City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
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AGENDA | **PLANNING COMMISSION** | **CITY OF ROLLING HILLS**
Special Planning Meeting | **Thursday, November 19, 2020** | **6:30 PM**

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020. All Planning Commissioners will participate by teleconference.

Public Participation: City Hall will be closed to the public until further notice. A live audio of the Planning Commission meeting will be available on the City's website (https://www.rolling-hills.org/PC%20Meeting%20Zoom%20Link.pdf). The meeting agenda is also available on the City's website (https://www.rolling-hills.org/government/agenda/index.php).

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

1. **CALL MEETING TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF THE AGENDA**

4. **PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA**
NONE.

5. **APPROVAL OF MINUTES**
NONE.

6. **RESOLUTIONS**

7. **PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING**

7.A. CONSIDER A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE ROLLING HILLS MUNICIPAL CODE TO ADDÂ CHAPTER 17.48 (TEMPORARY USE PERMITS) ESTABLISHING A PROCESS BY WHICH PERSONS CAN REQUEST A SHORT TERM USE THAT IS ACCEPTABLE BECAUSE OF ITS TEMPORARY

NATURE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION: Consider and approve Resolution No. 2020-08 amending Title 17 (Zoning) to add Chapter 17.48 (Temporary Use Permits) and determine the ordinance exempt from CEQA.

Resolution RE Temporary Use Permit Ordinance.DOCX

8. NEW PUBLIC HEARINGS

RESCHEDULE CONSIDERATION AND RECOMMENDATION OF THE HOUSING ELEMENT UPDATE, INITIAL STUDY, NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, ZONING AMENDMENT AND HOUSING OPPORTUNITY OVERLAY ZONE TO DECEMBER 17, 2020 PLANNING COMMISSION MEETING. (ORAL)

9. NEW BUSINESS

NONE.

10. OLD BUSINESS

NONE.

11. SCHEDULE FIELD TRIPS

NONE.

12. ITEMS FROM STAFF

NONE.

13. ITEMS FROM THE PLANNING COMMISSION

14. ADJOURNMENT

Next meeting: 17, DECEMBER, 2020 at 6:30 p.m.
Planning Commission meeting will be available on the City's website (https://www.rolling-hills.org/PC%20Meeting%20Zoom%20Link.pdf).

Notice:

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

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

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

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.A
Mtg. Date: 11/19/2020

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

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

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

SUBJECT: **CONSIDER A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE ROLLING HILLS MUNICIPAL CODE TO ADD CHAPTER 17.48 (TEMPORARY USE PERMITS) ESTABLISHING A PROCESS BY WHICH PERSONS CAN REQUEST A SHORT TERM USE THAT IS ACCEPTABLE BECAUSE OF ITS TEMPORARY NATURE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

DATE: **November 19, 2020**

BACKGROUND:
On the October 20, 2020 Planning Commission meeting, staff presented a draft ordinance that establishes a review process for temporary construction related uses. The proposed ordinance is in response to the Planning Commission's request to address construction related uses such as fences, trailers, containers, portable toilets, etc. and to have some type of oversight to prevent such uses from remaining on construction sites for an extended period of time without any construction activities occurring. Staff was directed to prepare an ordinance that would provide permitting standards to regulate temporary uses related to construction.

DISCUSSION:
The proposed ordinance establishes standards for construction related temporary uses. The Municipal Code currently does not have any existing standards that regulate construction uses and thus, many of the construction related uses tend to stay on site for extended period of time even without construction activities occurring. Some construction sites in the City have fences that have been up for years even when construction activities do not require construction fences. Construction fences are usually required by the RHCA or the contractors' insurance providers. Building and Safety requires construction fences when the site has been deemed hazardous.

In consultation with the Association and Building and Safety, the proposed draft ordinance will establish allowed uses, review authority, application process, findings and decisions, conditions of approval, standards, and post-approval procedures. Staff also received suggestions from a local resident that have been taken into consideration.

FISCAL IMPACT:
None.

RECOMMENDATION:
Consider Resolution No. 2020-08 of the Planning Commission of the City of Rolling Hills, California recommending that the City Council adopt an ordinance amending Title 17 (Zoning) of the Rolling Hills Municipal Code to add Chapter 17.48 (Temporary Use Permits) establishing a process by which persons can request a short term use that is acceptable because of its temporary nature and determining the ordinance to be exempt from CEQA.

ATTACHMENTS:
Resolution RE Temporary Use Permit Ordinance.DOCX

RESOLUTION NO. 2020-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE ROLLING HILLS MUNICIPAL CODE TO ADD CHAPTER 17.48 (TEMPORARY USE PERMITS) ESTABLISHING A PROCESS BY WHICH PERSONS CAN REQUEST A SHORT TERM USE THAT IS ACCEPTABLE BECAUSE OF ITS TEMPORARY NATURE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

A. The Planning Commission expressed interest in further regulating temporary construction fences within the City.

B. On November 7, 2020, the City gave public notice of the public hearing for the proposed ordinance to regulate temporary construction fences by publishing notice in the Torrance Daily Breeze a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered.

C. On October 20, 2020, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance. The Planning Commission directed staff to expand the scope of the ordinance to also address temporary construction offices, temporary construction storage containers, temporary portable toilets, and stockpiling.

D. Staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action.

E. On November 7, 2020 the City gave public notice of the public hearing for the proposed ordinance to regulate temporary uses by publishing notice in the Torrance Daily Breeze a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered.

F. On November 19, 2020, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

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

Section 1. The project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning ordinance amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment. The resulting uses would be exempt from CEQA under Sections 15301, 15303, 15304, and 15332 of the CEQA Guidelines, as minor alterations to project sites and buildings that do not increase intensity or density within an urban area with availability of all services.

Section 2. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance 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.

Section 3. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan as it is intended to allow for the short-term placement of activities on property within the City with appropriate regulations so that such activities will be compatible with the surrounding areas.

Section 4. The Planning Commission hereby recommends that the City Council adopt the attached ordinance (Exhibit A) entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING TITLE 17 (ZONING) OF THE ROLLING HILLS MUNICIPAL CODE TO ADD CHAPTER 17.48 (TEMPORARY USE PERMITS) ESTABLISHING A PROCESS BY WHICH PERSONS CAN REQUEST A SHORT TERM USE THAT IS ACCEPTABLE BECAUSE OF ITS TEMPORARY NATURE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PASSED, APPROVED, AND ADOPTED THIS 19TH DAY OF NOVEMBER 2020.

_____
BRAD CHELF, CHAIRMAN

ATTEST: _____
ELAINE JENG, ACTING CITY CLERK

EXHIBIT A

Chapter 17.48 Temporary Use Permits

17.48.010 Purpose

This chapter provides a process for reviewing proposed temporary uses to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A temporary use permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. However, these activities should be regulated to avoid incompatibility between the proposed activity and surrounding areas.

17.48.020 Applicability.

A. Permit Requirement. A temporary use permit approved by the applicable review authority shall be required for all uses identified in Section 17.48.040 (Allowed Temporary Uses), and shall be issued before the commencement of the activity.

B. Exempt Activities. Emergency public health and safety activities are exempt from the requirement for a temporary use permit and other city approval.

17.48.030 Review Authority.

Director Review (Temporary Uses). The Planning and Community Services Director ("Director") shall be responsible for the review and approval of all permits for temporary uses identified in Section 17.48.040 (Allowed Temporary Uses), and the extension of these permits.

17.48.040 Allowed Temporary Uses.

The following temporary uses may be allowed, subject to the issuance of a temporary use permit by the applicable review authority.

A. Temporary Structures for Active Construction Sites and Time Periods.

1. Temporary Construction Fences. A temporary construction fence is permitted, provided the construction activity is occurring and it is occurring outside of the structure or on the exterior of the structure on the subject property. A temporary construction fence is permitted for an initial period of 6 months. The use may be renewed for subsequent time periods of up to 6 months each at the discretion of the Director.

2. Temporary Construction Offices. A temporary construction office is permitted, provided the construction activity is occurring. A temporary construction office is permitted for an initial period of 6 months. The use may be renewed for subsequent time periods of up to 6 months each at the discretion of the applicable review authority.

3. Temporary Construction Storage Containers. One temporary construction storage container (up to 8 feet wide and 40 feet long) is permitted, provided the construction activity is occurring. A temporary construction storage container is permitted for an initial period of 6 months. The use may be renewed for subsequent time periods of up to 6 months each at the discretion of the applicable review authority.

4. Temporary Self-Contained Portable Toilets. A temporary self-contained portable toilet is permitted, provided the construction activity is occurring. A temporary self-contained portable toilet is permitted for an initial period of 6 months. The use may be renewed for subsequent time periods of up to 6 months each at the discretion of the applicable review authority.

5. Temporary Construction Power Pole. A temporary construction power pole is permitted, provided the construction activity is occurring. A temporary construction power pole is permitted for an initial period of 6 months. The use may be renewed for subsequent time periods of up to 6 months each at the discretion of the applicable review authority.

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

1. Storage. Temporary, portable storage units, such as PODs or U-PACKS, are allowed to be located on driveways for no more than a week and no more than two times in any one year.

2. Self-Contained Portable Toilets

a. A temporary self-contained portable toilet is permitted, during interruption of sewer or septic service for emergencies or planned upgrades/repairs. The use of self-contained portable toilets is limited to the time period of the interruption of sewer or septic service.

b. A temporary self-contained portable toilet is permitted, during special events such as wedding receptions or family reunions on private property. The use of self-contained portable toilets is limited to four calendar days or less.

3. Stockpiling. Temporary storage of clean dirt, sand, gravel, or similar non-polluting materials for a limited period of time, on a property where such material is not proposed to be used for construction activities.

C. Similar Temporary Uses. Similar temporary uses which, in the opinion of the review authority, are compatible with the zoning district and surrounding land uses.

17.48.050 Application Filing, Processing, and Review.

A. Application Preparation and Filing – General Application Requirements. An application for a temporary use permit shall be prepared, filed, and processed in compliance with Chapter 17.30 (Application Procedures). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.48.060 (Findings and Decision – Temporary Use Permits), below.

B. Time for Filing. A temporary use permit application shall be filed at least 14 days in advance of the proposed commencement of the use unless in the case of an emergency.

C. Public Notice and Hearing. The type and extent of public notice provided to area residents shall be determined by the Planning and Community Services Director for temporary use permits, and the extensions of these permits. The applicant shall pay for all noticing costs.

D. Additional Permits Required. Temporary uses may be subject to additional permits and other city approvals, licenses, and inspections required by applicable laws or regulations.

17.48.060 Findings and Decision – Temporary Use Permits.

A temporary use permit may be approved, modified, or conditioned only if the review authority first finds that:

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

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

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

17.48 .070 Conditions of Approval.

In approving a temporary use permit, the review authority may impose reasonable and necessary specific design, locational, and operational conditions to ensure that:

A. The use is limited to a duration that is less than the maximum allowed duration, as determined appropriate by the review authority;

B. The site is physically adequate for the type, density, and intensity of use being proposed, including the absence of physical constraints;

C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property;

D. The temporary use will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Zoning Ordinance;

E. The use will comply with applicable provisions of other local, State, or Federal laws or regulations; and

F. Any other pertinent factors affecting the operation of the temporary use will be addressed, including the following, to ensure the orderly and efficient operation of the proposed use, in compliance with the intent and purpose of this chapter.

17.48.080 Development and Operating Standards.

A. General Standards. Standards for heights, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall be used as a guide for determining the appropriate development standards for temporary uses. However, the review authority may authorize an adjustment from the specific requirements as deemed necessary and appropriate.

B. Standards for Specific Temporary Activities. Specific temporary land use activities shall comply with the development standards identified in Title 17 (Zoning) as applicable to the use, in addition to those identified in subsection A of this section, and Section 17.48.070 (Conditions of Approval).

17.48.090 Post-Approval Procedures.

A. Appeal. The approval, denial, or revocation of a temporary use permit may be appealed in compliance with Chapter 17.55.

B. Revocation. A temporary use permit may be revoked or modified by the Director on the following grounds:

1. That the approval was obtained by fraud, or that the applicant made a materially false representation on the subject application; or

2. That the approval is being or recently has been exercised contrary to or in violation of the terms or conditions of such approval or other authorization; or

3. That the approval is or recently has been exercised in violation of any statute, law or regulation; or

4. That the use for which approval was granted, or other use(s) not directly related, is exercised in a manner detrimental to the public health and safety or in a manner which constitutes a nuisance.

C. Extension of the Permit. The Director may extend the operational length of the temporary use permit if the delay is beyond the control of and was not the result of actions by the permittee for up to the period of the delay.

D. Expiration. A temporary use permit shall be considered to have expired when the approved use has ceased or was suspended.

17.48.100 Enforcement.

A. Maintaining a temporary use authorized by Section 17.48.040 without a valid permit is hereby declared to be a public nuisance.

B. Maintaining a temporary use authorized by Section 17.48.040 without a valid permit in an infraction and subject to the penalty provisions identified in Section 1.08.020.