CITY OF RANCHO PALOS VERDES

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: ARA MIHRANIAN, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: APRIL 9, 2019

SUBJECT: NUTS AND BOLTS OF THE PLANNING AND VIEW RESTORATION DIVISIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT

RECOMMENDATION

Receive and file a report on the nuts and bolts of the Planning and View Restoration Divisions of the Community Development Department.

BACKGROUND AND DISCUSSION

The Community Development Department is responsible for the orderly physical development of the community by upholding the goals and policies of the City's General Plan through the issuance of land use entitlements and permits for improvements and development of private property while balancing the needs of residents, businesses, property owners and visitors. There are four Divisions in the Department that assist in creating and implementing the community vision:

- Planning;
- Building & Safety;
- Code Enforcement; and,
- View Restoration.

Generally speaking, the Community Development Department manages the following activities:

- Land Use Entitlements
- Building and Safety Permits
- Code Enforcement Cases
- View Restoration Permits
- Land Use Studies and Master Plans
- The City's General Plan
- The City's Housing Element
- Coastal Specific Plan
- Western Avenue Specific Plan

- The Palos Verdes Nature Preserve
- The City's Natural Communities Conservation Plan / Habitat Conservation Plan (NCCP/HCP)
- The City's Trails Network Plan
- California Environmental Quality Act (CEQA)
- Equestrian Uses and Animal Control
- Coyote Management Plan
- Peafowl Management Plan
- Aircraft Noise
- Prohibition of Short-Term Rentals

This report provides a summary of the common applications reviewed by Staff and the Planning Commission for the Planning and View Restoration Divisions.

Planning Division

Planning applications are generally divided into two processing categories:

- Ministerial
- Discretionary

Ministerial applications involve planning decisions that are rendered over-the-counter by a Planner to ensure that the proposed improvements meet the City's Development Code standards (i.e. setbacks, lot coverage, height, etc.), with the possible necessity of a foliage analysis (if a project involves 120ft^2 and is considered a viewing area). Decisions on planning applications that are rendered by the Director, Planning Commission or City Council are discretionary decisions that usually involve, among others, the finding of Neighborhood Compatibility and the City's View Ordinance. The review process for a discretionary application can be lengthy and summarized as follows:

Decisions rendered by the Planning Commission or City Council involve more time since they necessitate the scheduling of a public hearing and often more than one public hearing is needed to render a decision. Decisions by the City Council typically occur as a result of an appeal, which are processed as a "de novo" hearing.

Processing time between application submittal and application completeness (the time when an application is deemed complete to begin the review process) includes the time taken by applicants to respond to incomplete items, which can vary in duration and which City staff has no control over. The Planning Division generally conducts its completeness

review of project plans within 10 calendar days. Planning applications typically processed by the Planning Division are as follows:

Height Variation Permit

The Municipal Code establishes permitted “by-right” height limits for pad lots, up-slope lots, and down-slope lots as illustrated below.

Figure 1: Pad Lots

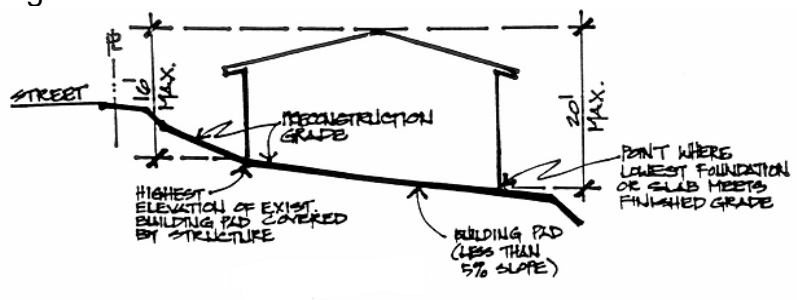


Figure 2: Up-Slope Lots

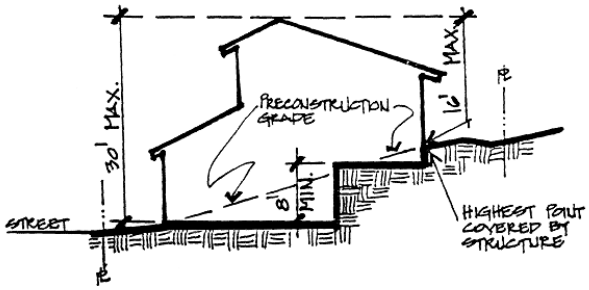
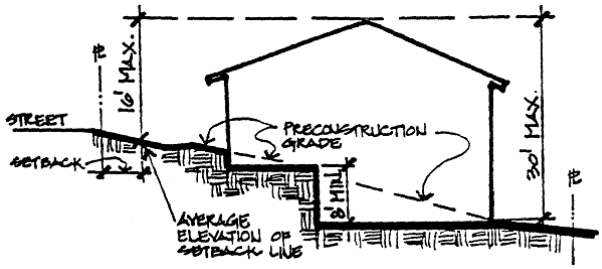


Figure 3: Down-Slope Lots



A Height Variation is a discretionary planning application that allows new residences or additions to existing residences to exceed the “by-right” height limits up to a maximum height of 26'. The primary purpose of a Height Variation is to ensure the project exceeding the 16’ height limit does not result in significant view impacts to neighboring properties in accordance with the City’s View Ordinance enacted by the voters as Proposition M in 1989. In considering a Height Variation, the following key findings (among others) must be made:

- Significant View impairment
- Privacy impacts
- Neighborhood Compatibility

A Height Variation is considered by the Planning Commission if the proposed structure above 16' is:

- less than 25' from the front property line;
- covers 75% of the total first story footprint and/or 60% of the garage footprint;
- part of a new residence; or,
- may significantly impair a view from another parcel.

Applicants requesting a Height Variation are required to construct a temporary silhouette to serve as a visual aid, and a 30-day public comment period is required prior to the City rendering a decision.

In 1993 (and revised in 1996 and 2003), the City Council adopted guidelines and procedures for protecting views which may be impaired by the development of new residential structures or additions to existing residential structures (see attachment). These guidelines are intended to assist the public with the Height Variation process, and is available at City Hall or on the City's website.

Grading Permit

The purpose of a Grading Permit is to ensure that the earth movement associated with the development of a property preserves the natural scenic character of the area and occurs in a manner harmonious with adjacent land so as to minimize adverse impacts and maintain the visual continuity of the area without unsightly continuous benching of building sites. There are the following three types of grading permits that may be issued:

- A Minor Grading Permit may be approved over-the-counter generally for earthwork between 20 and 50 cubic yards. Examples include planters and terraced yard area.

- A Major Grading Permit is a discretionary application for earthwork involving more than 50 cubic yards. A Major Grading Permit is considered by the Planning Commission when the requested earthwork involves more than 1,000 cubic yards or the grading is associated with a project subject to the Planning Commission's review. Examples include grading associated with the construction of a residence on a sloping lot.

- A Remedial Grading Permit is a discretionary application for earthwork for the purpose of enhancing soil stability and/or reducing geotechnical hazards due to natural land movement or the presence of natural hazards. Remedial grading involving more than 5,000 cubic yards is subject to Planning Commission review. Examples of remedial grading include repairing a slope failure.

Grading Permits may be approved based on certain criteria, primarily focused on ensuring that the proposed project will not significantly adversely affect the views/visual relationships; preserving existing contours by minimizing grading and creating reasonably natural contours; and minimizing excessive grading or construction. Grading Permits associated with the construction of a residence may trigger the City's View Ordinance and

Neighborhood Compatibility findings.

Site Plan Review

A Site Plan Review application is intended to ensure development proposals conform to the basic development standards of the Municipal Code based on the underlying zoning district. A new residence or an addition to an existing residence that complies with the development standards and is within the "by-right" height limits can be processed with a Site Plan Review application. However, the discretionary review of the Neighborhood Compatibility finding may be triggered if a project exceeds certain thresholds, such as square footage. Examples of projects requiring a Site Plan Review include decks, pools and spas, outdoor kitchens, and mechanical equipment (i.e. generators or air conditioner units) to name a few.

The Planning Commission is required to review a Site Plan Review application for projects involving roof mounted equipment and/or architectural features (excluding renewable energy systems such as solar panels and/or solar water heating systems) that exceed the maximum building height limits. In considering a Site Plan Review for these projects, the Planning Commission must find, among other things, that the proposed project above the standard height limit will not cause significant view impairment from adjacent property.

Neighborhood Compatibility

On November 7, 1989, the voters of the City of Rancho Palos Verdes approved the "Cooperative View Preservation and Restoration Ordinance" (Proposition M). The adopted Ordinance, among other things, "ensures that the development of each parcel of land or additions to residences or structures occur in a manner which is harmonious and maintains neighborhood compatibility and the character of contiguous subcommunity development." Neighborhood Compatibility is a finding that is required for Height Variations, certain Major Grading Permits, and certain Major Site Plan Reviews applications. Neighborhood Compatibility is achieved when the proposed improvements are designed in a manner that blends in with the characteristics of the immediate neighborhood, which is comprised of the 20 closest properties located within the same zoning district. The Neighborhood Compatibility finding consists of:

- Scale of surrounding residences;
- Architectural style and building materials; and,
- Front, side, and rear yard setbacks.

As part of the Neighborhood Compatibility requirement, a temporary silhouette is required to be constructed to serve as a visual aid, and a 15-day (30-days for projects involving a Height Variation) public comment period is required prior to the City rendering a decision.

In 2003 (amended in 2004), the City Council adopted the Neighborhood Compatibility Handbook (see attachment) intended to assist residents, architects, designers, and real estate professionals in understanding the City's procedures for proposing residential development applications requiring the analysis of the Neighborhood Compatibility. The Handbook is available at City Hall or on the City's website.

Foliage Analysis

As a result of the voter approved Proposition M in 1989, Section 17.02.040(B)(4) of the City's Municipal Code prohibits the issuance of a permit or other entitlement to construct, or to add livable area to a residential structure unless the owner removes foliage on the lot which exceeds 16' feet in height or the ridgeline of the primary structure, whichever is lower, that significantly impairs a view from the viewing area of another parcel. For the purpose of this requirement, "livable area" means an area of 120 square feet or more in size which:

- Consists of habitable space (room expansions, additions); **or**
- Can be used as a gathering space **and** viewing area (decks, covered patios).

Additions or structures which are less than 120 square feet in area and projects which do not involve habitable space (antennas, skylights, storage shed/garage, garden windows, etc.) are exempt from the requirements. If it is determined that a proposed project is not exempt from the "foliage removal" requirements, a foliage analysis of the applicant's property must be conducted by Staff prior to approval of a planning application.

If after conducting a foliage analysis, foliage on the applicant's property is found to exceed the prescribed height limits and to significantly impair a view, specific conditions of approval will be placed on the planning approval to trim, lace or remove such vegetation prior to issuance of a building permit. Once trimmed to a specific height, it is the responsibility of the property owner to maintain the foliage at the prescribed height.

Variance

A Variance is a discretionary application considered by the Planning Commission to grant relief or deviation from the development standards of the Municipal Code when the strict interpretation of any of its provisions result in practical difficulties, unnecessary hardships or inconsistencies with the general intent and purpose of the Municipal Code. The Planning Commission may grant a Variance based on the following findings:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district;

2. That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district;

3. That granting the Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located; and

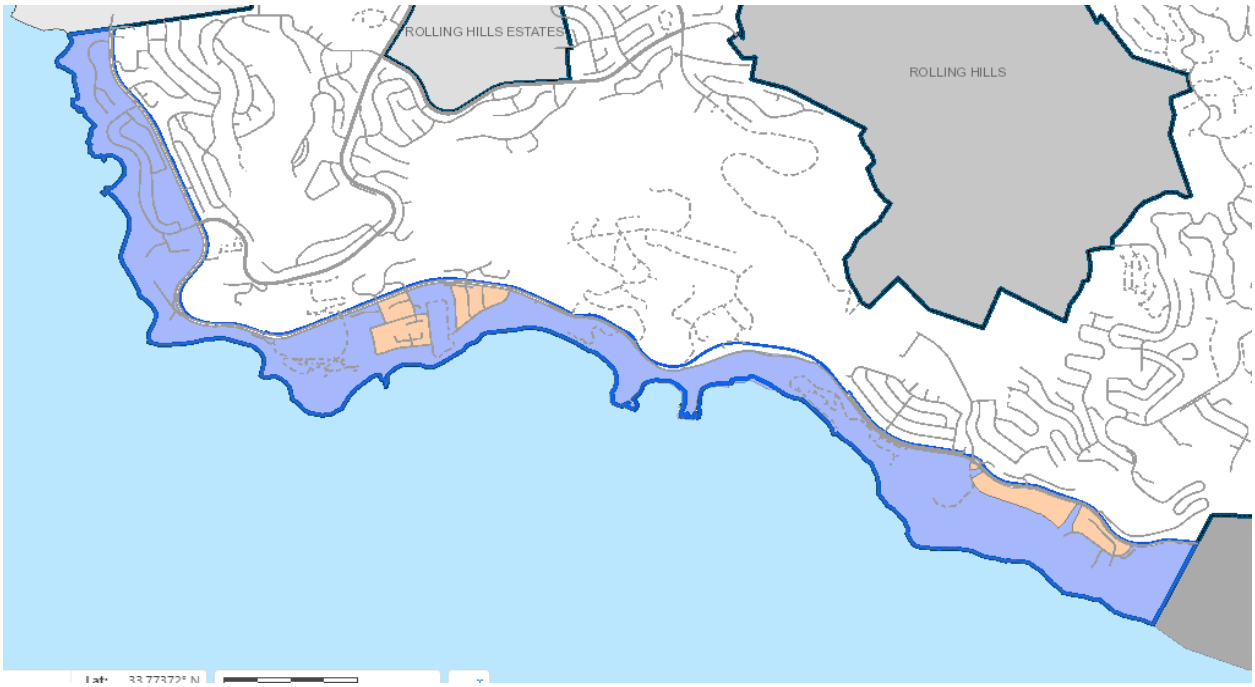
4. That granting the Variance will not be contrary to the objectives of the general plan

or the policies and requirements of the Coastal Specific Plan.

Examples of a Variance include reduced setbacks or lot coverage exceeding the maximum allowed for the zoning district. A Variance may also be considered in cases a significant error in any order, requirement, permit, decision or determination has been made. A Variance requires a 15-day public notice.

Coastal Permit

A Coastal Permit is required by the California Coastal Act of 1976 for all development in the Coastal District (also known as Coastal Zone). The City's Coastal District was established as part of the 1978 Council-adopted Local Coastal Plan (LCP), which was the first LCP adopted in the State. The City's Coastal District boundaries are comprised of all land seaward of Palos Verdes Drive South and Palos Verdes Drive West, including the roadway, which development therein is appealable or non-appealable to the Coastal Commission as illustrated below:



Coastal Permits are subject to the Coastal Hearing Officer (i.e. Director of Community Development) at a public hearing unless it is processed concurrently with another application requiring Planning Commission or City Council review. Proposed development within an Appealable Area may be appealed to the California Coastal Commission upon exhausting all appeal opportunities with the City (i.e. Planning Commission and City Council). Proposed development within a Non-Appealable Area may be appealed to both the Planning Commission and City Council, but not to the California Coastal Commission. In granting a Coastal Permit, the primary criteria in reviewing the application is conformity with the Rancho Palos Verdes LCP and applicable public access and recreation policies of the Coastal Act. In addition to ensuring public access and protecting natural resources, the City's LCP also ensures the protection of view corridors established along Palos Verdes

Drive West and South by restricting the height of a structures based on certain zones.

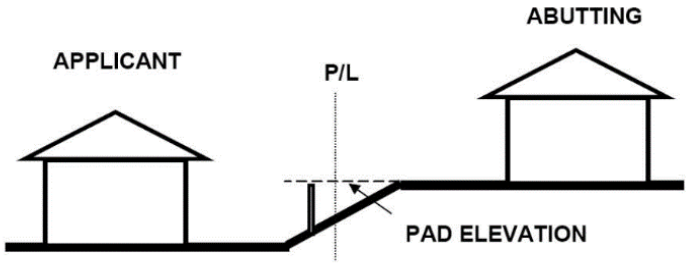
Conditional Use Permit

A Conditional Use Permit (CUP) is a discretionary application subject to review by the Planning Commission for uses necessary or desirable but not classified as permitted uses by reason of uniqueness of size, scope, or possible effect on surrounding uses in accordance with the base zoning district including properties zoned Commercial or Institutional. It also allows uses that are listed as permitted but requires specific consideration and allows the City to impose customized conditions of approval. Trump National Golf Course, for example, required an approval of a CUP to establish and operate a golf course in a residential zoning district. Any change which may substantially intensify the occupancy or land coverage may require a revision to an existing CUP. In considering a CUP, the Planning Commission must make certain findings ensuring that the proposed use and operation will not create adverse impacts to the surrounding neighborhood. A CUP requires a 15-day public notice.

In recent years, CUPs granted by the City require a compliance review to ensure the adopted conditions of approval, which are generally formed based on studies and assumed operations, are effective, and if not, it allows the City's decision makers to adjust the conditions of approval based on actual operations. A compliance review is conducted as duly noticed public hearing by the final deciding body on the CUP.

Fence/Wall Permit

A Fence/Wall Permit (FWP) provides the City a way to regulate the construction of fences and walls to ensure that there are no adverse impacts to privacy, no creation of hazardous conditions, no dangerous visual obstruction at street intersections, and that the proposed downslope fence or wall will not significantly impair the view of the upslope lot. A FWP is only required if there is at least a 2' building pad elevation difference between two adjacent properties, and the downslope property proposes to construct a barrier above the building pad of the upslope lot (see below).



A Fence/Wall Permit has a two-step process, beginning with a site visit by Staff to determine if the proposed fence will cause any potential view impairment. If there is no potential for view impairment, the process ends at that point, and an approval is granted by the Director (which is appealable to the Planning Commission). If a potential view impairment may exist, a FWP proceeds to the second step that requires the Director to find that the proposed fence or wall will not significantly impair the view from another private or

public property; and that all existing foliage on the applicant's property that exceeds 16' in height or the ridgeline of the primary residence, whichever is lower, does not impair a view from another parcel. While FWP are subject only to Director review, these applications are often appealed to the Planning Commission for consideration at a de novo public hearing.

Appeals

Any Director-level decision may be appealed to the Planning Commission by any interested party (including the applicant) within 15-days from the date of the decision, and any decision of the Planning Commission may be appealed to the City Council within 15-days from the date of the decision. The appeal must set forth the grounds for the appeal and any specific action being requested by the appellant. The Director's decision is final if no appeal is filed. The appeal hearing is a de novo hearing, which means that all information can be considered anew. The Planning Commission/City Council is required to consider the same findings considered for the original application and may:

A. Approve an application making all appropriate findings;

B. Approve an application but impose additional or different conditions or guarantees as it deems necessary;

C. Deny the application without prejudice upon a finding that all applicable findings have not been correctly made or the application has merit and may possibly be modified to conform with the provisions of the code;

D. Disapprove the application upon finding that all applicable findings cannot be made or all provisions of the code have not been complied with; or

E. Refer the matter to the Director with instructions.

In order to file an appeal, an appellant must submit in writing the grounds of the appeal along with an appeal fee (typically $2,275). If the appeal results in overturning a decision then a full refund is given; if the appeal results in modifications to the project, then a partial (1/2 the fee) refund is give; and, if the appeal upholds a previous decision, no refund is issued.

Division of Land (Subdivision)

Division of Land applications including proposals for parcel and tract maps. A parcel map is required for creating 4 or less lots, while a tract map is required for creating 5 or more lots. The review procedure for proposed map applications include conformance with applicable sections of Title 16 (Subdivisions) of the City's Municipal Code and the Subdivision Map Act to ensure the proposed lots comply with the City's development standards including minimum lot area, width, and depth requirements.

A parcel map or tract map are processed first as a tentative map, then as a final map. The tentative map shows the general description and layout of the proposed subdivision but does not create the legal lots. Rather, it sets the conditions under which the subdivision can

occur. The final map is the instrument that actually divides the property and must conform to the City's standards including infrastructure such as roads, utilities, storm drains, sewer, etc. Since maps create additional lots in the City, certain requirements may be imposed and offset by fees, such as affordable housing and park land dedication in-lieu fees.

A parcel or tract map are considered at a duly notice public hearing at least 15 days before the hearing. A parcel map is considered by the Planning Commission, and a tract map is considered by the City Council.

Zone Changes and Code Amendments

A Zone Change involves a request to change the zoning designation of a property and a Code Amendment allows for changes in the text of the City's Zoning Code (Title 17). A Zone Change and Code Amendment may be initiated by an interested party, the City Council, and by the Director of Community Development and/or the Planning Commission upon petition to the City Council. The review procedure for a Zone Change or Code Amendment application includes a public hearing before the Planning Commission, whose recommendation on the application is then forwarded to the City Council for consideration at another public hearing. In considering a Zone Change or Code Amendment application, the City assesses whether a change is consistent with the City's General Plan or warranted by a development proposal. It is important to note that application, review and adoption procedures included in this discussion section only apply to Title 17 (Zoning) of the City's Municipal Code. Code amendments outside of Title 17 are considered directly by the City Council and are not subject to Planning Commission review.

VIEW RESTORATION DIVISION

The View Restoration Division implements the foliage component of the View Preservation and Restoration Ordinance passed by the voters of the City as Proposition M on November 7, 1989, and is codified in Section 17.02.040 of the Municipal Code. The "View Ordinance" establishes the following two view recovery permit procedures to address privately-owned foliage:

- View Restoration Permit - to "restore" a view which existed at the time the affected view lot was legally created; and,
- View Preservation Permit – to "preserve" views which existed at the time or since the View Ordinance became effective on November 7, 1989.

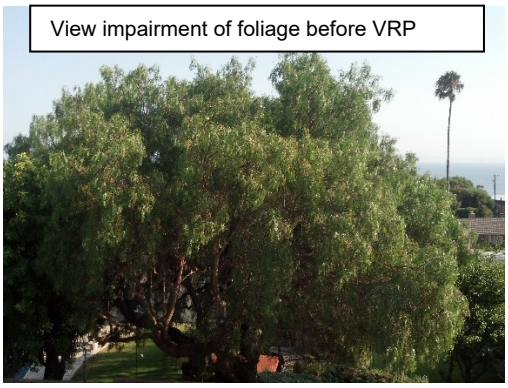
Subsequent to the codification of the View Ordinance, successive City Councils have adopted the View Restoration & Preservation Guidelines, also known as the "View Guidelines" (see attachment), which establishes application procedures, provides guidance as to how permit approval findings can be made, and expands upon the View Ordinance's reference to prohibiting foliage owners from allowing foliage to significantly impair views on the effective date of the View Ordinance, thus forming the basis for the View Preservation procedure and process, as summarized below.

View Restoration Permit

The View Restoration Permit (VRP) process is utilized to restore a view from a property that existed when the affected lot was legally created, but is now significantly impaired by foliage on another residential property. A VRP is considered by the Planning Commission at a duly noticed public hearing.

In order to initiate the VRP application process, the City requires applicants (view seeker) to make an attempt to work out the issue with the foliage owner. When the issue cannot be resolved between the applicant and the foliage owner, the view affected property owner may seek the City's involvement by making a request for mediation. City-held mediation sessions are provided, at no cost to either party involved in the dispute, in order to attempt to resolve the issues between the parties. If no agreement is reached between the applicant and the foliage owner, the applicant may elect to advance the matter by submitting a View Restoration Permit application to the City so that the Planning Commission could review and deliberate on the application request.

There are 6 criteria, such as whether the foliage creates a significant view impairment, which constitute the basis for a decision by the Planning Commission. If a VRP is approved, the applicant (not the foliage owner) pays for the cost of performing the required trimming, removal and/or planting replacement foliage. Once the initial trimming and/or removal work is completed, then the foliage owner is required to maintain the foliage at his or her own expense.

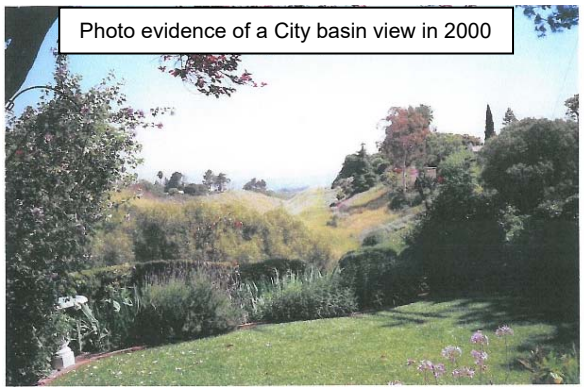


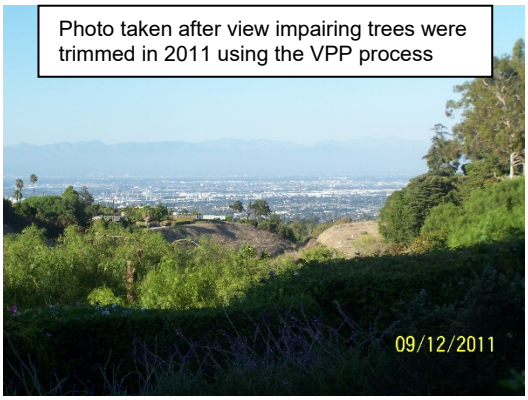
VRP decisions are made by the Planning Commission and are appealable to the City Council.

View Preservation Permit

The View Preservation Permit (VPP) application process is used by residents to preserve a view from a property that existed in November 1989 or sometime after, and there is photographic documentation of the view as it existed then. Central to this application is the applicant's (view seeker) photo documentation, which must clearly show an unobstructed view or an unimpaired view element taken from a bona fide viewing area and the time frame of the photo must be in November 1989 or after. Should Staff certify the photo documentation and deem the existing view to be significantly impaired by foliage, the foliage owner, at their expense, will be given 30 days to voluntarily trim the subject foliage

to the level or condition shown in an applicant's photograph or so as not to further cause a significant view impairment.





In the event, no trimming is performed by the foliage owner, then the applicant may submit a formal VPP application request where the Community Development Director must make findings to approve the requested trimming. For a VPP, the foliage owner bears the financial responsibility for preserving and maintaining the applicant's view.

VPP actions are administrative decisions made by the Community Development Director and can be appealed to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

View Restoration Permit and View Preservation Permit decisions typically will include a City-enforced tree trimming maintenance schedule where the tree owner is responsible for the trimming costs.

City Tree Review Permits

City Tree Review Permits are requests for the restoration of a view that has been impaired by City trees. The processing of these permits typically involves a site visit, the preparation of a staff memo, input from the City arborist, and the trimming or removal of the City tree(s) by City work crews. The City Tree program moved to the Department of Public Works in 2016, but the program still involves the review and participation of the View Restoration Staff.

ADDITIONAL INFORMATION

California Environmental Quality Act

The California Environmental Quality Act (CEQA) is the State's basic environmental protection law. Enacted in 1970, CEQA requires that state and local government agencies evaluate and disclose environmental impacts of projects to decision makers and the public prior to approving or carrying out a project and identify ways to avoid or mitigate environmental impacts. CEQA is an informational document, and does not render a decision on a project application.

According to CEQA, a project is a discretionary approval by a lead agency (usually the City, but not always) that may result in direct or reasonably foreseeable indirect environmental impacts. If the action doesn't qualify as a project, then the action is not subject to CEQA. The lead agency is required to conduct an Initial Study to determine if a project may or may not have a significant effect on the environment. Drawing from the Initial Study, there are the following four types of CEQA documents:

- Exemptions can be statutory, such as those granted by the Legislature, or categorical (classes of projects that have been determined not to have effects on the environment). Projects can also fall within the commonsense exemption, when it can be seen with certainty that no possibility of a significant impact on the environment exists. When a project falls under an exemption, an Initial Study is not required, but the City must make a determination on the record that an exemption applies.

- Negative Declarations (ND) are used when there is no substantial evidence supporting a fair argument that the project will have significant environmental impacts.

- Mitigated Negative Declarations (MND) are used when the potential impacts can be mitigated to a level of less than significant based on direct, indirect, short-term, long-term, on-site, and off-site impacts.

- Environmental Impact Reports (EIR) are required when there is substantial evidence supporting a fair argument that a project will have significant impacts. An EIR will consider direct, indirect, short-term, long-term, on-site, off-site, and cumulative impacts, as well as mitigation measures and alternatives. If an EIR determines that there is a significant unavoidable impact that cannot be mitigated to a level of less than significant, then a Statement of Overriding Consideration is prepared for adoption by the deciding body. The preparation on an EIR involves public participation, including an optional "scoping" meeting to allow the public to provide input to the lead agency on potential environmental impacts to be studied. A Draft EIR is circulated for public comments, and a Final EIR is completed that includes any changes to the Draft EIR based on public comments or additional analysis, as well as Responses to Comments.

The certification of a CEQA document, typically a ND, MND, or EIR, is required to occur at a duly noticed public hearing. A public notice, meeting agenda, and staff report for a project is required to describe the CEQA finding and any action being made in that regard.

<u>"500-Foot Rule" for Conflicts of Interest Involving Real Property Interests</u>

There is a new standard that governs whether public officials have a conflict of interest in government decisions affecting real property interests. Under the Political Reform Act (PRA), public officials may not make, participate in making, or attempt to use their official positions to influence a governmental decision in which they know or have reason to know that they have a disqualifying interest. A public official has a disqualifying interest if the governmental decision at issue will have a reasonably foreseeable, material effect on the official's financial interests. The Fair Political Practices Commission (FPPC) has recently

amended the standard for determining whether a decision will have a material effect on a public official's interest in real property.

The most significant change amends the materiality standard for decisions that affect ownership interests in real property. There is now a presumption that a decision involving property within 500 feet of an official's property will have a material impact on the official's interest. In addition, there is now a presumption that a decision involving property 1,000 feet or more from the official's property will not have a material impact on the official's interest. Both of these presumptions can be rebutted with clear and convincing evidence, however.

For decisions involving property located between 500 and 1,000 feet from the official's property, whether the decision creates a conflict now depends on a number of factors. Under the revised regulation, a decision will have a material impact on the official's property interest if it would change the parcel's:

- development potential,
- income-producing potential,
- highest and best use,
- market value, or
- character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality

Public officials should ensure that they avoid participating in any decisions that will have a reasonably foreseeable, material financial effect on their real property interests if a project falls within the 1,000 foot radius owned by a public official.

Brown Act

The Ralph M. Brown Act (referred to as the "Brown Act" or "Open Meeting Law") was enacted in 1953 and is intended to provide public access to, and participation in, meetings of California local government agencies as a response to growing concerns about local government officials' practice of holding secret meetings that were not in compliance with advance public notice requirements.

The requirements of the Brown Act apply to local agencies and legislative bodies of each local agency of a city, whenever a majority of the legislative body is involved. Legislative bodies in the City include the City Council, Commissions/Committees and standing City Council subcommittees. Ad hoc advisory committees consisting of less than a quorum of any legislative body are exempt from the requirements of the Brown Act.

Governmental bodies subject to the requirements of the Brown Act must provide public notice of their meetings and post agendas for those meetings. Public access is mandatory unless the meeting is held in closed session under a specific exception contained in the Act. A meeting, as defined by the Brown Act, is "any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body" (Cal. Govt. Code § 54952.2 (a)). This can include any series of telephonic or email

communications between members of a legislative body, and lunches, social gatherings, or board retreats. Such communications, however, may be exempt from the Brown Act provided that legislative members follow strict rules and guidelines to ensure they do not discuss amongst themselves business of their legislative body.

Under the provisions of the Brown Act, agendas for regular meetings must be posted at least 72 hours in advance of the meeting (except in the case of emergency matters). Agendas for special meetings must be posted at least 24 hours in advance. In addition, agendas must be posted in a location that is publicly accessible 24 hours a day at City Hall (and/or at the location of the meeting will be held), and must be published on the City website. In general, agendas must contain simple yet meaningful descriptions of topics to be discussed. The legislative body may not discuss items not on the agenda, except in very rare circumstances and under strict guidelines.

CONCLUSION

Staff will present the Planning Commission, as a workshop format, the information contained in this staff report. Based on this presentation, Staff recommends that the Planning Commission receive and file this staff report on the nuts and bolts of the Planning and View Restoration Divisions of Community Development Department.

ATTACHMENTS

- Height Variation Guidelines
- Neighborhood Compatibility Handbook
- View Restoration Guidelines