertaining to the current offense. If the defendant participates in the interview, neither the defendant's interview nor evidence derived from the interview may be used against the defendant at any subsequent trial for the instant offense except for the purposes of impeachment should the defendant testify inconsistently. The evaluation shall detail the defendant's drug abuse and/or mental health issues, if any, so the court and parties may better determine appropriate handling of the defendant's case.

(iii) Concurrent with the order for a substance abuse and mental health evaluation of the defendant, and with the defendant's consent, the court shall also order that a case worker or other qualified individual determine whether the defendant is eligible to receive Medi-Cal, Medicare, or any other relevant benefits for any programs or evaluations under this section. If the defendant did not previously consent to an eligibility determination at arraignment, the court shall order the eligibility determination upon and as a condition of the defendant's agreement to participate in and complete a treatment program as described in this subdivision.

(2) A treatment program may include, but is not limited to, drug treatment, mental health treatment, job training, and any other conditions related to treatment or a successful outcome for the defendant that the court finds appropriate. The court must hold regular hearings to review the progress of the defendant. The court shall make referrals to programs that provide services at no cost to the participant and have been deemed by the court, the drug addiction expert, and

the parties to be credible and effective. A defendant may also choose to pay for a program that is approved by the court.

(3) Upon the defendant's successful completion of the treatment program as specified in paragraph (2), the positive recommendation of the treatment program, and the motion of the defendant, prosecuting attorney, the court, or the probation department, the court shall dismiss this charge against the defendant and the provisions of Section 1000.4 of the Penal Code, as it read on the effective date of this section, shall apply, including the provision that the arrest upon which the defendant was deferred shall be deemed to have never occurred. A dismissal based on the successful completion of treatment shall not count as a conviction for any purpose, including for determining punishment pursuant to subdivision (b).

(4) If at any time it appears that the defendant is performing unsatisfactorily in the program, is not benefiting from treatment, is not amenable to treatment, has refused treatment, or has been convicted of a crime that was committed since starting treatment, the prosecuting attorney, the court on its own, or the probation department may make a motion for entry of judgment and sentencing. After notice to the defendant, the court shall hold a hearing to determine whether judgment should be entered and the defendant sentenced. Judgment shall be imposed and the defendant sentenced if the court finds true one or more of the foregoing circumstances. However, except when the defendant has been found to have been convicted of a crime that was committed since starting treatment, the court may re-refer the defendant to treatment if the court finds that it is in the interest of justice to do so, that the defendant is currently amenable to treatment, and if the defendant agrees to participate in, and complete, a treatment program as described in this section.

(5) For time spent in residential treatment, a defendant may earn only actual credits pursuant to Section 2900.5 of the Penal Code and shall not earn conduct credits pursuant to Section 4019 of the Penal Code or any other provision. Time spent in any other type of program or counseling is not eligible for any credits.

(e) (1) Except as provided in paragraph (2), as used in this section, "hard drug" means a substance listed in Sections 11054 or 11055, including a substance containing fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and the analogs of any of these substances as defined in Sections 11400 and 11401.

(2) As used in this section "hard drug" does not include cannabis, cannabis products, peyote, lysergic acid diethylamide (LSD) or other psychedelic drugs such as mescaline and psilocybin (mushrooms), or any other substance listed in subdivisions (d) and (e) of Section 11054, or, with the exception of methamphetamine, any other substance listed in subdivision (d) of Section 11055.

(f) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(g) This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

SECTION 8. Section 490.3 is added to the Penal Code to read:

490.3. Notwithstanding any other law, in any case involving one or more acts of theft or shoplifting, including but not limited to, violations of Sections 459.5, 484, 488, and 490.2, the value of property or merchandise stolen may be aggregated into a single count or charge, with the sum of the value of all property or merchandise being the values considered in determining the degree of theft.

SECTION 9. Section 666.1 is added to the Penal Code to read:

666.1. (a) (1) Notwithstanding any other law, a person who has two or more prior convictions for any of the offenses listed in paragraph (2), and who is convicted of petty theft or shoplifting, is punishable by imprisonment in the county jail not exceeding one year or pursuant to subdivision (h) of Section 1170. A second or subsequent conviction of this section is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) This section applies to the following offenses, including a conviction that occurred before the effective date of this section:

(A) Petty theft, as described in Section 488 or 490.2.

(B) Grand theft, as described in Section 487, 487h, and in Chapter 5 of Title 13 of Part 1 of the Penal Code (commencing with Section 484).

(C) Theft from an elder or dependent adult, as described in Section 368.

(D) The theft or unauthorized use of a vehicle, as described in Section 10851 of the Vehicle Code.

(E) Burglary, as described in Section 459.

(F) Carjacking, as described in Section 215.

(G) Robbery, as described in Section 211.

(H) Receiving stolen property, as described in Section 496.

(I) Shoplifting, as described in Section 459.5.

(J) Identity theft and mail theft, as described in Section 530.5.

(b) A person subject to charging under this section or actually charged with this section may be referred by a prosecuting attorney's office or by a county probation department to a theft diversion or deferred entry of judgment program pursuant to Section 1001.81. If appropriate, a person admitted to such a program may also be referred to a substance abuse treatment program.

(c) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(d)This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

SECTION 10. Section 12022 of the Penal Code is amended to read:

12022. (a) (1) Except as provided in subdivisions (c) and (d), a person who is armed with a firearm in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one year, unless the arming is an element of that offense. This additional term shall apply to a person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with a firearm, whether or not the person is personally armed with a firearm.

(2) Except as provided in subdivision (c), and notwithstanding subdivision (d), if the firearm is an assault weapon, as defined in Section 30510 or 30515, or a machinegun, as defined in Section 16880, or a .50 BMG rifle, as defined in Section 30530, the additional and consecutive term described in this subdivision shall be three years imprisonment pursuant to subdivision (h) of Section 1170 whether or not the arming is an element of the offense of which the person was convicted. The additional term provided in this paragraph shall apply to any person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with an assault weapon, machinegun, or a .50 BMG rifle, whether or not the person is personally armed with an assault weapon, machinegun, or a .50 BMG rifle.

(b) (1) A person who personally uses a deadly or dangerous weapon in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for one year, unless use of a deadly or dangerous weapon is an element of that offense.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be in the state prison for one, two, or three years.

(3) When a person is found to have personally used a deadly or dangerous weapon in the commission of a felony or attempted felony as provided in this subdivision and the weapon is

owned by that person, the court shall order that the weapon be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(c) *(1)* Notwithstanding the enhancement set forth in subdivision (a), a person who is personally armed with a firearm in the commission of a violation or attempted violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code shall be punished by an additional and consecutive term of imprisonment *in the state prison* ~~pursuant to subdivision (h) of Section 1170~~ for three, four, or five years.

(2) Notwithstanding paragraph (9) of subdivision (h) of Section 1170 of the Penal Code, a defendant convicted of an underlying violation specified in this subdivision who admits an enhancement pursuant to this subdivision or for whom an enhancement pursuant to this subdivision is found true, is punishable by imprisonment in the state prison and not pursuant to subdivision (h) of Section 1170 of the Penal Code.

(d) Notwithstanding the enhancement set forth in subdivision (a), a person who is not personally armed with a firearm who, knowing that another principal is personally armed with a firearm, is a principal in the commission of an offense or attempted offense specified in subdivision (c), shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years.

(e) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as a single enhancement.

(f) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in subdivision (c) or (d) in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

SECTION 11. Section 12022.6 is added to the Penal Code to read:

12022.6. (a) When any person takes, damages, or destroys any property in the commission or attempted commission of a felony, or commits a felony violation of Section 496, the court shall impose a term in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, as follows:

(1) If the loss or property value exceeds fifty thousand dollars ($50,000), the court shall impose an additional term of one year.

(2) If the loss or property value exceeds two hundred thousand dollars ($200,000), the court shall impose an additional term of two years.

(3) If the loss or property value exceeds one million dollars ($1,000,000), the court shall impose an additional term of three years.

(4) If the loss or property value exceeds three million dollars ($3,000,000), the court shall impose an additional term of four years.

(5) For every additional loss or property value of three million dollars ($3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).

(b) In any accusatory pleading involving multiple charges of taking, damage, or destruction, or multiple violations of Section 496, the additional terms provided in this section may be imposed if the aggregate losses to the victims or aggregate property values from all felonies exceed the amounts specified in this section and arise from a common scheme or plan. All pleadings under this section shall remain subject to the rules of joinder and severance stated in Section 954.

(c) The additional terms provided in this section shall not be imposed unless the facts relating to the amounts provided in this section are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(d) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to Section 12022.65.

SECTION 12. Section 12022.65 is added to the Penal Code to read:

12022.65. (a) Any person who acts in concert with two or more persons to take, attempt to take, damage, or destroy any property, in the commission or attempted commission of a felony shall be punished by an additional and consecutive term of imprisonment of one, two, or three years.

(b) The additional term provided in this section shall not be imposed unless the existence of the facts required in subdivision (a) are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to Section 12022.6.

SECTION 13. Section 12022.7 of the Penal Code is amended to read:

12022.7. (a) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three years.

(b) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony which causes the victim to

become comatose due to brain injury or to suffer paralysis of a permanent nature shall be punished by an additional and consecutive term of imprisonment in the state prison for five years. As used in this subdivision, "paralysis" means a major or complete loss of motor function resulting from injury to the nervous system or to a muscular mechanism.

(c) Any person who personally inflicts great bodily injury on a person who is 70 years of age or older, other than an accomplice, in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.

(d) Any person who personally inflicts great bodily injury on a child under the age of five years in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for four, five, or six years.

(e) Any person who personally inflicts great bodily injury under circumstances involving domestic violence in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or five years. As used in this subdivision, "domestic violence" has the meaning provided in subdivision (b) of Section 13700.

(f) *(1)* As used in this section, "great bodily injury" means a significant or substantial physical injury.

(2) As used in this section, a person who sells, furnishes, administers, or gives away a controlled substance is deemed to have personally inflicted great bodily injury when the person to whom the substance was sold, furnished, administered, or given suffers a significant or substantial physical injury from using the substance.

(g) This section shall not apply to murder or manslaughter or a violation of Section 451 or 452. Subdivisions (a), (b), (c), and (d) shall not apply if infliction of great bodily injury is an element of the offense.

(h) The court shall impose the additional terms of imprisonment under ~~either~~ subdivision (a), (b), (c), or (d), but may not impose more than one of those terms for the same offense.

SECTION 14. Chapter 36 (commencing with Section 7599.200) is added to Division 7 of Title 1 of the Government Code, to read:

7599.200. (a) This section shall be known as "Funding for the Homelessness, Drug Addiction, and Theft Reduction Act."

(b) From monies disbursed to the Board of State and Community Corrections pursuant to paragraph (3) of subdivision (a) of Section 7599.2 of the Government Code and Section 6046.2 of the Penal Code, the Board of State and Community Corrections may allocate appropriate funds to counties and local governments for programs specified in Section 11395 of the Health and Safety Code. This provision shall not preclude funding for this Act from any other source, including but not limited to the Local Revenue Fund 2011 established under Government Code Section 30025 and other such funds designated for substance abuse and mental health treatment.

(c) A defendant charged with a treatment-mandated felony is eligible for any appropriate Medi-Cal or Medicare programs or services, including but not limited to those described in Government Code Section 30025(f)(16)(B)(iii)-(v), for the defendant's programs specified in Section 11395 of the Health and Safety Code. A county or local government may contract directly with the State Department of Healthcare Services or any other applicable State agency to provide for the provision or administration of any applicable Medi–Cal or Medicare treatment programs.

SECTION 15. Amendments

(a) Except as provided in subdivision (b), this Act shall not be amended by the Legislature except by a statute that furthers the purposes, intent, findings, and declarations of the Act and is passed in each house by roll call vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

(b) The Legislature may, by majority vote, amend Section 11369 of the Health & Safety Code only to expand the list of drugs that qualify as a "hard drug" and to expand the list of convictions to which it applies, and may, by majority vote, amend Section 11395 of the Health & Safety Code only to expand the list of drugs that qualify as a "hard drug" and to expand the list of applicable prior convictions , and may, by majority vote, amend Section 666.1 of the Penal Code only to expand the list of applicable prior convictions.

SECTION 16. Severability

If any provision of this Act, or any part of any provision, or the application of any provision or part to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications of provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SECTION 17. Conflicting Initiatives

(a) This Act creates a new drug treatment statute and changes the penalties for career and serial thieves. In the event that this Act and another initiative measure or measures relating to the same subject appear on the same statewide ballot, the provisions of the other measure or measures

shall be deemed to be in conflict with this measure. In the event this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

Note: **These materials were prepared by the Judicial Council's Criminal Justice Services staff and Richard Couzens, Judge of the Superior Court, County of Placer (Ret.), and are for informational purposes only. The responses are not to be construed as legal opinion or advice. Staff will update questions and responses on a regular basis. Please check for most recent version.**

FREQUENTLY ASKED QUESTIONS

Updated November 2016

What is the stated purpose of Proposition 47?

The stated purpose of the proposition is to "ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for non-serious, nonviolent crime, and to invest the savings generated from [the proposition] into prevention and support programs in K-12 schools, victim services, and mental health and drug treatment" and to ensure "that sentences for people convicted of dangerous crimes like rape, murder, and child molestation are not changed." The proposition states that it "shall be liberally construed to effectuate its purposes."

What is the effective date of Proposition 47?

Proposition 47 became effective on November 5, 2014.

In short, what does Proposition 47 do?

Proposition 47 added and amended various statutory provisions to implement the following three changes to felony sentencing laws:

- **Theft and Drug Possession Offenses**: Changes certain theft and drug possession offenses from felonies to misdemeanors, except for persons with certain prior convictions.

- **Resentencing:** Authorizes defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions.

- **Reclassification:** Authorizes defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors.

Who is *not* eligible for the changes under Proposition 47?

Persons with one or more prior convictions for offenses specified under Penal Code section 667(e)(2)(C)(iv)[1] or for a sex offense that requires registration under section 290(c) are ***not*** eligible for the new misdemeanor, resentencing, or reclassification provisions of Proposition 47. Instead, those persons generally remain subject to punishment under traditional sentencing rules.

What are the offenses specified under Penal Code section 667(e)(2)(c)(iv) that render someone ineligible for Proposition 47?

Section 667(e)(2)(c)(iv) states: "The defendant suffered a prior serious and/or violent felony conviction, as defined in subdivision (d) of this section, for any of the following felonies: (I) A 'sexually violent offense' as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code. (II) Oral copulation with a child who is under 14 years of age, and who is more than 10 years younger than he or she as defined by Section 288a, sodomy with another person who is under 14 years of age and more than 10 years younger than he or she as defined by section 286, or sexual penetration with another person who is under 14 years of age, and who is more than 10 years younger than he or she, as defined by Section 289. (III) A lewd or lascivious act involving a child under 14 years of age, in violation of Section 288. (IV) Any homicide offense, including any attempted homicide offense, defined in Sections 187 to 191.5, inclusive. (V) Solicitation to commit murder as defined in Section 653f. (VI) Assault with a machine gun on a peace officer or firefighter, as defined in paragraph (3) of subdivision (d) of Section 245. (VII) Possession of a weapon of mass destruction, as defined in paragraph (1) of subdivision (a) of Section 11418. (VIII) Any serious or violent felony offense punishable in California by life imprisonment or death." These offenses are sometimes referred to a "super strikes."

What are the offenses that require registration as a sex offender under Penal Code section 290(c)?

Under section 290(c), the following persons are required to register: "Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 288, 288a, or 289, Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289, Section 220, except assault to commit mayhem, subdivision (b) and (c) of Section 236.1, Section 243.4, paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272, or any felony violation of Section 288.2; any statutory predecessor that includes all elements of one of the above-mentioned offenses; or any person who since that

[1] Unless otherwise indicated, all statutory references are to the Penal Code.

date has been or is hereafter convicted of the attempt or conspiracy to commit any of the above-mentioned offenses."

Is *every* person who is required to register as a sex offender ineligible for Proposition 47?

Proposition 47 only excludes persons with prior convictions for a sex offense that requires registration under section 290(c), which enumerates several sex offenses that mandate registration upon conviction. This disqualifier appears to be limited to the offenses enumerated in section 290(c) and not to include persons required to register under other statutory provisions that vest courts with discretionary authority to impose sex offender registration under specified circumstances. (See, e.g., Pen. Code, § 290.006 [Authorizing courts to impose registration for *any* offenses not listed in section 290(c) "if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for the purpose of sexual gratification"].)

Do the exclusions include out-of-state convictions and juvenile adjudications?

It appears so. Proposition 47 excludes persons with a prior conviction for any of the offenses listed in section 667(e)(2)(C)(iv). Section 667(e)(2)(C)(iv) applies if "[t]he defendant suffered a prior serious and/or violent *felony conviction, as defined in subdivision (d) of this section*, for any of the following felonies. . . " – the "super strikes." (Emphasis added.) The reference to "subdivision (d) of this section" presumably means section 667(d). Section 667(d) provides that "[n]ot withstanding any other law and for the purposes of subdivisions (b) to (i), inclusive, a prior conviction of a serious and/or violent felony shall be defined as" (1) an adult California conviction under sections 667.5(c) and 1192.7(c) [§ 667(d)(1)]; (2) an out-of-state conviction "for an offense that, if committed in California is punishable by imprisonment in the state prison . . . if the prior conviction in the other jurisdiction is for an offense that includes all of the elements of" a California serious or violent felony [§ 667(d)(2)]; and (3) designated juvenile adjudications [§ 667(d)(3)].

Since the definition of "conviction of a serious and/or violent felony" contained in section 667(d) is incorporated by reference in section 1170.18(i), and since that definition specifically includes designated juvenile adjudications, it appears likely that a person who has been adjudicated for an offense listed in section 667(d)(3) will be excluded from the benefits of Proposition 47. While juvenile "adjudications" and adult "convictions" are distinguished in many other contexts, for the purposes of the exclusion under section 1170.18(i), it appears likely that they will be treated the same.

How does Proposition 47 change theft and drug possession offenses?

The following theft and drug possession offenses have been reclassified as misdemeanors as specified below. As noted above, these new misdemeanor provisions do *not* apply to persons with one or more prior convictions for offenses specified under section 667(e)(2)(C)(iv) or for a sex offense that requires registration under section 290(c).

- ***Shoplifting***. The proposition added section 459.5 to create a new misdemeanor offense called "shoplifting," punishable by up to 6 months in county jail. Shoplifting is defined as "entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours" where the value of the property does not exceed $950. Any other entry into a commercial establishment with intent to commit larceny is burglary. Any act of shoplifting as defined above must be charged as shoplifting. No person charged with shoplifting may also be charged with burglary or theft of the same property.

- ***Forgery.*** The proposition reclassified forgery of specified instruments under section 473 involving an amount that does not exceed $950 from a felony or wobbler to exclusively a misdemeanor. The instruments are "a check, bond, bank bill, note, cashier's check, traveler's check, or money order." To qualify as a felony, the proposition appears to require a value over $950 per forged instrument as opposed to a total value with multiple instruments combined, as specified, for example, under section 476a(b): "If the *total* amount of all checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed nine hundred fifty dollars (950), the offense is punishable only by imprisonment in the county jail…"].) (Emphasis added.) The misdemeanor provision does not apply to any person convicted both of forgery and identity theft under section 530.5.

- ***Insufficient Funds.*** Before Proposition 47, a violation of section 476a was a wobbler offense, except that the offense was strictly a misdemeanor if the total underlying amount did not exceed $450, unless the person was previously convicted of one of several specified theft offenses. The disqualifying prior violations are "… Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section…" (Pen. Code, § 476a(b).) Proposition 47 increased the total threshold amount for misdemeanors from $450 to $950 and increased the number of disqualifying prior convictions from one to "three or more."

- ***Petty Theft.*** Proposition 47 added section 490.2 to define "petty theft" as "obtaining any property by theft where the value of the money, labor, real or personal property taken" does not exceed $950. Under the proposition, this new definition of petty theft applies notwithstanding section 487 "or any other provision of law defining grand theft." (Pen. Code, § 490.2(a).) The new definition of petty theft appears designed to apply regardless of how specific categories of property are treated under separate statutes. Section 487(b)(1)(A), for example, characterizes theft of certain farm crops valuing over $250 as "grand theft." Under the proposition's new definition of petty theft, such offenses appear to be misdemeanors if not valued over $950. This new misdemeanor provision is not applicable to any theft that may be charged as an infraction "pursuant to any other provision of law."

- ***Receiving Stolen Property.*** Before Proposition 47, a violation of section 496 was a wobbler offense, except that if the value of the property did not exceed $950, the district attorney or grand jury may specify the offense as exclusively a misdemeanor "in the interests of justice." Proposition 47 rendered all violations of section 496 that do not exceed $950 as strictly misdemeanors, eliminating prosecutorial discretion to charge those offenses as felonies.

- ***Petty Theft with a Prior.*** Proposition 47 eliminated the offense of petty theft with a prior under section 666 for most defendants by narrowing the category of persons subject to punishment under that section to only include persons required to register under the Sex Offender Registration Act, persons with prior violent or serious felony convictions under section 667.5(e)(2)(C)(iv), and persons convicted of section 368(d) or (e) [specified theft crimes involving elder or dependent adults]. Unlike other references to sex offender registration throughout Proposition 47 (see above), this reference appears to include *all* persons required to register, regardless of whether the basis for registration was section 290(c) or some other provision under the Sex Offender Registration Act.

- ***Drug Possession Offenses*.** Proposition 47 reclassified drug possession offenses under Health and Safety Code sections 11350, 11357(a) [concentrated cannabis], and 11377 from a felony or wobbler to strictly misdemeanors punishable by up to one year in county jail.

What is the difference between petitioning for resentencing and applying for reclassification?

Proposition 47 added section 1170.18, which has two distinct procedures for eligible persons seeking relief that hinges on whether the person is *currently serving* the sentence or has *completed* the sentence. Persons currently serving the sentence can petition the court to be "resentenced" as a misdemeanor offender under the procedures prescribed in section 1170.18(a)–(e), (i)–(o). Persons who have completed their sentences can apply to the court to "reclassify" their felony convictions as misdemeanors under the procedures prescribed in section 1170.18(f)–(h).

Is there a deadline for petitions for resentencing and applications for reclassification?

Yes. Petitions for resentencing and applications for reclassification must be filed on or before November 4, 2022, or at a later date upon [a] showing of good cause."(AB 2765, Stats. 2016, ch. 767). Proposition 47 does not define what constitutes "good cause" for this purpose.

Does a person seeking relief under section 1170.18 have the right to counsel?

The proposition does not address the right to counsel. Thus, the answer may depend on the stage of the proceedings. For petitioners who are currently serving their sentences, the right to counsel

issue may be similar to proceedings for a writ of habeas corpus, where the petitioner has no right to counsel in the preparation of the petition, nor during the initial screening by the court. There would likely be a right to counsel, however, during the resentencing stage of the proceedings. Since no custodial sanction is involved with applications for reclassification, it is likely that there is no right to the assistance of counsel, except, perhaps in contested hearings where the application is opposed by the district attorney.

What should happen if a person is serving a sentence based on a mixture of eligible and ineligible offenses?

Many individuals may have been convicted of a mixture of Proposition 47 eligible and non-eligible offenses. As long as the defendant does not have a disqualifying "super strike" prior conviction and is not required to register as a sex offender under section 290(c), there is nothing in Proposition 47 that would prohibit the defendant from petitioning or applying for relief under section 1170.18 as to crimes that are qualified. If relief is granted, the court would likely re-compute any remaining sentence to be served with the qualified crime now specified as a misdemeanor.

RESENTENCING OF CRIMES FOR PERSONS CURRENTLY SERVING SENTENCE

Who is eligible to petition for resentencing?

Persons "currently serving a sentence" for a felony conviction, whether by trial or plea, who would have been guilty of a misdemeanor under Proposition 47 had it been in effect at the time of the offense are eligible to petition for resentencing. (Pen. Code, § 1170.18(a).) As noted above, persons with one or more prior convictions for offenses listed under section 667(e)(2)(C)(iv) or for a sex offense that requires registration under section 290(c) are *not* eligible for resentencing. (Pen. Code, § 1170.18(i).)

What does the court decide in order to grant a petition for resentencing?

The court must confirm that the petitioner is eligible for resentencing and whether the resentencing of the petitioner would create an unreasonable risk of danger to public safety. Specifically, section 1170.18(b) provides, in relevant part: "If the petitioner satisfies the criteria [for resentencing] . . . , the petitioner's felony sentence shall be recalled and the petitioner resentenced to a misdemeanor . . . , unless the court, in its discretion, determines that resentencing petitioner would pose an unreasonable risk of danger to public safety."

What are the filing requirements for a petition for resentencing?

Proposition 47 does not specify any particular form of petition for resentencing. Some courts have developed local forms that may be used. Unless a superior court adopts a mandatory form as a local court rule, the petitioner may petition the court for relief in any manner that meets

general pleading requirements. Some courts are permitting oral motions for relief under section 1170.18. Petitions must be filed by November 4, 2022, to be considered by the court, unless the person shows "good cause" for a later filing. (Pen. Code, § 1170.18(j).)

What evidence is admissible to determine whether a particular crime qualifies under Proposition 47?

It is unclear what evidence may be considered in determining eligibility for resentencing. In similar circumstances, courts have limited the parties to offering the "record of conviction": documents such as the complaint, plea forms, factual basis for the plea as stated on the record, and transcripts.

Who has the burden to establish eligibility for relief?

The petitioner has the burden of establishing eligibility for the relief being sought. In the context of section 1170.18, the petitioner will have the burden of establishing that he or she committed a crime which, had Proposition 47 been in effect when committed, would be a misdemeanor. (Pen. Code, § 1170.18(a).) For example, if the crime at issue is a theft offense, the petitioner must establish that the value of the property taken did not exceed $950. The prosecution, however, likely has the burden of proving that the petitioner is disqualified because of the conviction of a "super strike," or because of a requirement to register as a sex offender.

Could the petitions of persons otherwise eligible for resentencing be denied for some reason?

Yes, but only on a very narrow basis. Courts may deny a petition for resentencing when the person is otherwise eligible if the court, in its discretion, determines that resentencing the petitioner would pose "an unreasonable risk of danger to public safety." (Pen. Code, § 1170.18(b).)

What is the definition of the phrase "unreasonable risk of danger to public safety"?

Under section 1170.18(c), the phrase "unreasonable risk of danger to public safety" is narrowly defined as "an unreasonable risk that the petitioner will commit a new violent felony within the meaning of [Penal Code section 667(e)(2)(C)(iv)]." By its express terms, Proposition 47 extends this definition to all uses of the phrase *throughout* the Penal Code. A divided panel of the Court of Appeal held that the definition of dangerousness in section 1170.18(c) has no application to petitions for resentencing brought under Proposition 36. (*People v. Valencia* (2014) 232 Cal.App.4th 514, *review granted*, [Feb. 18, 2015] 183 Cal.Rptr.3d 516.)

What will the court consider when determining whether a petitioner is an "unreasonable risk of danger to public safety?"

In determining whether a petitioner poses an unreasonable risk of danger to public safety, the court may consider:

- The petitioner's criminal conviction history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes;

- The petitioner's disciplinary record and record of rehabilitation while incarcerated; and

- Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.

(Pen. Code, § 1170.18(b)(1)–(3).)

Is "dangerousness" considered when imposing a misdemeanor sentence for a new crime?

No. Whether or not the defendant possesses "an unreasonable risk of danger to public safety" only concerns petitions for resentencing under section 1170.18(a). The defendant is entitled to a misdemeanor sentence for a Proposition 47-eligible crime unless he or she has a prior disqualifying conviction, is required to register as a sex offender under section 290(c), or is otherwise excluded by the particular penal statute.

What does "currently serving a sentence" mean for purposes of eligibility to petition for resentencing?

Proposition 47 does not expressly define what constitutes "currently serving a sentence" for purposes of eligibility to petition for resentencing. The plain language of the phrase "currently serving a sentence" appears to apply to eligible persons serving prison sentences and terms of imprisonment in county jail under section 1170(h), including periods of mandatory supervision, which are "suspended" portions of the terms imposed. Whether courts will consider persons on other categories of supervision to be "currently serving a sentence" is less clear. Courts will likely have different interpretations based on the circumstances of the case and legal arguments presented by the parties.

Is a person on formal probation considered "currently serving a sentence" for purposes of eligibility to petition for resentencing?

Proposition 47 does not address whether a person on formal probation for a qualifying offense should be considered "currently serving a sentence" for purposes of eligibility to petition for resentencing. Until further guidance is provided by an appellate court, individual sentencing courts will likely have different interpretations based on the circumstances of the case and legal arguments presented by the parties. On one hand, formal probation, which is often characterized as an act of leniency, is statutorily defined as the suspension of the imposition or execution of a sentence. (Pen. Code, § 1203(a).) Grants of probation, on the other hand, are commonly understood to constitute "sentences" in criminal matters, and probationers are often required to

serve terms in county jail as a condition of probation. Based on early indications, it appears that many courts consider probationers to be "currently serving a sentence" for purposes of eligibility for resentencing, while some consider probationers to not *yet* be sentenced and thus entitled to have the qualifying offenses redesignated as misdemeanors without the formal resentencing process prescribed by section 1170.18(a)–(e).

Are persons on parole or postrelease community supervision (PRCS) considered "currently serving a sentence" for purposes of eligibility for resentencing?

Although persons on parole or PRCS for qualified felony offenses are entitled to relief under Proposition 47, there are uncertainties about whether they are eligible to petition for resentencing (as a person "currently serving a sentence") or to apply for reclassification (as a person who has completed the sentence). If courts consider persons on parole or PRCS as "currently serving a sentence," those persons will be required to petition for resentencing under sections 1170.18(a)–(e), which will include a determination of the issue of dangerousness under section 1170.18(b). If persons on parole or PRCS are not considered "currently serving a sentence," those persons would be eligible to apply for reclassification of their eligible felony offenses as misdemeanors under sections 1170.18(f)–(h), which would not include a determination of the issue of dangerousness.

What is the court's discretion in resentencing the petitioner?

Proposition 47 imposes the following limitations:

- The petitioner must be given credit for any time he or she has already served. (Pen. Code §1170.18(d).) Credit must likely be given for custody time and any periods of supervision. The statute likely does not mean that the person is to automatically be released with "credit for time served" – meaning that the sentence has been satisfied.
- The sentence may not be longer than the original sentence. (Pen. Code § 1170.18(e).)
- The petitioner must be placed on parole for a one-year period, unless the court releases the person from that requirement. (Pen. Code § 1170.18(d).)

Note, however, that it is unlikely the sponsors of Proposition 47 contemplated persons resentenced for a crime punished under section 1170(h) or granted probation would be sent to state parole. But the statutory language is broad enough to include all sentenced individuals, including those persons previously handled locally.

Subject to the foregoing limitations, the court is free to impose any form of misdemeanor sentence considered appropriate for the petitioner's circumstances. If the petitioner has been sentenced on any felony not altered by Proposition 47, all terms and conditions of the original sentence presumably will remain, except for the re-designation of a Proposition 47 crime as a misdemeanor. Assuming the petitioner has been convicted only of a crime changed by the initiative, potential sentencing options may include:

- Straight custody term, without any supervision.
- Formal or informal probation of up to three years.
- Parole or Postrelease Community Supervision, particularly for persons being released from prison.

Who presides over resentencing proceedings?

The original sentencing judge is required to preside over the petition for resentencing if that judge is available. If the original judge is unavailable, the presiding judge of the court will appoint a judge to review the petition. The parties may also agree that a different judge can conduct the review. What constitutes "unavailability" of a judge may be open to interpretation.

Is a hearing always required for petitions for resentencing?

Nothing in Proposition 47 specifically requires a court hearing on every petition for resentencing, particularly when there is no opposition to the granting of the petition. Hearings may be necessary if the prosecution challenges the petitioner's eligibility, such as when a theft may involve more than $950, when a victim asks to participate in the process, or concerning challenges to the dangerousness determination

Is there a specific time within which the hearing on a petition for resentencing must be held?

No. Section 1170.18 does not require the hearing to be held within a particular number of days. The hearing should be held within a reasonable time.

Does the victim have a right to attend the hearing on a petition for resentencing?

Likely, yes, if the victim has made such a request. A resentencing proceeding is likely considered a "post-conviction release proceeding" under Marsy's Law. If the victim so requests, he or she may be entitled to notice of and participation at the hearing.

Does the petitioner have a right to a jury determination of eligibility for resentencing?

Probably not. Petitioners likely have no right to a jury determination of their eligibility for resentencing. Other courts have determined, in the Proposition 36 context, that *Apprendi v. New Jersey* (2000) 530 U.S. 466, has no application due to the retrospective nature of the petition for resentencing. (See *People v. Elder* (2014) 227 Cal.App.4th 1308, 1315; *People v. Bradford* (2014) 227 Cal.App.4th 1322, 1331-1336; *People v. Guilford* (2014) 228 Cal.App.4th 651, 662-663.)

What is the effect of the order granting resentencing?

If the court grants the request to resentence the offense as a misdemeanor, the crime will thereafter be treated as a misdemeanor for all purposes except for the right to own or possess firearms. (Pen. Code § 1170.18(k).)

RECLASSIFICATION OF CRIMES FOR PERSONS WHO HAVE COMPLETED A SENTENCE

Who is eligible to apply for reclassification of their felony convictions?

Persons who have "completed" their sentences for a felony conviction, whether by trial or plea, who would have been guilty of a misdemeanor under Proposition 47 had it been in effect at the time of the offense are eligible to apply for reclassification of their felony convictions. (Pen. Code, § 1170.18(f).) As noted above, persons with one or more prior convictions for offenses listed under section 667(e)(2)(C)(iv) or for a sex offense that requires registration under section 290(c) are *not* eligible for reclassification. (Pen. Code, § 1170.18(i).)

Who is qualified for reclassification?

Any person whose sentence, including any period of supervision, has been completed, including:

- Persons released from prison and who are off parole or PRCS;
- Persons who have completed a sentence imposed under section 1170(h), including any time ordered on mandatory supervision;
- Persons who have completed probation.

Nothing in Proposition 47 expressly grants juveniles the right to apply for reclassification of qualified felony adjudications. *Alejandro N. v. Superior Court (People)* (2015) 238 Cal.App.4th 1209 (review denied), however, has held that juveniles have the right to petition for resentencing; likely the opinion will apply to requests for reclassification.

May a person be excluded from reclassification because of a prior offense?

Yes. The same exclusions apply to both resentencing and reclassification of a crime. A person who has a prior "super strike" conviction, or who is required to register as a sex offender under section 290(c) may not petition for reclassification. (§ 1170.18(i).) The crimes that would exclude the applicant are the "super strikes" listed in section 667(e)(2)(C)(iv): a "sexually violent offense" as defined in Welfare and Institutions Code, section 6600(b) (the Sexually Violent Predator Law); oral copulation, sodomy or sexual penetration of a child under 14 and more than 10 years younger than the defendant; a lewd act on a child under 14; any homicide offense, including attempted homicide as defined in sections 187 – 191.5; solicitation to commit murder; assault with a machine gun on a peace officer; possession of a weapon of mass destruction; or any serious or violent offense punishable by life imprisonment or death.

May the court address the issue of dangerousness when deciding whether to grant reclassification?

No. The applicant for reclassification need only show eligibility for relief; the court may not deny the petition based on dangerousness.

What is the procedure for obtaining reclassification of a crime?

The procedure potentially is the same as for resentencing, but the law specifically permits courts to grant reclassification of a crime without any hearing. (§ 1170.18(h).) The steps may include:

- The filing of an application for reclassification;
- A qualification hearing, if requested by the applicant or as may be necessary to determine the applicant's eligibility;
- Reclassification of the offense.

What are the filing requirements for an application for reclassification?

Proposition 47 does not specify any particular form of petition for resentencing. Some courts have developed local forms that may be used. Unless a superior court adopts a mandatory form as a local court rule, the petitioner may petition the court for relief in any manner that meets general pleading requirements. Some courts permit the application to be made by oral motion. Petitions must be filed by November 4, 2022, to be considered by the court, unless the person shows "good cause"

Who presides over reclassification proceedings?

As with resentencing proceedings, the original sentencing judge is required to preside over the reclassification application proceedings if that judge is available. If the original judge is unavailable, the presiding judge of the court will appoint a judge to review the petition. The parties may also agree that a different judge can conduct the review. What constitutes "unavailability" of a judge may be open to interpretation.

What evidence can be considered in determining eligibility for reclassification?

It is unclear what evidence may be considered in determining eligibility for resentencing. In similar circumstances, courts have limited the parties to offering the "record of conviction:" documents such as the complaint, plea forms, factual basis for the plea as stated on the record, and transcripts.

May the victim participate in the reclassification process?

It is unclear. It is not likely that the victim has any constitutional right to participate in the reclassification process. Section 1170.18(o) provides that "[a] *resentencing hearing* ordered under this Act shall constitute a 'post-conviction release proceeding' under paragraph (7) of subdivision (b) of Section 28 or Article I of the California Constitution (Marsy's Law)."

(Emphasis added.) The purpose of Marsy's Law is to ensure that victims have the right to participate in any decision which could result in the post-sentencing release of an offender. No one is being "released" as a result of the reclassification process. Furthermore, section 1170.18(h) expressly allows the court to grant the reclassification without any hearing – thus, there is no "resentencing hearing" that would trigger the victim's rights under Marsy's Law.

What is the effect of the order granting reclassification?

If the court grants the request to reclassify the offense as a misdemeanor, thereafter the crime will be treated as a misdemeanor for all purposes except for the right to own or possess firearms. (§ 1170.18(k).)

CALIFORNIANS for SAFER COMMUNITIES

Smash-and-Grab Thefts. Skyrocketing Drug Addiction. More Dangerous Communities.

Whether it's rampant retail theft causing neighborhood store closures and higher prices for working families, or the growing epidemic of fentanyl overdoses, Californians can't afford half-measures when it comes to addressing these pressing issues.

Passed in 2014, Prop 47 achieved notable success in making California's criminal justice system more equitable. However, it led to unintended consequences over the past decade — repeat and often organized retail theft, inner-city store closings, and difficulty convincing people to seek drug and mental health treatment — that can only be corrected by the voters at the ballot box with modest amendments to Prop 47.

It's time for meaningful reforms to our justice system, including to Prop 47, that ensure our communities are safe.

Initiative 23-0017A1, the Homelessness, Drug Addiction, and Theft Reduction Act

Currently collecting signatures to qualify for the 2024 November General Election, this bi-partisan measure provides common sense, targeted reforms to Prop 47 that legislative proposals alone are unable to deliver.

Addresses Organized and Serial Retail Theft

Rampant retail theft is harming businesses and residents in California because those who commit these crimes know they'll get away with it, even if they're caught. This measure will hold repeat offenders accountable for the safety of our communities, rather than putting them back on the streets.

- Classifies repeated theft as a felony for individuals who steal less than $950 if they have two or more prior theft-related convictions
- Allows stolen property values from multiple thefts to be combined so repeat offenders can be charged with a felony if the total exceeds $950, countering tactics by career criminals to avoid harsher penalties
- Authorizes judges to impose an enhanced penalty when an offender steals, damages, or destroys property by participating in organized theft with two or more offenders or by causing losses of $50,000 or more

Confronts the Fentanyl Crisis in Our Communities

The fentanyl crisis has reached alarming levels, and is now responsible for 20 percent of youth deaths in California. This measure will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers.

- Adds fentanyl to the list of hard drugs — such as heroin, cocaine, and methamphetamine — that are illegal to possess with a firearm and authorizes greater consequences for selling deadly quantities
- Enables stricter penalties for dealers whose trafficking causes death or serious injury, and warns traffickers of potential murder charges if continued drug trafficking results in fatalities

Prioritizes Mental Health and Drug Treatment

Breaking the cycle of repeat offenders means addressing the many root causes of retail theft. This measure provides critical mental health, drug treatment services, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse.

- Enacts a new class of crime called a "treatment-mandated felony" where offenders with multiple hard drug possession convictions would be given the option of participating in drug and mental health treatment in lieu of incarceration
- Allows offenders who successfully complete drug and mental health treatment to avoid jail time and have the charge fully expunged

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"The Homelessness, Drug Addiction, and Theft Reduction Act will make targeted but impactful changes to our laws around fentanyl and help us tackle the chronic retail theft that hurts our retailers, our workers, and our cities. I fully support this measure and know it will make a meaningful difference for cities across California."

~ Mayor London Breed, San Francisco

"I am proud to lend my support to this public safety initiative that would make changes to Prop 47, which would address serious spikes to drug and theft crimes since the pandemic. Local law enforcement and my constituents are saying enough is enough. They want the state to address the increases we're seeing in the homeless due to increased hard drug use, opioid-related overdoses, and escalating numbers of smash-and-grab and retail theft crimes."

~ Assemblymember James Ramos

"We cannot be afraid to challenge the status quo when it is clearly not working for our residents. Prop 47 was well-intended but what really matters is its impact — and unfortunately, it's hurting far too many families and small businesses across the state. We need reform that doesn't take us back to the era of mass incarceration but allows judges to mandate treatment for those struggling with severe addiction, hold repeat offenders accountable, and treat fentanyl like the killer it is."

~ Mayor Matt Mahan, San Jose

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* Partial List

JOIN THE COALITION TODAY!

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THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

THE PROBLEM

Since the passage of Proposition 47 in 2014:

- Reported retail and cargo theft has exploded
- Homelessness has increased 51% in California
  - Down 11% in rest of country
- Drug addiction became a humanitarian crisis
- The consequences are impacting public safety and the quality of life for all Californians
- Cannot fix Prop 47 without going back to ballot

RETAIL THEFT

- No accountability or deterrence
- Repeat offenders treated as misdemeanors
- Cannot aggregate crimes
- Misdemeanors are low priority
- Only ticket offenses; not booked or are immediately released

29.7%
REDUCED/ALTERED IN-STORE PRODUCTS

45.3%
REDUCED STORE OPERATING HOURS

28.1%
REPORTS OF STORE CLOSURES

THE SOLUTION

THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT BALLOT INITIATIVE

Reclassify retail theft with 2 or more prior convictions as a felony

After 2 hard drug convictions, discretion to charge 3rd hard drug possession as **treatment mandated felony**

Address fentanyl crisis by going after fentanyl drug dealers

HIGHER VOTER SUPPORT

92%
BELIEVE FENTANYL IS MAJOR THREAT

84%
BELIEVE THEFT IS RAMPANT

82%
BELIEVE HOMELESSNESS IS RAMPANT & INCREASES CRIME

89%
SUPPORT CHANGES TO PROP 47 TO ALLOW STRONGER PENALTIES

94%
SUPPORT THE ADDITION OF FENTANYL TO EXISTING LAWS

PHASE 1: QUALIFICATION

Now - April 30, 2024

- ☐ 546,651 valid signatures (950,000 total)
- ☐ Estimated cost for qualification: **$7-8 million**

PHASE 2: CAMPAIGN

- ☐ Estimated budget: **$5-10 million**
  (Higher voter support lowers budget)

CONTRIBUTE

CASafeCommunities.com

Help us bring back accountability and safety to our community.

STATISTICS SOURCE: 2023 Retail Security Survey National Retail Federation



KRON4

BAY AREA

Serial Bay Area shoplifter arrested 90 times

by: Philippe Djegal, Amy Larson
Posted: Dec 20, 2023 / 01:21 PM PST
Updated: Dec 20, 2023 / 08:37 PM PST



THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

GOLDEN STATE COMMUNITIES

The Problem

- Since the passage of Proposition 47 in 2014:
  - Reported retail, fuel and cargo theft has exploded
  - Homelessness has increased 51% in California
    - Down 11% in rest of country
  - Drug addiction has become a humanitarian crisis
- The consequences are impacting public safety and the quality of life for all Californians
- Cannot fix Prop 47 without going back to ballot
  - Since Prop 47: At least 7 bills to fix retail theft; all were killed in committee (each mandated return to voters if passed)

GOLDEN STATE COMMUNITIES

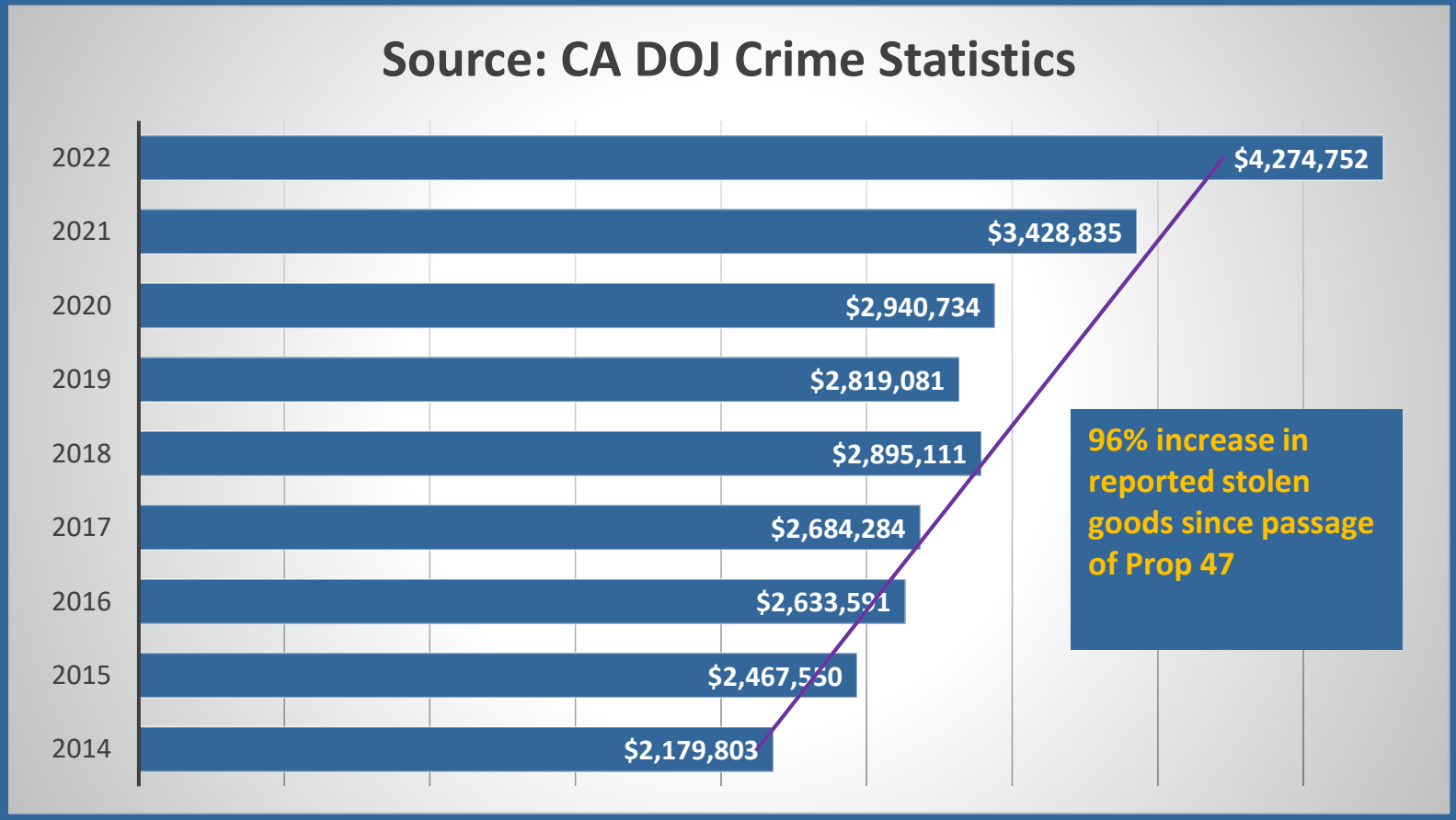
The Retail and Cargo Theft Problem



Sept. 2023

- No accountability or deterrence
- Repeat offenders treated as misdemeanors
- Cannot aggregate crimes
  - ***"only the voters may authorize the provisions [allowing for aggregation]."*** **Leg Counsel opinion**
- Misdemeanors are low priority
- Only ticket offenses; not booked or are immediately released

Value of *Reported* Stolen Goods



The Risks and Threats for the Retail Industry

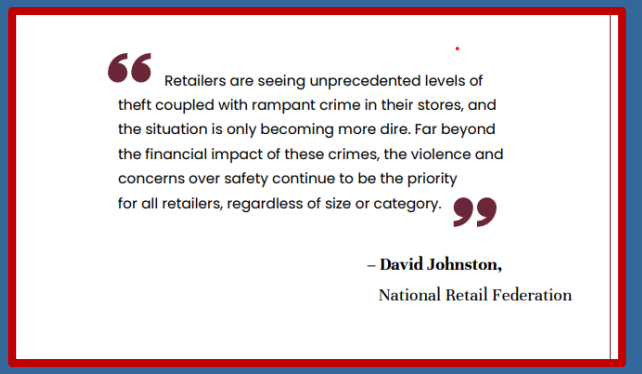
Figure 1. Risks and Threats

Response	2023 (more of a priority vs. one year ago)
Organized retail crime	78.1%
Violence during a criminal act	72.3%
Homelessness concerns	72.3%
External theft (non-ORC related)	68.8%

*** 2023 Retail Security Survey-National Retail Federation**

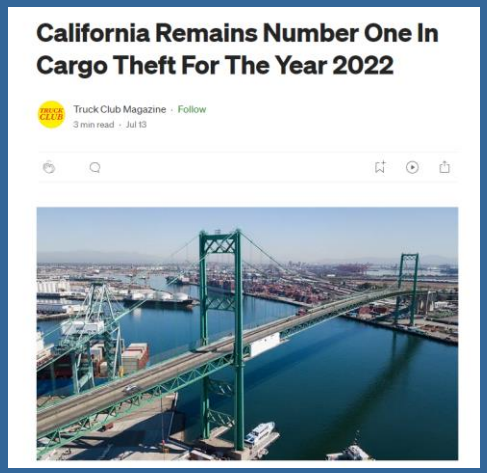
The Consequences for the Retail Industry

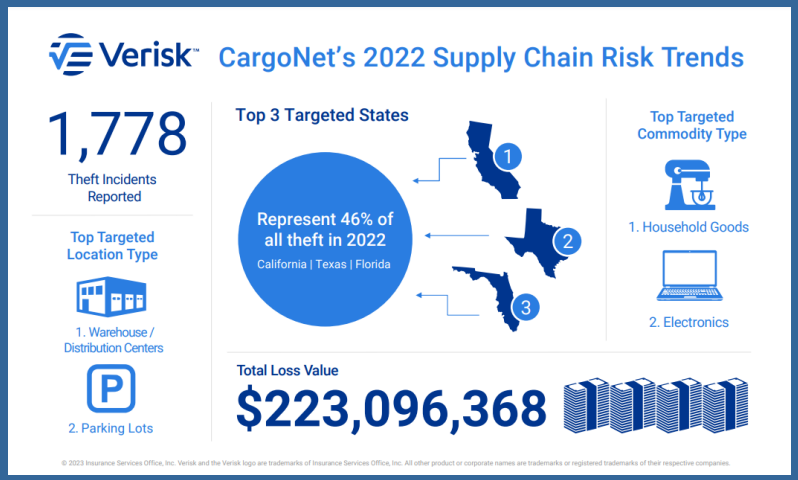
- 45.3% reduced specific store(s) operating hours
- 29.7% reduced or altered in-store product selection(s)
- 28.1% of respondents reported closing specific store location(s)*

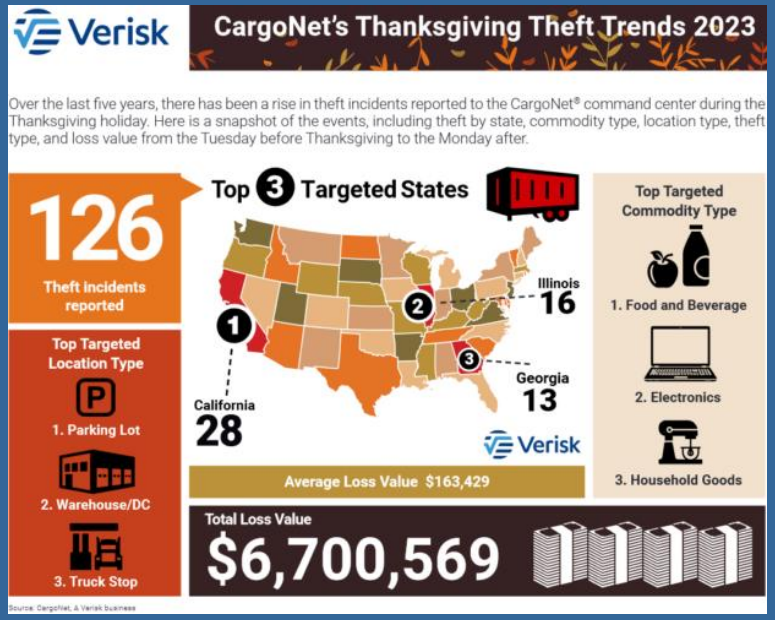


* 2023 Retail Security Survey-National Retail Federation

The Cargo Theft Problem







56% of strategic cargo thefts took place in CA - LA, San Bernardino, OC and Riverside

The Solution

THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT BALLOT INITIATIVE

- Reclassify retail theft with 2 or more prior convictions as a felony
  - Aggregation of multiple thefts together to reach $950 and charge felony
  - Enhanced penalties for excessive taking or damage to property
  - Enhanced penalties for acting in concert/takeover theft or destruction of property
- After 2 hard drug convictions, discretion to charge 3rd hard drug possession as treatment mandated felony
- Address fentanyl crisis by going after fentanyl drug dealers

GOLDEN STATE COMMUNITIES

The Path to Success

- **High Voter support**
  - Fentanyl: 92% believe Fentanyl is a major threat to public safety
  - Theft: 84% believe theft is rampant
  - Homelessness/Criminal Activity: 82% believe homelessness is rampant and driving criminal behavior



GOLDEN STATE COMMUNITIES

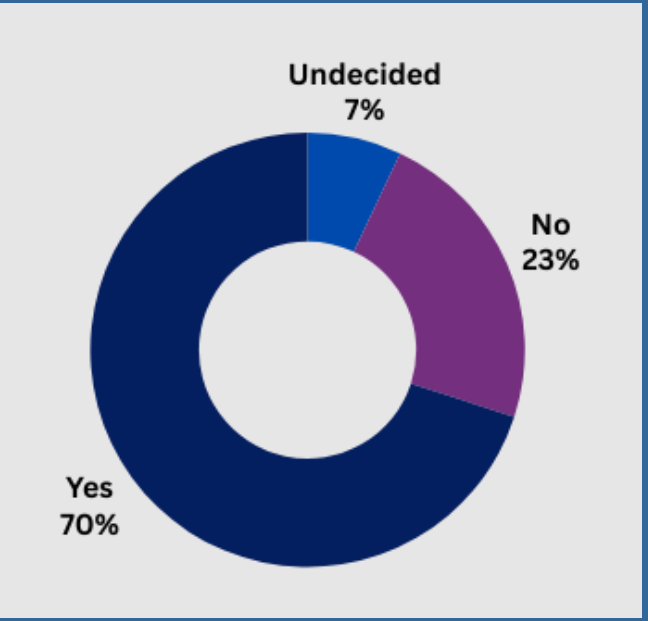
The Path to Success

Ballot Title and Summary and Polling

Please read the **full ballot label** below for this initiative and mark how you would vote if the election were held today:

ALLOWS FELONY CHARGES AND INCREASES SENTENCES FOR CERTAIN DRUG AND THEFT CRIMES. Allows felony charges for possessing certain drugs, including fentanyl, and for thefts under $950 for defendant with two prior drug or two prior theft convictions, as applicable. Increases sentences for other specified drug and theft crimes. FISCAL NOTE: Increased state and local government costs potentially in the hundreds of millions of dollars annually, offset with potential reductions in state spending for other programs.

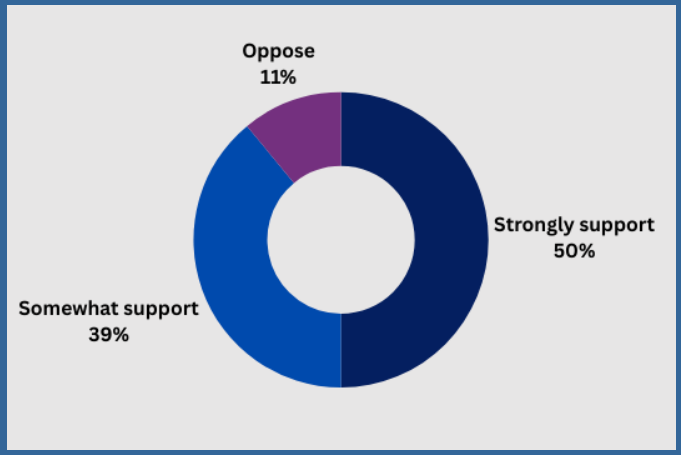
After reading the ballot label, please respond if you would vote YES or vote NO on this initiative.



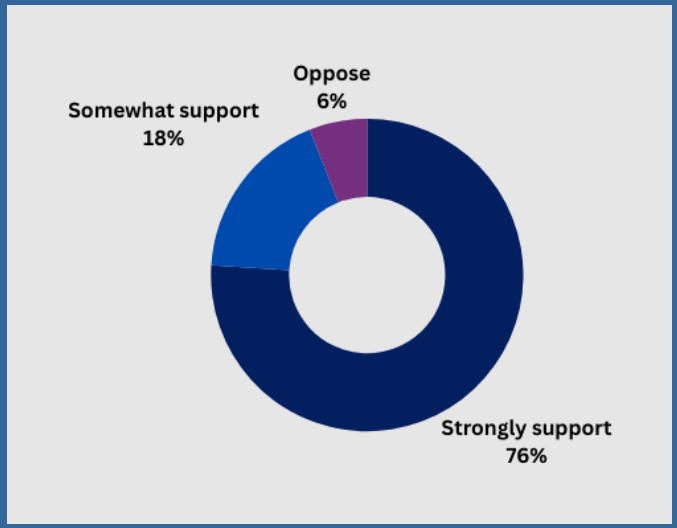
Yes: 70% (32% definitely Yes)
No: 23% (9% definitely No)
Undecided: 7%

The Path to Success

Polling data further indicates 89% of voters support changes to Proposition 47 to allow for stronger penalties for those engaged in the trafficking of hard drugs or for repeat offenders of retail theft.



94% of voters polled overwhelmingly support the addition of fentanyl to existing laws that prohibit the trafficking of large quantities of hard drug the proposed in The Homelessness, Drug Addiction and Theft Reduction Act.



The Path to Success

- **Two Phases**
  - Qualification
  - Campaign

- Qualification Phase: Now-April 30, 2024
  - Need 546,651 valid signatures (950,000 total)
  - Estimated Costs for Qualification: $7-8 million

- Campaign
  - Estimated Budget: $5-10 million*
    - High voter support lowers budget

GOLDEN STATE COMMUNITIES

Endorsements

Retail Businesses and Other Associations

American Petroleum and Convenience Store Association
California Business Properties Association
California Business Roundtable
California Fuels and Convenience Alliance
California Grocers Association
California Retailers Association
Target
Walgreens
Walmart

Elected Federal, State and Local Officials

The Hon. Kevin Kiley, U.S. Representative, CA-3
The Hon. Shannon Grove,California State Senator, SD-12
The Hon. Vince Fong, California Assemblymember, AD-32
The Hon. Rich Desmond, Supervisor, Sacramento County
The Hon. London Breed, Mayor, City of San Francisco
The Hon. Phil Brock, Mayor, City of Santa Monica
The Hon. Liang Chao, Councilmember, City of Cupertino
The Hon. Ryan Coonerty, Former Mayor, City of Santa Cruz
The Hon. Jerry Dyer, Mayor, City of Fresno
The Hon. Karen Goh, Mayor, City of Bakersfield
The Hon. Renee Golder, Vice Mayor, City of Santa Cruz
The Hon. Rishi Kumar, Councilmember, City of Saratoga
The Hon. Matt Mahan, Mayor, City of San Jose
The Hon. Lily Mei, Mayor, City of Fremont
The Hon. Kitty Moore, Councilmember, City of Cupertino
The Hon. Alex Vargas, Mayor, City of Hawthorne

Elected Prosecutors

The Hon. Jason Anderson, San Bernardino County District Attorney
The Hon. Stephanie Bridgett, Shasta County District Attorney
The Hon. Clint Curry, Yuba County District Attorney
The Hon. Dan Dow, San Luis Obispo County District Attorney
The Hon. Jennifer Dupré, Sutter County District Attorney
The Hon. Brendan Farrell, Colusa County District Attorney
The Hon. Ron Freitas, San Joaquin County District Attorney
The Hon. Sandra Groven, Sierra County District Attorney
The Hon. Sarah Hacker, Kings County District Attorney
The Hon. Thomas Hardy, Inyo County District Attorney
The Hon. Michael Hestrin, Riverside County District Attorney
The Hon. David Hollister, Plumas County District Attorney
The Hon. Cassandra Jenecke, Tuolumne County District Attorney
The Hon. Susan Krones, Lake County District Attorney
The Hon. Sally O. Moreno, Madera County District Attorney
The Hon. Katherine Micks, Del Norte County District Attorney
The Hon. Jeannine Pacioni, Monterey County District Attorney
The Hon. Vern Pierson, El Dorado County District Attorney
The Hon. Jeff Reisig, Yolo County District Attorney
The Hon. Todd Riebe, Amador County District Attorney
The Hon. Melyssah Rios, Lassen County District Attorney
The Hon. Carla Rodriguez, Sonoma County District Attorney
The Hon. Matthew Rogers, Tehama County District Attorney
The Hon. Nina Salerno, Modoc County District Attorney
The Hon. Lisa Smittcamp, Fresno County District Attorney
The Hon. Summer Stephan, San Diego County District Attorney
The Hon. Tim Ward, Tulare County District Attorney
The Hon. Jesse Wilson, Nevada County District Attorney
The Hon. Barbara Yook, Calaveras County District Attorney
The Hon. Cynthia Zimmer, Kern County District Attorney
The Hon. Doug Haubert, Long Beach City Attorney

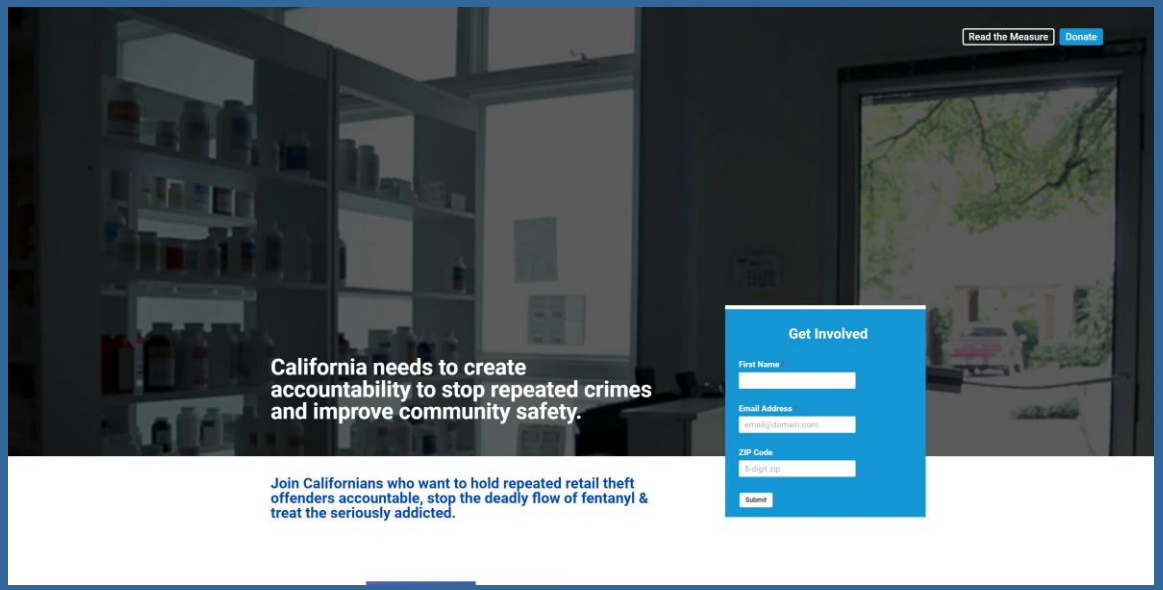
Law Enforcement Officials

The Hon. Wendell Anderson, Yuba County Sheriff
The Hon. Mike Boudreaux, Tulare County Sheriff
The Hon. Rick DiBasilio, Calaveras County Sheriff
The Hon. William "Tex" Dowdy, Modoc County Sheriff
The Hon. Joe Garofalo, Colusa County Sheriff
The Hon. Todd Johns, Plumas County Sheriff
The Hon. Michael Johnson, Shasta County Sheriff
The Hon. Dave Kain, Tehama County Sheriff
The Hon. Jeff Leikauf, El Dorado County Sheriff
The Hon. Tina Nieto, Monterey County Sheriff
The Hon. Gary Redman, Amador County Sheriff
The Hon. Patrick Withrow, San Joaquin County Sheriff
The Hon. Wayne Woo, Placer County Sheriff
The Hon. John Zanoni, Fresno County Sheriff
Chief of Police Paco Balderamma, Fresno
Chief of Police Raymond Bechler, Lathrop
Chief of Police Grant Bedford, University of Pacific
Chief of Police Sierra Brucia, Lodi
Chief of Police Christy Hardt, DLA San Joaquin PD
Chief of Police Sekou Millington, Tracy
Chief of Police Richard Salsedo, Jr., Port of Stockton
Chief of Police Kyle Sanders, Red Bluff
Chief of Police Daniel Sauer, Ripon
Chief of Police Stephen Schluer, Manteca
Acting Chief of Police R.C. Bassett, Corning
Chief DA Investigator Kevin Hale, Tehama County

GOLDEN STATE COMMUNITIES

How to Contribute

https://casafecommunities.com/



CALIFORNIANS TO REDUCE HOMELESSNESS, DRUG ADDICTION, AND THEFT,
sponsored by Golden State Communities and California Retailers Association
Secretary of State ID# *Pending* | EIN 88-3541142

State law requires the following information:

Full Name of Donor	☐ If donor is an individual, please complete the following: Occupation: Employer:
Street Address (no PO Box)	☐ If donor is a business or organization: ☐ Corporation ☐ LLC ☐ Partnership ☐ Other: _____
City, State, Zip	☐ Name of individual with primary responsibility for approving this contribution:
Phone / Email	☐ If donor is a PAC, provide SOS ID number:
Contribution Amount $	

For check donations, please complete this form and mail with your check payable to:

Californians to Reduce Homelessness,
Drug Addiction, and Theft
ATTN: Shyann Hamel
455 Capitol Mall, Suite 600
Sacramento, CA 95814

For wire donations, please complete this form, use the following wire information, and provide originating account information below:

Californians to Reduce Homelessness,
Drug Addiction, and Theft
Account #: 5800688029
ABA #: 122232109
California Bank & Trust
550 S. Hope Street, Suite 100
Los Angeles, CA 90071
(213) 228-1709

Name on originating account: _____

Name of originating institution: _____

Contributions to Californians to Reduce Homelessness,
Drug Addiction, and Theft are not tax deductible.

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Ad paid for by Californians to Reduce Homelessness, Drug Addiction, and Theft,
sponsored by Golden State Communities and California Retailers Association

GOLDEN STATE COMMUNITIES

Agenda Item No.: 15.A
Mtg. Date: 05/13/2024

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

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

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **CONSIDERATION OF SUPPORTING RETAIL THEFT LEGISLATION IN THE CALIFORNIA LEGISLATURE THAT WOULD STRENGTHEN PUBLIC SAFETY**

DATE: **May 13, 2024**

BACKGROUND:
Over recent years, organized retail theft and shoplifting have become a growing concern facing local cities, communities, retailers, and law enforcement. Organized Retail Crime is characterized by organized criminal groups that steal property with the intent to sell and distribute or return stolen merchandise for value. Organized Retail Crime takes many forms – from coordinated thefts of specific goods to orchestrated, brazen attacks on local retailers.

Neighboring Peninsula cities have experienced an increase in thefts within their commercial districts and continually partner with the Los Angeles County Sheriff's Department (Lomita Station) to deter the activity through increased presence and patrol. In Rolling Hills Estates, these actions have also included a public-private partnership with local property management companies in the City.

Due to the challenges with current laws, the California State Legislature has introduced several retail theft measures that would strengthen public safety, protect shoppers and businesses, and improve the quality of life throughout the state. The League of California Cities has taken support positions on 16 bills that are moving through the legislative process in hopes of an impactful change on the retail theft and shoplifting issues.

DISCUSSION:
The following categories outline the proposed legislation for support consideration:

Theft / Shoplifting
AB 1772 (Ramos) Theft.
This bill would require the Department of Justice to conduct a study to determine the number of misdemeanor convictions for a theft offense when property was taken from a retail business

during the COVID-19 state of emergency.

AB 2943 (Zbur and Rivas) Crimes: shoplifting.
This bill would make several changes to retail theft, organized retail theft, and shoplifting. Specifically:

- Creates a new crime and penalty for retail theft, including shoplifting, theft, or burglary, for those who are repeat offenders
- Provides that charges may be filed in multiple jurisdictions
- Allows for the aggregation of certain offenses
- Increases the terms of probation from 1 year to 2 years
- Clarifies the ability of police to arrest without witnessing the crime
- Extends the sunset date on the organized retail theft statute until 2031

Retail Theft Enforcement and Enhancement Legislation
These bills propose several methods to increase enforcement tools on the front end of the criminal justice system and increase the penalties on the back end. The proposals include increasing ongoing funding of local and statewide enforcement programs, improving law enforcement powers and arrest authority, creating new offenses, and adding sentencing enhancements for felonious offenses of retail theft.

AB 1960 (Soria) Sentencing enhancements: property loss
AB 1990 (Carrillo) Criminal procedure arrests
AB 2814 (Low) Crimes: unlawful entry: intent to commit package theft
AB 3209 (Berman) Crimes: theft: retail theft restraining orders
SB 1242 (Min) Crimes: fires

Organized Retail Theft Legislation
These bills confront the issue of organized retail theft by requiring the Regional Property Crimes Task Force to help railroad police combat organized theft of merchandise stolen from a merchant's cargo and eliminating the sunset date for organized retail theft.

AB 1802 (Jones-Sawyer) Crimes: Organized Theft
AB 1972 (Alanis) Regional Property Crimes Task Force
SB 982 (Wahab) Crimes: organized theft

Aggregation of Retail Theft and Jurisdiction Legislation
These bills propose several methods of ensuring and clarifying the process of multi-jurisdictional prosecution as well as aggregation of multiple theft incidents with several victims.

AB 1779 (Irwin) Theft: jurisdiction
AB 1794 (McCarty) Crimes: larceny

Retail Theft Resale of Stolen Goods Legislation
These bills propose several methods of addressing the resale of stolen property and fencing locations that facilitate this illegal sale of stolen property. These methods range from providing funding and task forces for law enforcement to identify and crack down on these fencing operations, to creating sentencing enhancements for individuals convicted of selling property acquired through theft.

AB 1845 (Alanis) Crimes: Grant program for identifying, apprehending, and prosecuting resale of stolen property
SB 1144 (Skinner) Online Marketplaces
SB 1381 (McGuire) Property Crimes: Regional Property Crimes Task Force
SB 1416 (Newman) Sentencing enhancements: sale, exchange, or return of stolen property

FISCAL IMPACT:
None.

RECOMMENDATION:
Discuss the issues and authorize the Mayor to sign letters of support for the proposed legislation addressing retail theft and shoplifting (see attached).

ATTACHMENTS:
CL_AGN_240513_CC_AB1772(Ramos)_LOS.pdf
CL_AGN_240513_CC_AB1960-1990-2814-3209_SB1242_RetailTheftEnforcement_IncreasedPenalties_LOS.pdf
CL_AGN_240513_CC_AB2943(Zbur)_LOS.pdf
CL_AGN_240513_CC_OrganizedRetailTheftLegislation_LOS.pdf
CL_AGN_240513_CC_RetailTheftAggregation_ Multi-JurisdictionalLegislation_LOS.pdf
CL_AGN_240513_CC_RetailTheftResaleStolenGoodsLegislationLOS.pdf

May 13, 2024

The Honorable James Ramos
Member, California State Assembly
1021 O Street, Suite 8310
Sacramento, CA 95814

RE: AB 1772 (Ramos) Theft
Notice of Support (as Amended on April 3, 2024)

Dear Assembly Member Ramos:

The City of Rolling Hills supports AB 1772 (Ramos), which would require the Department of Justice to conduct a study to determine the number of misdemeanor convictions for theft offenses when property was taken from a retail business during the COVID-19 state of emergency.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglaries are at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties. Rising theft is impacting every corner of California, and city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

This bill would require the Department of Justice on January 1, 2026 to report to the Legislature the number of misdemeanor convictions for retail theft during the Governor's declared state of emergency during the COVID-19 pandemic. This would allow the Legislature to identify the rate of convictions misdemeanor retail theft offenses during a time related to a surge of theft rates.

While AB 1772 (Ramos) is important to continuing to make progress on retail theft, this bill is only one part of a comprehensive solution that needs to include prevention, enforcement, and supervision. Identifying the rate of theft in comparison to the rate of conviction is just one of the methods that can help solve this growing problem and make our communities safer.

Sincerely,

Leah Mirsch
Mayor
The City of Rolling Hills

DRAFT

Cc: Senator Ben Allen & Assembly Member Al Muratsuchi (via email)
Jeff Kiernan, League of California Cities (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org
Captain Kimberly Guerrero, Los Angeles County Sheriff's Department – Lomita Station

DRAFT

May 13, 2024

TO: The Honorable Marc Berman, State Assembly Member
The Honorable Wendy Carrillo, State Assembly Member
The Honorable Evan Low, State Assembly Member
The Honorable Esmerelda Soria, State Assembly Member
The Honorable Dave Min, State Senator

RE: Retail Theft Enforcement and Increased Penalties Legislation

Dear Members:

Many of our neighboring cities' top priorities are to address crime and retail theft, organized retail theft and shoplifting. Our city is pleased that both houses of the Legislature have made this issue a priority in 2024. As such, City of Rolling Hills would like to identify a few bills that we believe help to address the issue of providing critically needed tools of enforcement to combat retail theft.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. To address rising theft, city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

There are reforms needed to ensure that both apprehension rates of offenders improve and that those apprehended for more serious theft offenses meet meaningful consequences. Specifically, there are a several bills that would address these necessary reforms through increasing the certainty and severity of apprehension for retail theft offenses.

Therefore, we support the following bills:

- AB 1960 (Soria) Sentencing Enhancements: Property Loss (As Introduced on 1/29/2024)
- AB 1990 (Carrillo) Criminal Procedure: Arrests: Shoplifting (As Amended on 4/16/2024)
- AB 2814 (Low) Crimes: Unlawful Entry: Intent to Commit Package Theft (As Introduced on 2/15/2024)
- AB 3209 (Berman) Crimes: Theft: Retail Theft Restraining Orders (As Amended on 4/1/2024)
- SB 1242 (Min) Crimes: Fires (As Amended on 3/19/2024)

These bills propose several methods of increasing enforcement tools on the front end of our criminal justice system and increasing the penalties on the back end. These methods range from increasing ongoing funding of local and statewide enforcement programs, improving law

DRAFT

enforcements' powers and arrest authority, creating new offenses, and adding sentencing enhancements for felonious offenses of retail theft.

While these individual bills are important to continuing to make progress on retail theft, they are only one part of a comprehensive solution that needs to include prevention, enforcement, and supervision. Addressing enforcement tools and increased penalties are some of the methods that can help solve this growing problem, however additional changes are needed in order to make our communities safer.

For these reasons, the City of Rolling Hills supports AB 1960 (Soria), AB 1990 (Carrillo), AB 2814 (Low), AB 3209 (Berman), and SB 1242 (Min).

Sincerely,

Leah Mirsch
Mayor
The City of Rolling Hills

Cc: Senator Ben Allen & Assembly Member Al Muratsuchi (via email)
Jeff Kiernan, League of California Cities (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org
Captain Kimberly Guerrero, Los Angeles County Sheriff's Department – Lomita Station

DRAFT

May 13, 2024

The Honorable Rick Zbur
Member, California State Assembly
1021 O Street, Suite 4250
Sacramento, CA 95814

RE: AB 2943 (Zbur) Crimes: Theft
Notice of Support if Amended (As Amended on April 11, 2024)

Dear Assembly Member:

The City of Rolling Hills supports, if amended, AB 2943 (Rivas), which would make several changes to retail theft, organized retail theft and shoplifting.

Specifically, AB 2943 (Rivas) would make the following changes to statute:

- Creates a new crime and penalty for retail theft including shoplifting, theft or burglary, for those that are repeat offenders
- Provides that charges may be filed in multiple jurisdictions
- Allows for the aggregation of certain offenses
- Increases the terms of probation from 1 year to 2 years
- Clarifies the ability for police to arrest without witnessing the crime
- Extends the sunset date on the organized retail theft statute until 2031

The City of Rolling Hills is in support of many of the provision in AB 2943, however, our members have requested the following clarifications in order for the measure to be as comprehensive as possible:

- Include provisions in the aggregation section which currently provides for a common scheme or plan to be used to also reference the rule set forth in People v Bailey and cases related to multiple thefts. As currently written, this section does not adequately address the case law and therefore could result in the inability for prosecutors to aggregate multiple offenses.
- Add an amendment to the ability to arrest section to include the ability for police to use unsworn statements taken from one or more persons when these statements demonstrate probable cause to believe that the person to be arrested committed the violation.
- Clarifying amendment regarding the successful completion of probation to provide that the completion should be determined by the probation-supervising court.

We would like to thank you for your leadership on this critical issue. The City of Rolling Hills looks forward to additional amendments and provisions to ensure that AB 2943 is as robust as possible.

DRAFT

For these reasons, the City of Rolling Hills supports AB 2943 if amended.

Sincerely,

Leah Mirsch
Mayor
The City of Rolling Hills

Cc: Senator Ben Allen & Assembly Member Al Muratsuchi (via email)
Jeff Kiernan, League of California Cities (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org
Captain Kimberly Guerrero, Los Angeles County Sheriff's Department – Lomita Station

DRAFT

May 13, 2024

The Honorable Reggie Jones-Sawyer
Member, California State Assembly
1021 O Street, Suite #6320
Sacramento, CA 95814

The Honorable Juan Alanis
Member, California State Assembly
1021 O Street, Suite #4640
Sacramento, CA 95814

The Honorable Aisha Wahab
Member, California State Senate
1021 O Street, Suite #7330
Sacramento, CA 95814

RE: Organized Retail Theft Legislation

Dear Members:

Many of our neighboring cities' top priorities are to address crime and retail theft, organized retail theft and shoplifting. Our city is pleased that both houses of the Legislature have made this issue a priority in 2024. As such, City of Rolling Hills would like to identify a few bills that we believe help address the critical issue of organized retail theft.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. To address rising theft, city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

Specifically, regarding organized retail theft, there are a handful of bills that seek changes to existing law to help address the increase in smash and grab robberies and other organized efforts that continue to happen at an alarming rate in our communities statewide.

Therefore, we support the following bills:

- AB 1802 (Jones-Sawyer) Crimes: Organized Theft (As Amended on 4/1/2024)
- AB 1972 (Alanis) Regional Property Crime Task Force (As Introduced on 4/11/2024)
- SB 982 (Wahab) Crimes: Organized theft (As Amended on 4/1/2024)

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These bills confront the issue of organized retail theft by requiring the Regional Property Crimes Task Force assist railroad police in combatting organized theft of merchandise stolen from a merchant's cargo and eliminating the sunset date for organized retail theft.

For these reasons, the City Rolling Hills supports AB 1802 (Jones-Sawyer), AB 1972 (Alanis)and SB 982 (Wahab).

Sincerely,

Leah Mirsch
Mayor
The City of Rolling Hills

Cc: Senator Ben Allen & Assembly Member Al Muratsuchi (via email)
Jeff Kiernan, League of California Cities (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org
Captain Kimberly Guerrero, Los Angeles County Sheriff's Department – Lomita Station

DRAFT

May 13, 2024

The Honorable Jackie Irwin
Member, California State Assembly
1021 O Street, Suite
Sacramento, CA 95814

The Honorable Kevin McCarty
Member, California State Assembly
1021 O Street, Suite 5610
Sacramento, CA 95814

RE: Retail Theft Aggregation and Multi-Jurisdictional Legislation

Dear Assembly Members:

Many of our neighboring cities' top priorities are to address crime and retail theft, organized retail theft and shoplifting. Our city is pleased that both houses of the Legislature have made this issue a priority in 2024. As such, City of Rolling Hills would like to identify a few bills that we believe would help to address the issue of aggregating multiple retail theft offenses across a multi-jurisdictional area.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. To address rising theft, city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

It has become common for offenders to try to avoid higher charges, such as grand theft, by stealing small amounts of items they know are under $950 across several retail businesses. Current law provides that multiple thefts can be aggregated to one charge if these incidents can be proven to be "one intention, one general impulse, and one plan." Unfortunately, this law is limited in scope and Cal Cities strongly believes it needs strengthening.

Improved aggregation laws for multiple incidents of theft will not be helpful without active prosecution of cases across several jurisdictions. Expanding coordination and abilities of District Attorneys to work together to prosecute theft offenses that occur in several counties will ensure offenders are held accountable.

Therefore, we support the following bills:

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- AB 1779 (Irwin) Theft: Jurisdiction (As Amended on 4/25/2024)
- AB 1794 (McCarty) Crimes: Larceny (As Amended on 4/11/2024)

These bills propose several methods of ensuring and clarifying the process of multi-jurisdictional prosecution as well as aggregation of multiple theft incidents with several victims.

For these reasons, the City of Rolling Hills supports both AB 1779 (Irwin) and AB 1794 (McCarty).
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Sincerely,

Leah Mirsch
Mayor
The City of Rolling Hills

Cc: Senator Ben Allen & Assembly Member Al Muratsuchi (via email)
Jeff Kiernan, League of California Cities (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org
Captain Kimberly Guerrero, Los Angeles County Sheriff's Department – Lomita Station

DRAFT

May 13, 2024

The Honorable Mike McGuire
President pro Tempore
1021 O Street, Suite #8518
Sacramento, CA 95814

The Honorable Josh Newman
Member, California State Senate
1021 O Street, Suite #6520
Sacramento, CA 95814

The Honorable Nancy Skinner
Member, California State Senate
1021 O Street, Suite #8630
Sacramento, CA 8630

The Honorable Juan Alanis
Member, California State Assembly
1021 O Street, Suite #4640
Sacramento, CA 95814

RE: Retail Theft Resale of Stolen Goods Legislation

Dear Members:

Many of our neighboring cities' top priorities are to address crime and retail theft, organized retail theft and shoplifting. Our city is pleased that both houses of the Legislature have made this issue a priority in 2024. As such, City of Rolling Hills would like to identify a few bills that we believe will help to address the issue of reselling and fencing of stolen property acquired through theft.

As you may know, retail theft continues to be a problem in nearly all California communities. For example, commercial burglary is at the highest rate since 2008. In fact, according to the PPIC, commercial burglary increased statewide since 2020, especially in larger counties with an increase of 13% among 14 of the 15 largest counties. To address rising theft, city officials need additional tools to reduce crime and improve the safety of their neighborhoods.

The rising rate of theft offenses such as commercial burglary necessitates viable resale operations of those stolen goods such as fencing location or the use of online third-party marketplaces. Reducing the ease with which stolen items can be resold through these secondary operations is a critical step in providing any comprehensive solution to the issue of retail theft. SB

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301 (Skinner, 2023) attempted to address this issue by requiring reporting by high-volume third-party sellers utilizing online marketplaces. However, there were some gaps noted in this legislation and the federal legislation that still need to be addressed.

Therefore, we support the following bills:

- AB 1845 (Alanis) Crimes: Grant Program for Identifying, Apprehending, and Prosecuting Resale of Stolen Property (As Amended on 2/21/2024)
- SB 1144 (Skinner) Marketplaces: Online Marketplaces (As Amended on 4/4/2024)
- SB 1381 (McGuire) Property Crimes: Regional Property Crimes Task Force (As Amended on 3/20/2024)
- SB 1416 (Newman) Sentencing Enhancements: Sale, Exchange, or Return of Stolen Property (As Amended on 4/16/2024)

These bills propose several methods of addressing resale of stolen property and fencing locations that facilitate this illegal sale of stolen property. These methods range from providing funding and task forces for law enforcement to identify and crack down on these fencing operations, to creating sentencing enhancements for individuals convicted of selling property acquired through theft.

For these reasons, the City of Rolling Hills supports AB 1845 (Alanis), SB 1144 (Skinner), SB 1381 (McGuire), and SB 1416 (Newman).

Sincerely,

Leah Mirsch
Mayor
The City of Rolling Hills

Cc: Senator Ben Allen & Assembly Member Al Muratsuchi (via email)
Jeff Kiernan, League of California Cities (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org
Captain Kimberly Guerrero, Los Angeles County Sheriff's Department – Lomita Station

DRAFT

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 16.A
Mtg. Date: 05/13/2024

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

FROM: **PATRICK DONEGAN, CITY ATTORNEY**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **CONFERENCE WITH LEGAL COUNSEL: THREATENED LITIGATION GOVERNMENT CODE SECTION 54956.9(D)(2) AND (E)(3)**
THE CITY COUNCIL FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION NUMBER OF POTENTIAL CASES: 1
(GOVERNMENT CLAIMS ACT FORM SUBMITTED BY MR. DONALD SCHMID AGAINST THE CITY OF ROLLING HILLS ALLEGING DAMAGE TO PROPERTY IN RANCHOS PALOS VERDES)

DATE: **May 13, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
None.

ATTACHMENTS: