



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

AGENDA
Regular City Council Meeting

CITY COUNCIL
Monday, June 14, 2021

CITY OF ROLLING HILLS
7:00 PM

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020.

All Councilmembers will participate by teleconference. The meeting agenda is available on the City's website. A live audio of the City Council meeting will be available on the City's website. Both the agenda and the live audio can be found here: <https://www.rollinghills.org/government/agenda/index.php>.

Members of the public may observe and orally participate in the meeting via Zoom and or 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.

Zoom access: <https://us02web.zoom.us/j/87227175757?pwd=VzNES3Q2NFprRk5BRmdUSktWb0hmUT09>

Or dial (669) 900-9128

meeting ID: 872 2717 5757 passcode: 780609

Audio recordings to all the City Council meetings can be found here:
<https://cms5.revize.com/revize/rollinghillsca/government/agenda/index.php>

While on this page, locate the meeting date of interest then click on AUDIO. Another window will appear. In the new window, you can select the agenda item of interest and listen to the audio by hitting the play button. Written Action Minutes to the City Council meetings can be found in the AGENDA, typically under Item 4A Minutes. Please contact the City Clerk at 310 377-1521 or email at cityclerk@cityofrh.net for assistance.

Next Resolution No. 1281

Next Ordinance No. 371

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPEN AGENDA - PUBLIC COMMENT WELCOME**

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

take place on any items not on the agenda.

4. **MEETING MINUTES**

4.A. **REGULAR MEETING MINUTES OF MAY 24, 2021.**

RECOMMENDATION: Receive and file.

[05.24.2021_CCMinutes.P.docx](#)

5. **CONSENT CALENDAR**

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

5.A. **PAYMENT OF BILLS.**

RECOMMENDATION: Approve as presented.

[Payment of Bills.pdf](#)

5.B. **RECEIVE AND FILE A REQUEST FOR PROPOSAL TO PROVIDE ENVIRONMENTAL ASSESSMENT FOR THE VEGETATION MANAGEMENT IN THE CANYONS GRANT PROJECT.**

RECOMMENDATION: Receive and file.

[VegetationManagementGrant_EnvironmentalAssessment_RFP.pdf](#)

5.C. **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WILL DAN ENGINEERING TO CONDUCT A SEWER FEASIBILITY STUDY (PHASE III) ON CONNECTIONS TO THE PROPOSED 8" SEWER MAIN ALONG PORTUGUESE BEND ROAD/ROLLING HILLS ROAD.**

RECOMMENDATION: Approve as presented.

[RH_PSA with Willdan Group for Sewer Service Feasibility Study \(Phase III\)-Signed.pdf](#)

6. **COMMISSION ITEMS**

7. **PUBLIC HEARINGS**

7.A. **CONSIDER AND APPROVE RESOLUTION 1276 TO CREATE ASSESSMENT DISTRICT FOR CREST ROAD EAST UNDERGROUNDING PROJECT**

RECOMMENDATION: Approve Resolution No. 1276 to create Underground Utility District No. 1 (Crest Road) to support the Crest Road East Cal-OES Hazard Mitigation Grant Project.

[ResolutionNo1276 Crest Road Assessment District Rule20A.pdf](#)

7.B. **CONSIDER AND APPROVE RESOLUTION NO. 1277 OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADOPTING AMENDMENTS TO THE 2014-2021 ROLLING HILLS HOUSING ELEMENT. A NEGATIVE DECLARATION WAS PREVIOUSLY PREPARED, ADOPTED, AND FILED FOR THIS PROJECT.**

RECOMMENDATION: Approve Resolution No. 1277 adopting the revised 2014-2021 Housing Element.

[ResolutionNo1277 5th Cycle Housing Element.pdf](#)

[Attachment2-HCDPre-ComplianceFinding-042621.pdf](#)

[Attachment3-2014HCDCommentswith2021Responses.pdf](#)

- 7.C. CONSIDER APPROVAL OF RESOLUTION NO. 1279 DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE FOR A MIXED STRUCTURE LOCATED AT 24 CINCHRING ROAD (NAKAMURA).

RECOMMENDATION: Deny the appeal of the Planning Commission's decision.

24_Cinchring_Mixed-use Plans.pdf

24_Cinchring_Stamped_House Plan_Set.pdf

SUPPLEMENTALBrunner_response_for_Planning_Commission_3-30-21_v2.pdf

Appeal Ltr of 24 Cinchring Road (Brunner_Korzennik) final.pdf

Clint Patterson's Letter_24 Cinchring.pdf

24 Cinchring Retaining Walls Height.pdf

ResolutionNo1279_Mixed_Use_Structure_Nakamura.pdf

PC_Resolution_No_2021-04_Mixed_Use_Structure_-_Nakamura.pdf

ResolutionNo1221_24CinchringRoadNakamura.pdf

8. OLD BUSINESS

- 8.A. RECEIVE AN UPDATE REGARDING A PENINSULA CITIES JOINT LETTER EXPRESSING CONCERNS REGARDING SPECIAL DIRECTIVE POLICIES IMPACTING PUBLIC SAFETY AND PROVIDE DIRECTION TO STAFF.

RECOMMENDATION: Staff recommends that the City Council continue participation in the joint letter with the cities of Palos Verdes Estates and Rancho Palos Verdes.

Three PV Peninsula Cities_Gascon Policy Concerns.docx

- 8.B. REVIEW OVERALL PROJECT COST ESTIMATES AT 65% DESIGN PROGRESS FOR TWO LAYOUT OPTIONS FOR THE CITY HALL ADA IMPROVEMENTS PROJECT AND PROVIDE DIRECTION TO STAFF.

RECOMMENDATION: Review additional data for the project and provide direction to staff.

rolling hills city hall _option1_202006008 Layout1 (1).pdf

rolling hills city hall _option2_202006008d Layout1 (1).pdf

20210519_city hall renovation cost estimate_two options.pdf

20200509_rollinghills_costestimate10.pdf

- 8.C. CONSIDER AND APPROVE A PROPOSAL FROM PACIFIC ARCHITECTURE AND ENGINEERING FOR THE DESIGN OF THE EMERGENCY POWER SOLUTION TO REPLACE THE NON-WORKING EMERGENCY STANDBY GENERATOR.

RECOMMENDATION: Staff recommends that the City Council approve Pacific Architecture and Engineering Inc.'s proposal to design the solar power solution.

210210604_Rolling Hills Solar.pdf

9. NEW BUSINESS

- 9.A. RECEIVE AND FILE A REPORT ON THE FIRE FUEL COMMITTEE MEETING HELD ON JUNE 2, 2021; AND APPROVE THE FIRE FUEL COMMITTEE'S RECOMMENDATION TO FUND AN ANNUAL CANYON MANAGEMENT

PROGRAM.

RECOMMENDATION: Receive and file report and approve the Fire Fuel Committee's recommendation.

[6.2.2021 FF Supplemental AgendaPacket.pdf](#)

- 9.B. [CONSIDER AND APPROVE PROPOSAL FROM THE PALOS VERDES PENINSULA LAND CONSERVANCY FOR ADDITIONAL FUEL LOAD REDUCTION IN THE NATURE PRESERVE IN THE AREAS ADJACENT TO THE CITY BORDER.](#)

RECOMMENDATION: Consider proposal and provide direction to staff.

[PVPLC Reducing Fuel Load Project RH 2021.pdf](#)

[Fuel Load Reduction Phases.docx](#)

- 9.C. [ACCEPT SMALL CITIES ALLOCATION FROM THE AMERICAN RESCUE PLAN ACT \(ARPA\)](#)

RECOMMENDATION: Accept the ARPA allocation and direct staff to file the necessary documents for the acceptance of the funds.

[SLFRP-Fact-Sheet-FINAL1-508A.pdf](#)

[2021-10283.pdf](#)

[SLFRPFAQ.pdf](#)

[Award_Terms_and_Conditions.pdf](#)

[Title_VI_Assurances.pdf](#)

[Certification-Form.pdf](#)

- 9.D. [APPROVE RESOLUTION 1280 AUTHORIZING THE EXCHANGE OF PROPOSITION A FUNDS WITH THE CITY OF BEVERLY HILLS FOR GENERAL FUNDS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUND EXCHANGE AGREEMENT.](#)

RECOMMENDATION:

It is recommended that the City Council consider and approve the following:

1. Exchange of \$84,000 (\$0.75 per \$1.00) in Proposition A funds with the City of Beverly Hills and authorize the City Manager to execute the Fund Exchange Agreement between the City of Rolling Hills and the City of Beverly Hills, Prop A Local Return Fund Exchange.
2. Approve Resolution XXXX Approving an Agreement between the City of Rolling Hills and the City of Beverly Hills that authorizes the Exchange of Proposition "A" Local Return Funds for General Funds.

[ResolutionNo1280 Prop_A_Funds.pdf](#)

- 9.E. [CONSIDER AND APPROVE RESOLUTION NO. 1278 UPDATING THE FEE SCHEDULE AND REPEALING RESOLUTION 1260.](#)

RECOMMENDATION: Approve Resolution No. 1278 updating the Fee Schedule and repealing Resolution No. 1260.

[ResolutionNo1278 Fee Schedule FY21-22.pdf](#)

10. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

- 10.A. [REPORT ON REGIONAL PUBLIC SAFETY AND REGIONAL CONTRACT LAW COMMITTEES MEETINGS HELD ON MAY 13, 2021.](#)

RECOMMENDATION: Receive and file.

[RegionalContractLawCommittee_2021-05-13_AgendaPacketFinal.Supplemental.pdf](#)

11. MATTERS FROM STAFF

- 11.A. [RECEIVE AND FILE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD'S RESPONSE TO THE CITY'S REQUEST TO REDUCE THE MONITORING FREQUENCY TO MEET THE MACHADO LAKE TRASH TMDL.](#)

RECOMMENDATION: Receive and file.

[Rolling_Hills_Response_TMRP_FINAL.pdf](#)

- 11.B. [CALRECYCLE'S AB 939 2016-2019 JURISDICTION REVIEW UPDATE.](#)

RECOMMENDATION: Receive and File.

[2016-19 Jurisdiction Review Item G.5.pdf](#)

12. CLOSED SESSION

13. ADJOURNMENT

Next regular meeting: Monday, June 28, 2021 at 7:00 p.m. via Zoom. Zoom access:

Join Zoom Meeting

<https://us02web.zoom.us/j/87227175757?pwd=VzNES3Q2NFprRk5BRmdUSktWb0hmUT09>

Meeting ID: 872 2717 5757

Passcode: 780609

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.: 4.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JANELY SANDOVAL, CITY CLERK

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: REGULAR MEETING MINUTES OF MAY 24, 2021.

DATE: June 14, 2021

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[05.24.2021_CCM Minutes.P.docx](#)

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, MAY 24, 2021**

1. CALL TO ORDER

The City Council of the City of Rolling Hills met via Zoom Teleconference on the above date at 7:04 p.m.

Mayor Bea Dieringer presiding.

PLEDGE OF ALLEGIANCE BY MAYOR BEA DERINGER

2. ROLL CALL

Present: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch and Wilson
Absent: None.
Staff Present: Elaine Jeng, City Manager
Stephanie Grant, Code Enforcement Officer
Ashford Ball, Senior Management Analyst
Michael Jenkins, City Attorney
Terry Shea, Finance Director
Janely Sandoval, City Clerk

3. OPEN AGENDA PUBLIC COMMENT WELCOME

None.

4. CITY COUNCIL MINUTES

4A REGULAR MEETING OF MAY 10, 2021

City Manager Elaine Jeng presented meeting minute edits.

MOTION: Councilmember Pieper motioned to approve as amended and Councilmember Wilson seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Pieper, Mirsch, and Wilson
NOES: COUNCILMEMBERS: Mayor Pro Tem Black
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

5. CONSENT CALENDAR

5A PAYMENT OF BILLS

5B REPUBLIC SERVICES RECYCLING TONNAGE REPORT FOR APRIL 2021

5C NV5 FIRST CONTRACT AMENDMENT – SEPULVEDA MONITORING

MOTION: Councilmember Wilson motioned to approve the consent items and Councilmember Pieper seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch and Wilson
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

6. PRESENTATION

6A COMMEND CREST ROAD WEST GATE ATTENDANT DAVID SAEI FOR HIS ACTIONS ON APRIL 28, 2021 AND FOR HIS SERVICES TO THE COMMUNITY

Mayor Dieringer presented summary of accomplishment followed by commendation.

7. COMMISION ITEMS

7A ZONING CASE NO. 20-08: RESOLUTION NO. 2021-01 FOR DISCRETIONARY APPROVAL TO MODIFY PREVIOUSLY APPROVED ENTITLEMENTS REQUIRING SITE PLAN REVIEW FOR 1) INCREASE TO SIZE OF RESIDENCE BY 1,100 SQUARE FEET; 2) INCREASE THE AMOUNT OF GRADING BY 7,520 CUBIC YARDS; AND 3) CONDITIONAL USE PERMIT FOR A NEW CABANA EXCEEDING 200 SQUARE FEET LOCATED AT 20 UPPER BLACKWATER CANYON ROAD (LOT 101-RH), ROLLING HILLS, CA 90274 (IANNITTI).

Code Enforcement Officer Stephanie Grant provided a summary of the proposed project.

Mayor Pro Tem Black asked if he should recuse himself due to proximity of the project to his property.

City Attorney Jenkins, City Manager Jeng, and Code Enforcement Officer Grant discussed Mayor Pro Tem Black's question.

Mayor Pro Tem Black recused himself and turned off Zoom camera at 7:25 PM.

Discussion ensued among Councilmembers and Contractor David Palacios regarding the aspect of the residence having an unbalanced feng shui and needing revisions.

MOTION: Councilmember Wilson motioned to approve the proposed project and Councilmember Mirsch seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Pieper, Mirsch and Wilson

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: Mayor Pro Tem Black

Mayor Pro Tem Black joined and turned on Zoom camera at 7:29 PM.

8. PUBLIC HEARINGS

None.

9. OLD BUSINESS

9A RECEIVE AND FILE AN UPDATE TO THE DESIGN OF THE 8" SEWER MAIN ALONG PORTUGUES BEND ROAD/ROLLING HILLS ROAD; AND CONSIDER AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN TO STUDY POTENTIAL CONNECTIONS TO THE 8" SEWER MAIN FROM POTENTIAL SEWERS LINES ALONG MIDDLE RIDGE LANE AND WILLIAMSBURG LANE.

City Manager Jeng provided summary of approved project and presented amendment for new study.

Resident Jeffrey Maclean, 9 Williamsburg Lane, provided report of research findings he has accumulated regarding financial implications for residents.

Resident Fred Dellovade, 11 Middleridge Lane North, provided an option for residents interested in connecting to the main sewer line to sign a formal letter of agreement prior to moving forward with project.

Discussion ensued among Councilmembers, City Manager Jeng, and City Attorney Michael Jenkins regarding future implications for residents, future residents, and City, if overall sewer project gets approved.

Resident Alfred Visco, 15 Clinchring Road, asked if the additional sewer line connecting Middleridge and Williamsburg Lane would be paid by residents or the City.

Councilmember Pieper provided clarification that the main sewer line would be paid by the City.

MOTION: Councilmember Pieper made a motion to approve the additional \$14,500 to complete the sewer study and Councilmember Mirsch seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

9B REVIEW ASSESSMENT REPORT FROM PACIFIC ARCHITECTURE AND ENGINEERING, INC. AND CONSIDER OPTIONS TO REPLACE A NON-WORKING EMERGENCY STANDBY GENERATOR.

City Manager Jeng provided summary of questions asked regarding options to replace the emergency generator.

Discussion ensued among Councilmembers with additional questions presented to City Manager Jeng.

City Manager Jeng answered questions and explained the pros and cons of each option.

Discussion among Councilmembers and City Manager Jeng continued.

Resident Visco expressed concerns on the \$40,000 price for a 5KW battery.

Resident Jim Aichele, 14 Crest Road West, asked if the only bid for the solar option is through the presented bidder.

City Manager Jeng explained that these are options and there are additional items to discuss before implementing the design phase.

MOTION: Councilmember Pieper motioned to pursue the solar option, not as a final decision, get further information on this option, and see if it is really sustainable, and what needs to change in order to make it work and Councilmember Wilson seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Pieper, Mirsch, and Wilson

NOES: COUNCILMEMBERS: Mayor Pro Tem Black

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Additional discussion ensued among Councilmembers and City Manager Jeng regarding interim options and potential for portable generator.

MOTION: Councilmember Pieper made a second motion for City Manager Jeng to obtain further details regarding having a back-up generator, at her earliest convenience, and Mayor Pro Tem Black seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Additional discussion ensued among Councilmembers regarding proposed immediate action about removing current generator and cleaning the area for future usage.

MOTION: Councilmember Pieper made a third motion to clean out the little house, fix the fuel modes, get rid of the generator and other pieces, but keep the house and Mayor Pro Tem Black seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

9C REPORT ON MAY 19, 2021 FIRE FUEL COMMITTEE MEETING

City Manager Jeng reported on the Fire Fuel Committee meeting.

Councilmember Mirsch provided additional information and recommendations regarding the meeting discussion.

Mayor Pro Tem Black discussed options to tackle areas of concerns and questioned what the Rolling Hills Community Association will allow residents to do to address the dead vegetation.

Discussion ensued among Councilmembers and City Manager Jeng regarding grant allocation, recommendations, and what can be legally done by residents and the City.

City Manager Jeng read an email from resident Arum Bhumitra, 13 Buggy Whip Drive, to maintain tallest trees within the community trimmed.

Resident Aichele stated his concerns regarding some residents not being contacted concerning any dead vegetation within their property and the lack of proper management of such issues being addressed in a public forum.

Resident Visco stated his concerns regarding current vegetation ordinance not fully addressing what is needed for fire fuel protection.

Resident Arlene and Gene Honbo, 33 Portuguese Bend Road, provided their support for the Los Angeles County Fire Department (LACFD), and stated that the main goal is to create a solution. They support a demonstration project but not only on public land.

Mayor Dieringer and City Attorney Jenkins discussed public nuisance and potential legal implications.

Mayor Pro Tem Black discussed potential agenda items for the upcoming Fire Fuel Committee Meeting.

Councilmember Pieper discussed moving forward with current recommendations to ensure residents begin addressing dead vegetation concerns.

City Manager Jeng provided a list of potential agenda items for the next Fire Fuel Committee Meeting on Wednesday, June 2, 2021 at 6:30 PM.

MOTION: Councilmember Mirsch motioned to receive and file with note to add to the agenda for the next Fire Fuel Committee Meeting about LACFD assessing properties based on whether they present a danger and Councilmember Pieper seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

10. NEW BUSINESS

10A RECEIVE AND FILE ROLLING HILLS HARDENING THE HOME VIDEOS PRODUCED BY THE WORLD WISE PRODUCTION.

City Manager Jeng presented the first educational video from a series of videos approved by City Council.

Resident Gene Honbo provided positive feedback regarding the video outcome.

Resident Deborah Shrader, 54 Saddleback Road, expressed gratitude for City Council support and explained the need for minor edits.

MOTION: Councilmember Wilson motioned to receive and file and Councilmember Pieper seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

10B REPORT BY BUDGET/AUDIT/FINANCE COMMITTEE ON MEETING HELD ON MAY 19, 2021.

Finance Director Terry Shea provided a summary of the Budget/Audit/Finance Committee Meeting discussion and potential changes.

Mayor Dieringer asked about the longevity of current auditor contract and had questions regarding potential changes.

Discussion ensued among Councilmembers regarding complaint fee.

MOTION: Councilmember Pieper motioned to receive and file and Councilmember Wilson seconded the motion.

AYES: COUNCILMEMBERS: Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

10C CITY COUNCIL FY 21-22 BUDGET WORKSHOP

Finance Director Shea presented the budget workshop report.

Finance Director Shea discussed program funding allocation with Mayor Dieringer and Councilmember Mirsch.

Councilmember Mirsch asked if there is additional funding for events and training.

City Manager Jeng responded that estimates are included in the proposed budget. She then presented and showed the three-year CPI report that was also presented to the Committee, and will be presented for approval during the next Council Meeting on Monday, June 14 at 7 PM.

City Manager Jeng and Mayor Dieringer discussed potential adjustments.

11. MATTERS FROM THE CITY COUCIL AND MEETING ATTENDANCE REPORTS

11A CONSIDER A PENINSULA CITIES JOINT LETTER EXPRESSING CONCERNS REGARDING SPECIAL DIRECTIVE POLICIES IMPACTING PUBLIC SAFETY (MAYOR DIERINGER)

Mayor Dieringer presented the letter and abstained due to being an employee of the District Attorney's office. She requested for Mayor Pro Tem Black to handle the discussion and sign the letter if approved.

Discussion ensued among Councilmembers about the City's more active role lately and taking on more presence on legislations.

MOTION: Councilmember Mirsch motioned to have staff obtain Mayor Pro Tem Black's signature on behalf of City of Rolling Hills and Councilmember Pieper seconded the motion.

AYES: COUNCILMEMBERS: Mayor Pro Tem Black, Pieper, and Mirsch
NOES: COUNCILMEMBERS: Wilson
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: Mayor Dieringer

Mayor Dieringer abstained herself from the vote and discussion.

City Manager Jeng explained that the letter is a draft and might have some changes resulting from Peninsula Cities' further discussions about the letter.

CALIFORNIA ASSOCIATION OF LOCAL ELECTIONS FOR MATTERS CONCERNING SB 9 AND SB 10. (MAYOR DIERINGER)

Mayor Dieringer presented a summary regarding her participation with the Association and nascar letters.

Councilmember Pieper stated that the City must take into consideration what is needed to show opposition against SB 9 and SB 10.

12. MATTERS FROM STAFF

City Manager Jeng asked Mayor Pro Tem Black if he wanted more information on the cost estimates of the ADA project and agreed to email the previous and current estimates to all Councilmembers.

13. CLOSED SESSION

None.

14. ADJOURNMENT

Hearing no further business before the City Council, the meeting was adjourned at 11:11 PM.

Next regular meeting: Monday, June 14, 2021 at 7:00 p.m. via City's website's link at:
<https://www.rolling-hills.org/government/agenda/index.php>

Zoom access:
<https://us02web.zoom.us/j/87227175757?pwd=VzNES3Q2NFprRk5BRmdUSktWb0hmT9>
or dial (669) 900-9128, meeting ID: 872 2717 5757, passcode: 780609

Respectfully submitted,

Janely Sandoval
City Clerk

Approved,

Bea Dieringer
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 5.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JANELY SANDOVAL, CITY CLERK

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: PAYMENT OF BILLS.

DATE: June 14, 2021

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

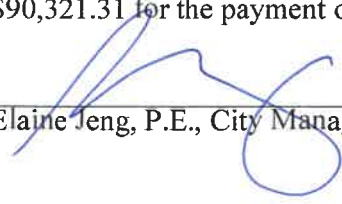
[Payment of Bills.pdf](#)

CITY OF ROLLING HILLS

6/2/21, 6/14/21 Check Run A & B

| Check No. | Check Date | Payee | Description | Amount |
|-----------|------------|---|--|---------------------|
| 27021 | 6/2/2021 | Alan Palermo Consulting | May 2021 CIP Project Management | \$ 4,480.00 |
| 27022 | 6/2/2021 | Barry J. Miller, FAICP | April & May 2021 Svcs - RH 5th Cycle Hsg Element | 1,950.00 |
| 27023 | 6/2/2021 | Bennett Landscape | May 2021 Landscaping Services | 97.37 |
| 27024 | 6/2/2021 | California Water Service Co. | Water Usage 4/24/21 to 5/21/21 | 992.38 |
| 27025 | 6/2/2021 | Chandler's Air Conditioning & Refrigeration | A/C Repair Services | 341.37 |
| 27026 | 6/2/2021 | Edwards Termite and Pest Control | May 2021 Pest Control | 320.00 |
| 27027 | 6/2/2021 | Executive Suite Services Inc. | April & May 2021 Janitorial Services | 3,060.00 |
| 27028 | 6/2/2021 | First Call Staffing Inc. | Week Ending 5/23/21 - H Overturf | 1,251.11 |
| 27029 | 6/2/2021 | IWorQ | IWorq Internet Software Management and Support | 4,000.00 |
| 27030 | 6/2/2021 | McGowan Consulting | April 2021- Stormwater Consulting Services | 4,056.80 |
| 27031 | 6/2/2021 | Pacific Architecture and Engineering, Inc. | May 2021 Architectural Services | 5,500.00 |
| 27032 | 6/2/2021 | Pitney Bowes Global Financial | Postage Machine Lease Payment | 712.56 |
| 27033 | 6/2/2021 | Pitney Bowes | May 2021 Postage | 1,005.00 |
| 27034 | 6/2/2021 | Race Communications | Internet Services | 1,020.00 |
| 27035 | 6/2/2021 | South Bay Cities Council of Governments | CORH Membership Dues - FY 2021-2022 | 7,208.00 |
| 27036 | 6/2/2021 | Stephens Plumbing Heating & Air | A/C Repair Services | 1,490.62 |
| 27037 | 6/2/2021 | Vantagepoint Transfer Agents - 306580 | Deferred Compensation 6/4/21 | 691.45 |
| 27038 | 06/14/21 | Bennett Landscape | Landscape Services - 4/28/21 & 5/7/21 | 321.53 |
| 27039 | 06/14/21 | Daily Breeze | May 2021 Advertising | 1,981.02 |
| 27040 | 06/14/21 | Forum Infor-Tech | June 2021 Cloud Housing | 3,805.12 |
| 27041 | 06/14/21 | Municipal Code Corporation | Administrative Support Fee- 6/1/21 to 5/31/22 | 225.00 |
| 27042 | 06/14/21 | NV 5, Inc | March and April 2021 Services- Sewer | 12,075.00 |
| ACH | 06/01/21 | Southern California Edison | Electricity Usage 4/19/21 to 5/17/21 | 258.66 |
| ACH | 06/01/21 | Southern California Edison | Electricity Usage 4/23/21 to 5/23/21 | 762.29 |
| ACH | 06/02/21 | CalPERS | Unfunded for Plan - 26539 June 2020 Installment | 4,091.26 |
| ACH | 06/02/21 | CalPERS | May 2021 Retirement | 5,668.58 |
| * PR Link | 06/04/21 | PR LINK - Payroll & PR Taxes | Payroll Processing Fee | 53.70 |
| * PR Link | 06/04/21 | PR LINK - Payroll & PR Taxes | Pay Period - May 19, 2021 - June 1, 2021 | 22,902.49 |
| | | | | <u>\$ 90,321.31</u> |
| | | | | \$ 67,365.12 |

I, Elaine Jeng, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of \$90,321.31 for the payment of above items.


 Elaine Jeng, P.E., City Manager

06/08/2021



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 5.B

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: RECEIVE AND FILE A REQUEST FOR PROPOSAL TO PROVIDE ENVIRONMENTAL ASSESSMENT FOR THE VEGETATION MANAGEMENT IN THE CANYONS GRANT PROJECT.

DATE: June 14, 2021

BACKGROUND:

The City was awarded funds for Phase 1 of the Vegetation Management in the Canyons project for design development to determine the project locations and mitigation methods within the City. Phase 1 of the project also includes CEQA assessment, and legal services. The City must meet the grant requirements by **completing the tasks for Phase 1 by November 16, 2021**. FEMA/Cal OES will consider releasing additional grant funds for Phase 2 implementation based on satisfactory work on completing Phase 1.

The Los Angeles County Fire Department (Fire Department) serves the City of Rolling Hills. The department assessed that focusing fuel reduction within Rolling Hills, in the area adjacent to the fuel reduction work in the Nature Preserve, previously commissioned by the City Council, will continue to break up the fuel continuity, further reducing fire spread and extreme fire behavior. In March 2021, Cal OES approved the Fire Department's recommendations for mitigation measures and project locations. The next component of the project is to conduct an environmental analysis of the project to meet the requirements of the grant.

DISCUSSION:

City staff prepared a Request for Proposal for services from qualified companies that have experience in conducting environmental assessments to meet applicable Federal, State and local laws and regulations for vegetative management projects. Proposals are due no later than 5pm on July 1, 2021.

FISCAL IMPACT:

Phase 1 of the grant provides \$242,625 with a required City match of \$80,875 for a total of \$323,500. The City Council accepted the grant in November 2020 committing General Fund for the City match. The Los Angeles County Fire Department provided expertise free of charge to the City in identifying

the project locations and the mitigation measures to satisfy several components of Phase 1. Consulting with Cal OES, the City can also submit records of the time spent by the Los Angeles County Fire Department on the project to offset General Fund for the City match. To date, there has been zero cash expenditures on the project.

During the 2021 budget workshop, staff recommended that the City Council program Phase 1 of the project into the Capital Improvement Plan for FY 2021-2022.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[VegetationManagementGrant_EnvironmentalAssessment_RFP.pdf](#)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND
ROAD ROLLING HILLS, CA
90274
(310) 377-1521
FAX (310) 377-7288

REQUEST FOR PROPOSALS

ENVIRONMENTAL ASSESSMENT/CLEARANCE CITY OF ROLLING HILLS VEGETATIVE MANAGEMENT MITIGATION PROJECT

PROPOSALS DUE 5 PM, JULY 1, 2021

BACKGROUND

The City of Rolling Hills is requesting proposals from qualified firms to provide professional services to satisfy the environmental requirements for the Vegetative Management Mitigation Project funded by the Federal Hazard Mitigation Grant Program (HMGP).

The City of Rolling Hills is located in a Very High Fire Hazard Severity Zone designated by Cal Fire and considered at-risk for wildfire events. The City has historically been subject to fires/wildfires threatening loss of life and property. The City applied for funding through the HMPG to create defensible space/fuel breaks to protect homeowners from wildfires within the City.

The City was awarded funds for Phase 1 of the project for design development to determine the project locations and methods within the City. Phase 1 of the project also includes CEQA assessment, and legal services. The City must meet the grant requirements by completing the tasks for Phase 1 by November 16, 2021. FEMA/Cal OES will consider releasing additional grant funds for Phase 2 for implementation based on satisfactory work on completing Phase 1.

The Los Angeles County Fire Department (Fire Department) serves the City of Rolling Hills. To determine the project locations, the Fire Department assisted the City by assessing the canyons and ranking the fire danger threat to the community of Rolling Hills based on topography, fuel load, local weather pattern and fire history. The Nature Preserve is located just outside of the southwest City limits but have canyons that span across both jurisdictions. These canyons are subject to the southwest winds and the Fire Department ranked them as the highest priority for fuel reduction. The Fire Department recommended focusing the grant funds on fuel reduction on the south side of the city, immediately adjacent to the Nature Preserve. In 2019, 2020 and 2021, the City commissioned fuel reduction work within the Nature Preserve (outside of City limits) through the Palos Verdes Peninsula Land Conservancy. The Fire Department noted that focusing fuel reduction within Rolling Hills, in the area adjacent to the fuel reduction work in the Nature Preserve would continue to break up the fuel continuity, further reducing fire spread and extreme fire behavior.

SECTION 1

Description / Purpose

The Fire Department recommended that the City apply the grant funds for fire fuel reduction at the following areas:

1. Paint Brush Canyon: The area below Running Brand Road and along the Paintbrush Canyon Creek.
2. Portuguese Canyon: The area south of Crest Road near Fire Station 56 and end of Quail Ridge Road.
3. Klondike Canyon: The area between Southfield Drive and Portuguese Bend Road and the area at the end of Packsaddle Road West.
4. Forrestal Canyon: The area at the end of Packsaddle Road East and end of Ringbit Road East and the area at the end of Spur Road to the end of Crest Road East.

The City submitted the Fire Department's recommendation scope of work and locations of work to Cal OES for review and approval. In March 2021, Cal OES approved the Fire Department's recommendations. The next component of the project is to conduct an environmental analysis of the project scope to meet the requirements of the grant. Grant requirements are included in documents listed below:

- Attachment 1 to the Request for Proposal is the City's grant application (Hazard Mitigation Grant Program Project Subapplication).
- Attachment 2 is the grant award letter from FEMA dated November 16, 2020.
- Attachment 3 is the Fire Department's recommended scope of work for the project.
- Attachment 4 is the parcel information for work areas for the Paint Brush Canyon and the Portuguese Canyon.

Proposers shall review the documents and determine the grant requirements to satisfy the environmental component of the project. Proposers shall provide the City with their approaches to the project including a roster of experienced personnel to work within a schedule that will meet the grant deadline.

SECTION 2

SCOPE OF SERVICES

The City is requesting proposals from qualified companies that have experience in conducting environmental assessments to meet applicable Federal, State and local laws and regulations for vegetative management projects.

Task 1 Information Gathering and determine grant requirements

- Review relevant documents
- Confer and correspond with City staff, Cal OES and FEMA as necessary
- Deliverable: memorandum on final environmental scope to satisfy grant requirements

Task 2 Conduct environmental assessments and prepare necessary documents to secure clearance for project implementation

- Conduct site visits as necessary and coordinate with City staff, property owners, and Rolling Hills Community Association for access
- Coordinate and correspond with other regulatory agencies and other organizations as necessary
- Conduct meetings with City staff as necessary
- Deliverable: Environmental clearance documents to be submitted to Cal OES and FEMA

Task 3 Stakeholder meetings

- Attend 2 community meetings
- Attend 2 City Council meetings
- Deliverable: meeting minutes

Task 4 Provide technical support during Cal OES and FEMA's review of the environmental documents

- Respond to Request for Information
- Respond to review comments from Cal OES and FEMA
- Deliverable: Any response material generated by consultant

SECTION 3

PROPOSAL REQUIREMENTS

1. Understanding of the Scope of Work:
Firms shall provide a narrative to the approach to complete the Scope of Work efficiently and economically.
2. Organization, Credentials and Experience:
Provide a summary of the Firm's qualifications, credentials, and related past experience. Describe the firm, including the personnel who will be assigned to the contract. Provide a list of three of the firm's projects within the last five years of similar scope and content.
3. Fees:
Under separate cover, provide a rate proposal for the scope of work. The cost proposal shall be identified for each task. The proposed cost budget shall present the labor rates and proposed labor hours of proposed staff for each work task described in the consultant's proposal, as well as other direct costs.
4. Additional Information:
Firms are to review the sample Professional Services Agreement (Attachment 5) and provide comments and or questions as a part of the firm's proposal. See Section 6 of this RFP.

SECTION 4

PROPOSAL PROCEDURE

All proposals are due no later than 5pm on July 1, 2021. The City reserves the right to extend the deadline. The City will respond to request for clarification in written RFP addendum(s) as needed. All inquiries for clarification shall submitted in writing via email to the Senior Management Analyst by 12pm on June 24, 2021. The City will post any addendums to the RFP to the City's website. Consultants planning to submit a proposal are required to refer to the website to verify that they have received all addendums issued for this RFP.

Proposals shall be emailed to the Senior Management Analyst.

Ashford Ball
Senior Management Analyst
aball@cityofrh.net
310 377-1521

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the agreement between the City of Rolling Hills and the firm selected. The City of Rolling Hills reserves the right without prejudice to reject any or all proposals. No reimbursement will be made by the City for costs incurred in the preparation of the response to this Request for Proposal. Submitted materials will not be returned and become the property of the City of Rolling Hills.

SECTION 5

SELECTION CRITERIA

Proposals will be selected based on sound approach to meeting the scope of work, the ability to demonstrate efficiency use of resources, the relevant experience of proposed personnel, and dedication of personnel to complete the project within the specified timeframe. Firms may be asked to participate in an interview with the City. If necessary, interviews are tentatively scheduled for the week of July 5, 2021.

SECTION 6

ATTACHMENTS

- Attachment 1 City of Rolling Hills HMGP Project Subapplication
- Attachment 2 City of Rolling Hills grant award letter from FEMA dated November 16, 2020
- Attachment 3 Los Angeles County Fire Department recommended vegetation management mitigation and locations
- Attachment 4 Parcel information for work areas for the Paint Brush Canyon and the Portuguese Canyon
- Attachment 5 Sample Professional Services Agreement

ATTACHMENT 1

City of Rolling Hills HMGP Project Subapplication

HAZARD MITIGATION GRANT PROGRAM PROJECT SUBAPPLICATION

DISASTER NUMBER:

DR-4382

JURISDICTION NAME:

City of Rolling Hills

PROJECT TITLE:

Vegetative Management/Fuel
Break/Erosion Control

PROJECT NUMBER:

0175

PROJECT NUMBER IS THE CONTROL NUMBER RECEIVED AT TIME OF SUCCESSFUL NOI SUBMITTAL



Cal OES

**GOVERNOR'S OFFICE
OF EMERGENCY SERVICES**

HAZARD MITIGATION GRANT PROGRAM (HMGP)

INTRODUCTION

INTRODUCTION

As a result of the declaration of a major federal disaster, the State of California is eligible for HMGP funding. The State has established priorities to accept project subapplications from subapplicants state-wide, state agencies, tribal governments, local governments, and Private Non-Profits.

Hazard mitigation activities are aimed at reducing or eliminating future damages. Activities include cost effective hazard mitigation projects and hazard mitigation plans approvable by the Federal Emergency Management Agency (FEMA).

HMGP is successful in meeting the FEMA requirements to qualify as an Enhanced State Hazard Mitigation Plan (ESHMP) state. ESHMP accreditation has resulted in additional millions of dollars available for local agencies' hazard mitigation plan and project funding. In order to maintain ESHMP status, further information is requested by FEMA. This information is requested as a means of assessing the pro-activity of your community or agency.

PUBLIC ASSISTANCE

HMGP does not fund repairs for damages that result after a disaster. If your project is aimed at repairing a damaged facility resulting from a federally declared disaster, contact the Public Assistance (PA) Program at disasterrecovery@caloes.ca.gov.

TIME EXTENSIONS

Time extensions may be requested, and will be approved or denied on a case-by-case basis. To request additional time to submit a subapplication, send an email to the HMA@caloes.ca.gov mailbox. The subject line must include: "Subapplication Time Extension Request (include Disaster Number and Project Control Number)". The body of the message must include justification and specific details supporting why more time is needed and how much additional time is requested.

QUESTIONS

Submit all HMGP subapplication questions to the following mailbox: HMA@caloes.ca.gov

HAZARD MITIGATION GRANT PROGRAM REGULATIONS

REGULATIONS

Federal funding is provided under the authority of the [Robert T. Stafford Emergency Assistance and Disaster Relief Act \(Stafford Act\)](#) through FEMA and the California Governor's Office of Emergency Services (Cal OES). Cal OES is responsible for identifying program priorities, reviewing subapplications and forwarding recommendations for funding to FEMA. FEMA has final approval for activity eligibility and funding.

The federal regulations governing HMGP are found in Title 44 of the Code of Federal Regulations (44CFR), Part 201 (Planning) and Part 206 (Projects) and in Title 2 of the Code of Federal Regulations (2CFR), Part 200 (Uniform Administrative Requirements).

The Council on Environmental Quality (CEQ) has developed regulations to implement the National Environmental Policy Act (NEPA). These regulations, as set forth in Title 40, Code of the Federal Regulations (CFR) Parts 1500-1508, require an investigation of the potential environmental impacts of a proposed federal action, and an evaluation of alternatives as part of the environmental assessment process. The FEMA regulations that establish the agency-specific process for implementing NEPA are set forth in 44 CFR Part 10. FEMA will lead the NEPA clearance process.

The subapplicant is responsible for complying with the regulations set forth in the California Environmental Quality Act (CEQA) (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387) and any other state/local permits or requirements.

FEMA GUIDANCE

FEMA requires that all projects adhere to the [Hazard Mitigation Assistance Unified Guidance 2015](#).

HAZARD MITIGATION GRANT PROGRAM ELIGIBILITY CHECKLIST

Before completing the subapplication, review the following HMGP eligibility checklist to ensure project meets the requirements for HMGP funding.

- ☒ **Construction/Ground Breaking:** No construction or ground breaking activities are allowed prior to FEMA approval. HMGP does not fund projects that are in progress or projects that have already been completed.
- ☒ **Approved Notice of Interest:** Subapplicant must have an approved Notice of Interest (NOI) to submit a subapplication for HMGP funding. Only activities approved through the NOI process can be submitted for HMGP funding consideration.
- ☒ **Scope of Work:** The project scope of work (SOW) must be consistent with the SOW provided in the approved Notice of Interest (NOI).
- ☒ **Benefit Cost Analysis:** Benefit Cost Analysis (BCA) Toolkit Version 5.3.0 must be used to conduct the BCA. FEMA will only consider subapplications that use a FEMA-approved BCA methodology. Documentation to support BCA must be included in subapplication. Projects with a benefit cost ratio (BCR) of less than 1.0 will not be considered. BCA will be verified by FEMA and Cal OES upon subapplication submittal. 5% Initiative Projects do not need a BCA.
- ☒ **Subapplicant Eligibility:** Subapplicant must be an eligible State Agency, Local Government (City, County, Special Districts), Federally Recognized Tribe or Private Nonprofit (PNP) Organization. PNP is defined as private nonprofit educational, utility, emergency, medical, or custodial care facility, facilities providing essential governmental services to the general public and such facilities on Indian reservations (see 44 CFR Sections 206.221(e) and 206.434(a)(2)).
- ☒ **LHMP/MJHMP:** Subapplicant must have a FEMA approved and adopted Local or Multi Jurisdictional Hazard Mitigation Plan (LHMP or MJHMP) to be eligible for HMGP funding. If a jurisdiction has its own governing body, jurisdiction must be covered under its own plan. LHMP's/MJHMP's expire five years after FEMA approval. Failure to update plan before expiration date may cause project deobligation.
- ☒ **Cost Share:** Local funding match of 25% of the total project cost is required by the subapplicant. HMGP matching funds must be from a non-federal source. State does not contribute to local funding match.
- ☒ **Period of Performance:** Projects must be completed (including close-out) within the 36 month Period of Performance (POP). POP begins upon FEMA approval of the subapplication.

HAZARD MITIGATION GRANT PROGRAM ELIGIBILITY CHECKLIST (continued)

- ☒ **Complete Subapplication:** Failure to include all required documentation will delay the processing of your subapplication and may result in denial of project. The SOW, cost estimate, cost estimate narrative, work schedule and BCA must accurately mirror each other to be considered for funding. The budget narrative must include a detailed description of every cost estimate line-item, including the methodology used to estimate each cost.
- ☒ **Regulations:** Subapplications that are inconsistent with state and federal HMGP regulations, or do not meet eligibility criteria will not be considered.
- ☒ **Duplication of Programs:** HMGP funding cannot be used as a substitute or replacement to fund activities or programs that are available under other federal authorities, known as Duplication of Programs (DOP).
- ☒ **Time Extensions:** Unless a time extension has been approved before the deadline, subapplications must be postmarked by the applicable deadline to be considered for funding.
- ☒ **CEQA Requirement:** The subapplicant is responsible for complying with the regulations set forth in the California Environmental Quality Act (CEQA) (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). Environmental data is required for project. Environmental review is typically the most time consuming aspect of project funding approval.



SUBAPPLICANT MUST BE ABLE TO CHECK EVERY BOX TO QUALIFY FOR HMGP FUNDING.

SUBAPPLICATION FORMAT INSTRUCTIONS

Cal OES requires the following format to be used for all HMGP subapplications. Two complete subapplications must be submitted to Cal OES. Each subapplication must be in separate binders. The first copy is logged and retained for Cal OES records. The second copy will be forwarded to FEMA for review and final determination.

COMPLETE SUBAPPLICATION PACKAGE CONSISTS OF THE FOLLOWING:

- ☒ **TWO** identical printed subapplications must be provided in 3-ring binders
 - Each binder section must be tabbed in the format outlined below
 - Each binder must be large enough to hold all of the contents
 - The use of additional binders is permitted as needed
 - All printed attachments must be clearly titled
- ☒ **TWO** identical CD-RWs must include functional electronic versions of all documents/attachments
 - Attachments must be in one of the following formats: Microsoft Word Version 2007 (or newer), Microsoft Excel or Adobe PDF
 - Benefit Cost Analysis (BCA) 5.3.0 must be included in a .zip file format
 - All electronic attachments must be clearly titled

ORGANIZATION OF THE BINDER SECTIONS MUST BE TABBED IN THE FOLLOWING FORMAT:

0. Table of Contents
1. Subapplication
2. Scope of Work
3. Designs
4. Studies
5. Maps
6. Photos
7. Schedule (Additional documentation work schedule components, Gantt chart, etc.)
8. Cost Estimate ([HMGP Cost Estimate Spreadsheet](#) and cost estimate narrative)
9. Match ([Local Match Commitment Letter Template](#))
10. BCA Report ([BCA Version 5.3.0](#) report and BCA supporting documentation)
11. Maintenance ([Project Maintenance Letter Template](#))
12. Environmental ([FEMA's Site Information, Environmental Review and Checklist](#) and all other environmental documentation)
13. Authorization ([Agent Resolution Form](#) and [Subrecipient Grants Management Assessment Form](#))
14. Supporting Docs (Any additional supporting documentation)

MAIL OR DELIVER COMPLETED SUBAPPLICATIONS TO:

California Governor's Office of Emergency Services
Hazard Mitigation Grants Program Unit
Attention: HMGP
3650 Schriever Avenue
Mather, CA 95655

PROJECT SUBAPPLICATION FORM

SUBAPPLICANT INFORMATION

| | | | | | | |
|---|------------------------------------|--|---|---|---|----------|
| 1. | SUBAPPLICANT: | City of Rolling Hills | | | | |
| <small>NAME OF STATE AGENCY, TRIBAL GOVERNMENT, LOCAL GOVERNMENT, PRIVATE NON-PROFIT OR SPECIAL DISTRICT APPLYING FOR FUNDING</small> | | | | | | |
| 2. | TYPE: | STATE/LOCAL GOVERNMENT <input checked="" type="checkbox"/> | TRIBAL GOVERNMENT <input type="checkbox"/> | PRIVATE NON-PROFIT <input type="checkbox"/> | SPECIAL DISTRICT <input type="checkbox"/> | |
| 3. | FIPS #: | 06037 | <small>IF YOU DO NOT KNOW YOUR FEDERAL IDENTIFICATION PROCESSING SYSTEM NUMBER (FIPS #), REQUEST BY EMAILING THE HMA@CALOES.CA.GOV MAILBOX</small> | | | |
| 4. | DUNS #: | 018945170 | <small>IF YOU DO NOT KNOW YOUR DATA UNIVERSAL NUMBERING SYSTEM (DUNS) #, CALL DUN & BRADSTREET (D&B) @ 1-866-705-5711 FOR INFORMATION</small> | | | |
| 5. | COUNTY: | Los Angeles | | | <small>THE NAME OF THE COUNTY WHERE THE PROPOSED PROJECT IS LOCATED</small> | |
| 6. | POLITICAL DISTRICT NUMBERS: | CONGRESSIONAL: | 33 | <small>PROVIDE ONLY THE NUMBERS OF THE POLITICAL DISTRICTS FOR THE SUBAPPLICANT</small> | | |
| | | STATE ASSEMBLY: | 66 | | | |
| | | STATE LEGISLATIVE: | 26 | | | |
| 7. | PRIMARY CONTACT: | <small>POINT OF CONTACT FOR YOUR PROJECT. CAL OES WILL CONTACT THIS PERSON FOR QUESTIONS AND/OR REQUESTS FOR INFORMATION</small> | | | | |
| | NAME: | <input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms. | FIRST: | Yolanta | LAST: | Schwartz |
| | TITLE: | Planning Director | | | | |
| | ORGANIZATION: | City of Rolling Hills | | | | |
| | ADDRESS: | 2 Portuguese Bend Road | | | | |
| | CITY: | Rolling Hills | STATE: | CA | ZIP CODE: | 90274 |
| | TELEPHONE: | 310-377-1521 | FAX: | 310-377-7880 | | |
| | EMAIL: | ys@cityofrh.net | | | | |
| 8. | ALTERNATIVE CONTACT: | <small>BACK-UP POINT OF CONTACT FOR YOUR PROJECT. CAL OES WILL CONTACT THIS PERSON IF PRIMARY CONTACT IS UNAVAILABLE</small> | | | | |
| | NAME: | <input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms. | FIRST: | Julia | LAST: | Stewart |
| | TITLE: | Senior Planner | | | | |
| | ORGANIZATION: | City of Rolling Hills | | | | |
| | ADDRESS: | 2 Portuguese Bend Road | | | | |
| | CITY: | Rolling Hills | STATE: | CA | ZIP CODE: | 90274 |
| | TELEPHONE: | 310-377-1521 | FAX: | 310-377-7880 | | |
| | EMAIL: | jstewart@cityofrh.net | | | | |

LOCAL HAZARD MITIGATION PLAN INFORMATION

9. LOCAL HAZARD MITIGATION PLAN (LHMP) REQUIREMENT:

- i** A FEMA approved and locally adopted LHMP is required to receive federal funding for all project subapplication activities. Subapplicants for HMGP funding must have a FEMA-approved Mitigation Plan in place at the time of sub-award. Subapplication will be reviewed to ensure that the proposed activity is in conformance with subapplicant's plan.

A. NAME/TITLE OF YOUR LHMP: Vegetative Management, Fuel Break, Erosion Control

**B. LOCAL SINGLE JURISDICTIONAL
MULTIHAZARD MITIGATION PLAN:**

DATE SUBMITTED TO CAL OES: 2/11/19
DATE APPROVED BY FEMA: 3/12/19
DATE ADOPTED BY LOCAL AGENCY: 12/29/18

OR

**LOCAL MULTI JURISDICTIONAL
MULTIHAZARD MITIGATION PLAN:**

DATE SUBMITTED TO CAL OES:
DATE APPROVED BY FEMA:
DATE ADOPTED BY LOCAL AGENCY:
LEAD AGENCY:

C. IF YOUR PROJECT IS REFERENCED IN YOUR LHMP, INDICATE WHERE THE PROPOSED PROJECT CAN BE FOUND; USE N/A FOR NOT APPLICABLE BOXES:

| CHAPTER | PART | SECTION | PAGE |
|---------|------|---------|------|
| n/a | n/a | 8 | 133 |



DO NOT INCLUDE A COPY OF YOUR PLAN WITH SUBAPPLICATION.

D. PROVIDE A SHORT NARRATIVE DETAILING HOW YOUR PROJECT ALIGNS WITH THE RISK AND HAZARD ASSESSMENTS, STRATEGIES, GOALS AND/OR OBJECTIVES OF YOUR PLAN:

The City of Rolling Hills is designated as a Very High Fire Hazard Severity Zone (VHFHSZ) by the Los Angeles County Fire Department (see Maps Section) and considered at-risk. The City has historically been subject to fires/wildfires threatening loss of life and property.

The City abuts more than three (3) miles of wildland-urban interface (WUI), where undeveloped wildland and vegetative fuels meet homeowners' properties, both in the nature reserve and the steep-slope canyons that run through the incorporated land. According to the Society of American Foresters, the WUI zones have the most "tremendous risks to life, property, and infrastructure...and is one of the most dangerous and complicated situations firefighters face."

The City recognizes the severity of its vulnerability to fire and has developed a number of community fire mitigation tactics and included them in the latest Hazard Mitigation Plan, such as:

- policies that require property owners to create a defensible space around their home;
- fire-safe roofing requirements;
- City-wide smoking ban;
- educational information on the City's website; and
- monthly electronic newsletter (both posted to the City's website and via mail) keeping all residents updated on fire hazards and mitigation guidelines.

After reviewing the area's fire history and patterns, including adjoining cities and unincorporated county areas, the City realized that in addition to the identified community fire mitigation tactics; vegetation management, fuel breaks, and associated erosion control needed to be addressed on the south facing city border along the WUI. Historically, these areas have experienced the worst impact from wildfires, especially when combined with Santa Ana wind conditions. Several steep slope canyons also run from the WUI into the City creating a stronger threat of wildfire reaching the population, potentially taking out utilities, and limiting emergency vehicle access/egress.

COMMUNITY INFORMATION

10. COMMUNITY PARTICIPATION:

A. CHECK BOX(ES) IF YOUR COMMUNITY PARTICIPATES IN ANY OF THE FACTORS BELOW:

Select a column appropriate to your type of project. Acronyms include: Community Wildfire Protection Plan (CWPP), California Environmental Quality Act (CEQA), Community Rating System (CRS) Plan and Unreinforced Masonry (URM) Participation.

| FIRE |
|---|
| <input type="checkbox"/> CWPP, FIRE WIRE, FIRE SAFE |
| <input type="checkbox"/> CURRENT CEQA ACTIVITY |
| <input type="checkbox"/> DEFENSIBLE SPACE |

| FLOOD |
|--|
| <input type="checkbox"/> CRS PLAN |
| <input type="checkbox"/> CURRENT CEQA ACTIVITY |
| <input type="checkbox"/> HYDROLOGY STUDY |

| EARTHQUAKE |
|---|
| <input type="checkbox"/> SHAKEOUT DRILL PARTICIPATION |
| <input type="checkbox"/> CURRENT CEQA ACTIVITY |
| <input type="checkbox"/> URM PARTICIPATION |

B. PROVIDE A NARRATIVE DESCRIPTION OF ALL OF FACTORS SELECTED FROM LIST ABOVE:

n/a

C. IS YOUR JURISDICTION REQUIRED TO PROVIDE PUBLIC NOTICE OF THIS PROJECT?

☐ Yes ☒ No

If yes, provide details:

PROJECT INFORMATION

11. PROJECT TITLE:

Vegetative Management, Fuel Break, Erosion Control

MUST USE THE SAME PROJECT TITLE ORIGINALLY USED IN THE APPROVED NOTICE OF INTEREST (NOI). IF YOU NEED TO CHANGE YOUR PROJECT TITLE, CONTACT CAL OES AT HMA@CALOES.CA.GOV

12. PROJECT LOCATION:

A. IDENTIFY THE COUNTY/COUNTIES WHERE THE ACTIVITY WILL OCCUR:

Los Angeles County

B. LATITUDE/LONGITUDE COORDINATES:

FEMA requires that all projects be geo-coded using latitude and longitude (lat/long) using NAD-83 or WGS-84 datum. The lat/long coordinates must be expressed in degrees including five or more decimal places (e.g., latitude 36.999221, longitude -109.044883).

| LATITUDE |
|-----------|
| 33.757238 |

| LONGITUDE |
|-------------|
| -118.354605 |



IF THERE ARE MORE THAN ONE SET OF LAT/LONG COORDINATES, PROVIDE ON SEPARATE DOCUMENT AND ADD TO MAP SECTION OF BINDER.

C. STRUCTURE COORDINATES:

- For projects that protect buildings or other facilities, provide coordinates for each structure at either the front door of the structure or the intersection of the public road and driveway that is used to access the property.
- For large activity areas, such as detention basins or vegetation management projects, the location must be described by three or more coordinates that identify the boundaries of the project.
- The polygon created by connecting the coordinates must encompass the entire project area.

Two Fire Break sites have been identified for this project. Below is a brief description of each Fire Break site:

Site 1) Address: 12 Crest Road W, Rolling Hills, CA 90274
Coordinates: 33.757238, -118.354605
The length of this Fire Break will be 323'.

Site 2) Address: 52 Portuguese Bend Road, Rolling Hills, CA 90274
Coordinates: 33.753134, -118.350414
The length of this Fire Break will be 682'.

D. STAGING AREA:

Describe the project staging area. This is the area where the project equipment, materials and/or debris will be staged. Include a vicinity map with the proposed staging area(s) in the map section of the binder.

For this project, two fire breaks have been identified. Site 1 has approximately 323 feet in length for a fire break along Crest Road. Site 2 has 682 feet in length for a fire break along Portuguese Bend Road. Each fire break is adjacent to multiple properties which would greatly impact the surrounding area.



AERIAL MAP(S) OF STAGING AREA(S) MUST BE INCLUDED IN SUBAPPLICATION.

E. SEA LEVEL RISE (SLR):

1. Is the risk to the project increased by SLR due to project location and project activity type? Yes ☐ No ☒
2. Was SLR considered and included in the mitigation measures implemented in this project? Yes ☐ No ☒

F. SITE PHOTOS:

- ☒ A minimum of three ground photos per project site are required. Include in photo section of the binder.

G. MAPPING REQUIREMENTS:

Provide the following mapping elements in the map section of the binder:

- ☐ If project area has been mapped using GIS software, include the completed Shapefiles on CD-RW.
- ☒ Include a vicinity map of the general area showing major roads. Aerial photographs

may be used as vicinity maps.

- ☒ Prominently mark the project location on the vicinity map.
- ☒ Provide a detailed project map that clearly identifies the project boundaries.
- ☒ Project map must show all lat/long coordinates provided in the project description.
- ☒ Vicinity map and the project map must both have a north arrow and scale.

i DO NOT SEND ROLLED MAPS – MAPS MUST BE FOLDED UNTIL 8.5" x 11" IN SIZE.

H. PUBLIC ASSISTANCE (PA) PROGRAM FUNDING:

List any Public Assistance Disaster Survey Reports (DSR) or Project Worksheets (PWs) that were completed at the project location from previous disasters. List all current engagement with PA for this current disaster and include date(s) if known:

N/A

I. DEED RESTRICTIONS THAT LIMIT FEDERAL FUNDING:

Is there a deed restriction or permanent conservation easement on the property at the project site that would prohibit federal disaster funding (e.g., a previously FEMA funded acquisition of a structure on this property)? If yes, describe in detail.

No

13. PROJECT DESCRIPTION:

A. APPLICATION TYPE:

☒ Project ☐ 5% Activity

5% activities are defined as mitigation actions that are consistent with your local hazard mitigation plan and meet all HMGP requirements, but may be difficult to conduct a standard BCA to prove cost-effectiveness. Examples: early earthquake warning system, back-up generators for critical facilities, public awareness campaign, mitigation specific community outreach activities.

B. PROJECT TYPE:

Select at least one project type; select as many as needed to accurately describe project.

| <input type="checkbox"/> EARTHQUAKE | <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> FLOOD | <input type="checkbox"/> OTHER |
|--|--|---|---|
| <input type="checkbox"/> CODE ENFORCEMENT | <input checked="" type="checkbox"/> DEFENSIBLE SPACE | <input type="checkbox"/> ACQUISITION | <input type="checkbox"/> CRITICAL FACILITY GENERATOR(S) |
| <input type="checkbox"/> NON-STRUCTURAL | <input type="checkbox"/> FIRE RESISTANT BUILDING MATERIALS | <input type="checkbox"/> DRY FLOOD PROOFING | <input type="checkbox"/> DROUGHT <input type="checkbox"/> TSUNAMI |
| <input type="checkbox"/> STRUCTURAL | <input checked="" type="checkbox"/> FIRE VEGETATION MANAGEMENT | <input type="checkbox"/> FLOOD CONTROL | <input type="checkbox"/> WIND |
| <input type="checkbox"/> NON-STRUCTURAL & STRUCTURAL | <input type="checkbox"/> SOIL STABILIZATION | <input type="checkbox"/> ELEVATION | <input type="checkbox"/> OTHER: <input type="text"/> |
| <input type="checkbox"/> CLIMATE RESILIENCY MITIGATION ACTION (CRMA): Projects that mitigate risk through restoration of the natural environment | | | |

C. DESCRIBE PROBLEM/HAZARDS/RISKS:

Describe the problem this project is attempting to solve and the expected outcome. Describe the hazards and risks to life, safety and any improvements to property in the project area for at least the last 25 years. Describe in detail how the project reduces hazard effects and risks.

As previously mentioned, the City of Rolling Hills is designated as a Very High Fire Hazard

Severity Zone by the Los Angeles County Fire Department. The area is extremely vulnerable to fire from the wildland-urban interface (WUI) at the Portuguese Bend Reserve, overhead utility lines, and steep canyons filled with chaparral and scrub. In addition, the City abuts more than three (3) miles of WUI, where the undeveloped wildland and vegetative fuels meet homeowners' properties, both in the nature reserve and the steep-slope canyons that run through the incorporated land.

According to the 1990 General Plan- Safety Element concerning the fire hazard facing the City of Rolling Hills, the plan states, "The City of Rolling Hills is vulnerable to small wildland fire hazards. Brush fires pose the primary threat, especially where residential development lies above chaparral filled canyons. The fuel in the canyons, if ignited, could threaten residences upslope with wind-carried cinders and direct ignition from uncontrolled fires. In the early 1970s serious fires occurred which destroyed homes in the area, illustrating the potential for extensive damage."

There is also a presence of the coastal sage plant community in the canyon areas and has historically shown a high susceptibility to brush fires in Los Angeles County. Although fire frequency tends to be highest in grassy areas, coastal sage in the canyons and hillslope areas of the City present the greatest danger of high intensity fires. Fire danger in the City of Rolling Hills is most critical during the late summer and fall months. Fire danger is also susceptible when Santa Ana weather conditions prevail.

This project will provide vegetative management, two fuel breaks, and erosion control at the City's most fire-vulnerable interface for a cost of approximately \$975,144 (\$731,358 Federal and \$243,786 local match) which includes design, engineering, project management and submission costs. The City will use general funds for the local match requirement.

D. DESCRIBE RECENT EVENTS THAT INFLUENCED THE SELECTION OF THIS PROJECT:

Describe recent events (e.g. changes in the watershed, discovery of a new hazard, zoning requirements, inter-agency agreements, etc.) that influenced the selection of this project.

The most recent fire in Rolling Hills was in October 2018. The small fire erupted when an animal scurried along the above ground electrical line and touched the transformer. The transformer blew up and the pole caught on fire. At the same moment, a spark fell to the ground and the vegetation and fence adjacent to the pole caught fire. Several feet from the fence was a structure, and it is only due to swift action of a neighbor who notified the Fire Department and took a hose to the fire on the ground to prevent further damage.

Another fire took place between August 27 and 28, 2009. The wildfire burned through approximately 230 total acres. The fire is believed to have originated from wildlife interference and was exacerbated by wind in the Portuguese Bend Nature Reserve in Rancho Palos Verdes where 165 acres were charred. The remaining 65 acres were burned in Rolling Hills. Dozens of homes were threatened and approximately 1,200 residents were forced to evacuate. Although some structures were reported damaged, no homes were lost (City of Rolling Hills Local Hazard Mitigation Plan, pg. 82).

The fall of 2003 marked one of the most destructive wildfire seasons in California history.

Between October 21 and November 4, twelve separate fires raged across Southern California in Los Angeles, Riverside, San Bernardino, San Diego, and Ventura counties. The massive "Cedar Fire" in San Diego County alone consumed 2,800 homes and burned over a quarter of a million acres. Altogether over 739,597 acres burned; 3,631 homes, 36 commercial properties, and 1,169 outbuilding were destroyed; 246 people were injured; and 24 people died, including one firefighter. At the height of the siege, 15,631 personnel were assigned to the fight the fires (State of California, "Governor's Blue-Ribbon Panel Fire Commission Report to the Governor," 2004).

Four years after the "Fire Siege of 2003" in 2007, again in the late October, Southern California experienced an unusually severe fire weather event characterized by intense, dry, gusty Santa Ana winds. The weather event drove a series of destructive wildfires that took a devastating toll on people, property, natural resources, and infrastructure. Although some fires burned into early November, the heaviest damage occurred during the first three days of the siege when the winds were the strongest.

During this fire event, 17 people lost their lives, 10 were killed by the fires outright, three were killed while evacuating, four died from other fire siege related causes, and 140 firefighters, and an unknown number of civilians were injured. A total fo 3,069 homes and other buildings were destroyed, and hundreds more were damaged. Hundreds of thousands of people were evacuated at the height of the siege.

The fires burned over 500,000 acres, including populated areas, wildlife habitat, and watershed. Portions of the electrical power distribution network, telecommunications systems, and even some community water sources were destroyed. Transportation was disrupted over a large area for several days, including numerous road and highway closures.

Both the Governor of California and the President of the United States toured the ongoing fires. Governor Schwarzenegger proclaimed a state of emergency in seven counties before the end of the first day. President Bush quickly declared a major disaster. While the total impact of the 2007 fire siege was less than the disastrous fires of 2003, it was unquestionably one of the most devastating wildfire events in the history of California. Source:

[http://www.fire.ca.gov/fire_protection/downloads/siege/2007/Overview_Introduction.p
df.\)](http://www.fire.ca.gov/fire_protection/downloads/siege/2007/Overview_Introduction.pdf)

Contributing factors to the severity of the fires is the weather and winds. The winds that are commonly referred to as the "Santa Ana" winds occur during the fire season which is typically from June to November. This "fire weather" that is characterized by hot dry weather and high winds, result in low fuel moisture in vegetation. The most severe fire protection problem in the area is wildland fire during Santa Ana wind conditions. Fire is at its peak of danger in the City of Rolling Hills during the late summer and fall months, especially when Santa Ana weather conditions prevail. Plant fuels pose the greatest threat during this period are those located on the south-facing slopes.

E. SCOPE OF WORK (SOW):

STATE EXACT SOW DOCUMENT TITLE:

Vegetative Management, Fuel Break, Erosion Control

1. Describe the entire SOW of the project in clear, concise, ample detail.
2. Must provide a thorough description of **all tasks and activities** to be undertaken.
3. Must be written in sequential order from start to finish of the project.
4. Describe any land acquisition activities, and/or right-of-way or access easements that need to be obtained.
5. If structural, discuss how the structure/building/facility will be constructed or retrofitted.
6. Include building or structure dimensions, material types, depth and width of excavations, volume of materials excavated, type of equipment to be used, staging and parking areas, and any phasing of the project.
7. If any tunneling is proposed, describe the method and any temporary trenches or pits.
8. Describe any demolition activities that need to occur prior to construction or retrofitting.



☒ **INSERT THIS DOCUMENT IN THE SOW SECTION OF THE BINDER.**

F. HAS YOUR JURISDICTION PREVIOUSLY RECEIVED HMGP FUNDING?

☐ Yes ☒ No ☐ Unknown | If yes, provide disaster number(s):

G. HAS YOUR JURISDICTION RECEIVED ANY OTHER FUNDING?

Describe all other funding received for this project and all other recent projects. Identify the funding source (i.e., Federal, State, Private, etc.).

No

H. RELATED PROJECTS:

Describe any other projects or project components (whether or not funded by FEMA), which may be related to the proposed project, or are in (or near) the proposed project area. FEMA must look at all projects to determine a cumulative effect. FEMA reviews all interrelated projects under NEPA regulations.

The City of Rolling Hills submitted a subapplication to CalOES on September 4, 2018 under DR-4353.

I. HAZARD ANALYSIS TYPE:


Select the hazard(s) below that this project will protect against. Select as many as needed.

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> BIOLOGICAL | <input type="checkbox"/> EARTHQUAKE | <input type="checkbox"/> LAND SUBSISTENCE | <input type="checkbox"/> TERRORIST |
| <input type="checkbox"/> CHEMICAL | <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> MUD/LANDSLIDE | <input type="checkbox"/> TORNADO |
| <input type="checkbox"/> CIVIL UNREST | <input type="checkbox"/> FISHING LOSSES | <input type="checkbox"/> NUCLEAR | <input type="checkbox"/> TOXIC SUBSTANCES |
| <input type="checkbox"/> COASTAL STORM | <input type="checkbox"/> FLOOD | <input type="checkbox"/> SEVERE ICE STORM | <input type="checkbox"/> TSUNAMI |
| <input checked="" type="checkbox"/> CROP LOSSES | <input type="checkbox"/> FREEZING | <input type="checkbox"/> SEVERE STORM(S) | <input type="checkbox"/> WINDSTORM |
| <input type="checkbox"/> DAM/LEEVE BREAK | <input checked="" type="checkbox"/> HUMAN CAUSE | <input type="checkbox"/> SNOW | <input type="checkbox"/> OTHER (describe below): |
| <input type="checkbox"/> DROUGHT | <input type="checkbox"/> HURRICANE | <input type="checkbox"/> SPECIAL EVENTS | |

J. DESIGN PLANS:

☒ If your project requires design plans, plans should be prepared to supplement the SOW and attached in the design section of the binder. If the project involves ground disturbance, (e.g. enlarging ditches or culverts, diversion ditches, detention basins, storm water improvements, etc.) include the following:

1. **Scale:** Plans should be drawn to scale (e.g. 1" to 100' or 1" to 200') depicting the entire land parcel, showing buildings, improvements, underground utilities, other physical features, dimensions and cross sections.
2. **Identification:** Indicate agency name, land owner, civil engineer, soil engineer, geologist, map preparer, and date of map preparation. Also, indicate the name of the project.
3. **Legend/Orientation:** Include a legend explaining all lines and symbols. Identify property acreage and indicate direction with a north arrow (pointing to top or right hand side of the plan).

4. **Dimensions:** Show property lines and dimensions. Also, show boundary lines of project and their dimensions if only a portion of the property is being utilized for the project.
 5. **Structures:** Identify all existing and proposed buildings and structures including storm drains, driveways, sidewalks and paved areas.
 6. **Utilities:** Indicate names and location of utilities on property (water, sewage, gas, electric, telephone, cable).
 7. **Roads/Easements:** Indicate location, names, and centerline of streets and recorded roads. Identify any utility, drainage or right-of-way easements on the property.
 8. **Drainage:** Show the location, width and direction of flow of all drainage courses on site.
 9. **Grading/Topographic Information:** Show existing surface contours on-site and bordering the property
 10. **Parking:** Show all construction parking and staging areas and provide dimensions.
 11. **Cross Sections:** Provide cross sections of proposed buildings, structures or other improvements, and any trenches, temporary pits or catchment basins.
- ☐ If applicable, provide studies and engineering documentation, including any Hydrology and Hydraulics (H&H) data.
- ☐ If applicable, provide drawings or blueprints that show the footprint and elevations.
-  **DO NOT SEND PRINTED COPIES OF DESIGN PLANS, DRAWINGS OR BLUE PRINTS LARGER THAN 8.5' x 11" SIZE. DO NOT SEND ROLLED COPIES (FOLD TO OBTAIN 8.5" x 11" SIZE).**

K. PROJECT ALTERNATIVES:

Identify three project alternatives:

1. ALTERNATIVE #1 – NO ACTION:

Describe the No Action alternative below. The No Action alternative evaluates the consequences of taking no action and leaving conditions as they currently exist.

Based on the history of fires in the City and the surrounding areas in the county that, with no action, there would be no designated defensible space in the City. Lack of any defensible space further keeps the city in a vulnerable position to limit fire hazards.

2. ALTERNATIVE #2 – PROPOSED ACTION:

Describe the Proposed Action alternative below. The Proposed Action alternative is the proposed project to solve the problem. Explain why the proposed action is the preferred alternative. Identify how the preferred alternative will solve the problem, why the preferred alternative is the best solution for the community, why and how the alternative is environmentally preferred and why the project is the economically preferred alternative.

The City of Rolling Hills has several steep-sloped canyons which limits the number of locations that can be identified for fire breaks. In addition, the City does not have any easements and must rely on cooperation from the Rolling Hills Homeowner's Association to work with homeowners. Homeowners near the identified Fire Break sites have demonstrated an interest to work with the City and the Homeowner's Association to create new defensible space.

3. ALTERNATIVE #3 – SECOND ACTION ALTERNATIVE:

Describe the Second Action alternative below. The Second Action alternative described must also solve the described problem. State why this alternative wasn't chosen. It must be a viable project that could be substituted in the event the proposed action is not chosen.

The City initially identified three possible sites for fire breaks, however, upon a site visit, it was determined that the slope was too steep for equipment to enter the area and remove vegetation. One of the biggest challenges to selecting a site for a fire break is the slope and is accessible to heavy equipment to clear vegetation. Roads in Rolling Hills are narrow and curvy.

COST ESTIMATE INFORMATION

15. HMGP COST ESTIMATE SPREADSHEET:

A. COST ESTIMATE INSTRUCTIONS:

☒ Using the [HMGP Cost Estimate Spreadsheet](#), provide a detailed cost estimate breakdown.

- Cost estimate describes the anticipated costs associated with the SOW for the proposed mitigation activity. Cost estimates must include detailed estimates of cost item categories.
- Only include costs that are directly related to performing the mitigation activity. If additional work, such as remodeling, additions, or improvements are being done concurrently with the mitigation work, do not include these costs in the submitted budget.
- Documentation that supports the budget must be attached to the subapplication in the budget section of the binder.
- Total costs must be consistent with the requested federal share plus the matching funds and must be consistent with the project cost in the Benefit Cost Analysis (BCA), SOW and work schedule.

| HMGP COST ESTIMATE SPREADSHEET EXAMPLE | | | | | |
|--|--------------------------------------|----------|------|-----------|-----------------|
| # | ITEM NAME | Unit Qty | UNIT | UNIT COST | COST EST TOTAL |
| 1. | Pre-Award Costs: Develop BCA | 4 | HR | \$150 | \$600 |
| 2. | Temp. Inlet Filter Rolls | 4 | EA | \$250 | \$1000 |
| 3. | Temp. Fiber Roll | 1850 | LF | \$3 | \$5550 |
| 4. | Hydraulic Mulch | 1000 | SQYD | \$2 | \$2000 |
| 5. | Plane Asphalt Concrete Pavement | 650 | SQYD | \$22 | \$14300 |
| 6. | Street Sweeping for 30 days | 30 | EA | \$350 | \$10500 |
| 7. | Roadway Excavation | 70 | CY | \$40 | \$2800 |
| 8. | Aggregate Base, Class 2 | 210 | CY | \$75 | \$15750 |
| 9. | Remove Concrete Pavement | 650 | SQYD | \$340 | \$10540 |
| 10. | Asphalt Concrete, Type B | 180 | TON | \$150 | \$27000 |
| 11. | Asphalt Concrete, Leveling | 10 | TON | \$300 | \$3000 |
| 12. | Asphalt Concrete Dike, Type A | 235 | LF | \$15 | \$3525 |
| 13. | Asphalt Concrete Dike, Type F | 125 | LF | \$8 | \$120 |
| 14. | Place Asphalt Concrete | 15 | SQFT | \$8 | \$120 |
| 15. | 18" Corrugated Steel Pipe Riser | 5 | LF | \$125 | \$625 |
| 16. | 24" Reinforced Concrete Pipe | 275 | LF | \$170 | \$46750 |
| 17. | 84" Reinforced Concrete Pipe Install | 572 | LF | \$400 | \$228800 |
| 18. | Precast Triple Concrete Box Culvert | 44 | LF | \$1500 | \$66000 |
| 19. | Curb Inlet - Type B-1 (L=9') | 1 | EA | \$6000 | \$6000 |
| 20. | Curb Inlet - Type B-1 (L=13') | 1 | EA | \$6300 | \$6300 |
| 21. | Curb Inlet - Type B-1 (L=15') | 1 | EA | \$6800 | \$6800 |
| 22. | Storm Drain Cleanout - Type A-8 | 3 | EA | \$7500 | \$22500 |
| 23. | 8" PVC Sewer | 89 | LF | \$100 | \$8900 |
| 24. | Cellular Block (Precast) | 4100 | SQFT | \$20 | \$82000 |
| 25. | Project Identification Sign | 2 | EA | \$1000 | \$2000 |
| Total Project Cost Estimate: | | | | | \$573480 |

B. INELIGIBLE COSTS:

The following are ineligible line items:

- Lump Sums
- Contingency Costs
- Miscellaneous Costs
- "Other" Costs
- Indirect Charges
- Overhead Costs
- Cents (must use whole dollar amounts, round unit prices up to whole dollars)

C. PRE-AWARD COSTS:

Eligible pre-award costs are costs incurred after the disaster date of declaration, but prior to grant award. Pre-award costs directly related to developing the application may be funded.

- Developing a BCA
- Preparing design specifications
- Submission of subapplication
- Gathering environmental and historic data
- Workshops or meetings related to development



Subapplicants who are not awarded funds will not receive reimbursement for pre-award costs.

D. COST ESTIMATE NARRATIVE:

FEMA requires a cost estimate narrative that explains all projected expenditures in detail. The cost estimate narrative is intended to mirror the cost estimate spreadsheet and should include a full detailed narrative to support the cost estimates listed in the HMGP Project Cost Estimate Spreadsheet. If your cost estimate includes City, County, or State employees' time (your agency), include personnel titles and salary/hourly wages plus benefits for a total hourly cost. Detailed timesheets must be retained.

☒ Title the document "Cost Estimate Narrative" and include in the budget section of the binder.

16. FEDERAL/NON-FEDERAL SHARE INFORMATION:

A. FUNDING RESTRICTIONS:

There is no restriction or cap on the federal share that may be requested for each project subapplication. FEMA will contribute no more than 75 percent of the total project cost. A minimum of 25 percent of the total eligible costs must be provided from a non-federal source. State does not contribute to local cost share.

For example: for a \$10,000,000 total project cost, the federal requested share (75 percent) would be \$7,500,000. The non-federal match share (25 percent) provided would be \$2,500,000.

*The sum of the federal and non-federal shares must equal the total project cost.

*The federal share **MUST NOT** exceed 75 percent.

B. TOTAL PROJECT COST ESTIMATE:

\$975,144

Enter total cost formulated on [HMGP Cost Estimate Spreadsheet](#)

ENTER \$ IN BOX ABOVE

| | | |
|---|--------------------|-----------------------|
| FEDERAL SHARE (75% MAXIMUM) | REQUESTED AMOUNT: | \$731,358 |
| | | ENTER \$ IN BOX ABOVE |
| | PERCENTAGE AMOUNT: | 75% |
| | | ENTER % IN BOX ABOVE |
| NON-FEDERAL SHARE (25% MINIMUM) | REQUESTED AMOUNT: | \$243,786 |
| | | ENTER \$ IN BOX ABOVE |
| | PERCENTAGE AMOUNT: | 25% |
| | | ENTER % IN BOX ABOVE |



VERIFY ALL AMOUNTS ENTERED ARE ACCURATE.

INCORRECT AMOUNTS WILL DELAY PROCESSING OF YOUR SUBAPPLICATION.

C. NON-FEDERAL MATCH SOURCE: MATCH COMMITMENT LETTER:

☒ Use the [Local Match Commitment Letter Template](#) to complete this section and add completed letter to the match section of the binder.

- A signed Match Commitment Letter must be provided on agency letterhead.
- The non-federal source of matching funds must be identified by name and type.
- If "other" is selected for funding type, provide a description.
- Provide the date of availability for all matching funds.
- Provide the date of the Funding Match Commitment Letter.
- The funds must be available at the time of submission unless prior approval has been received from Cal OES.
- If there is more than one non-federal funding source, provide the same information for each source on an attached document.
- Match funds must be in support of cost items listed in the cost estimate spreadsheet.
- Requirements for donated contributions can be found in 2 CFR 200.306.

BENEFIT/COST EFFECTIVENESS INFORMATION


17. BENEFIT/COST EFFECTIVENESS INFORMATION

A. BCA INSTRUCTIONS:

FEMA will only consider subapplications from subapplicants that use a FEMA-approved methodology to conduct the Benefit Cost Analysis (BCA). BCA must be legible, complete and well-documented.

- Project BCAs must demonstrate cost-effectiveness through a Benefit Cost Ratio (BCR) of 1.0 or greater.
- Projects with a BCR of less than 1.0 will not be considered for funding.
- Total project cost must be used in the BCA.
- Maintenance of a completed HMGP project is not an eligible reimbursement activity, but must be included in the BCA.

☒ BCA Version 5.3.0 is the only software that is allowed to conduct a BCA. Some project types may qualify for pre-calculated benefits. Additional information on the BCA Toolkit is available at: <https://www.fema.gov/benefit-cost-analysis>.

 The FEMA BCA Technical Assistance Helpline is available to provide assistance with FEMA's BCA software by calling 1-855-540-6744 or via email at BCHelpLine@FEMA.dhs.gov. The FEMA helpline is only to be utilized for technical assistance questions. The FEMA helpline will not verify the accuracy of your BCA.

B. BCA INFORMATION:

Once the BCA is completed, enter information requested below.

1. NET PRESENT VALUE OF PROJECT BENEFITS:
2. TOTAL PROJECT COST ESTIMATE:
3. BENEFIT COST RATIO:

C. ANALYSIS TYPE:

- | | | | |
|--|--|---|-------------------------------------|
| <input type="checkbox"/> FLOOD | <input checked="" type="checkbox"/> WILDFIRE | <input type="checkbox"/> EXEMPT (5% PROJECTS) | <input type="checkbox"/> EARTHQUAKE |
| <input type="checkbox"/> HURRICANE WIND | <input type="checkbox"/> DROUGHT | <input type="checkbox"/> PRE-CALCULATED | <input type="checkbox"/> LANDSLIDE |
| <input type="checkbox"/> DAMAGE FREQUENCY ASSESSMENT (DFA) | | | |

- D. ANALYSIS DATE (date BCA was conducted):

E. PROVIDE BCA HARD AND SOFT COPIES IN FORMAT DESCRIBED BELOW:

- ☒ Copy the exported BCA in a .zip file format and add to the CD-RW.
- ☒ Provide a hard copy of the report in the BCA section of the binder.

MAINTENANCE ASSURANCE INFORMATION

18. PROJECT MAINTENANCE INFORMATION:

A. MAINTENANCE ASSURANCE LETTER:

- ☒ Using the [Project Maintenance Letter Template](#), identify all maintenance activities required to preserve the long-term mitigation effectiveness of the project.
- Examples of maintenance include: inspection of the project, cleaning and grubbing, trash removal, replacement of worn out parts, etc.
 - Attach a maintenance schedule, estimated annual costs, and a signed maintenance commitment letter for the useful life of the project.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

19. NFIP INFORMATION:

i CONTACT YOUR COUNTY OR LOCAL FLOODPLAIN ADMINISTRATOR FOR NFIP INFORMATION.

A. NFIP PARTICIPATION:

1. Is the jurisdiction where the project is located participating in the NFIP? YES ☐ NO ☒
- a. If yes, are they in good standing? YES ☐ NO ☐
- b. If no, explain:

B. PROJECT LOCATION:

1. Is this project located in a floodplain or floodway designated on a FEMA Flood Insurance Rate Map (FIRM)? YES ☐ NO ☒
- ☐ a. Mark the project location on the FIRM and attach to subapplication in the maps section of the binder.
2. Provide the following information for the location of the project:
- a. FIRM panel number:
- b. FIRM zone designations:
- c. NFIP community ID number:

C. LAST [COMMUNITY ASSISTANCE VISIT \(CAV\)](#) DATE:

ENVIRONMENTAL INFORMATION

20. ENVIRONMENTAL INFORMATION:

A. FEMA ENVIRONMENTAL CHECKLIST:

- ☒ Complete the [FEMA Site Information, Environmental Review, and Checklist](#) and attach to the environmental section of the binder. Provide a detailed response to each question. Attach supporting documentation in compliance with [FEMA's frontloading requirements](#).

SCOPE OF WORK

DR-4382-0175 Vegetative Management/Fuel Break/Erosion Control

INTRODUCTION

The City of Rolling Hills spans three (3) square miles, with a population of 1,860 (2010 U.S. Census). The City is comprised of one-story ranch style residences along with agricultural and equestrian accessory structures and uses. The City of Rolling Hills is 100% residential, with no hospitals, commercial buildings, corporations, or transportation corridors located within City limits. One public school is located off Crest Road West and is operated by the Palos Verdes Peninsula Unified School District. The City owns the Civic Center comprised of City Hall and the Rolling Hills Community Association administration building as well as several parcels of land that have no structures. Any hazard mitigation projects and plans must be paid for by residents, through the City's General Fund, or by applying for grant opportunities through public agencies such as the California Governor's Office of Emergency Services. The City maintains a staff of five (5) full-time employees and a relatively small budget of \$2.2 million (FY 2019/2020).

The City of Rolling Hills, throughout its history, has dealt with various natural hazards that include earthquakes, wildfires, droughts, and land movement.

Incorporated on January 24, 1957, the City of Rolling Hills has maintained a rural ranch-like character, with no traffic signals, large spaces between houses, and wide equestrian paths along streets. Prior to incorporation, a portion of the City known as the Flying Triangle was determined to be in a landslide area. In 1948, the County of Los Angeles performed soil and geology studies for potential development below the Flying Triangle ultimately allowing this area to be developed. Since incorporation, the City has adopted the County of Los Angeles Building Code and continues to allow limited construction utilizing those same building standards.

The City of Rolling Hills is characterized by beautifully wooded deep canyons and hilly terrain located on the San Pedro Hills of the Palos Verdes Peninsula in Southern California. However, the potential impacts of hazards associated with the terrain make the environment and population vulnerable to disasters. The City of Rolling Hills is located in the northwestern quadrant of Los Angeles County. It is bordered on three sides by the City of Rancho Palos Verdes and on the north and northeast by the City of Rolling Hills Estates.

Summary of Hazards

The City of Rolling Hills is designated as a Very High Fire Hazard Severity Zone (VHFHSZ) by the Los Angeles County Fire Department. The City has historically been subject to fires/wildfires threatening loss of life and property. Due to the City's aging population and lack of dual street egress, the loss of life risk is increased.

The City abuts more than three (3) miles of wildland-urban interface (WUI), where the undeveloped wildland and vegetative fuels meet homeowners' properties, both in the nature reserve and the steep-slope canyons that run through the incorporated land. According to the Society of American Foresters, the WUI zones have the most "tremendous risks to life, property, and infrastructure...and is one of the most dangerous and complicated situations firefighters face."

The City recognizes the severity of its vulnerability to fire and has developed several community fire mitigation tactics, such as:

- Policies that require property owners to create a defensible space around their home;
- Fire-safe roofing requirements;
- City-wide smoking ban;
- Educational information on the City's website; and
- A monthly electronic newsletter (both posted to the City's website and mailed) keeping all residents updated on fire hazards and mitigation guidelines.

After reviewing the area's fire history and patterns, including adjoining cities and unincorporated county areas, the City realized that in addition to the community fire mitigation tactics, vegetation management, a fuel break and associated erosion control needs to be addressed on the south facing city border along with the WUI. Historically, these areas have experienced the worst impact from wildfires, especially when combined with the Santa Ana wind conditions. Several steep slope canyons also run from the WUI into the City creating a stronger threat of wildfire reaching the population, potentially destroying utilities, and limiting emergency vehicle access/egress.

Tasks and Activities

The City of Rolling Hills is in Los Angeles County and as described, is extremely vulnerable to fire, from the WUI at the Portuguese Bend Reserve, overhead utility lines, and canyons filled with chaparral and scrub. When fires strike, the flames spread rapidly through the natural growth in the Reserve and canyons, and there is currently nothing to stop the fire from reaching residents' properties. To allow firefighters a greater

chance of saving lives and structures, vegetation management including fuel breaks, mulching, and/or thinning the vegetation density must be employed. Treatment can dramatically reduce the spread and intensity of wildfire. Reducing the density of fuel by thinning and trimming trees and removing ladder fuels helps keep the fire on the ground and increasing the chances for firefighters to control the fire. The treatments the City is proposing are ways to reduce the vegetation/fuel load to assist firefighters with suppression of the fire.

The project will provide vegetative management, a fuel break, and erosion at the City's most fire-vulnerable interface for a cost of approximately \$1,000,000 (\$750,000 federal, and \$250,000 local match) including design, engineering, project management, and submission costs. The City will use general funds for the local match requirement.

The City will contract with both a fire mitigation specialist through the local Fire Department and a vegetation management/erosion control-specialized contractor to lead the mitigation and will make every effort to reach out to the small, disadvantaged, and veteran business community with its bid process. Each bidder will be asked to propose the best type(s) of mitigation, vegetation management, and erosion control. The following is expected high-level Scope of Work and includes:

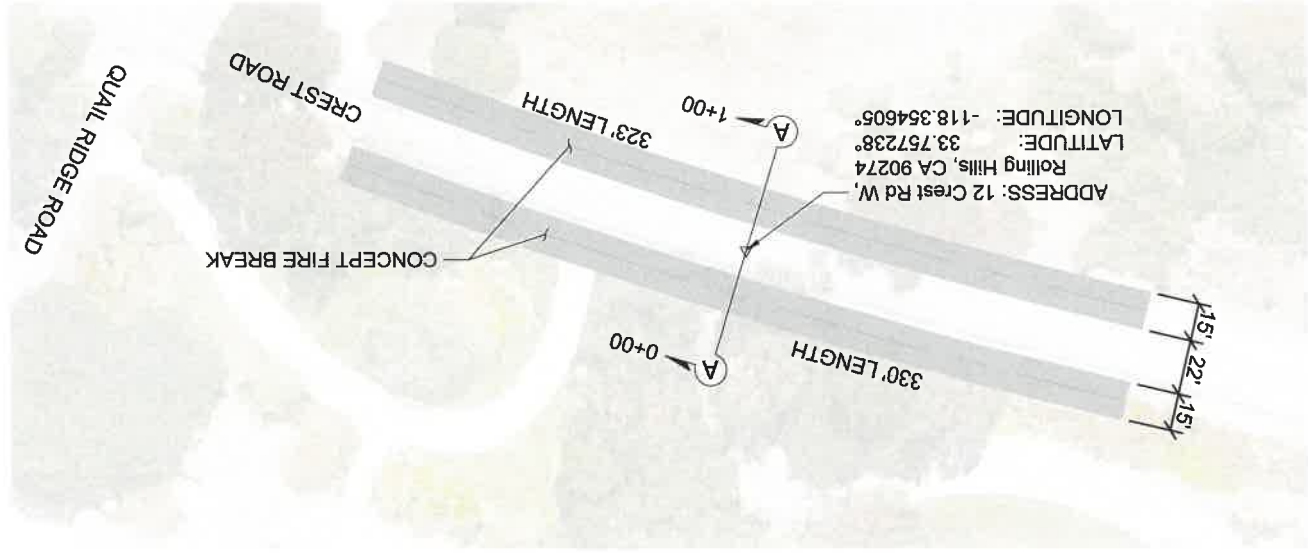
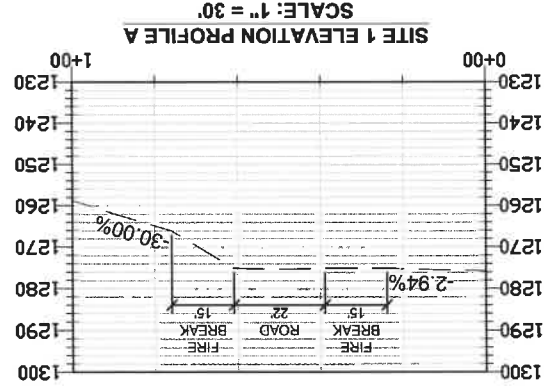
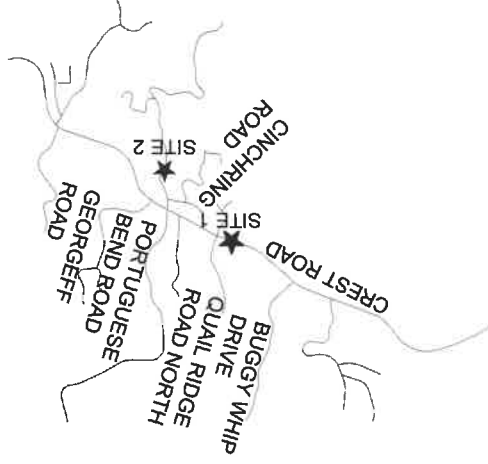
- Work with the City's designated Project Manager(s), local and regional fire officials, local representatives of the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) as applicable, and the Rolling Hills Community Association (RHCA)*;
- Attend regular coordination meetings and provide project updates;
- Identification of the best type(s) of mitigation, vegetation management and erosion control based on the topography and geography of the area to be mitigated;
- Determine the location(s) along the WUI at the highest fire risk;
- Prepare a draft action plan, Scope of Work, and design plans for review; and
- Upon agreement of the core representatives, finalize the design and prepare to implement.

Once the above listed tasks have been completed, the contractor is expected to implement the design and action plan. The funding request amount includes staff time, NOI costs (and if approved, subapplication costs), a fire mitigation specialist from/through the Fire Department, a vegetation management/erosion control firm to prepare the design and to implement the design upon approval. Actual implementation costs will depend on the size of areas to mitigate, equipment, access to areas (specialty

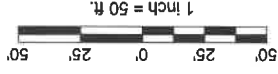
equipment), personnel, specialized personnel, and type of mitigation chosen but will not exceed the request.

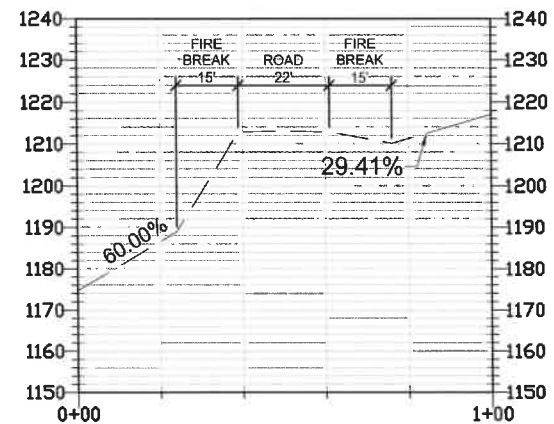
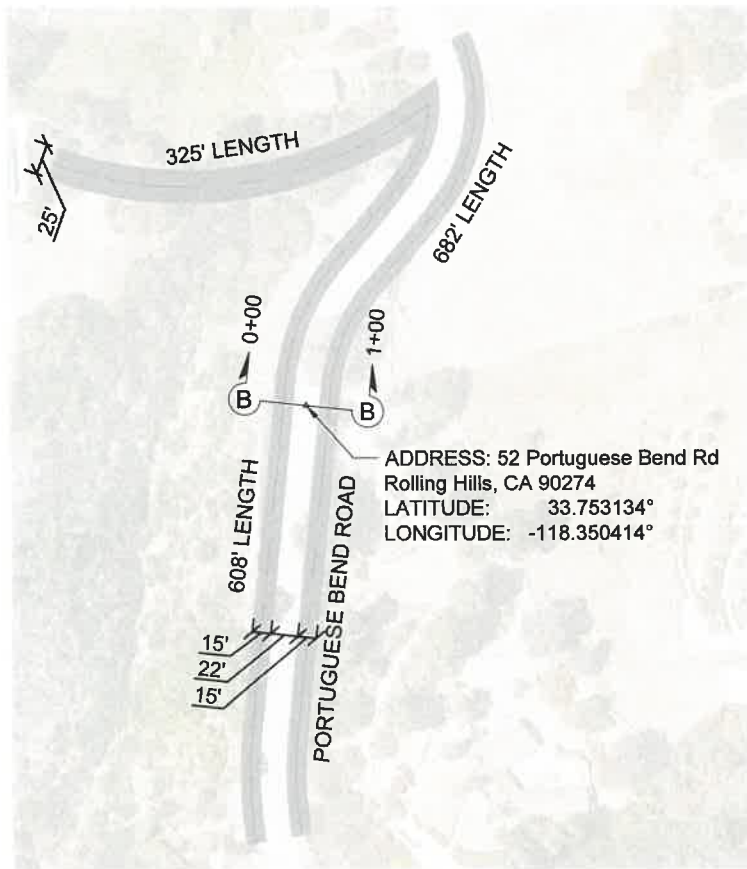
*The core group of representatives will review and agree upon the contractor's final design and action plan.

CITY OF ROLLING HILLS VICINITY MAP
NOT TO SCALE

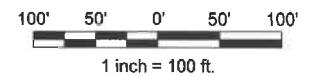


City of Rolling Hills
Fire Break Exhibit
Fire Break Site 1: Concept Plan and Section





SITE 2 ELEVATION PROFILE B
SCALE: 1" = 30'

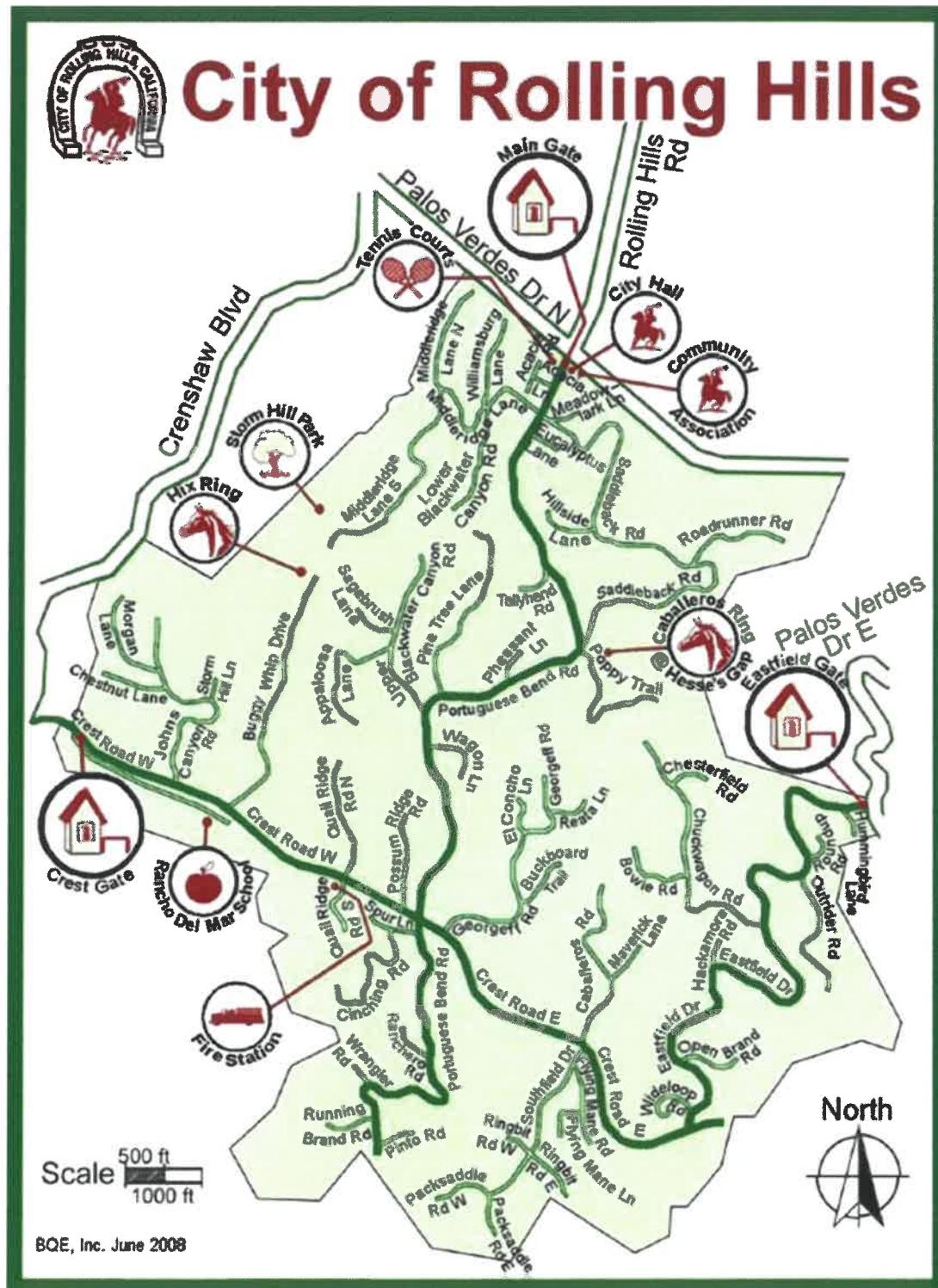


City of Rolling Hills
Fire Break Exhibit
Fire Break Site 2: Concept Plan and Section



MAP: Proximity of Rolling Hills to nearby seismic faults. Epicenters of major earthquakes that devastated the region are also shown.

Map: City Map of Rolling Hills
(Source: City of Rolling Hills)



Hazard Mitigation Grant Program Project Subapplication

DR-4382-0175 Vegetative Management/Fuel Break/Erosion Control

Question #12

B) Latitude/Longitude Coordinates

Site 2: Latitude: 33.753134, Longitude: -118.350414

Photo of Proposed Fire Break Site- Rolling Hills

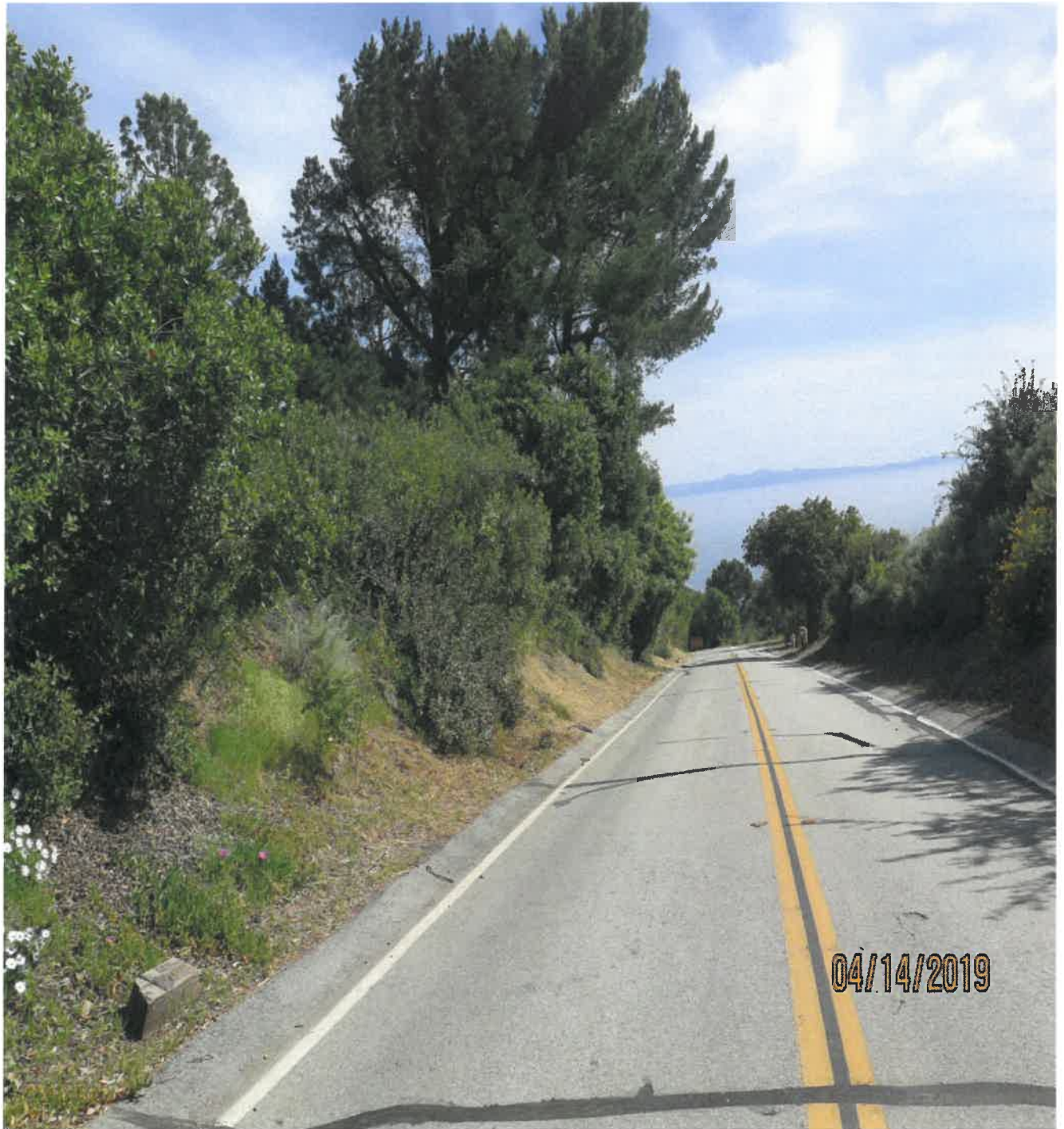


Photo of Proposed Fire Break Site- Rolling Hills



Photo of Proposed Fire Break Site- Rolling Hills



Photo of Proposed Fire Break Site- Rolling Hills



Photo of Proposed Fire Break Site- Rolling Hills

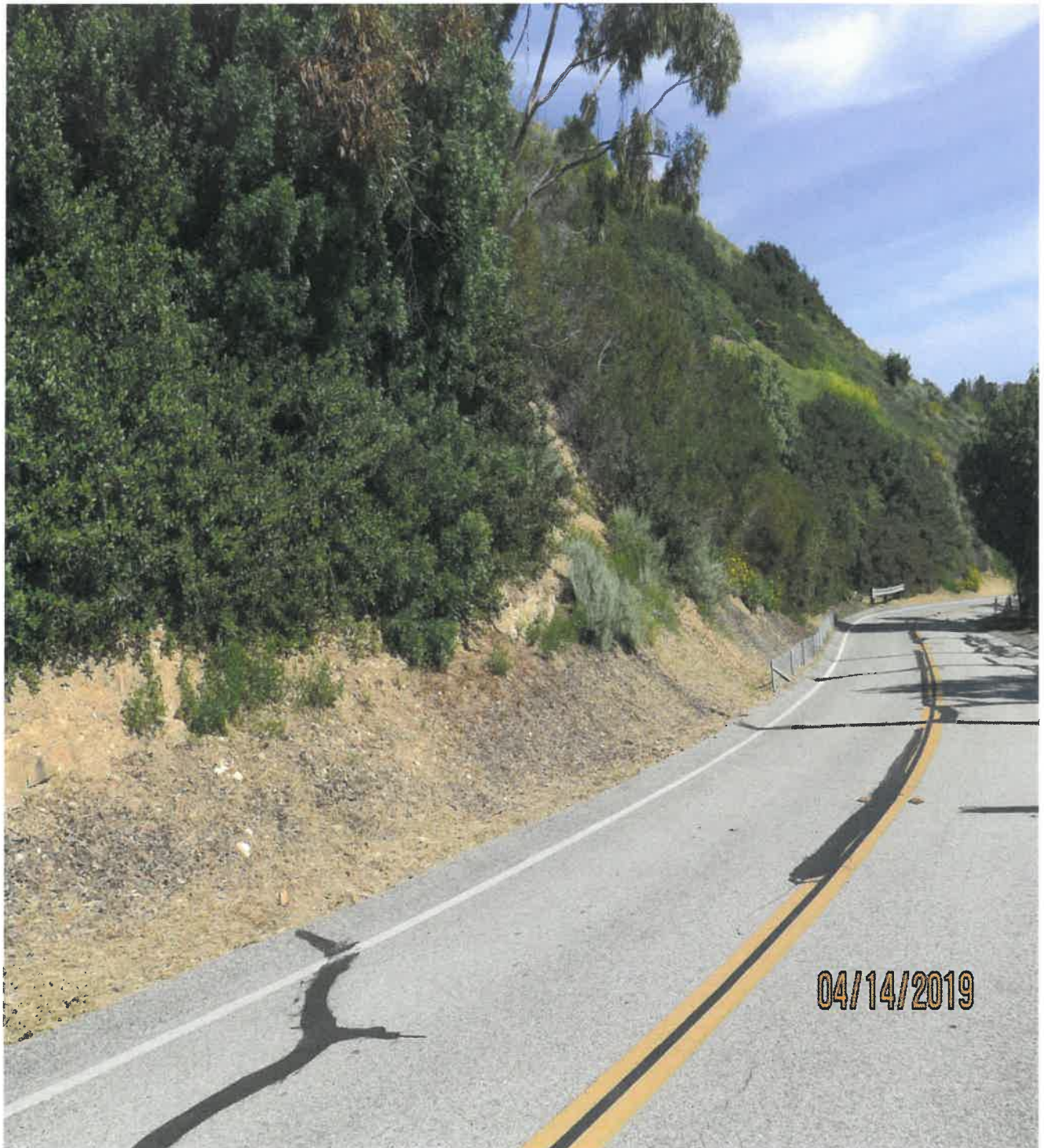


Photo of Proposed Fire Break Site- Rolling Hills

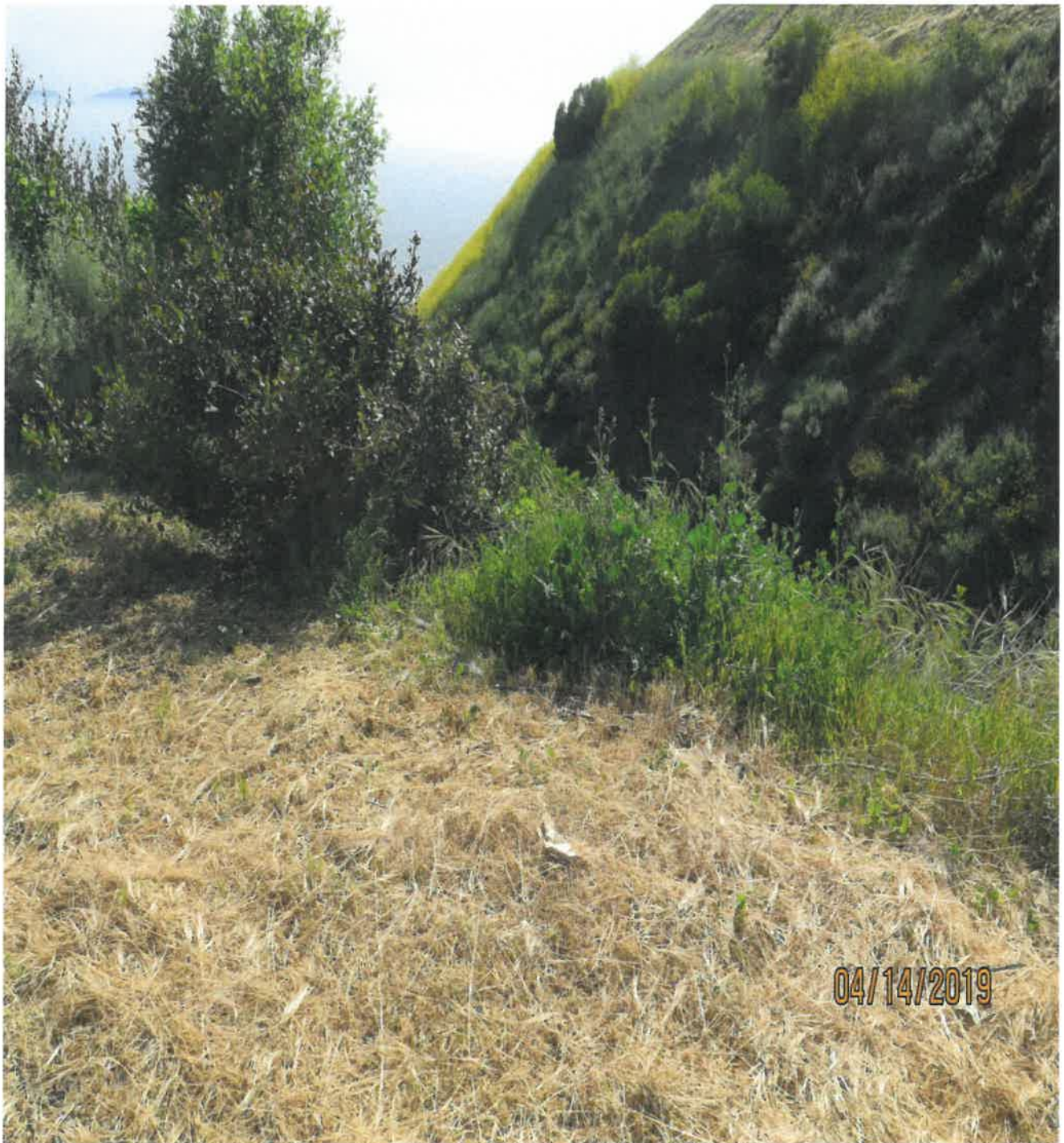


Photo of Proposed Fire Break Site- Rolling Hills



WORK SCHEDULE INFORMATION

14. PROJECT WORK SCHEDULE:

The intent of the work schedule is to provide a realistic appraisal of the time and components required to complete the project.

- Describe each of the major work elements and milestones in the description section below.
- Project subapplication examples are: construction, architectural, design, engineering, inspection, testing, permits, project management, mobilization and de-mobilization.
- State the total timeframe anticipated for each of the work elements.
- State the total timeframe anticipated to complete the project.
- Work schedule must mirror SOW, budget and BCA. OPTIONAL: Provide the work schedule in GANTT chart form as supplemental documentation in the work schedule section of the binder Include this information as an example.

| WORK SCHEDULE EXAMPLE | | |
|-----------------------|--|-----------|
| # | DESCRIPTION | TIMEFRAME |
| 1. | Kick-off, 90% design meetings | 3 months |
| 2. | Final contract drawing development | 5 months |
| 3. | Open bids and award contract | 4 months |
| 4. | Construction – Mobilization | 5 months |
| 5. | Construction – Demolition | 4 months |
| 6. | Construction – Concrete and conduit work | 2 months |
| 7. | Construction – Trenching | 2 weeks |
| 8. | Construction – Utility relocation | 4 months |
| 9. | Construction – Electrical Installation | 1 month |
| 10. | Construction – Site Restoration | 1 week |
| 11. | Construction – Complete punch list | 2 months |
| 12. | Construction – Demobilization | 1 week |
| 13. | Project Close-out and record drawings | 2 months |
| 14. | Grant Close out | 3 months |
| TOTAL MONTHS: | | 36 months |



TOTAL PROJECT DURATION (INCLUDING CLOSE-OUT) MUST NOT EXCEED A 36 MONTH PERIOD OF PERFORMANCE (POP).

| # | DESCRIPTION | TIMEFRAME |
|---------------|--|-----------|
| 1. | CEQA Assessment | 2 Months |
| 2. | Boundary Survey | 1 Month |
| 3. | Legal Services | 3 Months |
| 4. | Site Survey | 1 Month |
| 5. | Project Design | 7 Months |
| 6. | Construction Begins | 1 Month |
| 7. | -Construction Mobilization | 1 Month |
| 8. | -Construction Clearing & Grubing | 6 Months |
| 9. | -Construction Grading | 4 Months |
| 10. | -Construction Hydroseeding | 2 Months |
| 11. | -Construction Roadway Surfacing | 2 Months |
| 12. | Offsite Mitigation | 2 Months |
| 13. | | |
| 14. | | |
| 15. | | |
| 16. | | |
| 17. | | |
| 18. | Project Close-out | |
| 19. | STANDARD VALUE (DO NOT CHANGE) Grant Close-out | 3 months |
| TOTAL MONTHS: | | 36 |

If more lines are needed than provided, indicate the title of document in box 1 and attach a separate work schedule in the schedule section of binder.

HMGP Cost Estimate Spreadsheet

| DATE | JURISDICTION NAME | DISASTER & PROJECT OR PLANNING # | PROJECT OR PLANNING TITLE |
|---------|-----------------------|----------------------------------|---|
| 4, 2019 | City of Rolling Hills | DR-4382-0175 | Vegetative Mgmt., Fuel Break, Erosion Control |

| # | Item Name | Unit Quantity | Unit of Measure | Unit Cost | Cost Estimate Total |
|------------------------------|---|---------------|-----------------|-----------|---------------------|
| 1 | Pre-Award Costs: Subapplication Preparation/BCA | 1 | EA | \$8,500 | \$ 8,500 |
| 2 | CEQA Assessment | 1 | EA | \$200,000 | \$ 200,000 |
| 3 | Boundary Survey | 1 | EA | \$70,000 | \$ 70,000 |
| 4 | Legal Services | 1 | EA | \$25,000 | \$ 25,000 |
| 5 | Site Survey | 1 | EA | \$15,000 | \$ 15,000 |
| 6 | Project Design | 1 | EA | \$20,000 | \$ 20,000 |
| 7 | Construction Phase | | | | \$ - |
| 8 | Mobilization, Bonds & Insurance | 1 | LS | \$40,000 | \$ 40,000 |
| 9 | Project Safety & Traffic Control | 1 | LS | \$25,000 | \$ 25,000 |
| 10 | Stormwater Management | 1 | LS | \$20,000 | \$ 20,000 |
| 11 | Clearing & Grubing | 46,366 | SF | \$2.00 | \$ 92,732 |
| 12 | Grading | 1,718 | CY | \$45.00 | \$ 77,310 |
| 13 | Hydroseeding | 46,366 | SF | \$1.00 | \$ 46,366 |
| 14 | Roadway Surfacing | 1 | LS | \$15,000 | \$ 15,000 |
| 15 | Contingency (20% Total Materials & Labor) | 1 | | \$63,282 | \$ 63,282 |
| 16 | Construction Management | 1 | EA | \$56,954 | \$ 56,954 |
| 17 | Offsite Mitigation | 1 | EA | \$200,000 | \$ 200,000 |
| | | | | | \$ - |
| 19 | | | | | \$ - |
| 20 | | | | | \$ - |
| 21 | | | | | \$ - |
| 22 | | | | | \$ - |
| 23 | | | | | \$ - |
| 24 | | | | | \$ - |
| 25 | | | | | \$ - |
| 26 | | | | | \$ - |
| 27 | | | | | \$ - |
| 28 | | | | | \$ - |
| 29 | | | | | \$ - |
| 30 | | | | | \$ - |
| 31 | | | | | \$ - |
| 32 | | | | | \$ - |
| 33 | | | | | \$ - |
| 34 | | | | | \$ - |
| 35 | | | | | \$ - |
| 36 | | | | | \$ - |
| 37 | | | | | \$ - |
| | | | | | \$ - |
| 39 | | | | | \$ - |
| 40 | | | | | \$ - |
| Total Project Cost Estimate: | | | | | \$ 975,144 |

| | |
|-------|----------------------|
| AC | ACRE |
| CF | CUBIC FOOT |
| CY | CUBIC YARD |
| DAY | DAY |
| EA | EACH |
| HR | HOUR |
| LF | LINEAR FOOT |
| LS | LUMP SUM |
| MBF | MILLION BOARD FEET |
| MI | MILE |
| SEAT | NUMBER OF SEATS |
| SF | SQUARE FOOT |
| SQ | UNKNOWN |
| SY | SQUARE YARD |
| SY/IN | SQUARE YARD PER INCH |
| TON | TON |
| FT | FOOT |
| IN | INCH |

Cost Estimate Narrative

Total Amount: \$975,144

DR-4382-0175 Vegetative Management/Fuel Break/Erosion Control

1. Pre-Award Costs: Subapplication and BCA Report Preparation

A firm was hired to perform the preparation of the subapplication and BCA Report. The city performed a bid process to hire the firm. The firm met with the city to conduct a site visit and kick-off meeting. The firm worked closely and efficiently with City staff and stakeholders to collect and utilize the most up to date and readily available information and data necessary to formulate the application package in order to match it with the Project's funding requirements. Completion of the BCA report was part of the deliverables in the proposal.

2. CEQA Assessment

A full environmental impact assessment is required to ensure that all environmental effects of the construction of fire breaks on the surrounding area are known and considered in the design and management of the project as it progresses. The surrounding areas on this project may contain riparian areas, cultural artifacts, sensitive native species or other considerations that require assessment and review by a licensed environmental expert. Therefore, this item is necessary pursuant to appropriate treatment of matters related to the completion of this project. The entire amount allocated to this item, paid by the hour, will be expended to have this assessment successfully conducted and documented by a licensed professional environmental expert.

3. Boundary Survey

A boundary survey of the project areas is required to discover the actual location of legally established property boundaries of the city right of way and private properties in and around the project location. It is necessary for a licensed professional surveyor to conduct and document such a survey so that the legal property boundaries are known and so that any property procurement or establishment of any easements can be conducted legally. The entire amount, paid by the hour, will be expended to engage the service of a licensed

professional surveyor to complete a full boundary survey of the project site and relevant surrounding areas.

4. Legal Services

Legal services are required to be performed to settle any disputes, procure any property or to establish any easements related to the successful completion of this project. A lawyer licensed by the California BAR Association shall be engaged to provide the legal services required pursuant to the legal aspects of this project. The entire amount allocated to this item, paid by the hour, shall be expended toward the provision of these legal services by a licensed California Lawyer specializing in legal matters related to public works projects.

5. Site Survey

A site survey is to be performed prior to any construction on the project site to establish a physical basis for design of the project. A licensed surveyor shall be engaged to conduct such work to establish the physical locations of all relevant site features on the project site. All monies allocated to be expended on this item, paid by the hour, shall be expended in obtaining the services of a licensed surveyor to conduct this site survey.

6. Engineering Design

Engineering design services are required to produce plans and specifications that will direct the physical construction of the project in the precise way intended by the City of Rolling hills and in compliance with all federal, state and local laws, ordinances and regulations. The services of a licensed professional engineer shall be engaged to conduct design of this project. All monies, paid by the hour, shall be expended for the services of this licensed engineer in the design of the project.

7. Mobilization

The price, paid per each, for mobilization includes all costs associated with insurance, bonds, required permits and fees including, shop drawings, submittals, moving onto the job (mobilization), preparation of project schedule, project phasing, supervision, coordination of concurrent work with other contractors, meetings, and "as-built" plans required to perform the Work indicated in the

plans and specifications. Also included in the price, paid per each, for mobilization is the cost of coordination with businesses and property owners within the project area to create a project schedule and phasing that has minimal impact. Contractor shall coordinate with the City of Rolling Hills Representative regarding work with the public and get approval from the Engineer for any changes in proposed schedule due to public impacts.

8. Demobilization

The price paid per each, for demobilization includes all costs associated with insurance, bonds, required permits and fees including, moving off the job (demobilization), supervision, coordination of concurrent work with other contractors required to perform the Work indicated in the plans and specifications. Also included in the price, paid per each, for demobilization is the cost of coordination with businesses and property owners within the project area for minimal impact. Contractor shall coordinate with the City of Rolling Hills Representative regarding work with the public and get approval from the Engineer for any changes in proposed schedule due to public impacts.

9. Traffic Control Plans

The price paid per hour for traffic control plans includes all costs for preparation of traffic control plans for the project. Such plans will delineate the implementation and maintenance of traffic control and temporary signing and striping, including flagmen, traffic cones, delineators, reflectors, temporary striping and marking, and temporary traffic signs, signing barricades and signals, temporary pavement, and temporary facilities required for the safe handling of pedestrian and vehicular traffic for 24 hours per calendar day in accordance with the Manual of Traffic Control for Construction and Maintenance - Work Zones by the State of California, Department of Transportation (Caltrans) for the duration of work.

10. Lane Closure

The price paid per each, for lane closure includes all costs for preparation, implementation and maintenance of traffic control and temporary signing and striping, traffic cones, delineators, reflectors, temporary striping and marking, and temporary traffic signs, signing barricades and signals, temporary pavement,

public notification handbills and temporary facilities required for the safe handling of pedestrian and vehicular traffic for 24 hours per calendar day in accordance with the Manual of Traffic Control for Construction and Maintenance - Work Zones by the State of California, Department of Transportation (Caltrans) as necessary for the closure of each such lane for the duration of work.

11. Flaggers

The price, paid per hour, for flaggers shall include flagmen and temporary facilities required for the safe handling of pedestrian and vehicular traffic during construction hours in accordance with the Manual of Traffic Control for Construction and Maintenance - Work Zones by the State of California, Department of Transportation (Caltrans) for the duration of work.

12. Storm Water Pollution Prevention Plan (SWPPP)

A SWPPP is required for effective and legally compliant stormwater management pursuant to the successful completion of the project. A QSD is required to produce a SWPPP that complies with state regulations and effectively delineate the handling of storm water on the project. The price paid per hour, for the creation of a SWPPP shall be expended entirely to hire a QSD for the creation of such a plan.

13. Silt Fence

Silt fence is required for effective storm water management on slopes and where water runs down inclines over exposed soils. This project will require the use of silt fence for compliance and storm water management of silt and sediment laden runoff on the project. The price paid per linear foot, for silt fence shall include the material cost of the silt fence, the labor required for installation, tools, equipment and maintenance of the silt fence for the duration of the project.

14. Temp Fiber Rolls

Temp fiber rolls are required for effective storm water management on slopes and where water runs down inclines over exposed soils. This project will require the use of temp fiber rolls for compliance and storm water management of silt and sediment laden runoff on the project. The price paid per linear foot, for temp fiber rolls shall include the material cost of the fiber rolls, the labor required for

installation, tools, equipment and maintenance of the temp fiber rolls for the duration of the project.

15. Inlet Protection

Inlet protection is required for effective storm water management of inlets and catch basins on construction sites near areas where water runs down inclines over exposed soils. This project will require the use of inlet protection for compliance and storm water management of silt and sediment laden runoff on the project. The price paid per each, for inlet protection shall include the material cost of the inlet protectors, the labor required for installation, tools, equipment and maintenance of the inlet protection for the duration of the project.

16. Construction Entrance Control

Construction entrance control is required to prevent tracking and provide effective storm water management on construction sites where there is exposed soil. This project will require the use of construction entrance control for compliance and storm water management of tire and equipment tracking of silt and sediment on the project. The price paid per each, for construction entrance control shall include the material cost of the construction entrance, the labor required for installation, tools, equipment and maintenance of the construction entrance control for the duration of the project.

17. Clearing and Grubbing

All work shall conform to the requirements as set forth by Section 17-2 of the 2018 edition of the Caltrans Standard Specifications. Plants, shrubs, vegetation and miscellaneous materials, where shown on the plans to be removed, shall be removed. Tree roots encountered in the removals shall be cut and removed. Tree roots over 2" in diameter encountered in the removals shall be brought to the attention of the City's Authorized Representative prior to cutting and removal. The Contractor shall take all necessary precautions not to damage existing improvements to remain in place. Improvements damaged as a result of the Contractor's clearing and grubbing operation shall be replaced at no additional cost to the City.

18. Grading

The price for Grading is paid per cubic yard. Such payment shall include full compensation for all labor, materials, tools, trucking, incidentals, and equipment to haul and dispose of excavated material from project site, and the finished grade per project plans and specifications in a proper and legal manner, complete and in place.

19. Hydroseeding

Hydroseeding will be measured and paid for at the unit price per square foot. The unit price paid per square foot includes all costs associated with all labor, materials including grass seeds, tools, equipment, and incidentals for preparation, application and maintenance as described in these specifications and as shown on the plans, complete and in place.

20. Weed Abatement

Weed abatement shall be performed in advance of any crack seal or slurry seal installation. The price paid per linear foot, for Weed abatement shall be full compensation for all tools, labor, equipment and materials required for the removal and safe and legal disposal of any weeds within the project boundaries.

21. Crack Sealing

Crack sealing shall be installed in areas of the roadway where there is cracking of the asphalt surface that would impact the uniform application of slurry seal or other pavement treatments. Crack sealing shall be measured and paid for at a price per linear foot. The price per linear foot paid for crack sealing shall be full compensation for all labor, equipment and materials for successful prosecution of the work.

22. Slurry (Type II)

Slurry (Type II) will be paid for at the contract price per square foot. The contract unit price per square foot shall include full compensation for all labor and materials, tools, equipment and incidentals required for all work associated with surface preparation, including, sweeping, vacuuming, pre-watering, protection of existing manholes, water valve covers, or other non-asphalt surfaces in roadway, disposal of materials utilized to protect non-asphalt surfaces in a proper and

legal manner, slurry seal placement as per plans, specifications and details, complete and in place.

23. Construction Inspection

Construction inspection shall be conducted during the project to ensure that all federal, state and local regulations are being followed. Construction inspection shall include the services of compliance assurance, quality control, ensuring compliance with the plans and specifications for the project, documentation and reporting activities. Construction inspection shall be paid per hour of work.

24. Project Management

Project management shall be performed during the project to ensure that the proper contractors are selected in accordance with all applicable laws and regulations and that the administration of the work is conducted in an effective way. The price paid per hour for Project management shall be full compensation for all and any managerial and administrative responsibilities of the project manager.

25. Offsite Mitigation

Offsite mitigation is necessary to offset any environmental impacts that may arise as a result of the project. The price paid per square foot for offsite mitigation shall include but not be limited to the preparation and ecological landscaping of the mitigation site as well as any other activities related to establishing the mitigation site.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

PROJECT MAINTENANCE LETTER

April 18, 2019

City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

RE: DR-4382-0175 Project Subapplication

Dear State Hazard Mitigation Officer:

This is to confirm that City of Rolling Hills is committed to perform the necessary maintenance for the entire useful life of this project (7YEARS) once completed. The City of Rolling Hills is allocating an annual budget of \$4,000 which will allow maintenance to occur as needed to ensure the project area remains in good repair and operational.

| | |
|--|---|
| ENTITY RESPONSIBLE FOR THE MAINTENANCE: | City of Rolling Hills |
| PAST MAINTENANCE TASKS INVOLVED: | None; this is a new project |
| FUTURE MAINTENANCE TASKS INVOLVED: | Keeping the Fire Breaks clear of vegetation |
| FUTURE MAINTENANCE SCHEDULE: | Every 6 months |
| FUTURE COST OF MAINTENANCE: | \$4,000/year |
| SOURCE OF FUTURE MAINTENANCE FUNDS: | City's General Fund |

Please contact Yolanta Schwartz at 310-377-1521 with questions.

Sincerely,

Elaine Jeng, City Manager
310-377-1521-Phone
310-377-7288-Fax
ejeng@cityofrh.net

17 Apr 2019

Project: **Rolling Hills Fire Prevention 0175**

Pg 1 of 5

Total Benefits: **\$7,892,128**

Total Costs: **\$1,008,984**

BCR: **7.78**

Project Number: 0175

Disaster #: DR-4382

Program: HMGP

Agency: **City of Rolling Hills**

California

Point of Contact: Yolanta Schwartz

Analyst: Linda Palmquist

Project Summary:

Project Number: 0175

Disaster #: DR-4382

Program: HMGP

Agency: City of Rolling Hills

Analyst: Linda Palmquist

Discount Rate: 0.070

Point of Contact: Yolanta Schwartz

Phone Number: (310) 377-1521

Address: 2 Portuguese Bend Road, Rolling Hills, California, 90274

Email: ys@cityofrh.net

Comments:

Structure Summary For:

Fire Breaks, 2 Portuguese Bend Road, Rolling Hills, California, 90274, Los Angeles

Structure Type: Other

Historic Building: No

Contact: Yolanta Schwartz

Benefits: \$7,892,128

Costs: \$1,008,984

BCR: 7.82

| Mitigation | Hazard | BCR | Benefits | Costs |
|---|----------|------|-------------|-------------|
| Defensible Space Activities, Hazardous Fuels Reduction Activities | Wildfire | 7.82 | \$7,892,128 | \$1,008,984 |

Version: 5.3.0

17 Apr 2019

Project: **Rolling Hills Fire Prevention 0175**

Pg 2 of 5

Total Benefits: **\$7,892,128**Total Costs: **\$1,008,984**BCR: **7.78**

Project Number: 0175

Disaster #: DR-4382

Program: HMGP

Agency: **City of Rolling Hills**

California

Point of Contact: Yolanta Schwartz

Analyst: Linda Palmquist

Structure and Mitigation Details For: Fire Breaks, 2 Portuguese Bend Road, Rolling Hills, California, 90274, Los Angeles

Benefits: \$7,892,128

Costs: \$1,008,984

BCR: 7.82

Hazard: **Wildfire**

Mitigation Option: Defensible Space Activities, Hazardous Fuels Reduction Activities

Average Burn Recurrence Interval: 112 (Default)

Project Effectiveness of Measures: 20.00 %

Damages and Losses Before Mitigation

| | |
|---|------------------------|
| How many buildings will this proposed project protect | 702 |
| Building Replacement Value(BRV) of buildings only within proposed project area | \$702,000,000 |
| Value of project area building contents: | \$351,000,000 |
| Value of infrastructure vulnerable to fire within proposed project area: | \$31,500,000 |
| Value of timber to be sold within proposed project area: | \$0 |
| Fire suppression costs for one typical fire event within proposed project area: | \$40,760 |
| Other: | \$0 |
| TOTAL Benefits: | \$1,084,540,760 |

| | |
|---|-------------|
| Number of residents within proposed project area | 19,417 |
| Current federal lodging per diem: | \$180 |
| Current federal meals per diem: | \$66 |
| Cost per person to eat meals at home: | \$7 |
| Estimated annual death rate for proposed project area: | 0.1631 |
| Estimated annual injury rate for proposed project area: | 0.8808 |
| Statistical value of annual deaths: | \$6,900,000 |
| Dollar value of annual deaths: | \$1,125,409 |

Version: 5.3.0

17 Apr 2019

Project: **Rolling Hills Fire Prevention 0175**

Pg 3 of 5

Total Benefits: **\$7,892,128**Total Costs: **\$1,008,984**BCR: **7.78**

Project Number: 0175

Disaster #: DR-4382

Program: HMGP

Agency: **City of Rolling Hills** **California**

Point of Contact: Yolanta Schwartz

Analyst: Linda Palmquist

Statistical value of annual injuries (average of minor, \$889,375 major injuries):

Dollar value of annual injuries: \$783,322

Average annual damages and losses: \$9,683,400

Total annual losses before mitigation: \$12,737,914**Volunteer Costs**

Number of Volunteers Required:

0

Number of Hours Volunteered/Person:

0

Cost of Volunteers Time (\$/Hour/Person):

\$0.00

Number of Days Lodging/Volunteer:

0

Per-Person Cost of Lodging for a Volunteer:

\$0.00

Cost of Volunteers:

\$0.00

Environmental Benefits

Land Use

Total Project Area (Acres):

0.00000000

| Parcel Type | % of Parcel Type Being Used | \$/Acre/Year |
|------------------|-----------------------------|--------------|
| Green Open Space | 100% | \$11,552 |
| | 100% | \$11,552 |

Summary Of Benefits

Expected Annual Damages Before Mitigation

Expected Annual Damages After Mitigation

Expected Avoided Damages After Mitigation (Benefits)

Annual: \$11,592,131

Annual: \$9,273,704

Annual: \$2,318,427

Present Value: \$39,264,995

Present Value: \$31,411,996

Present Value: \$7,852,999

Mitigation Benefits: \$7,852,999

Mitigation Costs: \$1,008,984

Benefits Minus Costs: \$6,844,015

Benefit-Cost Ratio: 7.78

Version: 5.3.0

17 Apr 2019

Project: **Rolling Hills Fire Prevention 0175**

Pg 4 of 5

Total Benefits: **\$7,892,128**

Total Costs: **\$1,008,984**

BCR: **7.78**

Project Number: 0175

Disaster #: DR-4382

Program: HMGP

Agency: **City of Rolling Hills**

State: **California**

Point of Contact: Yolanta Schwartz

Analyst: Linda Palmquist

Cost Estimate

Project Useful Life (years): 4

Construction Type:

Mitigation Project Cost: \$966,644

Detailed Scope of Work: Yes

Annual Project Maintenance Cost: \$12,500

Detailed Estimate for Entire Project: Yes

Final Mitigation Project Cost: \$1,008,984

Years of Maintenance: 4

Cost Basis Year:

Present Worth of Annual Maintenance Costs: \$42,340

Construction Start Year:

Estimate Reflects Current Prices: Yes

Construction End Year:

Project Escalation:

17 Apr 2019

Project: **Rolling Hills Fire Prevention 0175**

Pg 5 of 5

Total Benefits: **\$7,892,128**Total Costs: **\$1,008,984**BCR: **7.78**

Project Number: 0175

Disaster #: DR-4382

Program: HMGP

Agency: **City of Rolling Hills** **California**

Point of Contact: Yolanta Schwartz

Analyst: Linda Palmquist

Justification/Attachments

| Field | Description | Attachments |
|---------------------------------|--|---|
| Annual Project Maintenance Cost | The attached letter indicates the maintenance commitment by the City. | HMGP Project Subapplication - Fire Breaks Project Maintenance Letter TemplateR22.docx |
| Building Replacement Value | See attached narrative. | Buildings Protected by Fire Breaks.docx |
| Fire suppression costs | See attached narrative. | Fire Suppression Costs.docx |
| Mitigation Project Cost | The attached documents details the Scope of Work, Concept Plan, and the Project Cost. | SOW Vegetative Management.Fuel Break.Erosion Control.docx; CIROH.190066 Fire Breaks Project.pdf; CIROH.190066 - Engineer's Estimate.pdf |
| Number Of Buildings | See the attached narrative | Buildings Protected by Fire Breaks.docx |
| Project useful life | Page D-2 of FEMA's Final BCA Reference Guide June 2009 indicates the standard useful life for defensible space/hazardous fuels reduction is 4 years. | bca_reference_guide, page D-1.pdf |
| Value of infrastructure | See attached narrative. | Vulnerable Infrastructure.docx |

Version: 5.3.0

PRINT THIS PAGE – ORIGINAL SIGNATURE IS REQUIRED

PROJECT CONDITIONS

Indicate by checking each box below that you will adhere to these listed project conditions.

- ☒ If during implementation of the project, ground-disturbing activities occur and artifacts or human remains are uncovered, all work will cease and FEMA, Cal OES, and the State Historic Preservation Officer (SHPO) will be notified.
- ☒ If deviations from the approved scope of work result in design changes, the need for additional ground disturbance, additional removal of vegetation, or will result in any other unanticipated changes to the physical environment, FEMA will be contacted and a re-evaluation under NEPA and other applicable environmental laws will be conducted.
- ☒ If wetlands or waters of the U.S. are encountered during implementation of the project, not previously identified during project review, all work will cease and FEMA will be notified.
- ☒ Due to the Federally mandated Environmental and Historic Preservation (EHP) review; no construction will occur for this project prior to FEMA and Cal OES approval.

AUTHORIZATION

The undersigned does hereby submit this subapplication for financial assistance in accordance with the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) and the State Hazard Mitigation Administrative Plan and certifies that the subapplicant (e.g., organization, city, or county) will fulfill all requirements of the program as contained in the program guidelines and that all information contained herein is true and correct to the best of our knowledge.

Subapplicant Authorized Agent

NAME: Elaine Jeng

TITLE: City Manager

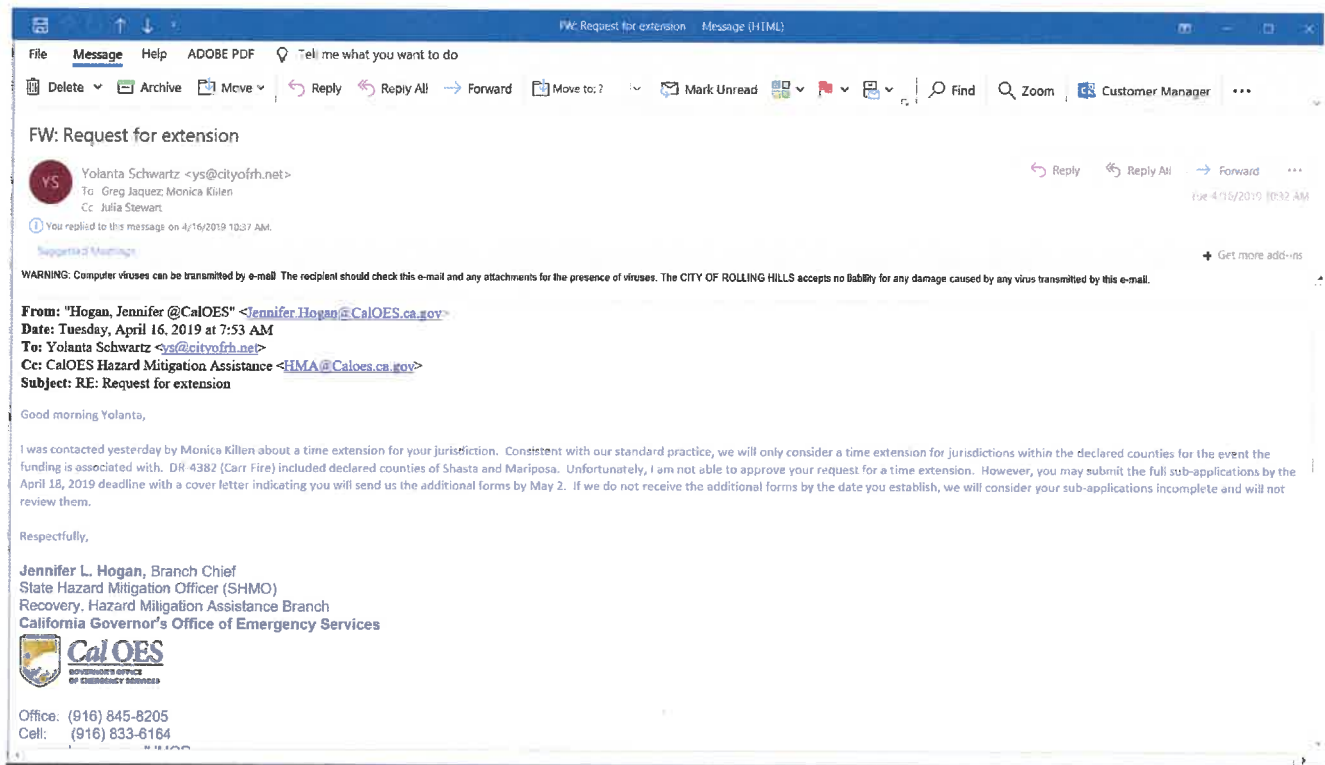
ORGANIZATION: City of Rolling Hills

SIGNATURE: 

DATE: 4/16/2019

Placeholder for
AGENT RESOLUTION FORM
DR-4382-0175

Will be submitted by May 2, 2019



**CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
SUBRECIPIENT GRANTS MANAGEMENT ASSESSMENT**

| | | |
|---|--|----------------------|
| Subrecipient: City of Rolling Hills | DUNS # 18945170 | FIPS #: 06037 |
| Grant Disaster/Program Title: DR-4382 Hazard Mitigation Grant Program (Planning) | | |
| Performance Period: to | Subaward Amount Requested: \$ 123,750 | |
| Type of Non-Federal Entity (Check Box) | <input type="checkbox"/> State Gov. <input checked="" type="checkbox"/> Local Gov. <input type="checkbox"/> JPA <input type="checkbox"/> Non-Profit <input type="checkbox"/> Tribe | |

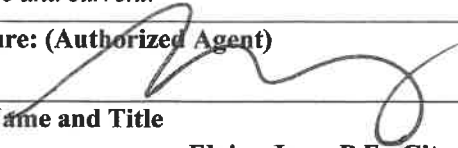
Per Title 2 CFR § 200.331, Cal OES is required to evaluate the risk of noncompliance with federal statutes, regulations and grant terms and conditions posed by each subrecipient of pass-through funding. This assessment is made in order to determine and provide an appropriate level of technical assistance, training, and grant oversight to subrecipients for the award referenced above.

The following are questions related to your organization's experience in the management of federal grant awards. This questionnaire must be completed and returned with your grant application materials.

For purposes of completing this questionnaire, *grant manager* is the individual who has primary responsibility for day-to-day administration of the grant, *bookkeeper/accounting staff* means the individual who has responsibility for reviewing and determining expenditures to be charged to the grant award, and *organization* refers to the subrecipient applying for the award, and/or the governmental implementing agency, as applicable.

| Assessment Factors | Response |
|---|----------|
| 1. How many years of experience does your current grant manager have managing grants? | 5 years |
| 2. How many years of experience does your current bookkeeper/accounting staff have managing grants? | >5 years |
| 3. How many grants does your organization currently receive? | None |
| 4. What is the approximate total dollar amount of all grants your organization receives? | \$0 |
| 5. Are individual staff members assigned to work on multiple grants? | Yes |
| 6. Do you use timesheets to track the time staff spend working on specific activities/projects? | Yes |
| 7. How often does your organization have a financial audit? | Annually |
| 8. Has your organization received any audit findings in the last three years? | No |
| 9. Do you have a written plan to charge costs to grants? | Yes |
| 10. Do you have written procurement policies? | Yes |
| 11. Do you get multiple quotes or bids when buying items or services? | Always |
| 12. How many years do you maintain receipts, deposits, cancelled checks, invoices, etc.? | >5 years |
| 13. Do you have procedures to monitor grant funds passed through to other entities? | Yes |

Certification: *This is to certify that, to the best of our knowledge and belief, the data furnished above is accurate, complete and current.*

| | |
|---|-----------------------------------|
| Signature: (Authorized Agent)  | Date: 4-16-2019 |
| Print Name and Title Elaine Jeng, P.E., City Manager | Phone Number: 310-377-1521 |

Program Specialist Only: SUBAWARD #

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
SITE INFORMATION, ENVIRONMENTAL REVIEW, AND CHECKLIST

A. PURPOSE:

Federal agencies are required by law to independently assess the potential environmental impacts resulting from their proposed actions. This form will be used to screen applications for necessary compliance with those laws. It will be used to assess the amount of available information for environmental compliance and the cost burden of environmental compliance relative to the total project cost. It is extremely important that the information provided be in accurate and sufficient detail to permit FEMA to evaluate the environmental conditions and/or features for providing financial assistance to Subapplicants.

Although the information may be obtained from FEMA's own observations, previous environmental studies and/or research must be utilized. Such information is available from the jurisdictional Federal, state and local resource/regulatory agencies responsible for protecting or regulating resources such as wetlands, floodplains, coastal zones, threatened and endangered species, farmland, or properties listed in or considered eligible for listing to the National Register of Historic Places.

This information is designed to obtain an understanding by FEMA of the project site's present environmental condition and the proposed project's elements that may affect the environment. It is important to understand the comprehensive nature of the information requested. Information must be provided for the site and immediate surrounding area that will be directly or indirectly affected by implementation (construction and operation) of the Subapplicant's proposal.

B. PURPOSE AND NEED:

FEMA will provide federal financial assistance to State and Local governments and certain non-profit entities to respond to, recover from or help mitigate disasters by providing financial assistance from the grant programs within its jurisdiction.

C. PROJECT DESCRIPTION:

| | |
|-----------------------------------|---|
| APPLICATION ID: | DR-4382-0175 |
| PROPOSED PROJECT LOCATION: | 12 Crest Road W., Rolling Hills, CA 90274 52 Portuguese Bend Road, Rolling Hills, CA 90274 (ADDRESS, CITY, COUNTY, STATE, ZIP CODE) |
| LATITUDE/LONGITUDE: | 33.757238, -118.354605 |
| PROPOSAL: | Vegetative Management/Fuel Break/Erosion Control |
| SITE SIZE: | 37,270' SF |

D. PROJECT COORDINATION, PERMITS AND APPROVALS:

Will the proposal require the following agency coordination, permits and/or approvals?

| | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 1. CWA Section 404/RHA Section 10 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Clean Water Act Section 401/402 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. EO 11988 Floodplains 8-step Process | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. EO 11990 Wetlands 8-step Process | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. CZMA CC/Negative Determination | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Section 7 ESA | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. NHPA Section 106 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. FLPA Farmland Conversion Form AD-1006 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. CAA General Conformity Determination | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Migratory Bird Treaty Act | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Fish and Wildlife Coordination Act | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Magnuson-Stevens Fishery & Management Act | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Other: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

E. POTENTIAL ENVIRONMENTAL IMPACT:

Are any of the following land uses or environmental resources located on, or adjacent to the project site, and are directly or indirectly impacted by the proposed project?

| Physical Characteristics of site(s) or vicinity: | YES | NO | POSSIBLE | EXHIBITS* |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Flat, rolling, hilly, steep slopes, mountainous? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Soil type? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Any surface water bodies (streams, saltwater, lakes, ponds, rivers, wetlands) on or near the project area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the project require work over, in or adjacent to waters of the U.S.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Alter existing drainage pattern of the site, alter course of surface waters? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Create increased stormwater runoff or otherwise degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Source of collection and disposal of storm water runoff? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposal alter surface water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Affect a sole source aquifer? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Affect a Wild and Scenic River? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Involve construction in the Coastal Zone? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Could the proposal lead to increased erosion by clearing, grading, excavation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Could the proposal cause changes in geological substructures? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Do seismic hazards exist in the area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | YES | NO | POSSIBLE | EXHIBITS* |
|-----|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 15. | Could the proposal increase mudslides, landslides, ground failure, subsidence or liquefaction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. | Located in a non-attainment or maintenance area for criteria air pollutants? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. | Increase emission levels of regulated air pollutants and exceed <i>de minimis</i> standards? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. | What types of noise would be created by this project (traffic, construction, operation)? Will the source produce short-term or long-term impacts? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. | Affect sensitive receptors (residences, institutions, hospitals, schools within ¼ mile of project area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. | Will views in the immediate vicinity be altered or obstructed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. | Would the proposal result in an aesthetically negative site open to public view? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | Will the proposal produce light or glare? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | Could light or glare be a safety hazard or interfere with views? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Biological Characteristics:

| | | YES | NO | POSSIBLE | EXHIBITS* |
|-----|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 1. | Vegetation type? (Deciduous, coniferous, shrubs, grasses, pasture, cropland, hydrophytic) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Wildlife observed on site or known to exist within immediate vicinity (Birds, mammals, fish)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. | Potential for endangered or threatened species and/or critical habitat in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. | Result in the deterioration of existing or critical habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. | Have a substantial adverse effect on any riparian habitat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Interfere substantially with the movement of any migratory fish? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | Located in a migratory flyway or migration route? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. | Conflict with any local ordinances protecting resources such as tree preservation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | Introduce or cause the spread of invasive species during construction and/or operation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. | Affect any national/state/local wildlife/waterfowl refuges on or adjacent to project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Land Use and Socioeconomic Characteristics:

| | | YES | NO | POSSIBLE | EXHIBITS* |
|----|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 1. | Have a disproportionate impact on low income or minority populations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Physically divide a community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Induce substantial population growth? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Alter the present or planned use of an area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | YES | NO | POSSIBLE | EXHIBITS* |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 5. Displace a substantial number of people, housing or businesses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Would the proposal affect existing housing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Convert important farmland? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Be located within two miles of a public airport? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Has any part of the site been classified an environmentally sensitive area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Displace any existing recreational uses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Historic and Cultural Characteristics:

| | YES | NO | POSSIBLE | EXHIBITS* |
|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Result in an effect to historic properties on-site or adjacent to the site listed on or eligible for listing on the National Register of Historic Places? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the proposed site on or adjacent to tribal lands? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Result in excavation of soil? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Would the proposal alter or destroy prehistoric or historic archeological sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Result in an effect to properties designated as National Historic Landmarks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Would the proposal result in an adverse physical or aesthetic affect to a historic property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Anticipated level of effort for Section 106 compliance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Hazardous/Toxic Materials:

| | YES | NO | POSSIBLE | EXHIBITS* |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Does the site presently have known USTs or ASTs? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there any evidence of existing USTs, such as vent pipes, fill caps, etc.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have UST's ever been located on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do the past uses of the site suggest hazardous or toxic materials may be present at or near the site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Are there curb cuts, footings, or other evidence of former buildings on site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the site or building contain any of the following: <ul style="list-style-type: none"> • PCB electric transformers? • Urea formaldehyde? Friable asbestos? • Lead-based paints? Radioactivity? • Radon? • Soil contamination? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Is the site on or near an EPA or State Superfund or priority cleanup? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Energy and Utilities:

| | YES | NO | POSSIBLE | EXHIBITS* |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| 1. What kinds of energy (electric, natural gas, oil) will be used to | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

meet the project's needs for construction/operation?

- | | YES | NO | POSSIBLE | EXHIBITS* |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 2. Are utilities available to the site? What type (electricity, natural gas, water, garbage, telephone, sanitary sewer)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Public Services and Facilities:

- | | YES | NO | POSSIBLE | EXHIBITS* |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Will the project result in an increased need for public services (fire, police, health care, schools)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Would the proposal result in a decrease in parks or open space? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Transportation:

- | | YES | NO | POSSIBLE | EXHIBITS* |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 1. Will the project change traffic patterns or volumes in the area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the site have access constraints? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the project require any new roads or streets, or improvements to existing roads or streets? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposal result in an increase of vehicular trips per day to the site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposal result in increased hazards to motor vehicles, bicyclists or pedestrians? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Construction Activities:

- | | YES | NO | POSSIBLE | EXHIBITS* |
|--|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 1. Would the proposal result in the following? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| a) increased ambient noise due to equipment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) degrade local air quality due to dust, equipment exhaust and/or burning debris? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) deteriorate water quality from erosion or pollutant runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) disrupt off-site and local traffic patterns? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Alternatives Considered:

- | | EXHIBITS* |
|--------------------------------------|--------------------------|
| 1. Alternative locations (identify): | <input type="checkbox"/> |
| | |
| 2. Alternative designs (identify): | <input type="checkbox"/> |
| | |

CEQ Significance Factors (40 CFR 1508.27):

| | YES | NO | POSSIBLE | EXHIBITS* |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 1. Is there anything in the context of the project that would suggest impacts might be significant? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the intensity of any of the following factors such that the impacts might be significant? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| a) Beneficial and adverse impacts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Human health or safety impacts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Impacts on unique characteristics of the area, such as historic or cultural resources, park lands, prime farmlands, wetlands, floodplains, wild and scenic rivers, or ecologically critical areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Impacts that are likely to be highly controversial? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Impacts that are highly uncertain or involve unique/unknown risks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) The action establishes a precedent for future actions with potentially significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Impacts that are reasonably expected to be cumulative? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Adverse impacts on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or impacts that may cause loss or destruction of significant scientific, cultural, or historical resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Adverse impacts on threatened or endangered species or its critical habitat as determined under the Endangered Species Act? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) The action threatens a violation of Federal, state or local law or requirements imposed for the protection of the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

F. Does the proposal result in FEMA's ExtraordinaryCircumstances?

| | | |
|--|------------------------------|--|
| I. Greater scope or size than normal for a particular category of action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| II. High level of public controversy? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| III. Potential to degrade already poor environmental conditions? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| IV. Use of unproven technology with the potential for adverse effect? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| V. Presence of endangered or threatened species or their critical habitat? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

- VI. Presence of archaeological, cultural or historic properties? ☐ Yes ☒ No
- VII. Presence of hazardous or toxic substances at levels that exceed Federal, state, or local regulations or standards requiring action? ☐ Yes ☒ No
- VIII. Potential to affect adversely special status areas such as wetlands, coastal zones, wildlife refuges, wilderness areas, wild and scenic rivers or sole source drinking water aquifers? ☐ Yes ☒ No
- IX. Potential to adversely affect human health and safety? ☐ Yes ☒ No
- X. Would the project violate federal, state, local laws or tribal law or requirement imposed for the protection of the environment? ☐ Yes ☒ No
- XI. Potential for significant cumulative impact with other RFFAs? ☐ Yes ☒ No
- XI. Potential for significant cumulative impact with other RFFAs? ☐ Yes ☒ No
- If yes, identify: _____

G. Is the proposed project for HMA funding part of a larger proposal that would subject the entire project to Federal environmental review? ☐ Yes ☒ No

H. Does the application contain measures to avoid, reduce, minimize, or compensate potential environmental impacts? ☒ Yes ☐ No

If yes, describe: Potential compensation through offsite mitigation.

I. Were mitigation measures included in the proposal's budget? ☒ Yes ☐ No

J. What is the potential EHP cost of compliance relative to the requested federal share (cost of compliance refers to FEMA or FEMA contractor preparation of compliance activities not cost for mitigation measures that the Subapplicant would be responsible for):

- High (>50% of requested Federal share) ☐
- Medium (25-50% of requested Federal share) ☐
- Low (<25% of requested Federal share) ☒

K. What is the anticipated Environmental compliance costs associated with the overall project?

- High (>50% of requested Federal share) ☐
- Medium (25-50% of requested Federal share) ☐
- Low (<25% of requested Federal share) ☒
- Not enough information to determine ☐

*** IF APPLICABLE, ADDITIONAL INSTRUCTIONS FOR NARRATIVE RESPONSES AND EXHIBITS**

1. **Floodplains** – Provide FEMA FIRM Map with site location clearly marked.
2. **Wetlands** – If the primary site alternative and/or its practicable alternative require a Section 10 of the Rivers and Harbors Act or a CWA Section 404 permit. Provide status of USACE permit receipt. Attach NWI wetlands map, as necessary.
3. **Viewshed** – If the proposed project is located in or adjacent to a residential or historic district, perform and provide a Visual Impact Assessment.
4. **Existing habitat** – Identify and describe any existing, observed in the field, or known or expected to exist flora and fauna species at the project site and immediately surrounding the site.
5. **Endangered/threatened species and/or critical habitat** – Contact local Ecological Services Field Office of the U.S. Fish and Wildlife Service (FWS) and obtain information and listing of any E/T **known to exist at the site or in the immediate vicinity**.
6. **Migratory Flyway or migration barrier** – If the proposed project is new construction or extension of an existing tower of 30' in height or more complete Tower Site Evaluation Form.
7. **Invasive Species** – Provide information about Subapplicant's plans for re-vegetation and avoidance of spreading invasive species during construction.
8. **Minority of low-income populations** – If the proposed project will impact minority and low- income populations as identified in Executive Order 12898, perform evaluation in accordance with EPA guidance on performing Environmental Justice Analysis.
9. **Farmland** – If alternative would convert or impact important farmland, complete and submit NRCS Form AD 1006 to the Natural Resources Conservation Service for rating. Attached completed and signed form (by NRCS).
10. **Historic and Cultural Characteristics** – Identify any listed, eligible or potentially eligible historic/archaeological resources the APE. Provide CHRIS, data sheets or other sources obtained from State Historic Preservation Officers used to identify such properties.
11. **Hazardous Substances** – Provide a description of any hazardous, toxic materials found at the site.
12. **Roadway and Access** – Provide description of what, where, how, length, width, depth, material, permanent or temporary and drawings including site plan and cross sectional drawing. If roadway is temporary, how will fill material (If CWA fill permit required, see #2 above) or roadway surfacing be removed and site restored.
13. **Alternatives Considered** – Provide a description and a justification for elimination of other proposed project locations and designs considered.

PREPARED BY: Yolanta Schwartz

TITLE: Planning Director

TELEPHONE: 310-377-1521

DATE: 4/18/2019

ATTACHMENT 2

City of Rolling Hills
Grant Award Letter from FEMA
dated November 16, 20200



U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

FEMA

November 16, 2020

Mark S. Ghilarducci
Governor's Authorized Representative
California Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

Reference: Application Approval for Phase 1
HMGP-4382-175-13R, City of Rolling Hills
City of Rolling Hills Vegetative Management Mitigation Project
Supplement #29

Dear Mr. Ghilarducci:

The Federal Emergency Management Agency (FEMA) has approved and issued Hazard Mitigation Grant Program (HMGP) funds for the City of Rolling Hills (subrecipient), HMGP-4382-175-13R, City of Rolling Hills Vegetative Management Mitigation Project (Phase 1).

The total eligible costs for Phase 1 are \$323,500. As shown in the enclosed Supplement #29 Obligation Report, we have obligated \$242,625 for up to 75 percent federal share; the non-Federal share match is \$80,875. These funds are available in Smartlink for eligible disbursements.

This HMGP grant approval and obligation of funds are subject to the following:

- 1. Scope of Work (SOW)** - The City of Rolling Hills is proposing to create defensible space/fuel breaks to protect homeowners from wildfires within the City. Phase 1 design development funds are needed to determine the project locations and methods within the City.
- 2. Budget Revisions and Cost Overruns** - In accordance with the 2015 Hazard Mitigation Assistance Unified Guidance, Part VI D.3, when budget changes are made, all programmatic requirements continue to apply. Additional information regarding budget adjustments and revisions can be found in 2 CFR Part 200.308. The Recipient must obtain FEMA's prior written approval for any budget revisions.

November 16, 2020

Page 2

3. **Completion Date** – The work schedule in the application states the activity completion time frame is 12 months. We will annotate November 16, 2021 as the project completion date for Phase 1. Please inform the subrecipient that work completed after this date is not eligible for federal funding, and federal funds may be de-obligated for work not completed within schedule for which there is no approved time extension
4. **National Environmental Policy Act (NEPA)** –This project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and DHS Instruction Manual 023-01-001-01. Categorical Exclusion a4 and a7 has been applied.
5. This award of funds is subject to the enclosed *Standard Hazard Mitigation Grant Program Conditions*, amended August 2018. Federal funds may be de-obligated for work that does not comply with these conditions.

If you have any questions or need further assistance please contact me, or your staff may contact Aaron Lim, Hazard Mitigation Assistance Specialist, at Aaron.Lim@fema.dhs.gov (510)-627-7036.

Sincerely,

for

David Stearrett
Acting Director
Mitigation Division
FEMA Region IX

cc: Robert Aguilar, Cal OES
Emily Winchell, Cal OES
Robin Shepard, Cal OES
Monika Saputra, Cal OES

Enclosures (4):
NEMIS Obligation Report
NEMIS Project Management Report
Record of Environmental Considerations (REC)
Standard HMGP Conditions

HAZARD MITIGATION GRANTS PROGRAM

Obligation Report w/ Signatures

| Disaster No | FEMA Project No | Amendment No | State Application ID | Action No | Supplemental No | State | Recipient |
|-------------|-----------------|--------------|----------------------|-----------|-----------------|-------|-----------|
| 4382 | 13 -R | 0 | 175 | 1 | 29 | CA | Statewide |

Subrecipient: Rolling Hills

Project Title : Rolling Hills, City of, Vegetative Management Project

Subrecipient FIPS Code: 037-62602

| Total Amount Previously Allocated | Total Amount Previously Obligated | Total Amount Pending Obligation | Total Amount Available for New Obligation |
|-----------------------------------|-----------------------------------|---------------------------------|---|
| \$242,625.00 | \$242,625.00 | \$0.00 | \$0.00 |

| Project Amount | Subrecipient Management Cost Amount | Total Obligation | IFMIS Date | IFMIS Status | FY |
|----------------|-------------------------------------|------------------|------------|--------------|------|
| \$242,625.00 | \$0.00 | \$242,625.00 | 11/12/2020 | Accept | 2021 |

Comments

Date: 11/12/2020 User Id: SSCOTT39

Comment: Approved funding for City of Rolling Hills, Vegetative Management Project

Authorization

Preparer Name: STEVEN SCOTT

Preparation Date: 11/12/2020

HMO Authorization Name: KAREN MOJICA

HMO Authorization Date: 11/12/2020

Authorizing Official Signature_____
Authorizing Official Title_____
Authorization Date_____
Authorizing Official Signature_____
Authorizing Official Title_____
Authorization Date

FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT PROGRAM

Project Management Report

| | | | | | |
|-----------------|---------------------|------------------|--------|-------|-----------|
| Disaster Number | FEMA Project Number | Amendment Number | App ID | State | Recipient |
| 4382 | 13 - R | 0 | 175 | CA | Statewide |

Subrecipient: Rolling Hills

FIPS Code: 037-62602

Project Title : Rolling Hills, City of, Vegetative Management Project

Mitigation Project Description

Amendment Status : Approved

Approval Status: Approved

Project Title : Rolling Hills, City of, Vegetative Management Project

Recipient : Statewide

Subrecipient : Rolling Hills

Recipient County Name : Los Angeles

Subrecipient County Name : Los Angeles

Recipient County Code : 37

Subrecipient County Code : 37

Recipient Place Name : Rolling Hills

Subrecipient Place Name : Rolling Hills

Recipient Place Code : 0

Subrecipient Place Code : 62602

Project Closeout Date : 00/00/0000

Work Schedule Status

| Amend # | Description | Time Frame | Due Date | Revised Date | Completion Date |
|---------|---------------------------|------------|------------|--------------|-----------------|
| 0 | PHASE I | 0 | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | CEQA Assessment | 6 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Boundary Survey | 1 Month | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Legal Services | 3 Month | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Site Survey | 1 Month | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Project Design | 7 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | PHASE II | 0 | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Construction Mobilization | 1 Month | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Clearing & Grubbing | 6 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Grading | 4 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Hydroseeding | 3 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Roadway Surfacing | 2 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |
| 0 | Offsite Mitigation | 2 Months | 00/00/0000 | 00/00/0000 | 00/00/0000 |

Approved Amounts

| Total Approved Net Eligible | Federal Share Percent | Total Approved Federal Share Amount | Non-Federal Share Percent | Total Approved Non-Fed Share Amount |
|-----------------------------|-----------------------|-------------------------------------|---------------------------|-------------------------------------|
| \$323,500.00 | 75.000000000 | \$242,625.00 | 25.000000000 | \$80,875.00 |

Allocations

| Allocation Number | IFMIS Status | IFMIS Date | Submission Date | FY | ES/DFSC Support Req ID | ES/DFSC Amend Nr | Proj Alloc Amount Fed Share | Subrecipient Management Cost | Total Alloc Amount |
|-------------------|--------------|------------|-----------------|------|------------------------|------------------|-----------------------------|------------------------------|--------------------|
| 15 | A | 11/12/2020 | 11/12/2020 | 2021 | 3231152 | 3 | \$242,625.00 | \$0.00 | \$242,625.00 |
| Total | | | | | | | \$242,625.00 | \$0.00 | \$242,625.00 |

HAZARD MITIGATION GRANT PROGRAM

Project Management Report

| | | | | | |
|--------------------|------------------------|---------------------|------------|-----------|------------------|
| Disaster Number | FEMA Project Number | Amendment Number | App ID | State | Recipient |
| 4382 | 13 - R | 0 | 175 | CA | Statewide |

Subrecipient: Rolling Hills

FIPS Code: 037-62602

Project Title : Rolling Hills, City of, Vegetative Management Project

Obligations

| Action Nr | IFMIS Status | IFMIS Date | Submission Date | FY | SFS Support Doc ID | SFS Amend Number | Suppl Nr | Project Obligated Amt - Fed Share | Subrecipient Management Cost | Total Obligated Amount |
|--------------|-----------------|---------------|--------------------|------|--------------------------|------------------------|-------------|--------------------------------------|---------------------------------|---------------------------|
| 1 | A | 11/12/202 | 11/12/2020 | 2021 | 3306034 | 0 | 29 | \$242,625.00 | \$0.00 | \$242,625.00 |
| Total | | | | | | | | \$242,625.00 | \$0.00 | \$242,625.00 |

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP 4382-175-13 (Phase 1)

Title: City of Rolling Hills Vegs Management Project (Phase 1)

NEPA DETERMINATION

| | | |
|------------------------|----------------|----------------|
| Non Compliant Flag: No | EA Draft Date: | EA Final Date: |
| EA Public Notice Date: | EA Fonsi | Level: CATEX |
| EIS Notice of Intent | EIS ROD Date: | |

Comment The City of Rolling Hills is proposing to create defensible space/fuel breaks to protect homeowners from wildfires within the City, Los Angeles County (33.757238, -118.354605). Phase 1 design development funds are needed to determine the project locations and methods within the City.

Phase 1 (Design) of this project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusions a4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and a7 (commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding. - dcohen3 - 11/05/2020 23:41:04 GMT

CATEX CATEGORIES

| Catex Category Code | Description | Selected |
|---------------------|---|----------|
| a4 | (a4) Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to: (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions. (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities. | Yes |
| a7 | (a7) The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to: (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation. (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys. (c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure. | Yes |

EXTRAORDINARY

| Extraordinary Circumstance Code | Description | Selected ? |
|---------------------------------|--|------------|
| | No Extraordinary Circumstances were selected | |

ENVIRONMENTAL LAW / EXECUTIVE ORDER

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP 4382-175-13 (Phase 1)

Title: City of Rolling Hills Vegs Management Project (Phase 1)

| Environmental Law/ Executive Order | Status | Description | Comment |
|---|-----------|--|---|
| Clean Air Act (CAA) | Completed | Project will not result in permanent air emissions - Review concluded | |
| Coastal Barrier Resources Act (CBRA) | Completed | Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded | |
| Clean Water Act (CWA) | Completed | Project would not affect any water of the U.S. - Review concluded | |
| Coastal Zone Management Act (CZMA) | Completed | Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded | |
| Executive Order 11988 - Floodplains | Completed | No effect on floodplain/flood levels and project outside floodplain - Review concluded | |
| Executive Order 11990 - Wetlands | Completed | No effects on wetlands and project outside wetlands - Review concluded | |
| Executive Order 12898 - Environmental Justice for Low Income and Minority Populations | Completed | No Low income or minority population in, near or affected by the project - Review concluded | |
| Endangered Species Act (ESA) | Completed | Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action | The proposed action is to provide funding to the subrecipient for Phase 1 design development funds, without any proposed physical disturbance. These actions would result in no impacts to endangered species. ESA review will need to be completed prior to implementing any subsequent phases of the project. The proposed scope of work for design development will not destroy or adversely modify suitable habitat and will not affect any other listed or proposed species. It is therefore determined the proposed action would have No Effect on listed species and consultation with the Services under Section 7 of the Endangered Species Act is not required. - dcohen3 - 11/05/2020 23:31:47 GMT |
| | Completed | No effect to species or designated critical habitat (See comments for justification) - Review concluded | |
| Farmland Protection Policy Act (FPPA) | Completed | Project does not affect designated prime or unique farmland - Review concluded | |

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP 4382-175-13 (Phase 1)

Title: City of Rolling Hills Vegs Management Project (Phase 1)

| Environmental Law/ Executive Order | Status | Description | Comment |
|--|-----------|---|--|
| Fish and Wildlife Coordination Act (FWCA) | Completed | Project does not affect, control, or modify a waterway/body of water - Review concluded | |
| Migratory Bird Treaty Act (MBTA) | Completed | Project located within a flyway zone | |
| | Completed | Project does not have potential to take migratory birds - Review concluded | |
| Magnuson-Stevens Fishery Conservation and Management Act (MSA) | Completed | Project not located in or near Essential Fish Habitat - Review concluded | |
| National Historic Preservation Act (NHPA) | Completed | Not type of activity with potential to affect historic properties - Review concluded | The Undertaking complies with Stipulation I.A.7.f. (assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), State Historic Preservation Office (SHPO) and California Office of Emergency Services (Cal OES), signed October 29, 2019. Thus, the Undertaking does not require SHPO review, and FEMA has no further Section 106 responsibilities in accordance with 36 CFR § 800.3(a)(1). No ground disturbance is proposed. - dcohen3 - 11/05/2020 23:25:38 GMT |
| Wild and Scenic Rivers Act (WSR) | Completed | Project is not along and does not affect Wild and Scenic River - Review concluded | |

CONDITIONS

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Standard Mitigation Grant Program (HMGP) Conditions

FEMA Region IX, August, 2018

The following list applies to Recipients and Subrecipients accepting HMGP funds from the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS):

1. **Applicable Federal, State, and Local Laws and Regulations.** The Recipient/Subrecipient must comply with all applicable Federal, State, and Local laws and regulations, regardless of whether they are on this list or other project documents. DHS financial assistance Recipients and Subrecipients are required to follow the provisions of the State HMGP Administrative Plan, applicable Hazard Mitigation Assistance Uniform Guidance, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in Title 2 of the Code of Federal Regulations (CFR) Part 200, adopted by DHS in 2 CFR 3002.
2. **Financial Management Systems.** The Recipient and Subrecipient must maintain financial management systems to account for and track funds, as referenced in 2 CFR 200.302.
3. **Match or Cost Share.** Non-federal match or cost share must comply with 2 CFR 200.306, the scope of work (SOW), and any agreements among the Subrecipient, the Recipient, and FEMA.
4. **Budget Changes.** Unanticipated adjustments are permitted within the approved total cost. However, if costs exceed the federal share, the Subrecipient must notify the Governor's Authorized Representative (GAR) of overruns before implementation. The GAR shall submit a written request for approval to FEMA Region IX. The subaward must continue to meet HMGP requirements, including cost effectiveness and cost share. Refer to 2 CFR 200.308 for additional information.
5. **Real Property and Land.** The acquisition, use, and disposition must comply with 2 CFR 200.311.
6. **Equipment.** The acquisition, use, and disposition must comply with 2 CFR 200.313.
7. **Supplies.** Upon project completion, FEMA must be compensated for unused supplies, exceeding \$5,000 (fair market value), and not needed for other federal programs. Refer to 2 CFR 200.314.
8. **Procurement.** Procurement procedures must be in conformance with 2 CFR 200.318-320.
9. **Monitoring and Reporting Program Performance.** The Recipient and Subrecipient must submit quarterly progress reports, as referenced in the 2 CFR 200.328 and State HMGP Administrative Plan.
10. **Records Retention.** In accordance with 2 CFR 200.333, financial/ programmatic records related to expenditures must be maintained at least 3 years after the date of Recipient's final expenditure report.
11. **Enforcement and Termination.** If the Recipient or Subrecipient fails to comply with the award or subaward terms, whether stated in a Federal statute or regulation, the State HMGP Administrative Plan, subapplication, a notice of award, an assurance, or elsewhere, FEMA may take one or more of the actions outlined in 2 CFR 200.338, including termination or partial termination of the award or subaward outlined in 2 CFR 200.339.
12. **Allowable Costs.** Funds are to be used for allowable costs in compliance with 2 CFR 200.403, the approved SOW, and any agreements among the Subrecipient, Recipient, and FEMA.

13. **Non-Federal Audit.** The Recipient and Subrecipient are responsible for obtaining audits in accordance with the Single Audit Act of 1984, in compliance with 2 CFR 200.501.
14. **Debarred and Suspended Parties.** Recipients and Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR 180. These regulations restrict federal financial assistance awards, subawards, and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the federal assistance programs or activities.
15. **Equipment Rates.** Rates claimed for use of Subrecipient-owned equipment in excess of the FEMA-approved rates must be approved under State guidelines issued by the State Comptroller's Office or must be certified by the Recipient to include only those costs attributable to equipment usage less any fixed overhead and/or profit.
16. **Duplication of Funding between Public Assistance (PA) and HMGP.** Funding for PA Section 406 and HMGP Section 404 are permitted on the same facility/location, but the activities identified under each program must be distinct with separately accounted funds. At closeout, FEMA may adjust the funding to ensure the Subrecipient was reimbursed for eligible work from only one funding source.
17. **Historic Properties and Cultural Resources.** In compliance with 2 CFR 800, if a potential historic property or cultural resource is discovered during construction, the Subrecipient must cease work in the area and take all reasonable measures to avoid or minimize harm to the discovered property/resource. During construction, the Subrecipient will monitor ground disturbance activity, and if any potential archeological resources are discovered, will immediately cease work in that area, and notify the Recipient and FEMA. Construction in the area may resume with FEMA's written approval after FEMA's consultation, if applicable, with the State Historic Preservation Officer (SHPO).
18. **NEPA and Changes to the Scope of Work (SOW).** To comply with the National Environmental Policy Act (NEPA), and other Laws and Executive Orders, any change to the approved SOW shall be re-evaluated before implementation. Construction associated with a SOW change, prior to FEMA approval, may be ineligible for funding. Acceptance of federal funding requires environmental permits and clearances in compliance with all appropriate federal, state and local laws, and failure to comply may jeopardize funding.

Within their authority, the Recipient and Subrecipient must use of all practicable means, consistent with other essential policies, to create and maintain productive harmony for people and nature, and fulfill the social, economic, and other needs of present and future generations of Americans.

ATTACHMENT 3

Los Angeles County Fire Department Recommended Vegetation Management Mitigation and Locations

Project Description Summary

The proposed Hazardous Fuel Reduction project will take place within the city limits of Rolling Hills located in the Palos Verdes Peninsula, CA, with 685 homes and 1,960 residents. Project will target canyons in the community for fuel modification. **The goal is to reduce the fuel by 50% - 70% tonnage per acre in targeted canyons.** Thus creating a defensible space required to protect life and property in case of a damaging wildland fire.

The Los Angeles County Fire Department identified 11 canyons with approximately 187 acres that can be treated to provide protection to the communities of Rolling Hills. These canyons have been identified using topography, local weather patterns, fuel load, fire history, and density of homes. Environmental health, natural habitat for wildlife, and stable hillsides for erosion control are considered in the plan. There are three primary ways to remove hazardous fuels from the environment.

- Prescribed Fire – a form of land management in which fire is intentionally applied to vegetation. Prescribed fires are conducted under desired weather and fuel conditions to meet specific objectives, such as to restore adapted ecosystems or limit the amount of dry brush in area prone to wildfires.
- Mechanical Fuel Treatments – are fuel treatments using machine activities designed to change the size and arrangement of the bio mass. These treatment methods include thinning, chipping, and pruning of lower tree branches.
- Goats – are used for fuel load reduction in dense understory and utilized in areas too rugged for mechanized equipment. This technique takes time and the returning of goats to the sites of fuel mitigation for up to four years.

Many of the homes in Rolling Hills are located at the top of ridgelines with the canyon drainages below. Canyons have large amounts of untreated vegetation that can threaten the homes in wildfire. To establish a priority list of project locations from highest risk to low risk, the Los Angeles County Fire Department focused on 11 canyons within the community. The County of Los Angeles Fire Department categorized the canyons as follows:

- Canyons that would be at risk from wind driven fires originating from the southwest: Paint Brush Canyon, Portuguese Canyon, Altamira Canyon, and Forrestal Canyon. **Based on fire history maps these south facing canyons have the highest risk for a wildfire in the future.**
- Canyons that would be at risk during northeast winds: Georgeff Canyon, Purple Canyon, Willow Canyon, Sepulveda Canyon, Blackwater Canyon, John's Canyon, Agua Magna Canyon. Most medium or larger fuels are located in the bottom of drainages with pockets of fuel on north facing slopes. Access to vegetation in the bottom of these canyons would be difficult, so hauling out material for chipping

would have to be planned accordingly. Weed whip the fine fuels, target trees for removal which would enhance better fuel spacing.

Some properties have extended the clearance from their fence line down mid slope into the canyon below. This could set the example for other property owners to continue fuels reduction in these canyons. Continue mid slope down into the canyon with homes above, target vegetation for removal with spacing in mind by removing fuel continuously. Some of the canyons do have access to use mechanical equipment and to chip removed materials. Larger brush in the canyons could be trimmed up and ladder fuels removed. Expected outcome with these fuels reductions would help slow rate of spread of fire, reduce flame lengths, lower amount of ember cast, reduce fire intensity in case of wild fire. This would allow for better defensible space for structures and allow firefighters opportunities to aggressively suppress wildland fire with ground and air resources.

Rolling Hills Terrain is comprised of many large and steep canyons that are the targets for this hazardous fuels reduction project. Each one of the canyons has homes lining the ridgelines. Home owners have done a good job with brush clearance 100' from structures but with the heavy fuel load in the canyons below topography and wind driven fires will threaten structures with flame lengths and ember cast. The alignment of the canyons makes them more at risk from winds of different directions. Strategically removing vegetation will give proper spacing to slow the rate of spread of fire in these canyons. Trimming and liming trees will reduce ladder fuels and help to keep the fire from getting into the canopy's, this will reduce flame length and ember cast that could threaten structures in the community.

The amount of funding appropriated through the grant for the project should go to the greater good of the community. Focus on canyons with highest threat of fire. Focus on fuel modification from the structures to the canyon bottoms. This project can be the example of what the community needs to keep moving forward towards the achievable outcome of canyons with less fire hazards toward the community.

The County of Los Angeles has ranked the canyons fire danger threat to the community of Rolling Hills based on Topography Fuel Weather and Fire history. The Canyons with threat from Southwest winds rank as the highest priority for fuels reduction. City limits are an imaginary lines, the canyons below in the conservancy are connected to the city of Rolling Hills. Focusing these grant funds to do fuels reduction on the south side of the city, would continue to build on the vegetation management Rolling Hills has already contributed to in the conservancy lands. Focus on where the city boundaries meet the conservancy, this will continue to break up the fuel continuity reducing fire spread and extreme fire behavior.

Paint Brush Canyon has two areas to target. The canyon between Cinchring Rd and Portuguese Bend. Canyon area below Running Brand Rd and Burma Rd (motorway).

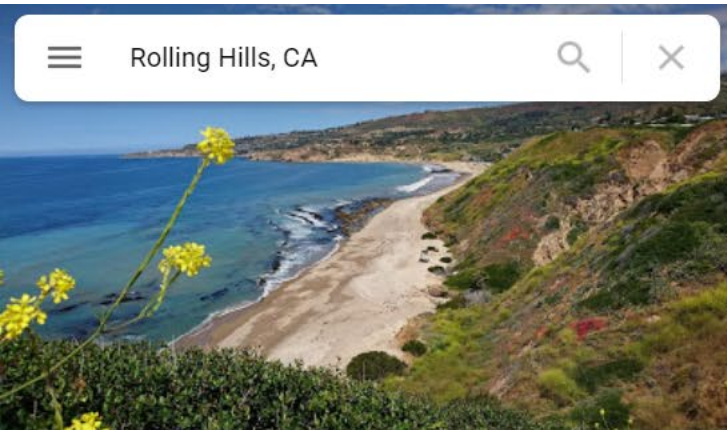
Portuguese Canyon has a two areas to target. South of Crest Rd near Fire station 56 and End of Qual ridge Rd.

Forrestal Canyon has two areas to target. End of Packsaddle RD E and End of Rigbit Rd E, also end of spur road dead end of Crest Rd E.

Klondike Canyon is connected to Forrestal Canyon and has two area to target, between Southfield Dr and Portuguese Bend Rd also end of Packsaddle W.

A. Scope of Work, Section 1: Hazardous Fuel Reduction/Removal of Dead or Dying Tree Projects, sections 1-5 seen above, will be rewritten with specific detail to the South facing only canyon for submission to Cal OES grants.

Rolling Hills, CA



Rolling Hills

California

Clear with periodic clouds · 51°F 7:13 PM

Directions

Save

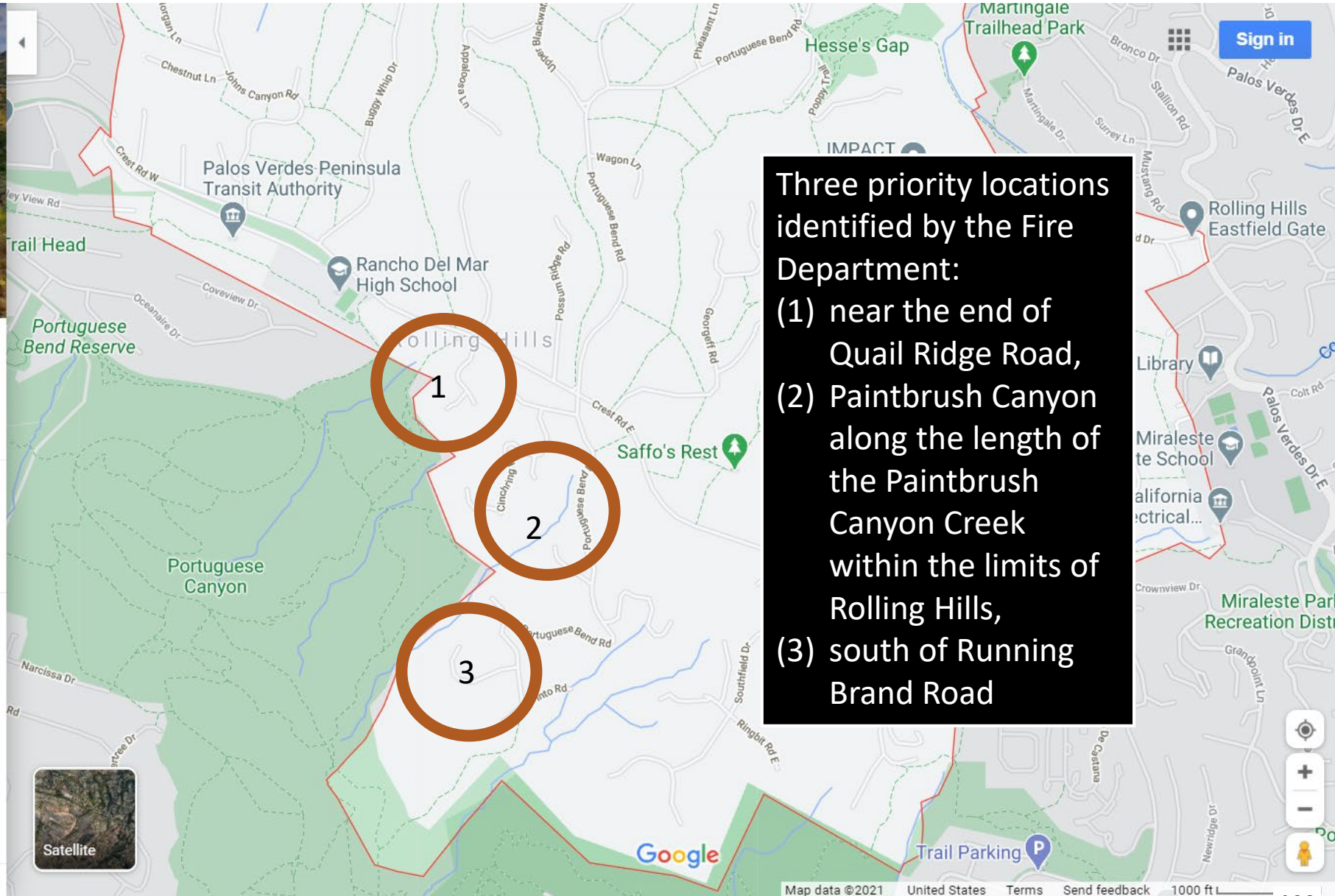
Nearby

Send to your phone

Share

Quick facts

Rolling Hills is a city on the Palos Verdes Peninsula, in Los Angeles County, California, United States. Rolling Hills is a gated community with private roads with three entry gates. Homes are single-story 19th century California ranch or Spanish haciendas exemplified by architect Wallace Neff. [Wikipedia](#)



Three priority locations identified by the Fire Department:

- (1) near the end of Quail Ridge Road,
- (2) Paintbrush Canyon along the length of the Paintbrush Canyon Creek within the limits of Rolling Hills,
- (3) south of Running Brand Road

GOOD EXAMPLES





BAD EXAMPLES

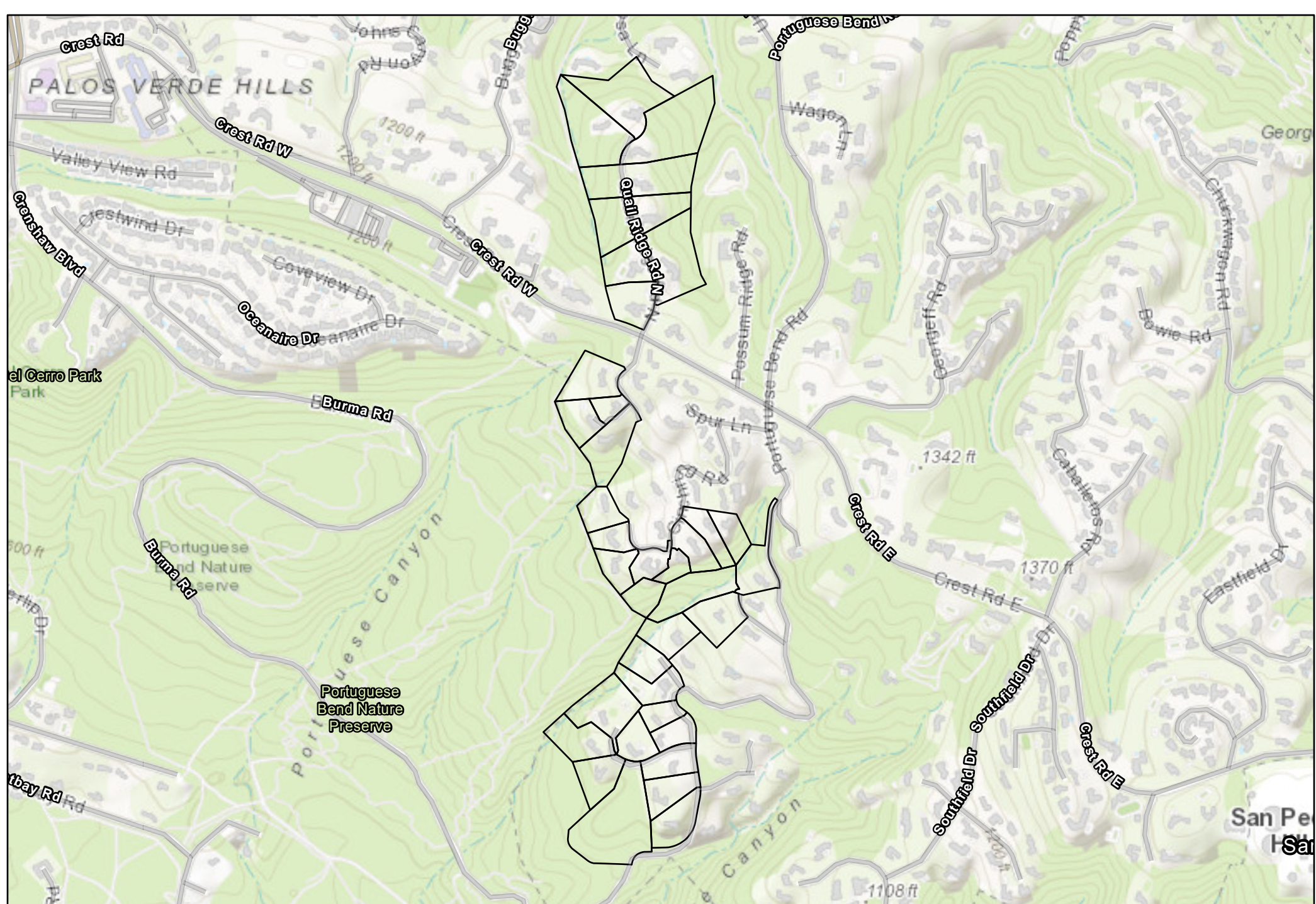




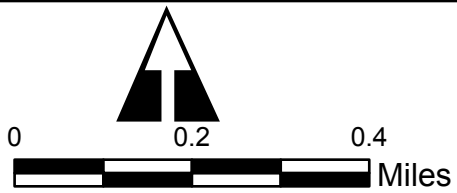



ATTACHMENT 4

Parcel information for work areas for
Paint Brush Canyon and Portuguese
Canyon

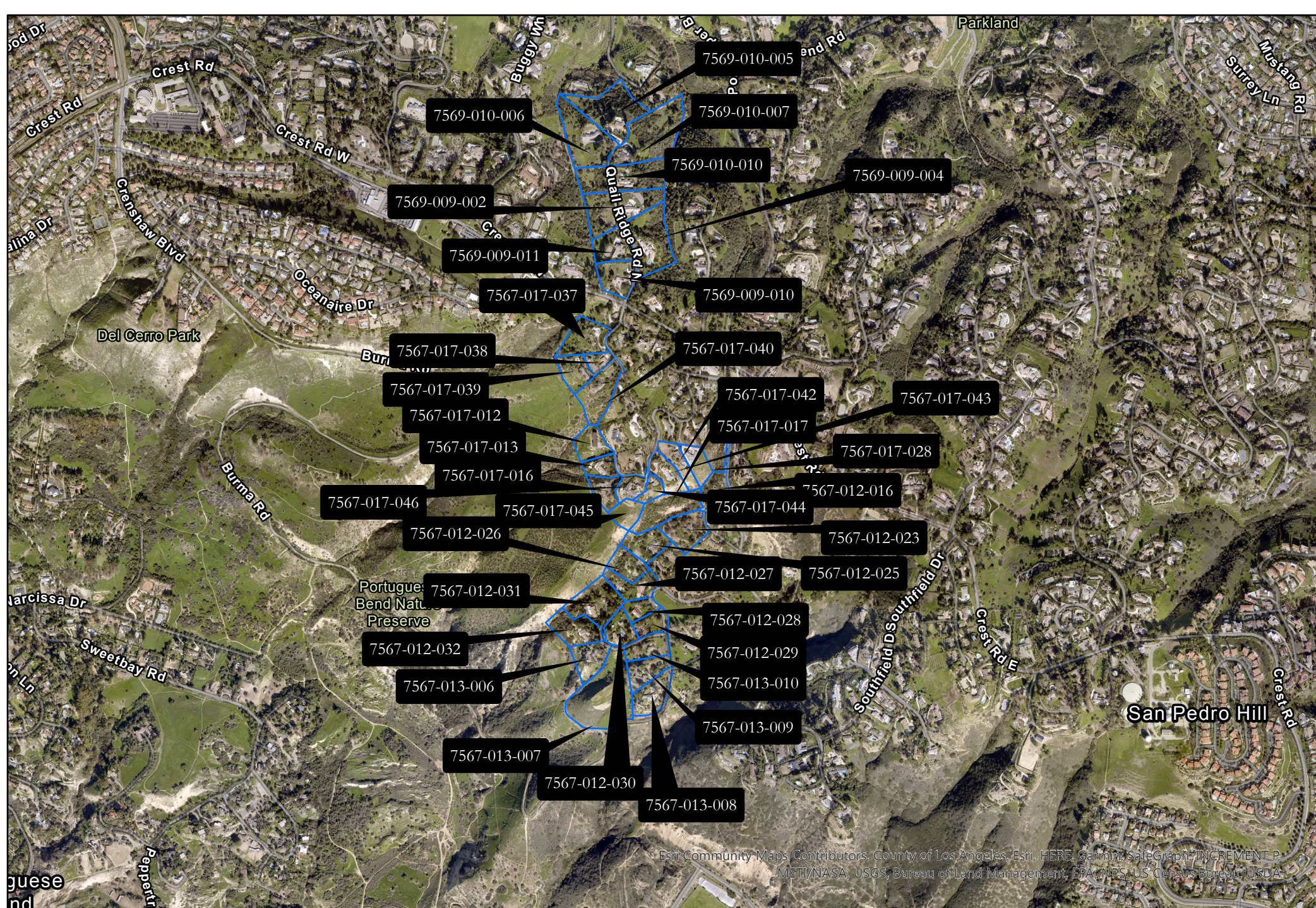


Crew Work for Veg Project: Potential Project Parcels

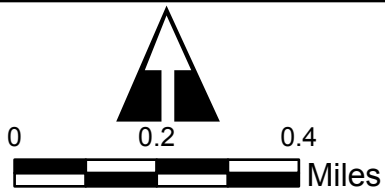


 Rolling Hills Parcels





Crew Work for Veg Project: Potential Project Parcels



Rolling Hills Parcels



113

NAD 83 04/15/21 FPU

ATTACHMENT 5

Sample Professional Service Agreement

CITY OF ROLLING HILLS
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____ 2019 between the City of Rolling Hills, a municipal corporation, hereinafter referred to as "CITY" and _____ with principal offices at _____, hereinafter referred to as "CONSULTANT."

1. RECITALS:

A. The CITY desires to contract the CONSULTANT for _____

B. CONSULTANT is well qualified by reason of education and experience to perform such services; and

C. CONSULTANT is willing to render such _____ services as hereinafter defined.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY hereby engages CONSULTANT and CONSULTANT agrees to perform the services set forth in this AGREEMENT.

2. SCOPE OF WORK

CONSULTANT shall perform all work necessary to complete in a manner satisfactory to CITY the services set forth in the specifications and the scope of work described in the Proposal for _____ Services, attached herein as Exhibit A (hereinafter referred to as "SERVICES").

3. COST

The CITY agrees to pay CONSULTANT for all the work or any part of the work performed under this AGREEMENT at the rates and in the manner established in the attached Scope of Work, attached herein as Exhibit A.

Total contract shall not exceed the sum of _____ during the term of the AGREEMENT. This fee includes all expenses, consisting of all local travel, attendance at meetings, printing and submission of grants, which are accrued during that period. It also includes any escalation or inflation factors anticipated.

Any increase in contract amount or scope shall be approved by expressed written amendment executed by the CITY and CONSULTANT.

4. METHOD OF PAYMENT

CONSULTANT shall be reimbursed within 30 (thirty) days of submitting an invoice to City for the SERVICES. CONSULTANT shall submit an invoice for the SERVICES within 10 (ten) days of completing each task or portion thereof identified in Exhibit A to this AGREEMENT. CONSULTANT shall submit invoices electronically to the City Manager of the CITY and shall also provide a courtesy copy by U.S. Mail addressed to the City Manager of the CITY.

5. SUBCONTRACTING

CONSULTANT may employ qualified independent subcontractor(s) to assist CONSULTANT in the performance of SERVICES with CITY's prior written approval.

6. COMMENCEMENT OF WORK

CONSULTANT shall commence work under this AGREEMENT upon execution of this AGREEMENT.

7. PERFORMANCE TO SATISFACTION OF CITY

CONSULTANT agrees to perform all work to the reasonable satisfaction of CITY and within the time hereinafter specified.

8. COMPLIANCE WITH LAW

All SERVICES rendered hereunder shall be provided in accordance with the requirements of relevant local, State and Federal Law.

9. ACCOUNTING RECORDS

CONSULTANT must maintain accounting records and other evidence pertaining to costs incurred which records and documents shall be kept available at the CONSULTANT's California office during the contract period and thereafter for five years from the date of final payment.

10. OWNERSHIP OF DATA

All data, maps, photographs, and other material collected or prepared under the contract shall become the property of the CITY.

11. TERM OF CONTRACT

This contract shall be valid for _____ from execution of this AGREEMENT.

12. TERMINATION

This contract may be terminated by either party with or without cause upon seven (7) days written notice to the other party. All work satisfactorily performed pursuant to the contract and prior to the date of termination may be claimed for reimbursement.

13. ASSIGNABILITY

CONSULTANT shall not assign or transfer interest in this contract without the prior written consent of the CITY.

14. AMENDMENT

It is mutually understood and agreed that no alteration or variation of the terms of this contract, or any subcontract requiring the approval of the CITY, shall be valid unless made in writing, signed by the parties hereto, and approved by all necessary parties.

15. NON-SOLICITATION CLAUSE

The CONSULTANT warrants that he or she has not employed or retained any company or persons, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the CITY shall have the right to annul this contract without liability, or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

16. INDEMNITY

CONSULTANT shall indemnify and save harmless CITY, its elected and appointed officers and employees from all claims, damages, suits, cost or actions of every name, kind or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property or (iii) arising from performance of this AGREEMENT in any manner that resulted from the fault or negligence of CONSULTANT, its officers, agents, employees and/or servants in connection with this AGREEMENT.

CITY shall indemnify and save harmless CONSULTANT, its officers, agents, employees, and servants from all claims, damages, suits, costs or actions of every name, kind, or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property or (iii) arising from performance of this AGREEMENT in any manner that resulted from the fault or negligence of the CONSULTANT, its officers, agents, employees, and/or servants in connection with this AGREEMENT.

If CONSULTANT should subcontract all or any portion of the SERVICES to be performed under this AGREEMENT, CONSULTANT shall require each subcontractor to indemnify, hold harmless and defend CITY and each of its officers, officials, employees,

agents and volunteers in accordance with the term of the preceding paragraph. This section shall survive termination or expiration of this AGREEMENT.

17. INSURANCE

A. Without limiting CONSULTANT'S obligations arising under paragraph 16 - Indemnity, CONSULTANT shall not begin work under this AGREEMENT until it obtains policies of insurance required under this section. The insurance shall cover CONSULTANT, its agents, representatives and employees in connection with the performance of work under this AGREEMENT, and shall be maintained throughout the term of this AGREEMENT. Insurance coverage shall be as follows:

i. Automobile Liability Insurance with minimum coverage of \$300,000 for property damage, \$300,000 for injury to one person/single occurrence, and \$300,000 for injury to more than one person/single occurrence.

ii. Public Liability and Property Damage Insurance, insuring CITY its elected and appointed officers and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from CONSULTANT'S actions under this AGREEMENT, whether or not done by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. Such insurance shall have a combined single limit of not less than \$500,000.

iii. Worker's Compensation Insurance for all CONSULTANT'S employees to the extent required by the State of California. CONSULTANT shall require all subcontractors who are hired by CONSULTANT to perform the SERVICES and who have employees to similarly obtain Worker's Compensation Insurance for all of the subcontractor's employees.

iv. Professional Liability Insurance for CONSULTANT that at a minimum covers professional misconduct or lack of the requisite skill required for the performances of SERVICES in an amount of not less than \$500,000 per occurrence.

B. Deductibility Limits for policies referred to in subparagraphs A (i) (ii) and (iii) shall not exceed \$5,000 per occurrence.

C. Additional Insured. City, its elected and appointed officers and employees shall be named as additional insured on policies referred to in subparagraphs A (i) and (ii).

D. Primary Insurance. The insurance required in paragraphs A (i) and (ii) shall be primary and not excess coverage.

E. Evidence of Insurance. Consultant shall furnish CITY, prior to the execution of this AGREEMENT, satisfactory evidence of the insurance required, issued by an insurer authorized to do business in California, and an endorsement to each such

policy of insurance evidencing that each carrier is required to give CITY at least 30 days prior written notice of the cancellation of any policy during the effective period of the AGREEMENT. All required insurance policies are subject to approval of the City Attorney. Failure on the part of CONSULTANT to procure or maintain said insurance in full force and effect shall constitute a material breach of this AGREEMENT or procure or renew such insurance, and pay any premiums therefore at CONSULTANT'S expense.

18. ENFORCEMENT OF AGREEMENT

In the event that legal action is commenced to enforce or declare the rights created under this AGREEMENT, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees in the amount to be determined by the court.

19. CONFLICTS OF INTEREST

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this AGREEMENT; and the CONSULTANT further covenants that in the performance of this AGREEMENT, no person having any such interest shall be employed.

20. INDEPENDENT CONTRACTOR

The CONSULTANT is and shall at all times remain as to the CITY a wholly independent contractor. Neither the CITY nor any of its agents shall have control over the conduct of the CONSULTANT or any of the CONSULTANT's employees or subcontractors, except as herein set forth. The CONSULTANT shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the CITY.

21. ENTIRE AGREEMENT OF THE PARTIES

This AGREEMENT supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of CONSULTANT by CITY and contains all the covenants and agreements between the parties with respect to such employment in any manner whatsoever. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement or amendment hereto shall be effective unless executed in writing and signed by both CITY and CONSULTANT.

22. NOTICES.

All written notices required by, or related to this AGREEMENT shall be sent by Certified Mail, Return Receipt Requested, postage prepaid and addressed as listed

below. Neither party to this AGREEMENT shall refuse to accept such mail; the parties to this AGREEMENT shall promptly inform the other party of any change of address. All notices required by this AGREEMENT are effective on the day of receipt, unless otherwise indicated herein. The mailing address of each party to this AGREEMENT is as follows:

CITY: Elaine Jeng, PE, City Manager
City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

CONSULTANT: _____

23. GOVERNING LAW

This AGREEMENT shall be governed by and construed in accordance with the laws of the State of California, and all applicable federal statutes and regulations as amended.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the date and year first above written.

CITY OF ROLLING HILLS _____ CONSULTANT

CITY MANAGER

ELAINE JENG, PE

DATE: _____

DATE: _____

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

MICHAEL JENKINS, CITY ATTORNEY



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 5.C

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JANELY SANDOVAL, CITY CLERK

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING TO CONDUCT A SEWER FEASIBILITY STUDY (PHASE III) ON CONNECTIONS TO THE PROPOSED 8" SEWER MAIN ALONG PORTUGUESE BEND ROAD/ROLLING HILLS ROAD.

DATE: June 14, 2021

BACKGROUND:

The 8" sewer main line along Portuguese Bend Road/ Rolling Hills Road is currently in the design phase. At the May 24, 2021 meeting, two residents reported that they plan to construct sewer main lines along Williamsburg Lane and Middleridge Lane to serve the residents along these streets. The residents also noted that their proposed lines need an outlet for the collected sewage. Since the City secured approvals from the Los Angeles County Sanitation District to discharge effluent from 235 homes within the City limits to the County's treatment facility, the residents requested the City to allow the effluent from their proposed lines to discharge to the City's 8" sewer main. With the 8" sewer main in final engineering design, the residents expressed that the design scope can be expanded to include a future connection to their proposed lines.

To assist the City Council in the consideration of the request, staff solicit a proposal from Willdan Engineering. Willdan Engineering was commissioned by the City to study the alignment of the 8" sewer main along Portuguese Bend Road/Rolling Hills Road and assisted the City in achieve two will-serve letters from the Los Angeles County for the effluent discharge of 235 homes. With a wealth of background knowledge, and engineering data from previous sewer studies for the City, Willdan Engineering was asked to provide a scope of work and a cost estimate to study the potential connection between the proposed sewer lines and the 8" sewer main line. Willdan Engineering's proposal included an evaluation of upstream areas that could connect to the proposed sewers in the future and also evaluated conveyance of sewer flows from the proposed lines to downstream facilities. Willdan estimated the cost of the study to be \$14,500.

DISCUSSION:

At the May 24, 2021 meeting, the City Council approved the scope of work outlined in the proposal and directed staff to engage Willdan for service. The City Attorney prepared a Professional Services Agreement (PSA) with Willdan Engineering based on the approved proposal.

FISCAL IMPACT:

Willdan's proposed fee of \$14,588 will be funded by the Utility Fund. There is sufficient budget in the Utility Fund.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[RH_PSA with Willdan Group for Sewer Service Feasibility Study \(Phase III\)-Signed.pdf](#)

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of June 2021 by and between the CITY OF ROLLING HILLS, a California municipal corporation (hereinafter the "CITY"), and Willdan Engineering, a subsidiary of Willdan Group, Inc., a California Corporation (hereinafter the "CONSULTANT"). City and Consultant are sometimes referred to in this Agreement individually as a "Party" and collectively as the "Parties."

RECITALS

A. CITY is in need of professional services for the following project: Sewer Service Feasibility Study – Phase III – Middleridge Lane and Williamsburg Lane ("the Project").

B. CONSULTANT is duly licensed and/or has the necessary qualifications to provide such services for the Project.

C. Previously the CONSULTANT completed the following sewer service studies for the City: (1) an initial study in 2008 to analyze a lower pressure sewer system and combination gravity/LPS to serve the city, (2) a study to research the feasibility of a City Hill system extension in 2018 (Phase I), (3) and a sewer area study and preliminary engineering plans for the City Hill system extension in 2020 (Phase II)(collectively "Prior Studies").

D. Parties desire to establish the terms for the CITY to retain the CONSULTANT in order to provide a study to provide sanitary sewer service to two streets located west of City Hall, specifically Middleridge Lane and Williamsburg Lane, as more fully described herein.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY and CONSULTANT agree the following terms, as set forth in this Agreement.

1. SCOPE OF WORK

CONSULTANT shall provide the services described in the Scope of Services attached hereto as Exhibit A, which is attached to this Agreement and incorporated herein by reference (the "Services"). The term of this Agreement shall be for a period of one (1) year from the date of execution of this Agreement unless terminated sooner pursuant to the provisions of this Agreement or when the services are complete. Such term may be extended upon written agreement of both CITY and CONSULTANT.

2. COST

The CITY agrees to pay CONSULTANT for the Services provided by Consultant, a fixed fee of Fourteen Thousand Five Hundred Eighty-Eight Dollars (\$14,588). This

amount includes the cost for the Services and all expenses, travel and mileage, attendance at meetings, and reimbursable expenses.

3. METHOD OF PAYMENT

Upon full execution of this Agreement, CONSULTANT shall submit an invoice in duplicate and addressed to the CITY OF ROLLING HILLS, CITY MANAGER, 2 Portuguese Bend Road, Rolling Hills, CA 90274. CITY shall remit payment for the Services within fourteen (14 days) of receiving this invoice.

4. SUBCONTRACTING

CONSULTANT warrants that it will not employ any independent subcontractors to assist CONSULTANT with the performance of the Services without CITY's prior written approval.

5. COMPLIANCE WITH LAW

All Services rendered under this Agreement will be provided in accordance with the requirements of relevant local, state, and federal laws.

6. ACCOUNTING RECORDS

CONSULTANT shall maintain accounting records and other evidence pertaining to costs incurred for the Services under this Agreement. Records and documents shall be kept available at the CONSULTANT's City of Industry office for five years from the date of final payment.

7. OWNERSHIP OF DATA

All data, maps, photographs, and other material collected or prepared under the Agreement shall become and remain the property of the CITY.

8. ASSIGNABILITY

CONSULTANT warrants that it will not assign or transfer any interest in this Agreement without the prior written consent of CITY.

9. NON-SOLICITATION CLAUSE

The CONSULTANT warrants that it does not employ or retain any company or persons, other than a bona fide employee working solely for the CONSULTANT, to obtain any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the CITY shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

10. INDEMNITY

A. CONSULTANT shall indemnify and save harmless CITY, its elected and appointed officers and employees from all claims, damages, suits, costs, or actions of every name, kind, or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property, or (iii) arising from performance of this Agreement in any manner that results from the fault or negligence of CONSULTANT, its officers, agents, employees, and/or servants in connection with this Agreement.

B. CITY shall indemnify and save harmless CONSULTANT, its officers, agents, employees, and/or servants from all claims, damages, suits, costs, or actions of every name, kind, or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property, or (iii) arising from performance of this Agreement in any manner that result from the fault or negligence of CITY, its elected and appointed officers and employees in connection with this Agreement.

C. If CONSULTANT subcontracted any portion of the Services to be performed under this Agreement, CONSULTANT warrants that it required each subcontractor to indemnify, hold harmless, and defend CITY and each of its officers, officials, employees, agents, and volunteers in accordance with paragraph A for such subcontractor's fault or negligence in connection with this Agreement.

D. Survival. The obligations established by this section will survive termination of this Agreement.

11. INSURANCE

A. Without limiting CONSULTANT'S obligations arising under paragraph 11 - Indemnity, CONSULTANT warrants that it obtained and maintained policies of insurance required under this section while providing the Services under this Agreement. The insurance covered CONSULTANT, its agents, representatives, and employees in connection with the performance of the Services under this Agreement. Insurance policies included coverage for the following:

(i) Automobile Liability Insurance with minimum coverage of \$300,000 for property damage, \$300,000 for injury to one person/single occurrence, and \$300,000 for injury to more than one person/single occurrence.

(ii) Public Liability and Property Damage Insurance, insuring CITY its elected and appointed officers, agents, and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from CONSULTANT'S actions under this Agreement, whether or not done by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. Such insurance shall have a combined single limit of not less than \$500,000.

(iii) Worker's Compensation Insurance for all CONSULTANT'S employees to the extent required by the State of California. CONSULTANT shall require all subcontractors who are hired by CONSULTANT to perform the Services and who have employees to similarly obtain Worker's Compensation Insurance for all of the subcontractor's employees.

(iv) Professional Liability Insurance for CONSULTANT that at a minimum covers professional misconduct or lack of the requisite skill required for the performance of Services in the amount of not less than \$500,000 per occurrence.

B. Deductibility Limits for policies referred to in subparagraphs A (i) (ii) and (iii) shall not exceed \$5,000 per occurrence.

C. Endorsements. Each automobile liability insurance policy and public liability and property damage insurance policy shall be endorsed with the language of Sections (i) – (ii) below.

(i) Additional Insured Clause. The CITY, its elected or appointed officers, and employees, shall be named as additional insureds.

(ii) Primary Insurance Clause. The insurance required by subparagraphs A(i), (ii) and (v) shall be primary and not excess coverage.

D. Evidence of Insurance. CONSULTANT shall furnish to CITY, prior to the execution of this Agreement, satisfactory evidence of the insurance required, issued by an insurer authorized to do business in California. All required insurance policies are subject to the approval of the City Attorney.

12. ENFORCEMENT OF AGREEMENT

In the event that legal action is commenced to enforce or declare the rights created under this Agreement, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees in the amount to be determined by the court.

13. CONFLICTS OF INTEREST

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and carrying out of the program, had any personal financial interest, direct or indirect, in this Agreement; and the CONSULTANT further covenants that in the performance of this Agreement, no person having any such interest was employed.

14. INDEPENDENT CONTRACTOR

The CONSULTANT was and at all times remains as to the CITY a wholly independent contractor. Neither the CITY nor any of its agents had control over the conduct of the CONSULTANT or any of the CONSULTANT's employees in the performance of the Services, except as herein set forth. The CONSULTANT did not at

any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the CITY.

15. ENTIRE AGREEMENT OF THE PARTIES

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of CONSULTANT by CITY and contains all the covenants and agreements between the parties with respect to such employment in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement or amendment hereto shall be effective unless executed in writing and signed by both CITY and CONSULTANT.

16. NOTICE

All written notices required by or related to this Agreement shall be sent by Certified Mail, return receipt requested, postage prepaid, and addressed as listed below. Neither party to this Agreement shall refuse to accept such mail; the parties to this Agreement shall promptly inform the other party of any change of address. All notices required by this Agreement are effective on the day of receipt, unless otherwise indicated herein. The mailing address of each party to this Agreement is as follows:

CITY: Elaine Jeng, PE, City Manager
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, California 90274

CONSULTANT: Vanessa Muñoz, Director of Engineering
Willdan Engineering
13191 Crossroads Parkway North, Ste. 405
Industry, California 91746

17. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of California and all applicable federal statutes and regulations as amended.

18. FINAL PAYMENT ACCEPTANCE CONSTITUTES RELEASE

The acceptance by the CONSULTANT of the final payment made under this Agreement shall operate as and be a release of the CITY from all claims and liabilities for compensation to the CONSULTANT for any work performed under this Agreement. Acceptance of payment shall be any negotiation of the CITY's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by the CITY shall not constitute, nor be deemed, a release of the responsibility and liability of the CONSULTANT, its employees, sub-consultants, and agents for the accuracy and competency of the information provided

and/or work performed under the 2019 Agreement and this Agreement; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by the CITY for any defect or error in the work prepared by the CONSULTANT, its employees, sub-consultants and agents.

[Signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year written below.

CITY OF ROLLING HILLS

By:


ELAINE JENG, City Manager

Date:

06/09/2021

Willdan Engineering

By:


VANESSA MUNOZ, Chief
Operating Officer

Vice President

Date:

6/8/2021

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


MICHAEL JENKINS
CITY ATTORNEY

EXHIBIT A

SCOPE OF WORK

SCOPE OF WORK

1. Review Prior Studies

Consultant will review the Prior Studies to obtain relevant information.

- Products Developed: Working Documents
- Deliverable to Client: None

2. Develop Working Base Map of the Area

Consultant will utilize available GIS elevation, parcel, and right of way information and prepare a working map of the project area.

- Products Developed: Working Base Map
- Deliverable to Client: None

3. Research and Evaluate Available As-Built Information

Consultant will conduct research online to obtain and evaluate available sanitary sewer as-built information in the project area, specifically, within Palos Verdes Drive North (PVDN) between Rolling Hills Road and Crenshaw Boulevard.

- Products Developed: Library of As-Built Information Obtained
- Deliverable to Client: None

4. Perform Sewer Service Feasibility Analysis

Utilizing the information obtained and developed in Tasks 1-3, Consultant will analyze the options of providing sewer service to Middleridge Lane and Williamsburg Lane. Ideally, the sewer alignment will be within public right of way. The evaluation will require analysis of the area upstream of Middleridge Lane and Williamsburg Lane, as well as in the vicinity of the subject streets. Specific tasks will include:

Evaluation of Upstream Areas

- a. Determine areas tributary to Middleridge Lane, Williamsburg Lane, and Portuguese Bend Road.
- b. Analyze the topography upstream of Middleridge Lane and Williamsburg Lane to determine locations where gravity sewer flow within public right of way is not feasible. At these locations, the sewer will either require pumping to stay within the public right of way or the alignment will need to proceed along downslope topography in easements on private properties.

- c. Analyze the topography upstream of Middleridge Lane and Williamsburg Lane to investigate options to convey flow to the Portuguese Bend drainage area. Conveying additional flow to Portuguese Bend will maximize the utilization of the gravity sewer line being extended to City Hall.

Evaluation of Middleridge Lane and Williamsburg Lane

- d. Analyze the topography of the area to determine flow paths and options for conveyance of sewer flows in this area. The previous studies determined that conveyance of sewer flows to existing sewers north of PVDN would require expensive upgrades to an existing pump station north of PVDN and the City does not want to further study this conveyance option. Utilizing the information obtained, Consultant will review the concepts of draining west in existing sewers in PVDN to the existing trunk sewer on Crenshaw Boulevard, and east to the City Hall sewer.

- Products Developed: GIS Exhibits of the area containing:
Right of Way and Parcel Lines
Topographic Contours
Gravity Sewer Alignments
Pump Locations
Easement Alignments
- Deliverables to Client: GIS Exhibits (3 copies 24" x 36" hard copy, 11" x 17" digital)

5. Discussion of Findings with the City

Consultant will meet with the City, via teleconference, to discuss the findings of Tasks 1 - 4.

- Products Developed: Meeting Notes
- Deliverable to Client: None

6. Revise Analyses and Prepare Report

Following the discussion with the City, Consultant will utilize the outcomes of the discussion to provide additional analyses and prepare a final report.

- Products Developed: Final Report
- Deliverables to Client: Bound Final Report (3 copies), sealed and signed by a California registered civil engineer.

SCHEDULE

| | Task | Weeks | Total Weeks |
|----|---------------------------------------|-------|-------------|
| 1. | Review Prior Studies | 1 | 1 |
| 2. | Develop Working Base Map | 1 | 1 |
| 3. | Research/Evaluate Available As-Builts | 1 | 1 |
| 4. | Perform Sewer Feasibility Analysis | 1 | 2 |
| 5. | Discussion of Findings with City | N/A | 2 |
| 6. | Revise Analyses/Prepare Report | 1 | 3 |



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ALAN PALERMO, PROJECT MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

**SUBJECT: CONSIDER AND APPROVE RESOLUTION 1276 TO CREATE
ASSESSMENT DISTRICT FOR CREST ROAD EAST
UNDERGROUNDING PROJECT**

DATE: June 14, 2021

BACKGROUND:

To preserve the rural character of Rolling Hills and to eliminate risks of wildfires, the City Council encourages and supports utility undergrounding throughout the community. In line with this vision, the City applied for grant funds through the FEMA Hazard Mitigation Program and on September 14, 2020, the City was awarded \$1,145,457 of Federal funds to underground utility infrastructure along Crest Road East from the eastern city limits to the frontage of 67 Crest Road East. The grant requires a local match of 25% or \$381,819 for a total project amount of \$1,527,276. The local match can be fulfilled using the CPUC Rule 20A work credits. The entire project can be characterized as a CPUC Rule 20A project. For Rule 20A projects, Southern California Edison (SCE) handles the design, joint trench bidding and assist in the coordination with the other utility companies. City staff held a kick-off meeting with SCE on January 13, 2021. SCE commenced with their work by performing a site visit and measurements to confirm scope and limits of work and preparation of a Rough Order of Magnitude (ROM) estimate for the project. The ROM was submitted to the City on February 25, 2021 and is based on: 8-poles and approx. 1,340 feet of overhead wires being removed, and 1-overhead service converted to underground feed covering the area from Crest Road from 87 Crest Road to East City Limits. The Rough Order of Magnitude cost estimate for this project is \$1,000,000, expressed in 2023 dollars. The City sent SCE an email of concurrence for this ROM on March 3, 2021. The next step is the creation of an Underground Utility District as required by SCE Rule 20A requirements for SCE to continue with design efforts.

SCE Rule 20A projects require the local agency to adopt an ordinance creating an underground district in the area in which both the existing and new facilities are and will be located requiring, among other things, (1) that all existing overhead communication and electric distribution facilities in such district shall be removed, (2) that each property served from such electric overhead facilities shall have installed in accordance with SCE's rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of SCE as soon as it is available, and (3) authorizing SCE to discontinue its overhead service. This ordinance can also be in the form of a

resolution. The formation of the Underground Utility District provides SCE the authorization needed to remove the existing overhead facilities and install the underground facilities as replacement.

At the May 10, 2021 City Council Meeting, City Council adopted Resolution No. 1275 to establish an Underground Utility District and set a public hearing for the June 14, 2021 City Council Meeting. Letters were sent on May 19, 2021 to all property owners whose property or portion of their property would fall within the proposed Underground Utility District to notify them on the formation of the Underground Utility District and the public hearing that would take place at the June 14, 2021 City Council meeting.

DISCUSSION:

Approval of Resolution No. 1276 is required for SCE to begin designing the undergrounding system to replace the existing overhead facilities within the designated Underground Utility District. SCE would also begin contacting and coordinating with other utility companies that have facilities on the existing overhead system to begin their design to underground these facilities to coincide with SCE's design efforts.

The grant the City received for this project requires the project must be completed by May 7, 2023 to use the grant funds awarded the City; therefore delays in establishing the Underground Utility District delays the project and could jeopardize the availability and use of the grant funds designated for this project.

FISCAL IMPACT:

Under Rule 20A, SCE does not send an invoice the design is completed. City would be reimbursed from the grant funds less the City required match. The City's work credit will be used to meet the required local match of \$381,819. Allocation of this work credit will be included in the budget adoption for FY2021-2022.

RECOMMENDATION:

Staff recommends City Council approve Resolution No. 1276 to create Underground Utility District No. 1 (Crest Road) to support the Crest Road East Cal-OES Hazard Mitigation Grant Project.

ATTACHMENTS:

[ResolutionNo1276 Crest Road Assessment District Rule20A.pdf](#)

RESOLUTION NO. 1276

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, FORMING THE CITY OF ROLLING HILLS UNDERGROUND UTILITY DISTRICT NO. 1 (CREST ROAD), ORDERING THE REMOVAL AND UNDERGROUND INSTALLATION OF CERTAIN OVERHEAD FACILITIES AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds as follows:

A. The City has received a grant from the Federal Emergency Management Agency (“FEMA”) and the California Governor’s Office of Emergency Services (“CalOES”) to underground utility infrastructure along Crest Road East from the eastern limits of the City to Wideloop Road;

B. Rule 20A of the California Public Utilities Commission (“Rule 20A”) allows Southern California Edison (“Edison”) to remove poles, overhead wires and associated overhead structures, and the underground installation of wire and facilities for supplying electric, communication and similar services to underground utility districts;

C. Rule 20A funds are expected to be used as the local match portion for the CalOES/FEMA grant to provide for the undergrounding of such utility infrastructure;

D. Chapter 15.32 of the Municipal Code of the City of Rolling Hills permits the City to form underground utility districts if the City Council finds, after holding a public hearing, that the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication or similar associated service;

E. On May 20, 2021, the City Council adopted Resolution No. 1275, setting a public hearing to consider the formation of City of Rolling Hills Underground Utility District No. 1 (Crest Road) (the “District”);

F. The proposed boundaries of the District are shown on a map included as Exhibit A to this Resolution;

G. On June 14, 2021 at 7:00 p.m., a public hearing was held at the regular meeting place of the City Council at City Hall Council Chambers, 2 Portuguese Bend Road, Rolling Hills, California 90274 to consider whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within the proposed District and the underground installation of wires and facilities for supplying electric, communication or similar associated service;

H. Prior to such public hearing, the City Clerk notified all affected property owners as shown on the last equalized assessment roll and the utilities concerned by mail of the time and place

of such public hearing at least ten days prior to the date thereof, and at such public hearing all persons interested were given an opportunity to be heard.

I. The City Engineer has consulted with all affected utilities and has prepared a report (the “Engineer’s Report”), which was submitted to the City Council at the public hearing, which contained, among other information, the extent of such utilities’ participation and estimates of the total costs to the City and affected property owners. Such report also contained an estimate of the time required to complete such underground installation and removal of overhead facilities.

SECTION 2. The above recitals, and each of them, are true and correct.

SECTION 3. Pursuant to Chapter 15.32 of the Municipal Code of the City of Rolling Hills, the City Council finds that the public necessity, health, safety and welfare requires the removal of the poles, overhead wires and associated overhead structures, and the underground installation of wire and facilities for supplying electric, communication and similar services, as described in the Engineer’s Report. The City Council hereby declares the area described in Exhibit A to this Resolution to be the City of Rolling Hills Underground Utility District No. 1 (Crest Road) and hereby orders such removal and underground installation as described in the Engineer’s Report.

SECTION 4. Such removal and underground installation shall be accomplished no later than, and all affected property owners within the District shall be ready to receive underground services by, January 1, 2023. The City Council finds that such time is a reasonable time for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and installation of such underground facilities, as described in the Engineer’s Report. The City Manager may extend such time, upon providing notice to the property owners within the District, if the City Manager finds such extension is necessary to meet to the requirements of Section 15.31.040 of the Municipal Code of the City of Rolling Hills.

SECTION 5. The City Council finds that the estimated total costs and expense of the project within the District, less the FEMA and CalOES grant amounts and Rule 20A funds, is \$0.00 and no assessments will be charged to property owners within the District, as described further in the Engineer’s Report.

SECTION 6. The City Clerk is hereby directed to give notice of the passage of this Resolution pursuant to Section 15.32.080 of the Municipal Code of the City of Rolling Hills to all affected utilities and all persons owning real property within the District. The City Clerk is hereby further directed to notify such affected property owners of the necessity that if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

SECTION 7. All inquiries for any and all information relating to these proceedings and the proposed District should be directed to:

Elaine Jeng, City Manager
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274
(310) 377-1521

SECTION 8. This Resolution shall take effect immediately upon its passage.

SECTION 9. 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 on June 14, 2021.

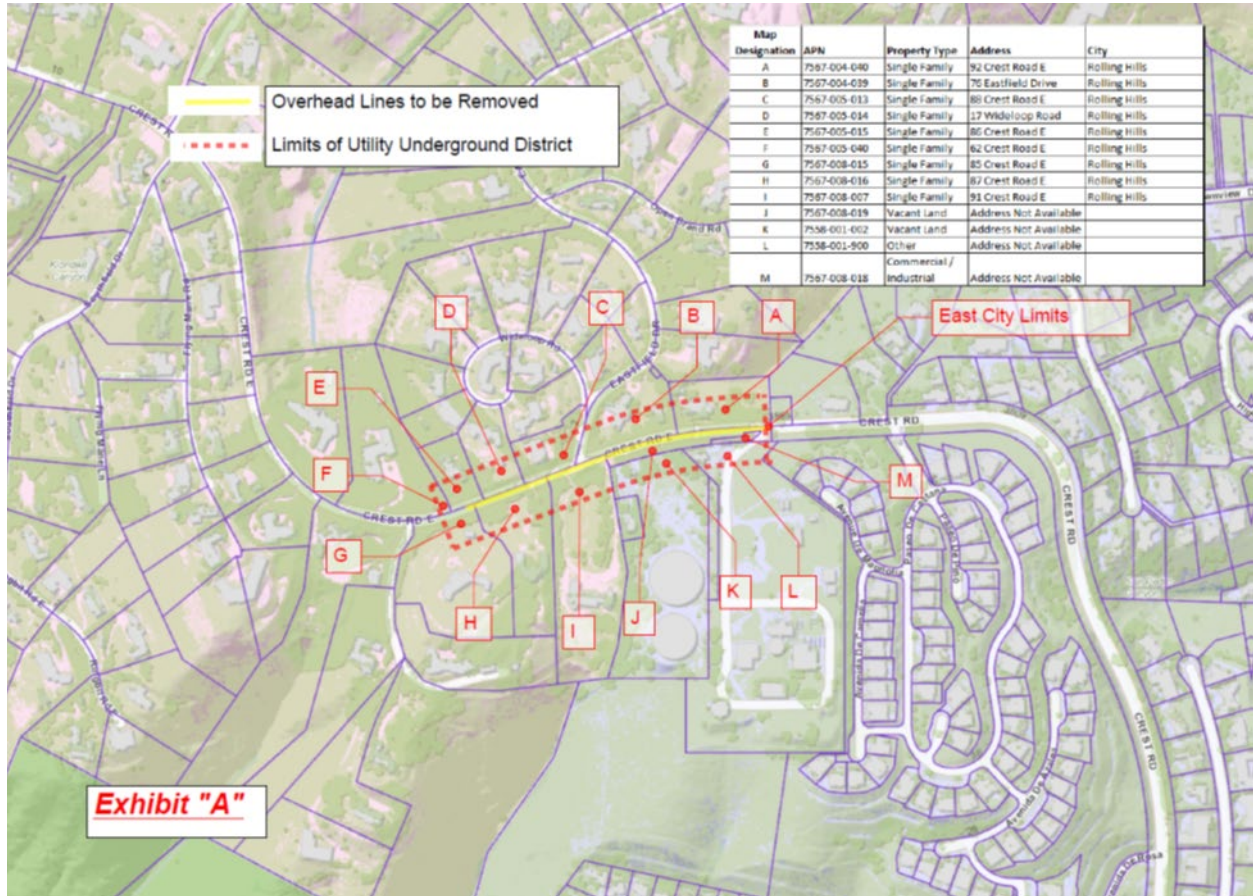
JEFF PIEPER
MAYOR

ATTEST:

ELAINE JENG, P.E.
ACTING CITY CLERK

EXHIBIT A

BOUNDARY MAP OF PROPOSED CITY OF ROLLING HILLS UNDERGROUND UTILITY DISTRICT NO. 1 (CREST ROAD)



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

I certify that the foregoing Resolution No. 1276 entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING
HILLS, CALIFORNIA, FORMING THE CITY OF ROLLING HILLS
UNDERGROUND UTILITY DISTRICT NO. 1 (CREST ROAD), ORDERING
THE REMOVAL AND UNDERGROUND INSTALLATION OF CERTAIN
OVERHEAD FACILITIES AND MAKING CERTAIN FINDINGS IN
CONNECTION THEREWITH**

was approved and adopted at a regular meeting of the City Council on the 14th day of
June 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices.

JANELY SANDOVAL
CITY CLERK



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.B

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MEREDITH ELGUIRA, PLANNING DIRECTOR

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: CONSIDER AND APPROVE RESOLUTION NO. 1277 OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADOPTING AMENDMENTS TO THE 2014-2021 ROLLING HILLS HOUSING ELEMENT. A NEGATIVE DECLARATION WAS PREVIOUSLY PREPARED, ADOPTED, AND FILED FOR THIS PROJECT.

DATE: June 14, 2021

BACKGROUND:

State law requires all cities and counties in California to adopt a Housing Element as part of their General Plans. The Housing Element must show that each community is doing its fair share to meet the region's housing needs and has adopted policies and regulations that implement State housing laws. The State requires that Housing Elements are updated every eight years. The current planning period (called the "5th Cycle") extends from October 2013 – October 2021; the next planning period (the "6th cycle") runs from October 2021 through 2029.

The City of Rolling Hills met the statutory deadline for submitting its 5th Cycle Element. The City submitted a Working Draft for review by the State Department of Housing and Community Development (HCD) prior to the October 15, 2013 deadline. On December 16, 2013, HCD issued its determination that the Draft did not yet meet State Government Code requirements. The City revised the Element in response to the findings. On January 21, 2014, the Planning Commission recommended approval of the revised Draft by the City Council. The Council adopted the 5th Cycle Element on February 10, 2014 and submitted it to the State for certification.

On May 30, 2014, the City received a 9-page determination letter from HCD indicating that the adopted Fifth Cycle Element still did not comply with Government Code requirements. The letter acknowledged that a number of HCD's initial objections had been resolved. However, HCD found that the Element did not identify adequate sites for meeting Rolling Hills' Regional Housing Needs Allocation, including potential locations for affordable multi-family housing. Moreover, the State

advised the City that because it did not have a certified element for the 2006-2013 (4th Cycle) planning period, it was obligated to “carry over” its unmet need from the 4th Cycle and plan for both the 4th and 5th cycles in its 2013-2021 Element.

On December 28, 2018, HCD issued a notice of non-compliance to the City. The City met with HCD a number of times in early 2019 to address their objections. In April 2019, the City issued a letter to HCD agreeing on a schedule for compliance, including rezoning of land to meet the Regional Housing Needs Allocation. The schedule established the end of 2020 as the target for submitting a compliant element to HCD.

During the remainder of 2019 and 2020, the City took a number of actions to develop a compliant Element, including adoption of Accessory Dwelling Unit regulations, reasonable accommodation procedures, and extensive outreach to residents on housing issues. In September 2020, the City retained a consultant to amend the Housing Element and address the specific issues raised in HCD’s 2014 comment letter. In November 2020, the City prepared amendments to the Land Use Element of the General Plan creating the Rancho Del Mar (RDM) Affordable Housing Overlay and adopting Plan provisions allowing multi-family housing within the Overlay area. The City subsequently released an Initial Study/ Negative Declaration (IS/ND) on the Land Use Element Amendments and Draft RDM Affordable Housing Overlay Zoning District.

Draft amendments to the Municipal Code creating the RDM Overlay Zone were prepared in December 2020. The Zone permits 16 units of affordable multi-family housing on the 31-acre site at 38 Crest Road owned by the Palos Verdes Unified School District. While the zone maintains the General Plan density of one unit per two acres for the site as a whole, it requires that the allowable number of units be clustered in the area west of the PVPTA maintenance facility. The Zone further permits emergency shelter and Single Room Occupancy (SRO) residential uses on the site, subject to specific development standards included in the Code. At its meeting on December 22, 2020, the Planning Commission recommended that the City Council approve the Overlay Zone and IS/ND, with the modification that housing on the site should be 100% affordable.

The City Council convened a public hearing on the Ordinance creating the RDM Affordable Housing Overlay Ordinance, and Resolution amending the General Plan Land Use Element on January 22, 2021. A subsequent hearing was convened on February 8, 2021 and the Resolution was approved at that time. The Ordinance was approved at its second reading on March 8, 2021. Minor revisions to the General Plan Amendment and Ordinance were incorporated in response to Council comments.

While adoption of the Zoning Ordinance and General Plan Amendment was proceeding, staff worked with HCD on further revisions to the Housing Element. Meetings with HCD’s Housing Policy Division took place on September 22, November 19, December 14, December 31, 2020, to discuss HCD’s comments and the changes needed to achieve a compliance determination. On February 26, 2021, the City submitted a revised Draft Housing Element to HCD. On March 11, 2021, the City met with HCD to review their comments on the newest draft. HCD indicated that the latest revisions responded to most of their objections but requested a few minor clarifications. These clarifications were made and a revised Draft was submitted on March 29, 2021.

On April 2, 2021, HCD responded that all issues had been adequately addressed, but asked that the City provide an analysis of the Rolling Hills Community Association’s role in reviewing applications for new Accessory Dwelling Units (ADU). Specifically, HCD requested that the City determine if RHCA’s design review procedures were constraining the production of ADUs that were otherwise permitted ministerially (i.e., without review by the Planning Commission or City Council). Staff provided

supplemental information on this topic, noting that every ADU reviewed by RHCA had been approved, and that the review did not adversely affect the time required for approval or result in costly changes to design or materials. Revisions to the document were made to provide the requested evaluation.

On April 26, 2021, HCD issued its finding that the Draft Element, as amended, met the requirements of the Government Code and would be deemed compliant if adopted as presented. Accordingly, the City convened a public hearing before the Planning Commission on June 1, 2021. At the conclusion of the hearing, the Commission unanimously approved a resolution recommending that the City Council adopt the revised Housing Element.

HCD's decision letter includes a reminder to the City that the 6th Cycle Housing Element is due on October 15, 2021. A number of new State requirements will apply to that document. Moreover, the 6th Cycle housing allocation is 45 units, which is a 60 percent increase over the combined 4th and 5th Cycle allocation. The City is currently in the early stages of preparing its 6th Cycle Element and intends to have a Draft ready for Planning Commission review in late Summer.

DISCUSSION:

This section of the staff report highlights the changes made to the Housing Element to address HCD's comments. The most significant change is that the Element adopted in 2014 concluded that the City would be unable to meet its Regional Housing Needs Allocation (RHNA) due to slope, wildfire, land use, landslide, and infrastructure constraints, whereas the amended 2021 document demonstrates that the City has capacity to meet the RHNA. This conclusion is mandated under State law and is necessary for a compliance determination.

Specific changes to the document are highlighted below. The document is organized the same way it was in 2014. It includes an Introduction, a Needs Assessment, a discussion of Housing Constraints, an Assessment of Regional Needs, a discussion of Housing Opportunities (including potential sites), and Housing Goals, Policies, and Programs. Each chapter has been edited to respond to the State's comments and describe activities since 2014. Edits also reflect the fact that the City was required to "carry-over" 22 units from the 4th Cycle.

Foreword

A Foreword was added explaining that the Housing Element Update has been prepared to meet a State mandate. The Foreword notes that cities without certified elements face loss of funding and potential loss of local land use authority; thus, it is in the City's best interest to have a compliant Element.

Introduction

Background information on public participation has been added to show that City has made an effort to engage all economic segments of the community. This is required by State law.

Needs Assessment

Additional information on extremely low-income and disabled residents has been provided, per the State's comments on the 2014 Draft.

Housing Constraints

The following changes have been made:

- A section has been added on constraints for different housing types, per State guidelines
- Text on Accessory Dwelling Units has been moved here from Chapter 5 and expanded per the State's comments. Changes to City Ordinances made since 2014 have been described.
- The description of multi-family housing has been updated to reflect the new Affordable Housing Overlay Zone
- The text on emergency shelter and SROs (Single Room Occupancy) has been updated to show that the City has met State requirements
- The discussion of housing for persons with disabilities has been updated to reference the City's new reasonable accommodations provisions
- A new section has been added on the "Cumulative Impacts of Land Use Controls," per HCD requirements
- The discussion of permitting times, processing, and fees has been updated per HCD comments
- A discussion of ADU processing and the impacts of RHCA's design review procedures has been added, per HCD comments

Housing Assessment Summary

The text on the RHNA has been updated to describe the 4th cycle carry over requirements and increase the planning period target to 28 units (2006-2021).

Housing Opportunities

The following changes have been made:

- A list of vacant sites, including their Assessor Parcel Numbers, has been added—as required by state law
- A discussion of "underutilized land" has been added
- A detailed discussion of the 31-acre PVUSD (Rancho Del Mar) site has been added, including a description of the new Overlay Zone
- A discussion of ADU opportunities has been added, including the findings of the ADU survey administered in 2020
- The City's ability to meet the RHNA is affirmatively demonstrated

Housing Plan

The Housing Plan has been updated to respond to HCD's comments. Since the period covered by the Element is 2014-2021, the City has included many of the actions it has already completed in order to demonstrate its progress and responsiveness to the State's comments. The following new programs have been added to the document:

1. Prepare an Annual Progress Report (This is required by State law)
2. Amend Land Use Element to allow a variety of housing types (This has been completed)
3. Create Affordable Housing Overlay Zone (This has been completed)
4. Identify next steps for PVUSD site (This is "in progress")
5. Allow emergency shelter (This has been completed)
6. Allow SROs (This has been completed)
7. Adopt Reasonable Accommodation (This has been completed)
8. Add definition of supportive, transitional, and employee housing to code (This is required by State law and may be done later in 2021)

9. Adopt density bonus ordinance (This is required by State law and may be done later in 2021)
10. Adopt ADU requirements (This has been completed)
11. ADU education and outreach, including meeting with RHCA to make sure Architectural Review is not a constraint (This is “in progress”)
12. ADU Incentives (This will be carried forward to the 6th Cycle Housing Element)
13. Monitoring of multi-family constraints and new opportunities (This was required by HCD and will be carried forward to the 6th Cycle)
14. Seek ways to assist Extremely Low-Income Households (ongoing, required by Government Code)
15. Facilitate communication with housing developers (ongoing, required by Government Code)

In addition, several programs from the Draft adopted in 2014 have been retained and carried forward, but with updated text. These include programs supporting:

- Shared housing (roommate matching, especially for seniors living alone)
- Sewer feasibility studies
- Stormwater runoff improvements
- Code enforcement (ongoing)
- Energy conservation
- Remodels and new construction
- Repair of landslide damaged lots
- Fair housing practices

Appendices

Two appendices have been added to the Housing Element. The first is a profile of the Rancho Del Mar site, demonstrating the viability of multi-family housing on the property. This was required by HCD in order to qualify the site as eligible to meet the RHNA. The second is the report on the 2020 ADU survey. The results of the survey were presented to the Planning Commission in March 2021.

NEXT STEPS:

If the City Council approves the revised Housing Element, it will be submitted to HCD for a formal determination of compliance. Once that determination is received, the City will be fully compliant with State Housing Element law and will not be subject to “carryover” requirements for its 6th Cycle Housing Element.

The City has already begun work on the 6th Cycle Element and will accelerate that work once the Council has adopted the amended 5th Cycle Element. Additional City Council meetings on the 6th Cycle Element will take place this Summer.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Amendment of the Housing Element is considered a Project under CEQA. Accordingly, an Initial Study and Negative Declaration were prepared when the Housing Element was initially updated in 2013. The IS/ND was adopted by the City Council concurrently with the Housing Element on February 10, 2014. Most of the amendments to the Housing Element that are now under consideration were addressed by a separate IS/ND issued in November 2020. That IS/ND considered the environmental effects of amendments to the General Plan Land Use Element and creation of the RDM Affordable Housing Overlay Zone. The IS/ND for the General Plan Amendment and Overlay Zone was approved

on March 8, 2021. Both the 2014 Housing Element IS/ND and the subsequent 2021 IS/ND for the General Plan Amendment and Overlay Zone concluded that the project would have no significant environmental impacts. The edits included in the revised 2014-2021 Housing Element would not change these findings and do not require recirculation of the IS/ND or preparation of a third IS/ND. The edits primarily document measures that have already been taken by the City and the addition of data and analysis required by State law.

Based upon all of the information in the record, including this staff report, none of the conditions outlined in Public Resources Code, section 21166 or State CEQA Guidelines, section 15162 requiring subsequent environmental review are triggered by these Housing Element Updates. Thus, no further environmental documentation will be prepared for this plan. To the extent that this Housing Element Update would involve future preparation of ordinances, such as a density bonus ordinance, those ordinances will be evaluated for compliance with CEQA at such time that they are formulated and prior to Council action on them.

FISCAL IMPACT:

The Housing Element is a planning document that establishes policies for the City of Rolling Hills and will not have a direct fiscal impact on the City. It may have an indirect positive fiscal impact by reducing legal risks and qualifying the City for State planning grants.

RECOMMENDATION:

Approve Resolution No. 1277 adopting the revised 2014-2021 Housing Element.

ATTACHMENTS:

[ResolutionNo1277 5th Cycle Housing Element.pdf](#)

[Attachment2-HCDPre-ComplianceFinding-042621.pdf](#)

[Attachment3-2014HCDCommentswith2021Responses.pdf](#)

[RollingHills2014-2021HousingElement-forCouncilAdoption-April2021\(1\).pdf](#)

[Initial_Study_2014-2021_Update__201312311052198725.pdf](#)

RESOLUTION NO. 1277

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADOPTING AMENDMENTS TO THE 2014-2021 ROLLING HILLS HOUSING ELEMENT. A NEGATIVE DECLARATION WAS PREVIOUSLY PREPARED, ADOPTED, AND FILED FOR THIS PROJECT

THE CITY COUNCIL DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals

A. On January 4, 1957, the City of Rolling Hills was established as a duly organized municipal corporation of the State of California.

B. The City of Rolling Hills adopted its current General Plan on June 25, 1990. The General Plan establishes goals, objectives, and strategies to achieve the community's vision for its future. A Housing Element of the General Plan was initially adopted in 1991 and amended in 2001 and 2009.

C. Cities and counties in the Los Angeles region were assigned new Regional Housing Needs Allocations in 2013 and were required by State law to update their Housing Elements to cover the October 15, 2013 through October 15, 2021 planning period.

D. The City of Rolling Hills prepared a Draft Housing Element update for 2014-2021. The Planning Commission reviewed a Preliminary Draft Housing Element at a Public Hearing/Workshop on September 26, 2013. The document was forwarded as a Draft to the California Department of Housing and Community Development (HCD) for their 60-day review. On December 16, 2013 HCD requested modifications which were incorporated into a revised Housing Element update,

E. On December 30, 2013 pursuant to Government Code Sections 65090 and 65353, the State of California Clearinghouse, the cities of Rolling Hills Estates, Rancho Palos Verdes, Palos Verdes Estates, the Palos Verdes Peninsula Center Library, the Palos Verdes Peninsula Unified School District, and the County of Los Angeles were notified of upcoming public hearings for this project. Notifications of the public hearings were published in the Palos Verdes Peninsula News on January 2 and January 30, 2014 and the City of Rolling Hills Newsletter. Copies of the 2014-2021 Housing Element update and Initial Study were made available at the public counter and the City's web site.

F. Pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq., the State CEQA Guidelines California Code of Regulations, Title 14, Sections 15000 et seq., and the City's Local CEQA Guidelines, the City prepared an initial study and determined that there was no substantial evidence that adoption of the 2014-2021 Housing Element may have a significant effect on the environment. Accordingly, a negative declaration was prepared and notice of that fact was given in the manner required by law.

G. A duly noticed public hearing before the Planning Commission to consider the proposed negative declaration and the 2014-2021 Housing Element was held on January 21, 2014 at which time public comments on the negative declaration and the 2014-2021 Housing Element were received by the Commission. At that meeting, the Planning Commission adopted Resolution No. 2014-03 recommending that the City Council adopt the Housing Element and Negative Declaration.

H. The City Council at a public hearing on February 10, 2014 considered individually and collectively, the proposed negative declaration and the 2014-2021 Housing Element. After due consideration of public testimony, staff analysis and the Planning Commission's recommendation, the City Council determined that the 2014-2021 Housing Element, General Plan Amendment No. 2014-01, furthered the housing goals of the City's General Plan, and adopted the proposed negative declaration and 2014-2021 Housing Element.

I. The State of California Department of Housing and Community Development (HCD) issued a determination letter on May 30, 2014, finding that the Element had only addressed some of the issues in the December 16, 2013 letter and was not in compliance with the California Government Code.

J. HCD issued a subsequent letter to the City on December 28, 2018 indicating its non-compliant status and requested that the City establish a timeline for compliance.

K. The City established a tentative schedule in collaboration with HCD to develop a compliant element by the end of 2020.

L. The City worked diligently during 2019 and 2020 to meet the requirements of the Government Code and State law, including the adoption of Accessory Dwelling Unit ordinances, Reasonable Accommodation Procedures, provisions for emergency shelter and single room occupancy dwellings, and adoption of the Rancho Del Mar (RDM) Affordable Housing Overlay Zone.

M. The City engaged the public through an on-line housing survey, newsletter updates, and web-based information on housing, and through notification of public hearings on housing-related issues.

N. The City issued a Negative Declaration on the RDM Affordable Housing Overlay Zone and conforming amendments to the Land Use Element of the General Plan on November 17, 2020, in accordance with State Law.

O. The Planning Commission convened a public hearing on the Negative Declaration, the General Plan Amendments, and the RDM Affordable Housing Overlay Zone on December 22, and recommended their approval to the City Council, with modifications.

P. The City Council convened public hearings on the Negative Declaration, the General Plan Amendments, and the RDM Affordable Housing Overlay Zone on January 25 and February 8, 2021. The Council adopted the Negative Declaration and General Plan Amendments on February 8 and approved the Zoning Code amendments establishing the Overlay Zone at its second reading on March 8, 2021.

Q. On February 26, 2021, the City submitted a revised Draft Housing Element to HCD reflecting the actions taken by the City Council in 2019, 2020, and 2021, and demonstrating the City's capacity for providing its fair share of the region's housing needs, as defined by the Southern California Association of Governments.

R. On March 11, 2021, HCD orally communicated requested revisions to the February Draft to staff. These revisions were substantially incorporated.

S. On March 29, 2021, the City submitted a second revised Draft responding to supplemental comments from HCD.

T. On April 26, 2021, HCD issued its finding letter that the Housing Element as revised met the requirements of the Government Code and would receive a compliance determination if adopted as presented.

U. On June 1, 2021, the Planning Commission conducted a public hearing on the revised Draft Housing Element and adopted a Resolution recommending approval by the City Council.

Section 2. Findings. Based upon the facts contained in this Resolution, those contained in the staff report and other components of the legislative record, the previously adopted negative declaration for the 2014-2021 Housing Element and the previously adopted negative declaration for the General Plan Amendment and RMD Rezoning, and the written confirmation from HCD that the City will be in compliance with State Housing Element requirements if it adopts the Element as drafted, the City Council finds that:

A. Substantive changes made to the Housing Element since adoption of the 2014 Negative Declaration for the project were addressed in the Negative Declaration for the Land Use Element amendment and creation of the RMD Affordable Housing Overlay Zone adopted in March 2021. There is no substantial evidence that adoption of the proposed amendments to the previously adopted 2014-2021 Housing Element will have a significant effect on the environment.

B. The City Council has reviewed the proposed amendments to the Housing Element and the comment letters from HCD, including HCD's findings on April 26, 2021 that the amendments will bring the Element into compliance with State Housing Element law.

C. The City has edited the Draft Housing Element to comply with the requirements of Government Code Sections 65580-65589.8. The revisions demonstrate the capacity of the Rolling Hills to meet its Regional Housing Needs Allocation for the 4th and 5th Housing Element Cycles, and further demonstrate that topographic, geologic, infrastructure, fire safety and land use constraints preclude further rezoning of property or increases in the development capacity of the city.

D. The 2014-2021 Housing Element, as amended, is consistent with the other elements of the General Plan because the Element uses the land use designations of the Land Use Element

and those designations in turn are reflective of, and consistent with, the policies and provisions of the remaining elements of the General Plan.

E. The housing goals, objectives, and policies stated in the 2014-2021 Housing Element are appropriate for the City of Rolling Hills and will contribute to the attainment of State housing goals. The Housing Element will aid the City's efforts to assist in the development of housing for all members of the community and is in the public interest.

Section 3. The City Council of the City of Rolling Hills hereby adopts the proposed amendments to the 2014-2021 Housing Element based on the preceding findings.

PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF JUNE 2021.

BEA DIERINGER
MAYOR

ATTEST:

JANELY SANDOVAL
CITY CLERK

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

I certify that the foregoing Resolution No. 1277 entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING
HILLS ADOPTING AMENDMENTS TO THE 2014-2021 ROLLING HILLS
HOUSING ELEMENT. A NEGATIVE DECLARATION WAS
PREVIOUSLY PREPARED, ADOPTED, AND FILED FOR THIS
PROJECT**

was approved and adopted at a regular meeting of the City Council on the 14th day of
June 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

**ATTACHMENT 2**

April 26, 2021

Meredith T. Elguira, Director
Planning and Community Services
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear Meredith T. Elguira:

RE: Review of the City of Rolling Hills' 5th Cycle (2013-2021) Draft Housing Element Update

Thank you for submitting the City of Rolling Hills' (City) draft housing element update received for review on February 26, 2021 along with revisions received on March 29, April 1, and April 6, 2021. In addition, the California Department of Housing and Community Development (HCD) reviewed Ordinance Nos. 364, 366, and 369. Pursuant to Government Code section 65585, subdivision (b), HCD is reporting the results of its review. Our review was facilitated by a telephone conversation on March 11, 2021 with you and the City's consultant, Barry Miller.

The draft element, incorporating the revisions submitted, meets the statutory requirements of State Housing Element Law. This finding was based on, among other reasons, implementation of zoning to accommodate the City's Regional Housing Needs Allocation (RHNA) for lower-income households. Additionally, Programs 8 (Add Definitions of Transitional and Supportive Housing, and Employee Housing to the Municipal Code) and 13 (Multi-Family Zoning Monitoring and Consideration of Additional Opportunities) are crucial to meeting statutory requirements. The housing element will comply with State Housing Element Law (Article 10.6 of the Gov. Code) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585, subdivision (g).

HCD reminds the City that the City's 6th cycle housing element update is due on October 15, 2021. As such, the 5th cycle housing element expires on October 15, 2021. HCD's determination of compliance on an adopted 5th cycle housing element in no way implies compliance is forthcoming for the 6th cycle planning period. The updated 6th cycle housing element will be reviewed on its own contents, and new laws and new housing element requirements will apply. These include, but are not limited to, analysis

surrounding the City's efforts to affirmatively further fair housing pursuant to Government Code section 65583, subdivision (c)(10). Additionally, successful implementation of Programs 8 and 13, as noted above, including the identification and zoning of sites to accommodate market rate (i.e. not limited to affordable) multifamily housing zoning is critical for 6th cycle compliance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate.

For your information, some general plan element updates are triggered by housing element adoption. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and
http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication of the City's housing element team in preparation of the City's housing element and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at Robin.Huntley@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" and last name "West" clearly distinguishable.

Shannan West
Land Use & Planning Unit Chief

ATTACHMENT 3:

Documentation of Rolling Hills' Actions on HCD Housing Element Comments

A. Housing Needs, Resources, and Constraints

1. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households (Section 65583(a)(1)).*

The element must quantify existing extremely low-income (ELI) households and analyze their housing needs. To assist the analysis, please find the enclosed Comprehensive Housing Affordability Strategy (CHAS) data. Information can be found at http://www.hcd.ca.gov/hpd/housing_element2/EHN_extremelylowincome.php.

This comment was made in the December 11, 2013 letter from HCD to the City of Rolling Hills and applied to the City's first draft for HCD review. The May 30, 2014 letter from HCD to the City of Rolling Hills indicated this requirement had been met in the document adopted by the City on February 10, 2014. Extremely low income households are quantified on page 18. Extremely low income housing needs also are addressed on pages 30-31 and on pages 57 and 67.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition (Section 65583(a)(2)).*

The element must include an estimate and analysis of the number of lower-income households, by tenure, paying more than 30 percent of their income on housing. For your information, US Census data indicates 2 of 15 (13 percent) of renter households and 206 of 598 (34 percent) of owner households paid more than 30 percent of their income on housing. This information should be incorporated into the element.

This comment was made in the December 11, 2013 letter from HCD to the City of Rolling Hills and applied to the City's first draft for HCD review. The May 30, 2014 letter from HCD to the City of Rolling Hills indicated this requirement had been met in the document adopted by the City on February 10, 2014. Housing overpayment is addressed on pages 29-30.

B. Housing Needs, Resources. and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

City must zone or rezone sites to accommodate any unaccommodated need (Section 65584.09). Since the City of Rolling Hills did not demonstrate adequate sites to accommodate the regional housing need in the prior planning period, the element must include an analysis and programs as appropriate to comply with this requirement.

For your information, the City of Rolling Hills must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2013-2021 planning period (Section 65584.09). If the City does not complete the rezoning and does not adopt the element before this timeframe lapses, the Department will not be able to find the element in compliance until the required rezoning is complete and it is amended to reflect that rezoning.

As required by HCD, the City has zoned sites to accommodate the regional housing need for the prior and current planning periods (e.g., the 4th and 5th cycles). The analysis documenting the unaccommodated (4th cycle) need and the current (5th cycle) is on pages 56-57. The analysis demonstrating that the City has adequate capacity to meet this need is on page 67. The rezoning program is described on page 79. Appendix A provides further detail on the Rancho Del Mar opportunity site.

As the adopted Element indicates, the City has adopted an Affordable Housing Overlay Zone on an underutilized 31-acre parcel owned by the Palos Verdes Unified School District (e.g., the Rancho Del Mar Continuation High School site). The General Plan and Zoning Code permit 16 units on the site (one unit per two acres), which exceeds the RHNA need for 13 units for the 4th and 5th cycles. The Affordable Housing Overlay requires that these units be clustered on a development site within the 31-acre parcel where densities of 20-24 units per acre are achieved. Affordable multi-family housing is permitted by right, with no discretionary review required.

Sites Inventory and Analysis: The City of Rolling Hills has a Regional Housing Need Allocation (RHNA) of 6 housing units, of which 4 are for low-and moderate-income households. The element states that available land to accommodate residential development falls into two zone categories: RA-S-1 (one unit per acre) and R-S-2 (two units per acre), but only provides minimal additional information to demonstrate adequate sites to accommodate the RHNA. For example, the element must include a parcel listing and demonstrate zoning to accommodate housing for lower income households. However, the element does not identify any sites to accommodate Rolling Hills' housing need nor demonstrate zoning appropriate to accommodate housing for low-and moderate-income households. As a result, the element must be revised to identify sites to accommodate the RHNA and analyze the suitability of sites and appropriateness of zoning and include a program as appropriate to provide the necessary sites pursuant to GC Section 65583(a)(3), and 65583.2 and 65583(c)(1).

As required, the City has expanded the level of detail provided for each housing site, expanded the number of sites listed, and expanded the range of housing types permitted on each site. This information is provided on pages 57-67. Page 60-61 includes a parcel listing (with APNs) for each vacant lot in the City, including a realistic assessment of housing potential. Pages 62-65 evaluate sites for their potential for lower income households, including detailed information on the most viable site, which is the PVUSD site (now an Affordable Housing Overlay Zone). Pages 65-66 provide more detail on how ADUs will meet a portion of the RHNA for low- and moderate-income households. Programs 2, 3, 4, 5, 6, 10, 11, 12, and 13 all address steps the City is taking to provide the necessary sites pursuant to the Government Code.

Sites with Zoning for a Variety of Housing Types:

Multifamily Zoning: Government Code Sections 65583(c)(1) and 65583.2, require jurisdictions to demonstrate the availability of zoning to provide for a variety of housing types including multifamily rental, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, emergency shelters, and transitional housing. The availability of multifamily housing is critical to providing the variety of housing necessary to address the needs of lower-income families and workers. The element (page 32) indicates only two zones allow residential uses: the RAS-1 (one-acre minimum lot size) and RAS-2 zone (two acre minimum lot size) and provides no discussion of zoning opportunities for multifamily uses. Therefore, the element must include an analysis and programs to provide realistic opportunities for multifamily development.

See pages 36-45, pages 62-65, and Appendix A. All of this content has been added to demonstrate that the City now provides for a variety of housing types, including multifamily rental (Programs 2, 3, and 4), factory-built housing and mobile homes (P 35), emergency shelter (Program 5), and Single Room Occupancy hotels (Program 6). Farmworker housing is not expressly called out in the Municipal Code since there is not a farmworker population in the City or nearby. The City also provides for transitional and supportive housing and treats these uses the same way it treats other residential uses in each zoning district. Page 81 (Program 8) includes an action to add definitions of transitional and supportive housing to the Municipal Code before October 2021.

Emergency Shelters: The element states the City has provided funds to organizations to provide shelter services (page 53). However, the element must identify a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action and demonstrate sufficient capacity to accommodate the need for shelters and at least one shelter (Section 65583(a)(4)). The element must also describe characteristics, suitability, and capacity within zone(s) for emergency shelters.

The City has amended its Municipal Code to allow emergency shelters without a CUP or other discretionary action in the Affordable Housing Overlay Zone. See page 42 of the attached document. The text describes the characteristics, suitability, and capacity within the zone as required by the Government Code. Although annual counts of unsheltered residents indicate there are no homeless residents in Rolling Hills, the City has met the requirement to allow for at least one shelter. This is also explained on page 80 (Program 5).

Transitional and Supportive Housing: Pursuant to SB 2, transitional and supportive housing must be permitted as a residential use in all zones allowing residential and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Section 65583(a)(5)). The housing element must be revised to describe compliance with this requirement, including any necessary program actions.

This is addressed on pages 43-44 of the attached document. In addition, Program 8 has been added (Page 81) indicating that definitions of transitional and supportive housing should be added to the Municipal Code by October 2021, noting that these uses are considered residential uses and are subject to the same restrictions that apply to the other residential uses that are allowed in a given zoning district.

Single Room Occupancy (SRO) Units: The housing element should be revised to describe whether zoning is available to allow SRO units and add or modify programs as appropriate.

This is addressed on page 41 of the attached document. In addition, Program 6 has been added (Page 80) indicating that the City has amended its Municipal Code to allow SROs with a conditional use permit in the Affordable Housing Overlay Zone, subject to development standards that are evaluated on Page 41.

Second Units: The element notes the City has adopted an ordinance prohibiting second units (page 38). While the City's findings, made about 30 years ago to comply with Government Code Section 65852.2(c), may have been appropriate, conditions or circumstances might have changed. For example, new sewage disposal methods may be available to allow the development of second units. The City could include a program to evaluate its ordinance prohibiting second units and investigate sewage disposal technologies. For your information the National Small Flows Clearinghouse (NSFC) <http://www.nesc.wvu.edu/wastewater.cfm>, has information for small communities and individuals to solve their wastewater problems through objective information about onsite wastewater collection and treatment systems.

As indicated on pages 36-38, pages 65-67, and pages 82-83 of the attached document, the City amended its Municipal Code in 2018 and again in 2020 to permit Accessory Dwelling Units (ADU) and Junior ADUs by right in all residential zones, subject to development standards that are described in the document (see pages 36-38). The City's standards are compliant with State laws for ADUs and JADUs. Housing Element Program 12 addresses issues associated with septic systems, an issue the City will continue to work on as it moves into the 6th Cycle. The City has also adopted Policy 2.5 allowing ADUs in all residential zones.

The City also completed and analyzed a comprehensive, detailed survey of all residents regarding ADUs in 2020. This is documented in the revised Housing Element (page 66) and is described in detail in Appendix B.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 (Section 65583(a)(5)).*

Land-Use Controls: The element lists some residential development standards, but concludes, without analysis, the standards do not impede achieving maximum densities and are not viewed as constraints (page 33). However, the element must include an analysis of potential impacts on the cost and supply of housing and add implementation actions as appropriate to address constraints on the maintenance, improvement and development of housing. This analysis must include an evaluation of the cumulative impacts of development standards and specifically address regulations such as parking and minimum lot size (one acre and two acre minimum lot size) or lack of smaller minimum lot sizes to demonstrate whether they constrain housing.

Chapter 3 of the newly adopted Housing Element covers Constraints, including Land Use Controls. This section has been substantially expanded from the first draft. It evaluates the impacts of land use controls for single family homes on development feasibility (P 34-35), and then evaluate the impacts of land use controls for different housing types, including ADUs and multi-family housing. Chapter 6 now includes Programs that specifically address the maintenance, improvement, and development of a variety of housing types, including programs that have been implemented since the Element was initially adopted in 2014. Page 45 includes an analysis of the cumulative impacts of development standards. The analysis concludes that parking is not a constraint, and that larger minimum lot sizes are necessary to address fire safety, landslide hazards, and the lack of sewer infrastructure, which is also addressed in this chapter.

As noted in our prior review letter (April 23, 2009), while covenants, conditions and restrictions (CC&Rs) limit development opportunities, the City has the obligation to remove governmental constraints (e.g., zoning) which in and of themselves inhibit development opportunities and restrict the availability of appropriate sites. The City should utilize its local powers to appropriately zone sites to accommodate its housing needs including the regional housing need as well as meet other requirements of State law (e.g., Section 65913(a)(1-3) of the Government Code).

Comment addressed in earlier replies. The City has expanded its analysis of governmental constraints and has added Programs 2, 3, 5, 6, 8, 9, and 10 to address zoning-related constraints and ensure adequate capacity to meet the regional housing need and comply with provisions of the Government Code regarding zoning for a variety of housing types. Many of these programs have been implemented since HCD's comment letter was sent in May 2014.

In addition, the City's land use policies prohibiting multifamily should be analyzed relative to the limitations of State and Federal fair housing laws. To assist with this analysis, refer to Government Code Section 65008.

While the City of Rolling Hills has never had a land use policy expressly prohibiting multi-family housing, it has amended its Land Use Element to expressly state that multi-family housing is permitted. It has also amended its Housing Element to encourage a variety of housing types (Policy 1.4). Housing Element Program 2 creates the Affordable Housing Overlay Zone and permits affordable multi-family housing by right (e.g., without a conditional use permit).

Processing and Permit Procedures: While the element includes some information indicating the City Council makes final decisions for all discretionary applications, it must describe and analyze permit processing and approval procedures by zone and housing type for impacts on the cost and supply of housing and approval certainty.

The discussion of permit procedures on pages 47-48 of the attached document has been substantially expanded from the 2014 document, including a discussion of the types of projects that are permitted administratively, the types of projects that require Planning Commission and/or Council review, and those requiring review by the RHCA Architectural Committee. The text includes further detail on the time required for permit processing for single family homes, major home improvements, and ADUs.

Constraints on Persons with Disabilities: The element indicates the City "endeavors to accommodate disabled access", however, it does not include an analysis or programs to comply with this requirement. For example, the analysis must describe any spacing or concentration requirements for housing for persons with disabilities. The element must also demonstrate the City has a reasonable accommodation procedure for providing exceptions in zoning and land use or include a program to do so (Section 65583(c)(1)(3)). To assist in addressing this statutory requirement, refer to the Building Blocks' section on Constraints for Persons with Disabilities at http://www.hcd.ca.gov/hpd/housing_element/screen27_sb520.pdf.

An updated and expanded discussion of persons with disabilities has been included in the Needs Assessment on pages 22-23 and an analysis of housing constraints for persons with disabilities is now included on page 44. As the text on page 44 indicates, there are no spacing or concentration requirements for housing for persons with disabilities. As the text on pages 23, 44, 77 (Policy 4.2), and 81 indicate, the City has adopted Reasonable Accommodation procedures that comply with State law (see Program 7)

Fees and Exactions: The element lists some fees (pages 34); however, it must analyze their impact as potential constraints on housing supply and affordability. For example, the analysis should list and evaluate the total amount of fees for a typical development, including the proportion of total development costs. For additional information and a sample analysis and tables, see the Building Blocks at

This comment was made in the December 11, 2013 letter from HCD to the City of Rolling Hills and applies to the City's first draft for HCD review. The May 30, 2014 letter from HCD to the City of Rolling Hills indicated this requirement had been met in the document adopted by the City on February 10, 2014. The City has further expanded the discussion of fees and exactions in its latest adopted Housing Element on pages 46 and 47.

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame (Section 65583(b)(1 & 2)).

The element includes a summary of quantified objectives (page 63), it must also include quantified objectives by income category, including extremely low. This requirement could be addressed by utilizing a matrix like the one illustrated below:

| Income | New Construction | Rehabilitation | Conservation/ Preservation |
|----------------|------------------|----------------|-------------------------------|
| Extremely Low | | | |
| Very Low | | | |
| Low | | | |
| Moderate | | | |
| Above Moderate | | | |
| TOTAL | | | |

This comment was made in the December 11, 2013 letter from HCD to the City of Rolling Hills and applies to the City's first draft for HCD review. The May 30, 2014 letter from HCD to the City of Rolling Hills indicated this requirement had been met in the document adopted by the City on February 10, 2014. The City has further expanded its quantified objectives in its latest adopted Housing Element on pages 90-92.

D. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

Numerous programs in the element indicate "ongoing" implementation status. While this may be appropriate for some programs, where the programs include specific deliverables or implementation actions, the timeframes should indicate specific completion or initiation dates to demonstrate beneficial impact within the planning period. Sample programs are available on the Building Blocks website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_overview.php.

The newly adopted Draft addresses this comment. Please note that every one of the 22 programs listed in Table 20 (the Housing Action Plan) also has a quantified objective and a specific timeframe for implementation. The timeframe acknowledges that certain programs are ongoing, but also identifies specific measures that have been accomplished since the Element was initially adopted in 2014, those that are now underway, and those that need to be accomplished by October 2021 when the Sixth Cycle begins. This information is color coded by status (see pages 91-92) and is explained in greater detail in the program descriptions on pages 78-89.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobile homes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by-right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in finding B1, the element does not include a complete site analysis and the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. For example, the element must include programs as appropriate to provide for multifamily opportunities. In addition:

Per the response to finding B1 on page 2 of this Memo, the City has expanded the site analysis in order to establish the adequacy of sites and zoning. It has adopted the Affordable Housing Overlay Zone to meet the 4th and 5th Cycle RHNA for 13 lower income units by right, thereby closing a shortfall that had been identified in the 2014 Element. The adequacy of this site is documented in Appendix A and in Chapter 5 (P. 64-67), and is further addressed in Programs 3, 4, 5, and 6.

For Your Information: Where the inventory does not identify adequate sites pursuant to Government Code Sections 65583(a)(3) and 65583.2, the element must provide a program to identify sites in accordance with subdivision (h) of 65583.2 for 100 percent of the remaining lower-income housing need with sites zoned to permit owner-occupied and rental multifamily uses by-right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 20 units per acre. Also, at least 50 percent of the remaining need must be planned on sites that exclusively allow residential uses.

See prior response. The inventory includes a program (already implemented) to meet 100 percent of the remaining lower income housing need with sites zoned to permit multi-family housing by right during the planning period. As required, the Affordable Housing Overlay Zone accommodates 16 units at a density of 20-24 units per acre (the identified RHNA need is for 13 units, but the site accommodates a larger number). These 16 units are permitted by right, with no discretionary review. The City also allows ADUs and JADUs without discretionary review. Based on survey data and permitting records, a number of ADUs have been created since 2018 and are meeting a portion of the RHNA for low- and moderate-income housing.

Emergency Shelters and Transitional and Supportive Housing: As noted in finding B1, the element must comply with the provisions of SB 2 for emergency shelters, and transitional and supportive housing. To assist in addressing this statutory requirement, please refer to this website: http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf.

See Program 5 (Emergency Shelter) on page 80 and Program 8 (Transitional and Supportive Housing) on Page 81. The City has adopted provisions for emergency shelter by right in the Affordable Housing Overlay Zone. The standards are described on page 42. Transitional and Supportive Housing is addressed on pages 43-44. While the City treats these uses in a manner consistent with State law, Program 8 includes an action to add definitions of these use types to the Zoning Code.

3. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, low-and moderate-income households (Section 65583(c)(2)).*

The element must include specific and proactive actions to assist in the development of housing for extremely low-, very low-, low-, and moderate-income households, including persons with persons with development disabilities and special needs. For example, actions could commit the City to annually contact nonprofit housing sponsors to coordinate and implement a strategy for developing housing including assisting with site identification; adopt priority processing, fee waivers or deferrals, modify development standards, grant concessions and incentives for housing developments that include units affordable to extremely low to moderate income household, and assist, support or pursue funding applications. The Department's Financial Assistance Program Directory is available at http://www.hcd.ca.gov/falProgram_Directory_June%202012.pdf to assist the City with these efforts.

See Chapter 6 of the attached Housing Element. Several programs have been added in response to this comment, including Program 4 (to market the housing opportunities at the PVUSD site and work with the School District on potentially creating a separate parcel on the site for housing, explore the possibility of teacher housing or employee housing, meeting with non-profit developers, etc.), Program 11 (outreach and education on Accessory Dwelling Units), Program 12 (Incentives for ADUs and JADUs), Program 13 (Facilitating communication with affordable housing providers, housing service providers, housing advocacy organizations, and senior housing organization), and Program 14 (Facilitating shared housing).

4. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in finding B2, the element requires an analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to add or revise programs and address and remove or mitigate any identified constraints.

If the element indicates the City does not have a reasonable accommodation procedure, it must include a program to develop specific procedures for requesting and granting a reasonable accommodation. The procedure should not be limited to the installation of accessibility improvements and must provide reasonable accommodations to zoning and land-use requirements for housing for persons with disabilities.

In response to this comment, programs have been developed to address the removal of constraints, including Zoning Code Amendments adding definitions of transitional and supportive housing and density bonus provisions. As noted earlier, the City amended its Municipal Code in October 2020 to add reasonable accommodation procedures. This is Program 7 (Page 81) in the attached document. As Programs 16 and 17 indicate, the City is also actively working to address infrastructure constraints.

5. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin color, familial status or disability (Section 65583(c)(5)).*

Fair Housing (Page 63): While the program notes the City provides fair housing brochures at the public counter, it must include broader efforts to promote equal housing opportunities such as making information available at a variety of community locations and events.

This comment was made in the December 11, 2013 letter from HCD to the City of Rolling Hills and applied to the City's first draft for HCD review. The May 30, 2014 letter from HCD to the City of Rolling Hills indicated this requirement had been met in the document adopted by the City on February 10, 2014. The City has bolstered the discussion of fair housing and added Program 22 (Page 89) which adds Fair Housing information to the City's website and provides guidance for making fair housing information available at community events.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(8)).

While the element notes a public workshop and a hearing, it did not demonstrate how the City made a diligent effort to achieve the participation of all economic segments in the development of the housing element including low and moderate-income and special needs households and/or the groups that serve them. For example, the element could describe a specific outreach effort with non-profits and service providers to make the element available and solicit information on housing needs and strategies. Additional information is available on the Department's Building Blocks' website at: http://www.hcd.ca.gov/hpd/housing_element2/GS_publicparticipation.php

Between the initial adoption of the Housing Element in February 2014 and adoption of the current Element in 2021, the City has held more than a dozen public hearings (Planning Commission and City Council) on the Housing Element or housing-related actions (such as the Affordable Housing Overlay Zone and the ADU Regulations). These meetings have been advertised to the entire community and elicited a high level of feedback. This is described on pages 7-8 of the attached document.

The City has featured articles about the Housing Element in the City newsletter, which is delivered to every household in the City. It also conducted a community survey on housing (specifically, on Accessory Dwelling Units) that was administered to every household in the City. The survey's 29 percent response rate is indicative of a very high level of interest and engagement. Rolling Hills has also continued to work with housing advocacy groups and has provided information to its Commissions and the City Council and disseminated information to the community.

2014-2021 UPDATE OF THE HOUSING ELEMENT OF THE GENERAL PLAN



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FOREWORD

This document has been prepared to comply with the requirements of California Government Code Sections 65580-65589, which mandate that all California cities and counties adopt a Housing Element to address local and regional housing needs. The Housing Element is part of the Rolling Hills General Plan and covers the time period 2014-2021. State law requires that the Housing Element is updated every eight years and submitted to the State Department of Housing and Community Development for certification.

Certification of the Housing Element is based on a determination that the City has complied with a variety of State laws addressing regional issues such as affordability, fair housing, density, housing type, overcrowding, and homelessness. These laws apply universally to all cities, including those with limited services and land capacity.

As a community within the Greater Los Angeles region, the City of Rolling Hills is obligated to provide for its “fair share” of regional housing needs as determined by the Southern California Association of Governments. Cities without certified Housing Elements are subject to legal and financial penalties, the loss of eligibility for grants which help fund City operations, and even the potential loss of local control over building and land use decisions. For these reasons, it is in the City’s best interest to strive for a compliant element.

In adopting this Element, the City has endeavored to balance State mandates with the overarching goal of preserving the semi-rural, equestrian character of Rolling Hills. The Housing Element responds to local as well as regional needs, including the need to preserve the community’s environment, minimize further exposure to wildfire and landslide hazards, and recognize infrastructure and public facility constraints.

2014-2021 Housing Element Update Rolling Hills General Plan

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EXECUTIVE SUMMARY

This Housing Element addresses housing needs, opportunities, constraints, policies, and programs in Rolling Hills for the 2014-2021 planning period. As a semi-rural hillside community, Rolling Hills' ability to provide housing is limited by geologic, topographic, wildfire, environmental, and infrastructure constraints. Within the framework of these constraints, the City endeavors to promote housing opportunities for all households.

This Housing Element Update reflects the City's continuing efforts to retain and expand housing opportunities in the community. For the duration of this planning period, the City of Rolling Hills commits to a series of actions to support a variety of housing types serving persons of all incomes. These actions continue from the last planning period and strive toward the following accomplishments:

1. Provide housing information to the community's senior citizens and low- and moderate-income households.
2. Enforce code violations within residential neighborhoods.
3. Facilitate new construction by working closely with housing developers, property owners, and builders.
4. Partner with non-profit developers and affordable housing sponsors to support affordable housing development on identified housing sites, facilitate construction of affordable Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs), and establish programs to promote affordable units.
5. Monitor the City's land supply for new affordable housing opportunities.
6. Promote reasonable accommodations for the disabled.
7. Provide opportunities for special needs housing, such as transitional and supportive housing and emergency shelter.
8. Support energy conservation and sustainable development measures.
9. Support fair housing counseling and monitoring.

I. INTRODUCTION

A. COMMUNITY OVERVIEW

The City of Rolling Hills is a rural, equestrian residential community, consisting entirely of large lot residential parcels of one acre or more. The community encompasses 2.98 square miles of land on the Palos Verdes Peninsula in the County of Los Angeles (Refer to Figure 1, Vicinity Map).

The land use pattern was established with the original subdivision and sale of parcels that began in 1936. The community is comprised of single-story California ranch style homes with three-rail fences and equestrian facilities in a wooded setting, developed around the hilly terrain and deep canyons of the City.

From its inception in 1936, the emphasis in Rolling Hills has been to create and maintain a residential community that would respect its unique landform constraints. The City's minimum lot size requirements were established in recognition of these constraints, which include:

1. Geologic and topographic constraints, including landslide hazards
2. Fire-safety constraints
3. Lack of urban infrastructure, specifically sewer
4. Biological resource constraints, including sensitive animal habitats and species

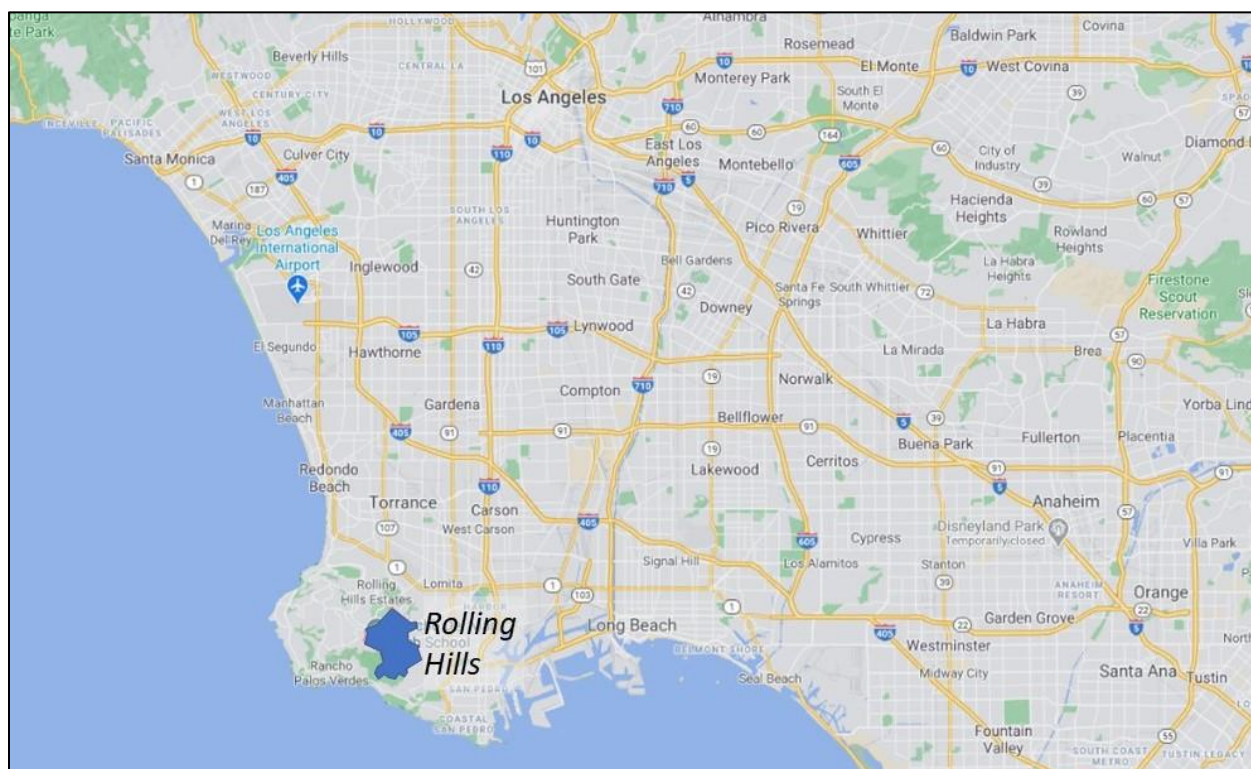


Figure 1. Vicinity Map

Source: Google Maps Screenshot, 2020

These constraints are described below.

Geologic and Topographic Constraints

Rolling Hills has been described as having the most severe terrain of any jurisdiction in Los Angeles County. Its landscape is comprised of a system of rolling hills, steep canyons and blue-line streams. Slopes of 25 to 50 percent are present on virtually every remaining undeveloped parcel in the City.

Expansive soils and geologic hazard conditions continue to place constraints on development within the City. Portions of the City are located over an ancient landslide, which from time to time reactivates and affects the land. It is impossible to predict when and if a property will be affected. One of the reasons the City insists on minimal grading is to minimize land disturbance and exacerbation of soil instability. Because of these geologic conditions, the City has experienced recent major landslides and erosion, further limiting the developable area within its boundaries.

In the past eight years, three private properties experienced earth movement where a portion of the property slid, requiring the property owners to do extensive and expensive slope restoration work. Recent geological exploration on an 8-acre vacant property where a home was being proposed revealed unstable conditions and an ancient landslide. Pursuant to the Los Angeles County Building Code, before the property owner could be allowed to proceed with construction, extensive remediation was required.

Fire Safety Constraints

According to the California Department of Forestry and Fire Protection, all land in the City of Rolling Hills was upgraded in 2008 from “High Fire Hazard Severity Zone” to “Very High Fire Hazard Severity Zone” (VHFHSZ). As a result, more restrictive fire safety standards have been adopted in the City Building Code. Examples of the new standards include requirements to box in eave projections (common to all ranch style homes in Rolling Hills), install double paned windows, and use heavy timber construction materials and other construction materials approved by the California Fire Marshal. Professionally designed landscaping meeting Fire Department fuel modification standards (including fire-resistant plants around structures) also is required. The new fire zone designation and related standards are placing additional constraints on new development, resulting in higher design and building costs.

In addition to the higher fire hazard rating, current firefighting capabilities in the City are limited by the California Water Company due to their distribution system and aging infrastructure and the City’s topography.

Infrastructure Constraints

Only a few parcels on the western periphery of the City are served by a sewer system. Consequently, most new development must utilize septic tanks for disposal of sanitary waste. Recent engineering studies indicate that due to the terrain and unstable geological conditions of the City, the cost of a sewer system would be prohibitive for a small city with limited financial resources. In 2013, there was an attempt to form a sewer assessment district pursuant to

Proposition 218 (Cal Const. art. XIII D, § 4) for properties abutting Johns Canyon Road in the City, but the effort failed due to the high cost of installing the sewer line. The prohibitive cost of sewer line installation, in conjunction with recent active landslide activity and high cost of septic installation, continues to constrain development in the City.

Biological Resource Constraints

Environmental constraints that limit development in Rolling Hills include sensitive animal habitats and species that are listed or being considered for listing by the U.S. Department of Fish and Wildlife and/or the California Department of Fish and Wildlife. These species include the Palos Verdes Blue butterfly, the California Gnatcatcher, the Pacific Pocket Mouse, the San Diego Horned Lizard, and Brackishwater Snail. The community is also underlain with blue-line streams that are under the jurisdiction of the Army Corps of Engineers.

Within the context of these constraints, the City has actively pursued avenues to support residential development and facilitate affordable housing opportunities. Specifically, the City has adopted amendments to its Zoning Ordinance to allow for manufactured housing units and a variety of other housing types and has worked collaboratively with adjacent communities to address regional affordable housing needs. Additionally, the City amended Chapter 17.28 of the Rolling Hills Municipal Code to allow construction of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) in compliance with the provisions of Government Code Sections 65852.2 and 65852.22. As part of this Housing Element Update, it has also amended its General Plan to allow for multi-family housing and amended its Zoning Ordinance to permit emergency shelters, single room occupancy housing, transitional and supportive housing, and to require reasonable accommodation for persons with disabilities. It has also created opportunities and incentives for affordable housing, as required by the Government Code. The City has conducted these efforts in compliance with State Housing Element Law as summarized below.

B. PURPOSE OF THE HOUSING ELEMENT

The provision of adequate housing for families and individuals of all economic levels is an important public goal. It has been a focus for state and local governments for more than five decades. The issue has grown in complexity due to rising land and construction costs, as well as increasing competition for physical and financial resources in both the public and the private sectors.

In response to this concern, the California Legislature amended the Government Code in 1980. The amendment instituted the requirement that each local community include a specific analysis of its housing needs and a realistic set of programs designed to meet those needs. This analysis is to be set forth in the Housing Element and incorporated in the General Plan of each municipality.

C. LEGISLATIVE REQUIREMENTS

The legislative requirements for Housing Element are prefaced by several statements of State policy set forth in Section 65580 of the Government Code as follows:

The Legislature finds and declares as follows:

- (a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.*
- (b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.*
- (c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.*
- (d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.*
- (e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.*
- (f) Designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the state's housing goals and the purposes of this article.*

State law further requires each municipality to accomplish the following tasks:

- Identify and analyze the current and projected housing needs of all economic segments of the community.
- Evaluate the current and potential constraints to meeting those needs, including identifying the constraints that are due to the marketplace and those imposed by the government.
- Inventory and assess the availability of land suitable for residential use.
- Establish a series of goals, objectives, policies and programs aimed at responding to identified housing needs, market and governmental constraints, and housing opportunities.

D. SCOPE AND CONTENT

The Housing Element consists of five major components:

- An analysis of the City's demographic and housing characteristics and trends.
- A summary of the existing and projected housing needs of the City's households.
- A review of the potential market, governmental, and environmental constraints to meeting the City's identified housing needs.
- An evaluation of the resources available to achieve the City's housing goals.
- A statement of the Housing Plan for the years 2014 through 2021 to address the City's identified housing needs, including the housing goals, policies and programs.

This Element was initially adopted in 2014 and included these required components. The 2014-2021 Housing Plan has guided the City's housing programs for the last six years and has resulted in significant accomplishments. Revisions to the Plan adopted in 2021 ensure that the Plan is fully compliant with State Government Code requirements and provide additional guidance through the end of the planning period. The Action Plan in Chapter VI identifies programs that have already been completed during the eight-year planning period as well as programs that are underway or yet to be completed.

E. RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

The Government Code requires internal consistency among the various elements of a General Plan. Section 65300.5 of the Government Code states that the General Plan and the parts and elements thereof shall comprise an integrated and an internally consistent and compatible statement of policies.

The Rolling Hills General Plan contains the following six elements: 1) Land Use; 2) Housing; 3) Circulation; 4) Open Space and Conservation; 5) Safety; and 6) Noise. The General Plan is internally consistent. Policy direction introduced in one element is reflected in other Plan elements. For example, residential development capacities established in the Land Use Element and constraints to development identified in the Safety Element are reflected in the Housing Element. The Housing Element builds upon the other General Plan elements and is consistent with the policies and proposals set forth by the Plan.

Pursuant to Government Code Section 65400, the City will annually review its progress in implementing this Housing Element. This review will help ensure consistency between this Element and the other General Plan Elements.

F. RELATIONSHIP TO PRIVATE LAND USE RESTRICTIONS

Most of the developable property in the City is subject to covenants, conditions, and restrictions (CC&Rs) adopted by the Rolling Hills Community Association (RHCA), a non-profit California Corporation and homeowners association that shares the boundaries of the City. RHCA is governed by elected Rolling Hills community residents and oversees and enforces implementation of the CC&Rs. The CC&Rs run with each property in perpetuity and cover all properties in the City except those listed below:

1. City Hall Complex
2. Tennis Court Facility
3. PVP Unified School District
4. Daughters of Mary and Joseph Retreat Center

CC&Rs represent private contractual obligations between homeowners and are usually established at the time a subdivision or community is built. Development in Rolling Hills has been governed by CC&Rs since the community was planned in the 1930's. The RHCA and the CC&Rs existed and were in force prior to the City incorporation, which occurred in 1957. The City of Rolling Hills has no jurisdiction over the RHCA or the content or implementation of the CC&Rs.

The CC&Rs limit the density on most parcels to one residence per one-acre and two-acre lots. Any construction, remodel, and grading for a building, fence or structure is required under the CC&Rs to adhere to traditional or California ranch and equestrian architectural styles and aesthetics. The uses and purposes of all perimeter easements around each property are required to be dedicated to the RHCA and maintained for the purposes of ingress, egress, construction, and maintenance of all infrastructure constructed as roadways, bridle trails, storm drains, utility access and drainage.

In some instances, State law may supersede the authority of CC&Rs. For example, AB 670 (Cal Civil Code 4751—effective January 1, 2020) limits CC&Rs from placing unreasonable limitations on accessory dwelling units (ADUs). To the greatest extent feasible, the programs in this Housing Element reflect the requirements of State law while maintaining the integrity of the CC&Rs.

G. PUBLIC PARTICIPATION AND PROJECT TIMELINE

Section 65583(c)(9) of the Government Code states that the local government shall make “a diligent effort . . . to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” For purposes of the Housing Element law, “community” means a city (Gov. Code § 65582(a)).

To gather public input in its Housing Element Update, the City of Rolling Hills conducted a public workshop before the Planning Commission on September 26, 2013 which was open to all members of the community. At that meeting, the Commission with assistance from City staff and the housing consultant, discussed the Housing Element Update. The public was invited to comment and offer suggestions for new housing programs. Public comments included questions from the Planning Commission regarding the feasibility of meeting the affordable housing goal given the City’s topographic and infrastructure constraints. In addition to widely noticing and advertising this meeting to Rolling Hills residents via the City’s newsletter, notices also were posted at City Hall and in the Palos Verdes Peninsula News and were provided to the cities of Rancho Palos Verdes, Rolling Hills Estates and Lomita, the County of Los Angeles, the Palos Verdes Peninsula Unified School district, the Palos Verdes Peninsula Center Library District and the Los Angeles County Local Agency Formation Commission.

Following the Planning Commission Hearing, public feedback was incorporated into the document. A Draft Element was submitted to HCD for review on October 15, 2013. HCD issued a response letter on December 11, 2013 indicating that the document required revision prior to certification. Revisions were made in response to State comments, and a revised Draft Element was recommended by the Planning Commission on January 21, 2014 and adopted by the City Council on February 10, 2014. Public comment was invited and encouraged at both meetings, which were advertised and noticed following City procedures. The adopted Element was submitted to HCD on March 3, 2014. On May 30, 2014, HCD made a determination that the adopted Element had not adequately responded to earlier State comments and required further revision.

The City of Rolling Hills continued to solicit public input on housing issues between 2014 and 2019 while implementing the policies and actions in its adopted Element. These policies and actions facilitated production of new housing, conservation and improvement of existing housing, and new affordable housing opportunities through revisions to the City’s Accessory Dwelling Unit (ADU) requirements. In an effort to fully comply with State requirements and obtain State certification, the City met with HCD representatives in 2019 to develop a timeline for revising the previously adopted Element.

On November 25, 2019, a public meeting with the City Council was held to discuss the path toward achieving a compliant Housing Element. The meeting was highly attended by residents inquiring as to potential suitable sites and possible development impacts. Several potential sites were discussed and it was announced at the meeting that further analysis and outreach would be conducted to determine the suitability of each of the identified sites. As with the earlier meetings in 2013 and 2014, the 2019 meeting was widely noticed, including an advertisement in the Palos Verdes Peninsula News, an announcement in the City’s newsletter, an email to the City’s

interested parties list, and posting at City Hall. Persons of all income levels and housing circumstances were included in the noticing.

Revisions to the adopted Housing Element continued into 2020, along with further communication with HCD and the public. In September 2020, the City retained a consultant to facilitate additional revisions and to bring a revised document to the Planning Commission and City Council for adoption. Additional public hearings were necessary to revise the Municipal Code to provide for reasonable accommodations in housing. These occurred on October 20 (Planning Commission) and November 9 (City Council). Public hearings were then held to amend the Municipal Code to create an Affordable Housing Overlay Zone; allow multi-family housing, emergency shelter, and single room occupancy housing; make conforming amendments to the Land Use Element of the General Plan; and certify a CEQA Initial Study-Negative Declaration for these actions. The Planning Commission convened its hearing on December 22, 2020 and the Council convened its hearing on January 25, 2021. Both meetings were widely noticed and advertised, and residents of Rolling Hills and neighboring Rancho Palos Verdes participated and provided testimony. Subsequent public hearings on the Overlay Zone were held on February 5 (Planning Commission) and February 8 and February 22, 2021 (City Council).

The City also implemented housing outreach measures in 2020 to ensure that Rolling Hills residents were informed of the steps the City was taking to attain a compliant Housing Element, as well as new opportunities for ADUs. In October 2020, the City mailed a survey to every household in the City seeking opinions about ADUs, information on ADU potential, and the feasibility of an affordable ADU program. The response rate was nearly 30 percent and the findings will shape ADU programs that help the City meet its lower-income housing needs. Based on the responses to the survey, all economic segments of the community have been involved.

The public has also been engaged in adoption of the revised Element in 2021. Meeting notices and advertisements have been provided, and the public was encouraged to attend and participate. Draft copies of the revised Housing Element were posted to the City's website prior to its adoption. The Planning Commission held a public hearing on the Revised Draft Element on XX, 2021 and the City Council adopted the Element on XX, 2021.

The City continues to encourage and support participation of all economic segments of the community. Staff regularly solicits input from other public agencies, housing developers and non-profit housing organizations for strategies and information on how to best meet its affordable housing goals. Staff will convene additional workshops, surveys, and public meetings as part of its next Housing Element Update. In addition to its regular noticing practices, Staff will use social media and print media to inform the public of workshops and meetings.

H. SOURCES OF INFORMATION

A number of data sources were used to create the Rolling Hills Housing Element. These include:

- City of Rolling Hills General Plan, current.
- City of Rolling Hills Municipal Code, current.
- City of Rolling Hills Revised Final Environmental Impact Report: General Plan Update and Zoning Ordinance Revision, April 1990.
- City of Rolling Hills Planning Department building permit records, August 2013.
- Southern California Association of Governments (SCAG) Final Regional Housing Needs Assessment (RHNA), adopted November 26, 2012.
- Department of Finance Population and Housing data, January 2013.
- 1990, 2000, 2010 U.S. Census Reports, plus 2020 American Community Survey.
- City of Rolling Hills Hazard Mitigation Plan.
- Assembly Bill Nos.: 68, 670, 671, 881 and Senate Bill No. 13.
- Initial Study and Negative Declaration for the Rancho Del Mar Affordable Housing Overlay Zone and related General Plan Amendments

Various other informational sources were also referenced and are cited where they appear within the text.

II. HOUSING NEEDS ASSESSMENT

A successful strategy for improving housing conditions must be preceded by an assessment of housing needs. This section of the Housing Element reviews the major components of housing needs, including trends in Rolling Hills' population, households, and the type of housing available. These trends reflect both local and regional conditions. Data in this chapter is generally based on conditions as of 2013, providing the baseline for the eight-year RHNA planning period (2014-2021). Where appropriate, updated data from later in the planning period has been cited or referenced.

The analysis is broken down into four major subsections:

- Section A, Population Characteristics, analyzes the City of Rolling Hills in terms of individual persons and attempts to identify any population trends that may affect future housing needs.
- Section B, Household Characteristics, analyzes Rolling Hills in terms of households, or living groups, to see how past and expected household changes will affect housing needs.
- Section C, Housing Characteristics, analyzes the housing units in Rolling Hills in terms of availability, affordability, and condition.
- Section D, Assisted Housing At Risk of Conversion, analyzes housing units that have expiring use restrictions, such as project-based Section 8 contracts and early tax-credit financing contracts.

This assessment of Rolling Hills' housing needs is used as the basis for identifying appropriate policies and programs in this Element.

A. POPULATION CHARACTERISTICS

Rolling Hills' population characteristics are important factors affecting the type and extent of housing needs in the City. Population growth, age, race/ ethnicity and employment characteristics are discussed in this section.

I. Population Change

Rolling Hills had a resident population of 1,860 according to the 2010 Census, and a population of 1,884 in 2013, according to the State of California Department of Finance, City/County Population and Housing Estimates. In terms of population, Rolling Hills is the fourth smallest city in Los Angeles County. The City has been largely built-out for the past forty years.

As illustrated in Table I, the City had a 1970 population of 2,050 and a 1980 population of 2,049. By 1990, the City's population had dropped to 1,871. This decrease population lost as a result of the

damage from the Flying Triangle Landslide, in which ten homes were destroyed in the southern portion of the City.

The City's population remained stagnant from 1990 to 2000 and decreased by 0.6 percent between 2000 and 2010. The 2013 California Department of Finance estimates a slight increase of 1.3 percent since 2010. By comparison, the County of Los Angeles population increased by 3.0 percent from 2000 to 2010, from 9,519,330 to 9,818,605.

Limited growth in the City's population demonstrates the diminishing supply of parcels available for development. Opportunities for new residents to move into Rolling Hills have occurred primarily through redevelopment of the City's original housing stock and changes in ownership.

Table I
City of Rolling Hills
Population: 1970, 1980, 1990, 2000, 2010, 2013

| Year | Population | Percent Change from Previous Year |
|----------|------------|-----------------------------------|
| 1970 (a) | 2050 | — |
| 1980 (a) | 2049 | 0 |
| 1990 (b) | 1871 | -8.7 |
| 2000 (c) | 1,871 | 0.0 |
| 2010 (d) | 1,860 | -0.6 |
| 2013 (e) | 1,884 | 1.3 |

Sources: (a) City General Plan; (b) 1990 Census; (c) 2000 Census; (d) 2010 Census;

(e) State of California Department of Finance, City/County Population and Housing Estimates, January 01, 2013

2. Age Characteristics

The age structure of a population is an important factor in evaluating housing needs and planning for future housing development. For example, if a city is experiencing an outmigration of young adults (ages 25-34), there may be a shortage of first-time homebuyer opportunities and/or well-paying employment opportunities. If a city has a substantial elderly population, special housing types or services may be needed, such as assisted living facilities, housing rehabilitation programs, paratransit, meals on wheels, and home health care services, in order to enable seniors to remain in the community. Table 2 shows the number and percentages of Rolling Hills residents in each age group according to Census 2010. The table also shows the median age for the City and County of Los Angeles.

Rolling Hills is a maturing community. During the past 30 years, its median age increased from 38.2 in 1980 to 45.5 in 1990 to 53 in 2010. By comparison, the 2010 Los Angeles County median age was 35.9 years.

Table 2
Population by Age Group: City of Rolling Hills, and Median Age for
City and Los Angeles County Census 2010

| City of Rolling Hills | | |
|---------------------------------|---------------------|------------------------|
| Age Range | # of Persons | % of Population |
| Under 5 years | 44 | 2.4 |
| 5 to 9 years | 100 | 5.4 |
| 10 to 14 years | 143 | 7.7 |
| 15 to 19 years | 165 | 8.9 |
| 20 to 24 years | 61 | 3.3 |
| 25 to 29 years | 39 | 2.1 |
| 30 to 34 years | 21 | 1.1 |
| 35 to 39 years | 39 | 2.1 |
| 40 to 44 years | 92 | 4.9 |
| 45 to 49 years | 168 | 9 |
| 50 to 54 years | 162 | 8.7 |
| 55 to 59 years | 156 | 8.4 |
| 60 to 64 years | 157 | 8.4 |
| 65 to 69 years | 138 | 7.4 |
| 70 to 74 years | 117 | 6.3 |
| 75 to 79 years | 105 | 5.6 |
| 80 to 84 years | 84 | 4.5 |
| 85 years and over | 69 | 3.7 |
| | | |
| City Median Age - 2010 | 53.0 | |
| County Median Age - 2010 | 35.9 | |

3. Race and Ethnicity

As shown in Table 3, the 2010 Census reported that 77.3 percent of Rolling Hills' population was White, which compared to 50.3 percent for the County overall. Rolling Hills' Black or African American population at 1.6 percent was lower than the County Black or African American population at 8.7 percent. American Indian or Alaskan Native comprised very small percentages of both the City and County population—0.3 percent and 0.7 percent, respectively. Asians comprised 16.3 percent of Rolling Hills' population, compared to 13.7 percent for the County. Native Hawaiian or other Pacific Islander also comprised very small percentages of the City and County population—0.1 percent and 0.3 percent, respectively. An estimated 1.3 percent of Rolling Hills' residents indicated that they are of "other race"; for the County, the percentage of people identifying themselves as "other race" was notable larger at 21.8 percent.

Rolling Hills' residents who identified themselves as Hispanic or Latino comprised 5.5 percent of the City population. For the County, this percentage was much larger, with 47.7 percent of the population identifying themselves as Hispanic or Latino.

Table 3
Population by Race and Hispanic or Latino Origin,
for City and County Census 2010

| Race | City of Rolling Hills | | Los Angeles County | |
|--|-----------------------|--------------|--------------------|--------------|
| | # of Persons | % of Total | # of Persons | % of Total |
| One Race | 1,800 | 96.8 | 9,379,892 | 95.5 |
| White | 1,437 | 77.3 | 4,936,599 | 50.3 |
| Black or African American | 29 | 1.6 | 856,874 | 8.7 |
| American Indian and Alaska Native | 5 | 0.3 | 72,828 | 0.7 |
| Asian | 303 | 16.3 | 1,346,865 | 13.7 |
| Native Hawaiian and Other Pacific Islander | 2 | 0.1 | 26,094 | 0.3 |
| Other Race | 24 | 1.3 | 2,140,632 | 21.8 |
| Two or More Races | 60 | 3.2 | 438,713 | 4.5 |
| TOTAL | 1,860 | 100.0 | 9,818,605 | 100.0 |
| | | | | |
| Hispanic or Latino (of any race) | 102 | 5.5 | 4,687,889 | 47.7 |

4. Employment

The 2010 Census shows that 54 percent of Rolling Hills' residents were in the labor force. Of these workers, 89.1 percent commuted outside the City to work, while 10.9 percent worked from their homes.

Most of Rolling Hills' workers (71.1 percent) were employed in management, professional and related occupations. An estimated 20.4 percent worked in sales and office jobs; 4.3 percent in service industries; 3.9 percent in natural resources, construction and maintenance; and 0.3 percent in production transportation, and material moving occupations.¹

There is no commercial or industrially zoned land in the City. City Hall is located on the only institutionally zoned land in the City. Consequently, employment is limited to home-based occupations and jobs at City Hall and the Rolling Hills Community Association office, Los Angeles County Fire Station #56, and property maintenance and personal assistance care workers. No significant change in the number of jobs in Rolling Hills is expected in the future.

B. HOUSEHOLD CHARACTERISTICS

Information on household characteristics is an important indicator of housing needs. Income and affordability is best measured at the household level, as are the special housing needs of certain groups such as large families and female-headed households. As an example, if a community has a substantial number of young family households whose incomes preclude home purchase, the city may wish to initiate a home-buyer assistance program or participate in or publicize the programs that are available elsewhere.

The Bureau of the Census defines a "household" as "all persons who occupy a housing unit, which may include families, singles, or other." Boarders are included as part of the primary household by the Census. Families are households related through marriage or blood. A single-person household refers to an individual living alone. "Other" households reflect unrelated individuals living together (e.g., roommates and unmarried partners). Persons living in retirement or convalescent homes, dormitories, or other group living situations are not considered households.

I. Household Type

As shown in Table 4, there were a total of 663 households in Rolling Hills according to the 2010 Census. Most of these households (81.3 percent) are families, compared to 67.7 percent family households for the County.

Rolling Hills' average household size is 2.81 persons per household, slightly lower than the 2.98 persons per household for the County. Family households are somewhat larger, 3.08 persons per household for the City and 3.58 persons per household for the County.

¹ American Community Survey, Table S2406, 2019

Table 4
Household Type
City of Rolling Hills and Los Angeles County (2010 Census)

| | City of Rolling Hills | | Los Angeles County | |
|--|-----------------------|---------------|--------------------|-------------|
| Household Type | No. of Households | % of Total | No. of Households | % of Total |
| Families | 539 | 81.3% | 2,136,977 | 68.2% |
| Non-family | 124 | 18.7% | 996,797 | 31.8% |
| Total | 663 | 100.0% | 3,133,774 | 100% |
| Average Household Size (all households) | 2.81 | | 2.98 | |
| Average Family Household Size | 3.08 | | 3.58 | |

2. Overcrowding

Overcrowding is another indicator of housing affordability. Unit overcrowding is caused by the combined effect of low earnings and high housing costs in a community and reflects the inability of households to buy or rent housing that provides sufficient living space for their needs. The Census defines overcrowded households as units with greater than 1.01 persons per room, excluding bathrooms, hallways and porches.

According to the 2010 Census, there is no overcrowding in Rolling Hills. There are no households reporting more than one person per room. By comparison, 12 percent of Los Angeles County households reported incidences of overcrowding and 4.9 percent of Los Angeles County households reported incidences of severe overcrowding (more than 1.5 persons per room). A low incidence of overcrowding in Rolling Hills is expected to continue through the current planning period.

3. Household Income

An important factor in housing affordability is household income. While upper income households have more discretionary income to spend on housing, low and moderate- income households are more limited in the range of housing they can afford.

State-Defined Income Categories

According to the Federal Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD), the area median income for a four-person household in Los Angeles County was \$64,800 in 2013.² California law and some

² Correspondence from Lisa Bates, Deputy Director, Division of Housing Policy Development, State of California Department of Community Development, February 25, 2013.

federal housing programs define several income categories based on a percentage of the area median income (AMI) determined by HUD and HCD, as follows:

- Extremely Low Income - 30 percent of the area median income and below
- Very Low Income - between 31 percent and 50 percent of the area median income
- Lower Income - between 51 and 80 percent of the area median income
- Moderate Income - between 81 and 120 percent of the area median income.

These income ranges are used to determine eligibility for various subsidized housing programs. Households earning more than 120 percent of the area median income are considered “Above Moderate Income.” The 2013 income limits for these categories by household size are presented in Table 5, as follows:

Table 5
Los Angeles County 2013 Area Median Incomes and
Income Limits Adjusted by Household Size

| Income Category | Maximum Income by Household Size | | | |
|--|----------------------------------|--------------------|--------------------|--------------------|
| | 1 Person Household | 2 Person Household | 3 Person Household | 4 Person Household |
| Extremely Low Income | \$17,950 | \$20,500 | \$23,050 | \$27,650 |
| Very Low Income | \$29,900 | \$34,200 | \$38,450 | \$42,700 |
| Lower Income | \$47,850 | \$54,650 | \$61,500 | \$68,300 |
| Median Income * | \$45,350 | \$51,850 | \$58,300 | \$64,800 |
| Moderate Income | \$54,450 | \$62,200 | \$70,000 | \$77,750 |
| * Income limits for extremely, very low and lower income levels are set by HUD based on historical income information; median and moderate income levels are set by HCD based on mathematical averages of County income. Consequently, numbers presented for lower income are higher than median income numbers. | | | | |
| Source: CA Dept. of Housing and Community Development, February 25, 2013. | | | | |

Income limit data is updated annually to reflect increases (or decreases) in wages and the income characteristics of the population in a given area. Incomes in California and Los Angeles County increased significantly during the first six years of the 2014-2021 period. By 2020, the upper limit for four-person lower-income households in Los Angeles County grew from \$68,300 to \$90,100, an increase of 32 percent. For a four-person very low-income household, the income limit increased from \$42,700 to \$56,300, and for a four-person extremely low-income household, the threshold increased from \$27,650 to \$33,800.

These changes are important, as they are used to calculate the monthly housing costs considered “affordable” to each income group. The benchmark for housing affordability is typically 30% of monthly income. Based on HCD limits in 2020, “affordable” housing for a four-person household in Los Angeles County would cost no more than \$2,252 monthly for a lower income household and \$1,407 monthly for a very low-income household. This includes utilities and other related housing costs.

Census 2010 Estimates of Household Income

According to Census 2010 estimates, median household income in Rolling Hills was \$223,750, compared to \$56,226 for the County. Rolling Hills' higher median household income reflects the single family, large lot nature of the community. Table 6 shows the median income for Rolling Hills, neighboring cities and the County as reported by the 2010 Census.

Table 6
City of Rolling Hills, Los Angeles County, and Surrounding Cities –
2010 Census Median Household Income

| Median Household Income – all households | |
|---|------------------|
| Rolling Hills | \$223,750 |
| Rolling Hills Estates | \$151,757 |
| Palos Verdes Estates | \$159,038 |
| Rancho Palos Verdes | \$116,643 |
| Lomita | \$61,327 |
| Los Angeles County | \$56,226 |

Table 7 shows the percent of Rolling Hills' households by income range. Approximately 15.0 percent of Rolling Hills' households report income below \$50,000 per year, a level that generally correlates to lower-income. Approximately 6.0 percent of Rolling Hills households report income below \$25,000 per year, a level that generally correlates to extremely low-income households. Based on the 2010 Census estimate of 663 households, this could mean that as many as 39 Rolling Hills households are extremely low income.

Table 7
Rolling Hills Household Income 2010 Census

| 2010 Income | Percent of Households | Cumulative Percent |
|------------------------|------------------------------|---------------------------|
| less than \$10,000 | 2.3% | 2.3% |
| \$10,000 to \$14,999 | 0.7% | 3.0% |
| \$15,000 to \$24,999 | 2.9% | 5.9% |
| \$25,000 to \$34,999 | 5.9% | 11.8% |
| \$35,000 to \$49,999 | 3.1% | 14.9% |
| \$50,000 to \$74,999 | 2.6% | 17.5% |
| \$75,000 to \$99,999 | 4.9% | 22.4% |
| \$100,000 to \$149,999 | 14.4% | 36.8% |
| \$150,000 to \$199,999 | 9.3% | 46.1% |
| \$200,000 or more | 53.9% | 100.0% |

Because of the very high value of houses in Rolling Hills, it is likely that most of the approximately 40 households with declared incomes under \$25,000 have other financial assets that allow them to continue to live in Rolling Hills. Census data indicates that 50 percent of Rolling Hills homeowners over age 65 do not have a home mortgage. The Census further indicates that about

half of the persons living below the poverty line in the City are older adults. These factors point to a need for programs that assist lower-income seniors in home-sharing, opportunities for care givers to live on-site, and creation of accessory dwelling units for supplemental income.

4. Special Needs Groups

Certain segments of the population may have more difficulty finding decent, affordable housing due to special circumstances. These “special needs” groups include older adults and the elderly, large families, disabled persons, female-headed households, farm workers, and the homeless. Under State law, the housing needs of each group are required to be addressed in the Housing Element. The identified special needs groups are defined below:

Older Adults and Frail Elderly

The special needs of many older households result from their fixed incomes, higher rate of physical disabilities and common need for assistance from others. In 2010, 513 residents (27.9 percent of Rolling Hills’ population) were 65 or older. The number of households with at least one senior resident was substantially higher. The Census identified 340 households with at least one member over 65, representing 51.3 percent of all Rolling Hills households. By comparison, countywide, 10.9 percent of County residents were 65 or older, and 24.4 percent of County households had members 65 years or older.

Persons over 85 (often used as a proxy to estimate the “frail elderly” population) represented 3.7 percent of Rolling Hills’ population in 2010. This is one of the fastest growing segments of the population, increasing to 4.7 percent of Rolling Hills’ population by 2020 based on US Census data.

Many senior households are likely to be on fixed low incomes and are at greater risk of housing over payment. In terms of housing, seniors typically require smaller, more affordable housing options and/or assistance with accessibility and home maintenance. They often require ramps, handrails, lower cupboards and counters to allow greater access and mobility for wheelchairs or walkers. Because of limited mobility, some older adults may need to live close or have transportation assistance to shopping and medical facilities.

According to the 2020 American Community Survey 23.2 percent of Rolling Hills residents over 65 have disabilities, which include sensory, physical and mental disabilities.

As discussed above, the median age for the City is much higher than the County—53.0 years compared to 35.9 years. Although most of Rolling Hills older adults are upper income, there is expected to be a continued need for accessible housing and senior related services throughout the planning period.

City Approach to Meeting Elderly Needs: In previous years, the City of Rolling Hills has assigned a portion of its Community Development Block Grant (CDBG) allocation to the adjacent city of Lomita to support its senior center and senior housing developments. In recent

years, the City of Lomita has not requested Rolling Hills' funds for senior housing. Most recently, due to the administrative burden associated with maintaining a CDBG program, the City no longer participates in the program. To continue to help elderly residents find needed services, the City has a list of local senior facilities available at City Hall. These facilities are listed below.

In addition, the City recognizes the benefits that Accessory Dwelling Units (ADUs) can provide to older residents, including the opportunity for a caregiver to reside on-site, thereby helping the homeowner age in-place. ADUs can also create a source of income and a sense of security for older residents. They can even provide an opportunity for homeowners seeking to downsize to a smaller home while remaining on their properties and within Rolling Hills.

SENIOR FACILITIES NEAR ROLLING HILLS

Organization

Street Address

CARSON

- Carson Senior Assisted Living
- Carson Senior Center
- Samoan American Senior Citizen

345 E. Carson Street
801 East Carson Street
23742 Main

TORRANCE

- Keep Safe Coalition
- Bartlett Senior Center
- Torrance YMCA Senior Center
- Herman Tillim
- Torrance Memorial Advantage Program
- Vistas Innovative Hospice Care
- RSVP
- Torrance South Bay YMCA Senior Program
- South Bay Senior Service
- South Bay Senior Service
- H.E.L.P.

4733 Torrance Blvd
1318 Cravens Avenue
2900 W. Sepulveda
3614 W. Artesia Blvd
3330 W. Lomita Blvd
990 W. 190th
1339 Post Avenue
1900 Crenshaw
3246 Sepulveda Blvd
2510 W. 237th Street
1404 Cravens Avenue

WILMINGTON

- Wilmington Senior Center
- Mahar House Community Center
- Harbor Area Senior Center
- Wilmington Jaycees Foundation

1148 N. Avalon
1115 Mahar Avenue
1371 Eubank Avenue
1371 Eubank Avenue

HARBOR CITY

- Harbor City Senior Center

24901 Frampton

Organization

Street Address

SAN PEDRO

- Anderson Memorial Senior Center
- San Pedro Service Center
- Salvation Army Sage House
- Japanese Community Pioneer Center
- Toberman Senior Club

828 S. Mesa Street
769 W. Third
138 S. Bandini Street
1964 W. 162nd Street
131 N. Grand Avenue

REDONDO BEACH

- RB Community Center
- Meals on Wheels
- Beach Cities Health Group
- Redondo Beach Senior Center

200 N. Pacific Coast
32 Knob Hill Avenue
514 N. Prospect
3007 Vail Avenue

MANHATTAN BEACH

- Joslyn Center
- Manhattan Beach Senior Center
- Manhattan Heights Senior

1601 Valley Drive
Same as above
Same as above

HAWTHORNE

- Hawthorne Senior Center

3901 El Segundo Blvd

GARDENA

- Behavioral Health Services, Medicine Education Program
- Special Services Group Care Project
- Asian Community Service Center
- Gardena Service Center
- Second Time Around
- Sociable Seniors

15519 Crenshaw Blvd
14112 S Kingsley Dr
same as above
1670 162nd Street
13220 Van Ness
1957 W. Redondo Bch

RANCHO PALOS VERDES

- Peninsula Seniors

30928 Hawthorne Blvd

PALOS VERDES ESTATES

- St. Margaret Mary Church Senior Club

25511 Eshelman

EL SEGUNDO

- El Segundo Senior Center

3339 Sheldon Street

Disabled Persons

Physical and mental disabilities can hinder access to housing as well as the income needed to pay for housing. The proportion of physically disabled individuals is increasing nationwide due to overall increased longevity and lower mortality rates. Mentally disabled individuals include those disabled by a psychiatric illness or injury, including schizophrenia, Alzheimer's disease, AIDS-related infections and conditions related to brain trauma. Disabilities tabulated by the Census include sensory, physical and mental limitations.

A tabulation of disabled persons in Rolling Hills is not included in the 2010 Census. However, according to the 2000 Census, 152 of all Rolling Hills residents (8.1 percent of the City population) were identified as disabled. Disabilities of these residents included each of the categories tabulated by the Census, with most persons having physical disabilities. In addition, the American Community Survey (a Census program that estimates population characteristics between the decennial censuses) includes disability data for Rolling Hills covering 2015-2019.

Based on the 2000 Census data, Rolling Hills' 152 disabled residents included 15 (or 9.9 percent) aged 5 to 20 years old, 58 (or 38.1 percent) aged 21 to 64 years old, and 79 (or 52.0 percent) aged 65 years or older. Of the disabled adults aged 21 to 64, 88 percent were employed outside the home, compared to 65 percent of non-disabled adults.

The 2000 Census identified 18 percent of Los Angeles County's population as disabled. Of these disabled County residents, 10 percent were aged 5 to 20 years old, 67 percent were aged 21 to 64 years old, and 23 percent were aged 65 years or older. Of the disabled County adults aged 21 to 64, 54 percent were employed outside the home, compared to 69 percent of non-disabled adults aged 21 to 64.

The 2014-2019 American Community Survey (ACS) data for Rolling Hills indicates that 161 Rolling Hills residents (10.6 percent of the population) have a disability. A majority are seniors, with 33.8 percent of the population over 75 (94 residents) reporting one or more disabilities. The most common disabilities are ambulatory (103 residents, including 82 persons over 65), hearing (56 residents, including 50 persons over 65), and cognitive (31 persons, including 10 over 65). Approximately 61 residents have a self-care limitation, including 44 residents over 65. These residents may require daily assistance from caretakers or family members.

While many elder disabled residents have the financial means to adapt their homes for decreased mobility, or to retain on-site care, some may need financial assistance. In addition, it is important that planning and building codes support adaptations to homes (such as wheelchair ramps and lower counter heights) that meet the needs of aging households and others with disabilities in the community.

Pursuant to SB 812 (Lanterman Act), cities must include in their Housing Elements an analysis of the special housing needs of the disabled including persons with developmental disabilities. The Harbor Regional Center, located in Torrance, provides services to Rolling Hills' residents with developmental disabilities pursuant to the Lanterman Act. The Harbor Regional Center is a private, not-for-profit corporation that serves over 10,000 people with developmental disabilities,

and their families, who reside in the South Bay, Harbor, Long Beach, and southeast areas of Los Angeles County.

Within Rolling Hills, the Harbor Regional Center served one child aged 3-years old, one child aged 4-years old, one child aged 5-years old, three children aged 7-years old, one child aged 8-years old, two children aged 9-years old, two children 10-years old, one child aged 11-years old, three children aged 12-years old, and two children aged 13-years old.³

City Approach to Meeting Disabled Needs: The City recognizes that regardless of income, disability can block adequate access to housing. The City has adopted Resolution 699 that certifies its recognition of the American with Disabilities Act and adopts necessary mitigation efforts to assist its disabled residents. It has also adopted a reasonable accommodation ordinance to ensure that disabled residents may enhance or modify their homes in a way that meets their needs.

Female-Headed Households

Single-parent households require special consideration and assistance because of their greater needs for day care, health care, and other facilities. Female-headed households with children in particular tend to have lower incomes, thus limiting housing availability for this group.

According to the 2010 US Census, Rolling Hills has three female-headed households with children 18 years or younger. These three households, which comprise less than one-half of one percent of all Rolling Hills households, are likely to be above-moderate income. Countywide, female-headed households with children 18 years or younger comprise eight percent of total households. Of these County households, 13 percent live in poverty. The equivalent data for Rolling Hills indicates there are no female-headed households with children below the poverty line.

Because the very small number of female-headed households in Rolling Hills, as well as their income characteristics, they are not expected to have special housing needs that require City programs.

City Approach to Meeting Female-Headed Households Needs: Because female headed households are not an identified need in Rolling Hills, the City does not have active programs or policies to address this need.

Large Households

Large households are identified in State housing law as a “group with special housing needs based on the generally limited availability of adequately sized, affordable housing units.” Large households are defined as those with five or more members. As noted in Table 4 above, Rolling Hills has a smaller average household and family size than the County. Only 12.8 percent of the City’s households have 5 or more members, compared to 16 percent in Los Angeles County as a whole. Also, no City housing units meet the definition of overcrowded.

³ Nancy Spiegel, Director of Information and Development, Harbor Regional Center, 21231 Hawthorne Blvd., Torrance CA 90503; September 5, 2013.

Rolling Hills has the housing stock to accommodate large households. According to the 2010 Census, the average number of rooms per housing unit in the City is 6.9 compared to 4.6 for the County. Large family households in Rolling Hills are expected to be predominately upper income and adequately housed in the City's larger single- family homes. This information indicates that in Rolling Hills large households do not represent a special needs group.

City Approach to Meeting Large Households Needs: Because large households are not an identified need in the Rolling Hills, the City does not have active programs or policies to address this need.

Farm Workers

The special housing needs of many agricultural workers stem from their low wages and seasonal nature of their employment. An estimate of the "farm worker" population in the City is extrapolated from individuals who categorize their employment as "farming, fishing or forestry" in the 2010 Census.

Based on this estimate, there is one Rolling Hills' worker who identified him/herself as employed in this farming category. Because of the high median income in the City, this worker is expected to be of above moderate income. There are no designated agricultural uses in or adjacent to Rolling Hills. Consequently, farm workers are not a special housing needs group in Rolling Hills.

City Approach to Meeting Farmworker Needs: Because farm workers are not an identified need in the Rolling Hills, the City does not have active programs or policies to address this need.

Homelessness

During the past decades, homelessness has become an increasing problem throughout the state. Factors contributing to the rise in homelessness include the general lack of housing affordable to low- and very low-income persons, increases in the number of persons whose incomes fall below the poverty level, reductions in public subsidies to the poor, and the de-institutionalization of the mentally ill.

According to the Los Angeles Homeless Services Authority (LAHSA) 2013 Greater Los Angeles Homeless Count Executive Summary, there are 59,233 homeless persons in Los Angeles County. There are currently over 80 homeless shelters and numerous other emergency shelters, transitional housing facilities, hospital emergency rooms, motels that assist Los Angeles County homeless.⁴ The homeless facilities closest to Rolling Hills include Beacon Light Mission in Wilmington that currently provides 7 temporary beds for homeless men plus meals.⁵ While no one has been turned away from the dining tables in over a year, the beds are usually full. The Mission finds that the majority of its clients are people searching for work in the Harbor area.

⁴ <https://www.homelesshelterdirectory.org/cgi-bin/id/city.cgi?city=Los%20Angeles&state=CA>; accessed September 22, 2013.

⁵ <http://beaconlightmission.org/>; accessed September 22, 2013.

Other nearby homeless facilities include the American Family Housing (AFH), a nonprofit organization that provides emergency, transitional and permanent housing. AFH operates in Los Angeles, Orange, and San Bernardino counties and is currently helping 1,170 persons each day with shelter.⁶ In the South Bay area of Los Angeles, it operates a 20- unit two-story apartment complex that features an outdoor play area and indoor children's recreation room. Occupants can stay at the shelter for up to 90-days. During that stay, the occupants meet with caseworkers and attend workshops on various topics, including budgeting, parenting and nutrition. They receive assistance on building a resume and seeking employment as well as free and reduced-cost childcare.

Harbor Interfaith Shelter in San Pedro provides housing to people each day in its emergency, transitional and low-income permanent housing. In 2012, it provided housing services to 18,000 persons.⁷ The shelter also provides meals, personal counseling, and educational and vocational services. Toberman Settlement House is a non-profit neighborhood center providing services to low-income residents of Los Angeles. Its efforts are aimed at helping individuals and families move from poverty to self-sufficiency. Founded in 1903, Toberman House is the oldest charity in the city of Los Angeles, and the oldest United Methodist mission project in the Western U.S. It was originally located in Echo Park, but moved to Boyle Heights in 1917, then San Pedro in 1937. Toberman House offers a wide range of social services, ranging from state-licensed K through 5 childcare, and afterschool care, to a senior's club.

Recent contacts with each of these agencies indicate that they are fully occupied but have no record of patrons who have listed Rolling Hills as their previous place of residence. Part of the reason for this is that the City is not located along a major street, with other services or businesses, which would attract transient and homeless persons. Additionally, Rolling Hills' gated entries, which are monitored by the Rolling Hills Community Association and the rugged terrain provide a difficult environment for the homeless.

A “point in time” count of homeless residents in Greater Los Angeles is conducted annually by the Los Angeles Homeless Services Authority. Data for 2016, 2017, 2018, 2019, and 2020 counted no homeless residents in Rolling Hills.

City Approach to Addressing Homelessness: Senate Bill 2 of 2007 (SB2) requires that jurisdictions quantify the need for emergency shelters and determine whether existing facilities are adequate to serve the need. No homeless persons have been identified in or being from Rolling Hills. Consequently, there is no quantified need for emergency shelters in Rolling Hills.

SB2 further requires that every city and county in California, regardless of the size of its homeless population, provide at least one zoning category in which emergency shelter is permitted “by right”—in other words, without discretionary approval from the local government. At least one emergency shelter site must be identified in each city, and the Housing Element must confirm that the site has adequate capacity to meet the identified need. As addressed later in this document, the City of Rolling Hills met this requirement in February

⁶ <https://afhusa.org>; accessed September 22, 2013.

⁷ <https://www.harborinterfaith.org/>; accessed September 22, 2013.

2021 through its creation and mapping of an Affordable Housing Overlay District where emergency shelter is permitted by right.

Outside of Rolling Hills, there are over 80 emergency shelters plus numerous other facilities assisting homeless persons in the Los Angeles area, with the Beacon Light Mission in Wilmington being the closest to Rolling Hills. The City is committed to coordinating with and homeless service providers and meeting local homeless needs. A list of nearby social service agencies and shelters is maintained by the City Clerk. In addition, the Sheriff Department directs homeless individuals throughout the County to local shelters.

Provisions for transitional and supportive housing, and Single Room Occupancy (SRO) hotel units are addressed in Chapters III and VI of this Housing Element.

C. HOUSING CHARACTERISTICS

A housing unit is defined as a house, apartment, mobile home, or single room occupied as a separate living quarter or, if vacant, intended for occupancy as a separate living quarter. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall. A community's housing stock is the compilation of all its housing units.

I. Housing Growth

Rolling Hills has been built out for the last forty years. The supply of buildable land has become increasingly constrained by fires, landslides and identification of biologically sensitive species. Since 1990, the City has experienced a net gain of 10 units. Rolling Hills' housing supply has grown from a 1990 Census count of 674 units, to a 2000 Census count of 675 to a 2010 census count of 693 units. This represents a growth rate of 2 percent over 20 years, or less than two-tenths of one percent per year.

While the limited availability of land suitable for residential development has resulted in only nominal increases in the City's housing stock, additional residential development has been occurring through redevelopment of existing units. Much of the City's original housing stock was built in the 1950s and was typified by 3,000 to 4,000 square-foot ranch style homes. As in many communities with a strong market for residential development and limited available land, Rolling Hills' older housing stock is gradually being replaced with much larger, expansive units averaging 6,000 to 9,000 square feet in size, according to City building permit records. This trend of residential recycling can be expected to continue and potentially increase as less vacant land is available for development.

2. Housing Type

Rolling Hills is a community of single family houses. According to the 2010 Census, there are 693 single family units and no multi-family units. Some of these homes include guest houses and a few contain permitted Accessory Dwelling Units. Per the Municipal Code, occupancy of guest houses is limited to persons employed on the premises, the immediate family of the occupants of the main residence or the temporary guests of the occupants of the main residence. No temporary guest may remain in occupancy for more than thirty days in any six-month period. A resident needs a Conditional Use Permit for a guest house and is prohibited from renting out the guest house. (RHMC Section 17.16.210(A)(5)(f).) Prior to 2018, these limitations effectively prohibited accessory dwelling units (ADUs) in the City.

In January 2018, the City Amended Chapter 17.28 of the Municipal Code to allow for the construction of ADUs and JADUs to help increase the housing stock in the City. This includes potential conversion of guest houses to ADUs.

AB 167 amended Government Code Section 65583(c)(7) to require local governments, as part of their housing elements, to develop a plan that incentivizes and promotes the creation of ADUs at affordable rents. In addition SB 1069 required all cities and counties to allow ADUs, provided they met specific standards, and SB 13 limited the extent of development impact fees on ADUs. The City's ADU requirements are discussed in the next chapter of this Element, and ADU opportunities are addressed in Chapters V and VI.

3. Age and Condition of Housing Stock

Most homes begin to exhibit signs of decay when they approach thirty years of age. Common repairs needed include new roofs, wall plaster and stucco. Homes thirty years or over with deferred maintenance require more substantial repairs, such as new siding, plumbing or multiple repairs to the roof, walls, etc. As illustrated in Table 8, the majority of Rolling Hills' housing (51 percent) was constructed before 1960.

The fact that a large majority of the City's housing stock is owner-occupied, combined with the high quality of residential construction, has resulted in excellent upkeep of the City's units. According to the City code enforcement files, no significant housing condition problems have been identified.

Code enforcement in the City is the responsibility of the Planning and Community Services Department. In 2019, the City added a new position in the Planning and Community Services Department strictly for code enforcement. In response to complaints, the Code Enforcement Officer makes site inspections in the community. Any code enforcement violations noted by the Officer or called in by a resident are typically handled by a site inspection and phone call to the resident causing the violation. If the phone call fails to resolve the violation, the Officer will follow-up with a letter. The code violations regarding residential structural deficiencies in the City of Rolling Hills are monitored by the Officer and Building Inspector. Both City representatives monitor the violations until the issues are resolved.

City Housing Maintenance Efforts: As noted above, the City encourages the conservation and maintenance of its housing stock and works with its homeowners to support home improvements and code enforcement activities.

Table 8
City of Rolling Hills Age of Housing Stock 2010 Census

| Years | # of Units | % of Total Units | Cumulative % of Total Units |
|-----------------|-------------------|-------------------------|------------------------------------|
| 1939 or earlier | 33 | 4.8% | 4.8% |
| 1940-1959 | 324 | 46.7% | 51.5% |
| 1960-1969 | 115 | 16.6% | 68.1% |
| 1970-1979 | 110 | 15.9% | 84.0% |
| 1980-1989 | 40 | 5.8% | 89.8% |
| 1990-1999 | 30 | 4.3% | 94.1% |
| 2000-2004 | 18 | 2.6% | 96.7% |
| 2005+ | 23 | 3.3% | 100.0% |
| Total | 693 | 100% | |

4. Housing Costs

Housing costs are driven by the price of raw land, infrastructure (e.g. sewer and water), construction, supply relative to demand, and financing rates. The diminishing supply of developable land in Rolling Hills and the rapid rise in residential real estate prices that has occurred throughout the Southern California region, have driven up the cost of both ownership and rental housing in Rolling Hills.

Ownership Housing

All ownership housing in Rolling Hills is single family homes. Minimum lot size as established by the RHCA is one acre. The value of these homes varies based on the type, size and location.

According to the 2010 Census, 90.8 percent of houses in Rolling Hills are valued at over \$1,000,000. Recent for sales data for September 2013 shows a median for-sale housing price of about \$5,500,000.⁸

As shown in Table 9 below, Rolling Hills' housing prices are similar to most of its neighboring communities.

⁸ Zillow.com; accessed 9/30/2013.

Table 9
City of Rolling Hills Median Housing Values 2010 Census

| City | Median Sales Price 2010 |
|-----------------------|--------------------------------|
| Rolling Hills | \$1,000,000+ |
| Rolling Hills Estates | \$1,000,000+ |
| Palos Verdes Estates | \$1,000,000+ |
| Rancho Palos Verdes | \$ 950,000 |
| Lomita | \$495,000 |

Rental Housing

According to the 2010 Census, 97.5 percent of the City's housing units were owner-occupied, with 2.5 percent renter-occupied. Census data from 2014-2019 indicates there are 27 renter households in the city. Because of the large estate lots and limited supply of available housing in the community, rental rates are currently between \$3,500 per month and \$9,900 per month.⁹ There are also a limited number of Accessory Dwelling Units that are more affordable.

Vacancy Rates

The residential vacancy rate, a translation of the number of unoccupied housing units on the market, is a good indicator of the balance between housing supply and demand in a community. When the demand for housing exceeds the available supply, the vacancy rate will be low. Concurrently, a low vacancy rate drives the cost of housing upward to the disadvantage of prospective buyers or renters.

In a healthy housing market, the vacancy rate would be between 5.0 and 8.0 percent. These vacant units should be distributed across a variety of housing types, sizes, price ranges and locations within the City. This allows adequate selection opportunities for households seeking new residences.

According to the 2010 Census, Rolling Hills' owner-occupied housing units have a vacancy rate of 5 percent. This rate indicates that the housing market is relatively healthy with some room for buyers to find a suitable unit or negotiate a lower purchase price.

Housing Affordability and Overpayment

Federal and state guidelines specify that households should not spend more than 30 percent of their gross income on housing. Census information indicates that 13.0 percent of Rolling Hills' renter households and 34.0 percent of owner households paid more than 30 percent of their incomes on housing.

⁹ Zillow.com; accessed 9/30/2013.

Table 10 estimates the maximum housing costs affordable to Very Low Income, Low Income and Moderate Income households based on HCD established income criteria at the start of the eight-year Housing Element planning period. In the case of rent, the 30 percent assumes utilities are included in the monthly rental cost. Utilities may include water, sewer, trash pickup, electric and gas, and may add well over \$100 to the monthly cost of a rental unit, exclusive of heating and cooling.

In the case of purchase, the 30 percent includes payment on mortgage principal and interest, plus property tax, homeowner insurance and utilities. To purchase a home, the buyer typically needs to put 20 percent of the housing cost down at the time of purchase.

As indicated in Table 10, maximum housing costs affordable to an Extremely Low Income four-person household are \$136,015 to purchase a home and \$691 per month to rent a home. For a Very Low Income four-person household, maximum costs are \$210,048 to purchase a home and \$1,068 per month to rent a home. For a Low Income four-person household, the maximum affordable housing costs are \$335,979 to purchase a home and \$1,708 per month to rent a home. For a Median Income four-person household, the maximum affordable housing costs are \$318,762 to purchase a home and \$1,620 per month to rent a home. For a Moderate Income four-person household, the maximum affordable housing costs are \$382,465 to purchase a home and \$1,944.00 per month to rent a home. By the later part of the planning period in 2020, these thresholds had increased by roughly 30 percent. However, housing prices and rents in Rolling Hills were still out of range for lower- and moderate-income households.

As presented above, the current cost to purchase a home in the City begins at about \$2,225,000. With 20 percent down, this price would require a \$399,800 down payment and a monthly payment of about \$8,350. These costs, as indicated in Table 10, are well above the reach of Extremely Low, Very Low, Low, Median and Moderate Income households.

Single family homes in Rolling Hills rent for more than \$3,500 per month. These rents are well above the reach of Extremely Low, Very Low, and Low Income households. Accessory Dwelling Units (ADUs) may provide more affordable options for a number of lower- and moderate-income Rolling Hills households.

As discussed under Section B.3 above, because of the very high value of houses in Rolling Hills, it is likely that households with declared incomes in the lower income ranges have other financial assets that allow them to continue to live in Rolling Hills or have paid off their mortgages. Data from the American Community Survey for 2014-2019 indicated that only seven households in the City of Rolling Hills were paying more than 30 percent of their incomes on rent, despite average monthly rents that exceed \$3,500. These residents would be unlikely to qualify for federal or state sponsored housing programs or have a need for other affordable housing options.

Table 10 County of Los Angeles
Affordable Housing Prices and Rents by Income Group: 2013

| | 1 Person Household | 2 Person Household | 3 Person Household | 4 Person Household |
|---|---------------------------|---------------------------|---------------------------|---------------------------|
| Extremely Low Income (per month) | \$1,496 | \$1,708 | \$1,921 | \$2,304 |
| Maximum Home Purchase Price | \$88,299 | \$100,843 | \$113,387 | \$136,015 |
| Maximum Home Rental Rate | \$449 | \$513 | \$576 | \$691 |
| Very Low Income (per month) | \$2,492 | \$2,850 | \$3,204 | \$3,558 |
| Maximum Home Purchase Price | \$147,083 | \$168,236 | \$189,142 | \$210,048 |
| Maximum Home Rental Rate | \$748 | \$855 | \$961 | \$1,068 |
| Low Income (per month) | \$3,988 | \$4,554 | \$5,125 | \$5,692 |
| Maximum Home Purchase Price | \$235,382 | \$268,832 | \$302,529 | \$335,979 |
| Maximum Home Rental Rate | \$1,196 | \$1,366 | \$1,538 | \$1,708 |
| Median Income (per month) | \$3,779 | \$4,321 | \$4,858 | \$5,400 |
| Maximum Home Purchase Price | \$223,084 | \$255,059 | \$286,787 | \$318,762 |
| Maximum Home Rental Rate | \$1,134 | \$1,296 | \$1,458 | \$1,620 |
| Moderate Income (per month) | \$4,538 | \$5,183 | \$5,833 | \$6,479 |
| Maximum Home Purchase Price | \$267,849 | \$305,972 | \$344,342 | \$382,465 |
| Maximum Home Rental Rate | \$1,361 | \$1,555 | \$1,750 | \$1,944 |
| Source: Incomes per month derived from HCD, reference Table 6 above. | | | | |
| 1) Rental affordability based on 30% of income. Assumes utilities included 2) Home purchase based on monthly payment of 30% of income, with 20% down, 4.75% interest rate for 30 years. Assumes tax, insurance and utilities are included. | | | | |

D. ASSISTED HOUSING AT RISK OF CONVERSION

State law requires the City to identify, analyze and propose programs to preserve housing units that are currently deed restricted to low-income housing use and will possibly be lost as low-income housing as these deed restrictions expire. There are no identified at-risk housing units in the City. No low-income housing units in the City have been constructed with the use of federal assistance programs, state or local mortgage revenue bonds, redevelopment tax increments, in-lieu fees, or inclusionary housing ordinance or density bonuses. As a result, there is no housing at risk of losing its subsidized status.

III. CONSTRAINTS TO HOUSING PRODUCTION

A variety of factors adds to the cost of housing in Rolling Hills and constrains the provision of affordable units. These include market, governmental, contractual, infrastructure, topographic, geologic, and environmental constraints. Potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities also impact housing production and availability.

The extent to which these constraints are affecting the supply and affordability of housing in the City of Rolling Hills is discussed below.

A. MARKET CONSTRAINTS

The most significant factor affecting the affordability of housing within the City of Rolling Hills is the market. With the desirability and limited supply of hillside land, houses in a hillside community like Rolling Hills are highly valued. These costs are further driven by high construction costs, labor costs, and construction liability concerns.

I. Land Costs

The single largest cost associated with building a new house in Rolling Hills is the cost of land. Land costs include the cost of the site, site improvements, and all costs associated with obtaining government approvals. Like the entire Palos Verdes Peninsula, land costs are extremely high in Rolling Hills due to proximity to the Pacific coast, dramatic topography that tends to require large lots, and opportunities for canyon, ocean and city views. Average cost for an undeveloped, unimproved parcel of residential land in the City was \$544,000 per acre.¹ A scan of Zillow.com in Fall 2020 showed only one vacant for-sale lot in the City: a 7-acre parcel for \$1.4 million.

In addition to raw land costs, required site improvements contribute to the cost of land in the City. The remaining vacant parcels in the City have severe topographic and/or geologic constraints that necessitate significant grading to accommodate development. The extremely high land costs make conventional construction of lower income housing in the City very challenging. The City has very limited resources and not eligible for most state or federal funding sources. There are no commercial enterprises in the City—therefore the City does not receive any sales tax income, which could otherwise provide a revenue source for housing programs.

2. Construction Costs

A major cost associated with building a new house is the cost of building materials. These typically comprise between more than 50 percent of the sale price of a home. According to construction industry indicators, overall construction costs rose over 30 percent during the past decade, with rising energy costs and competition for building materials from overseas markets as significant

¹ http://www.zillow.com/rolling-hills-ca/#/homes_for_sale/Rolling-Hills-CA/pmf.pf_pt/6822_rid/33.902336.-117.647095.33.356915.-118.670197_rect/9_zm/; accessed September 22, 2013.

contributors. Typical residential construction costs for high quality homes like those found in Rolling Hills were approximately \$330-500 per square foot at the start of the eight-year planning period and continued to accelerate through 2020.

Construction of septic tanks adds tremendous cost to the construction of homes. Additionally, residential amenities (e.g., pools, fireplaces, porches) and high-end construction materials further increase the cost of construction. Labor is another major cost component in building a house, constituting an estimated 17 percent of the costs of constructing a single-family dwelling.

Construction costs are generally controlled by the market, while project amenities and construction materials are generally selected at the discretion of the property owner and/or developer. As required by State law, the City Zoning Ordinance allows for manufactured housing units to reduce residential construction costs. Section 17.12.130 of the Rolling Hills Municipal Code defines manufactured homes and mobile homes as “single family dwellings”; as such, they are subject to the same standards as wood-frame construction.

3. Financing

Home mortgage interest rates have been at historic lows during the past ten years. At the start of the eight-year planning period, there had been a sharp rise in foreclosures in the subprime mortgage market. Increases in interest rates coupled with declining property values in the Los Angeles region had caused many homeowners to default on their mortgages. Unable to recoup their investments, a number of lenders had to shut down or file for bankruptcy.

Property values have largely recovered from the losses of the Great Recession, but the mortgage crisis made qualifying for a home loan more difficult. Although 30- year fixed rate mortgages are still available at less than 5.0 percent, the income and down payment requirements are more stringent. There are also fewer flexible loan programs to bridge the gap between the amount of a required down payment and a potential homeowner’s available funds.

B. GOVERNMENTAL CONSTRAINTS

Housing affordability is affected by government constraints as well as private sector constraints. Actions by the City can have an impact on the price and availability of housing. Land use controls, site improvement requirements, building codes, fees and other local programs intended to improve the overall quality of housing may have the unintended consequence of serving as a constraint to housing development.

I. Land Use Controls

Land use controls are established by the City's General Plan Land Use Element, Zoning Ordinance, and Community Association Building Regulations. These controls respond to the unique physical, health, and safety aspects of the City. Because of infrastructure, geologic and environmental constraints, most land in the City has developed at a density less than that permitted by City zoning.

The Rolling Hills Land Use Element provides for two residential categories: Residential Agricultural Suburban - one acre minimum (RAS-1) and Residential Agricultural Suburban - two acre minimum (RAS-2). Land use policies support retention of the City's rural residential and equestrian character, recognizing the City's heritage as well as its natural constraints. Policies also call for buffering between uses, preservation of views, and minimizing exposure to landslides, wildfires, and other hazards. These are appropriate policies, given the severe environmental and safety hazards in the community.

The Rolling Hills Zoning Ordinance establishes development standards for the City's zoning districts. These correspond to the land use categories listed above, and also include a Public Facilities (PF) zone and two overlay districts. As summarized in Table II, building coverage is limited to twenty percent of the net lot area. Total lot coverage (structures and hardscape) is limited to thirty-five percent of the net lot area; maximum disturbed area is limited to forty percent of the net lot area; and building height is restricted to one story.

A minimum of two covered parking spaces are required for each single family dwelling unit. This parking requirement can easily be met on the City's large residential parcels. The parking standard is appropriate given the high number of automobiles per household in Rolling Hills, and the fact that there are no sidewalks, curbs or gutters on the private streets, which are too narrow to permit on-street parking. There is also no public transit service in the City. The City has incorporated Zoning Ordinance standards to allow the development of manufactured homes in its residential zones.

Table II
City of Rolling Hills Summary of Development Standards

| Setbacks | | |
|--|------------|--|
| | Front Yard | 50 feet from front easement line* in RA-S-1 and RA-S-2 Zones |
| | Side Yards | 20 feet from property line in RA-S-1 Zone 35 feet from property line in RA-S-2 Zone |
| | Rear Yard | 50 feet from property line in RA-S-1 and RA-S-2 Zones |
| Density | | RA-S-1: one-acre minimum RA-S-2: two-acre minimum |
| Structural Lot Coverage | | 20% of net lot area maximum |
| Total Lot Coverage | | 35% of net lot area maximum |
| Building Pad Coverage | | 30% of coverage |
| Maximum Disturbed Area | | 40% of net lot area |
| Maximum Height | | Single-story |
| *Note: Most property in Rolling Hills is subject to perimeter easements varying in width around each property boundary and road easements, granted by the property owner to the RHCA, a private corporation, or another person or entity for the purpose of construction and/or maintenance and use of streets, driveways, trails, utility lines, drainage facilities, open space, and/or a combination of these uses. The RHCA requires that all easements must be kept free of buildings, fences, plantings or other obstructions. | | |
| Source: City of Rolling Hills | | |

The development standards in Table 11 do not present constraints to the construction of single family homes. Even a “small” substandard lot of 200’ x 200’ (40,000) square feet would be allowed 16,000 square feet of buildable area after required setbacks are subtracted. The allowable structure coverage on such a lot would be 8,000 square feet, providing more than enough space for a residence and detached accessory structures. The requirement for single-story construction has not constrained single family construction, given the ample building footprint accommodated on each site. In fact, single-story construction has enabled many older adults in Rolling Hills to age in place.

2. Constraints for Different Housing Types

Section 65583 and 65583.2 of the Government Code require cities to plan for a “variety of types of housing, including multi-family rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single room occupancy units, emergency shelters, and transitional housing.” Accordingly, the Rolling Hills Housing Element includes provisions for each of these housing types in the city, with the exception of housing explicitly reserved for agricultural employees, since this was not identified as being a need in the city.

At the start of the eight-year planning cycle (2014), the regulations in Table 11 governed all residential development in Rolling Hills. Over the last seven years, the City has enacted new land use controls consistent with State law that allow a variety of housing types and make the development of affordable units more feasible.

Accessory Dwelling Units

The adoption of the following bills below made it mandatory for every city in California to allow the development of accessory dwelling units. The bills provided strict regulations on how much power local jurisdictions and homeowners associations have over development standards. The new ADU laws’ objective is to increase the housing stock everywhere in the State to help alleviate the affordable housing crisis. HCD is mandated to come up with programs to incentivize property owners to build ADUs.

Assembly Bill No. 671, Chapter 658:

This bill would require a local agency to include a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent for very low, low-, or moderate-income households in its housing element. The bill would require the Department of Housing and Community Development to develop a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of accessory dwelling units with affordable rent, as specified. The bill would require the department to post that list on its internet website by December 31, 2020.

Assembly Bill No. 881, Chapter 659:

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law requires the ordinance to designate areas where accessory dwelling units may be permitted and authorizes the designated areas to be based on criteria that includes, but is not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. This bill would instead require a local agency to designate these areas based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic

flow and public safety. The bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

Assembly Bill No. 670, Chapter 178:

The Planning and Zoning Law authorizes a local agency to provide for the creation of accessory dwelling units in single-family and multifamily residential zones by ordinance, and sets forth standards the ordinance is required to impose with respect to certain matters, including, among others, maximum unit size, parking, and height standards. Existing law authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones and requires the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements.

Existing law, the Davis-Stirling Common Interest Development Act, governs the management and operation of common interest developments. Existing law prohibits the governing document of a common interest development from prohibiting the rental or leasing of any separate interest in the common interest development, unless that governing document was effective prior to the date the owner acquired title to their separate interest. This bill would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units. However, the bill would permit reasonable restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with those aforementioned minimum standards provisions.

Senate Bill No. 13, Chapter 653:

(9) Existing law requires the planning agency of each city and county to adopt a general plan that includes a housing element that identifies adequate sites for housing. Existing law authorizes the department to allow a city or county to do so by a variety of methods and also authorizes the department to allow a city or county to identify sites for accessory dwelling units, as specified. This bill would state that a local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing in accordance with those provisions.

In January 2018, the City Amended Chapter 17.28 of the Municipal Code to allow for the construction of Accessory Dwelling Units and Junior Accessory Dwelling Units (ADUs and JADUs). Prior to 2018, these housing types were not permitted, although zoning regulations did permit construction of guest houses for temporary use. As a result of prior allowances for guest houses, the City has a large inventory of structures and spaces that can be easily converted to ADUs or JADUs. Given the large size of Rolling Hills homes; the large parcels and common presence of accessory structures, barns, stables, and other outbuildings, and the relatively small household sizes, the City is well positioned to accommodate a substantial number of ADUs and JADUs.

Chapter 17.28 allows ADUs and JADUs ministerially – in other words, with a building permit only – in a number of scenarios. These include instances where the unit is within the footprint of an existing single family dwelling, or an accessory structure, including an allowance for up to 150 additional (net new) square feet for ingress and egress. The unit must also have exterior access independent of the single family dwelling and side and rear setbacks that meet building and fire codes. In addition, detached ADUs are permitted by right (e.g., building permit only) if they are 800 feet or less, no more than 16 feet tall, and have side and rear setbacks of at least four feet. Applications for ADUs and JADUs must be acted on within 60 days from the date the City receives a completed application.

Once completed, ADUs may not be used for short-term rentals (less than 30 days). They may not be sold separately from the primary dwelling. They are not subject to an owner-occupancy requirement (in other words, both the primary home and ADU may be rented).²

ADUs that exceed the 800 square foot limit also are permitted but are subject to an ADU permit requirement in addition to a building permit. These units may be as large as 1,000 square feet and may have up to two bedrooms. Such units may not exceed 50% of the floor area of the primary dwelling or cause the floor area ratio on the site to exceed 0.45 or lot coverage by structures to exceed 50% of the property.

The City's ADU standards incorporate State standards for parking, which waive parking requirements for ADUs near a public transit stop. This is generally not applicable in Rolling Hills, since the community is not served by transit. Per State law, the Code allows for carports and garages to be converted to ADUs without replacement parking. Where this situation does not apply, one space is required for each ADU, and tandem parking is permitted.

ADUs are also subject to basic architectural standards, including compatibility with the design of the primary dwelling. The ADU is also subject to a minimum length and width of 10 feet, and a minimum ceiling height of seven feet. Landscape screening requirements apply to units that are near adjacent parcels. If the ADU changes the building exterior or involves a new structure, it is subject to design review by the Rolling Hills Community Association Architectural Committee (see Page 50 for further discussion).

ADUs smaller than 750 square feet are exempt from all impact fees. Units larger than 750 square feet may only be charged impact fees that are proportionally related to the square footage of the unit. The Code also includes waivers for utility connection fees for most ADUs, thereby reducing construction and operating costs. Moreover, the Code provides the option for a conditional use permit for ADUs that do not conform to the basic development standards of Chapter 17.28.

Overall, these requirements do not constrain or inhibit ADU or JADU construction. The regulations reflect State regulations and create ample opportunities for homeowners to earn extra income while providing a new dwelling unit for a tenant, employee, caregiver or family member. Given the large lot sizes in the city, the setback standards, FAR standards, and lot coverage limits still allow for generous ADU footprints. Likewise, the single story requirement is consistent with the requirement for single family homes. The "bonus" 150 square feet for JADU ingress/egress creates an incentive for such units. The requirement to provide a parking space is consistent with State law, since there is no transit in Rolling Hills—and is not a constraint given the large lot sizes and substantial driveway space available on most lots.

While no constraints have been identified, there are opportunities to provide incentives for ADUs that have yet to be realized. As noted in Chapter VI, the City will pursue future programs to encourage ADU construction, including ADUs for very low and low income households.

² JADUs (units created within the floorplan of an existing home) are subject to an owner-occupancy requirement unless the property is owned by a government agency, land trust, or housing organization.

Multi-Family Housing

In February 2021, the City amended its General Plan and zoning regulations to allow multi-family housing within the City limits. New policies in the General Plan Land Use Element expressly support a range of housing types in the city, including multi-family housing. An Affordable Housing Overlay Zone has been established on the General Plan Map, corresponding to the Rancho Del Mar Continuation High School site. The General Plan indicates that multi-family housing is permitted in the Overlay and must be constructed at a density of 20-24 units per acre, which conforms to the State’s “default density” requirements under AB 2348.

The Rolling Hills Zoning Ordinance has been amended for consistency with the General Plan and provides the regulatory standards for multi-family housing. The Rancho Del Mar Affordable Housing Overlay Zone affirms that multi-family housing is permitted on the site. Sixteen units of affordable multi-family housing—in other words, housing that is deed restricted to low and very low-income households—are permitted **by right** in this zone. With State-mandated density bonuses, the actual number of units on the site could potentially be higher. The Ordinance identifies an area within the 31-acre site, located on the west side of the property near the primary access road, as the location for these units.

Additional information on the Affordable Housing Opportunity Zone may be found in Chapter V. The text below focuses on the multi-family development standards, and the extent to which they may constrain multi-family housing.

As noted above, the allowable density range for the Zone is 20-24 units per acre. Numerous projects—both market-rate and affordable—have been developed in this density range in Los Angeles County in recent years. The range can accommodate apartments, condominiums, townhomes, row houses, clustered units, manufactured homes, and small detached cottages. All of these housing types would be permitted under the regulations prescribed by the Overlay Zone. As noted in Chapter V of this Element, the Overlay Zone includes multiple potential building sites that are level, easily accessed, served by utilities, and suitable for multi-family construction. A preferred location within the Overlay has been identified for affordable housing based on topography, access, and land use compatibility. This area is vacant, relatively flat, and unconstrained.

Development standards for multi-family housing within the Overlay Zone are conducive to higher density construction. These standards require 5-foot front and side setbacks and a 10-foot rear setback. Encroachments such as decks, balconies, awnings, porches, and stairways may extend into the setback areas, and architectural features such as eaves and cornices are also permitted in the setbacks. There are no lot coverage standards or Floor Area Ratio limits. A 28’ height applies, allowing two-story construction. This is the only place in Rolling Hills where two-story construction is permitted.

An initial set of development standards was prepared for the Overlay Zone for review by the State Department of Housing and Community Development. Following comments from the State, the standards were revised to eliminate potential constraints. These are noted in the bulleted list below:

- Minimum dwelling unit sizes were initially proposed at 500 square feet for a studio, 650 square feet for a one-bedroom, 800 square feet for a two-bedroom, and 1,000 square feet for a three bedroom. Based on feedback from the State, these were reduced to 250 square feet for a studio, 400 square feet for a one-bedroom, 650 square feet for a two-bedroom, and 900 square feet for a three-bedroom. The adopted minimums are well below typical unit sizes in Los Angeles County and do not pose a constraint.
- The first draft of the Ordinance required 150 square feet of common open space per unit. Following the State's review, this was reduced to 100 square feet per unit. Thus, a 16-unit project would be required to set aside just 1,600 square feet of common open space—at a density of 20 units per acre, this would represent less than 5 percent of the development site and would not be a constraint.
- Table 12 shows parking requirements for multi-family housing. The standards do not pose a constraint, considering the absence of any public transit in Rolling Hills. Only one space per unit is required, which would equate to 16 spaces (plus 2 guest spaces) in a 16-unit affordable project. The spaces do not have to be covered or in a garage, further reducing development costs. At 180 square feet per parking space, the total area dedicated to parking in a 20 unit per acre project would represent 3,240 square feet—which would represent roughly nine percent of a development site. The access driveways would likely require another 5,000 square feet, but the total area dedicated to ingress, egress, and parking would still leave ample room for open space, landscaping, and building footprints.

Table 12
City of Rolling Hills
Summary of Parking Requirements for Multi-family Housing

| Housing Type | Spaces Required Per Unit | Guest Parking |
|---------------------------|--|----------------------|
| Multi-Family (Affordable) | One space per unit | 10% of total |
| Senior Housing | 10 units or less--One per unit; 11 units or more--0.5 per unit | 10% of total |
| Single Room Occupancy | 0.5 space per unit, plus 1 space for each staff on-duty | None |
| Emergency Shelter | 1 space for each staff on-duty | None |

- No parking is permitted in the 20' front setback area (at the driveway location). This would not be a constraint given the large size of any parcel that would be created in the future to accommodate multi-family development. Moreover, the front yard setback for structures is only five feet, which creates more space for the building envelope and encourages parking to be placed to the rear or side of the parcel, potentially within the setback.
- The Overlay Zone ordinance gives the Planning Commission and City Council the authority to further reduce parking if it is found that alternative parking is available, including street parking and shared parking with an adjacent use.

The development standards require that multi-family housing be located at least 50 feet from the toe of the slope within the Overlay District. As discussed in Chapter V, the area within the Overlay District identified as the desired location for affordable housing is west of the Palos Verdes Peninsula Transit Authority (PVPTA) facility. This area begins at the toe of the slope and extends site extends north to the site access road, a distance of 337 feet. Effectively, structures would not be permitted on the rear 50 feet, leaving 287 feet of remaining lot depth for multi-family structures (see Figure 2). The slope restriction would not impact the east-west dimension of the buildable area. Thus, a substantial area of the future parcel would be developable and available to support multi-family construction. Moreover, the 50-foot setback area could be used for parking, which would provide additional flexibility in site planning.

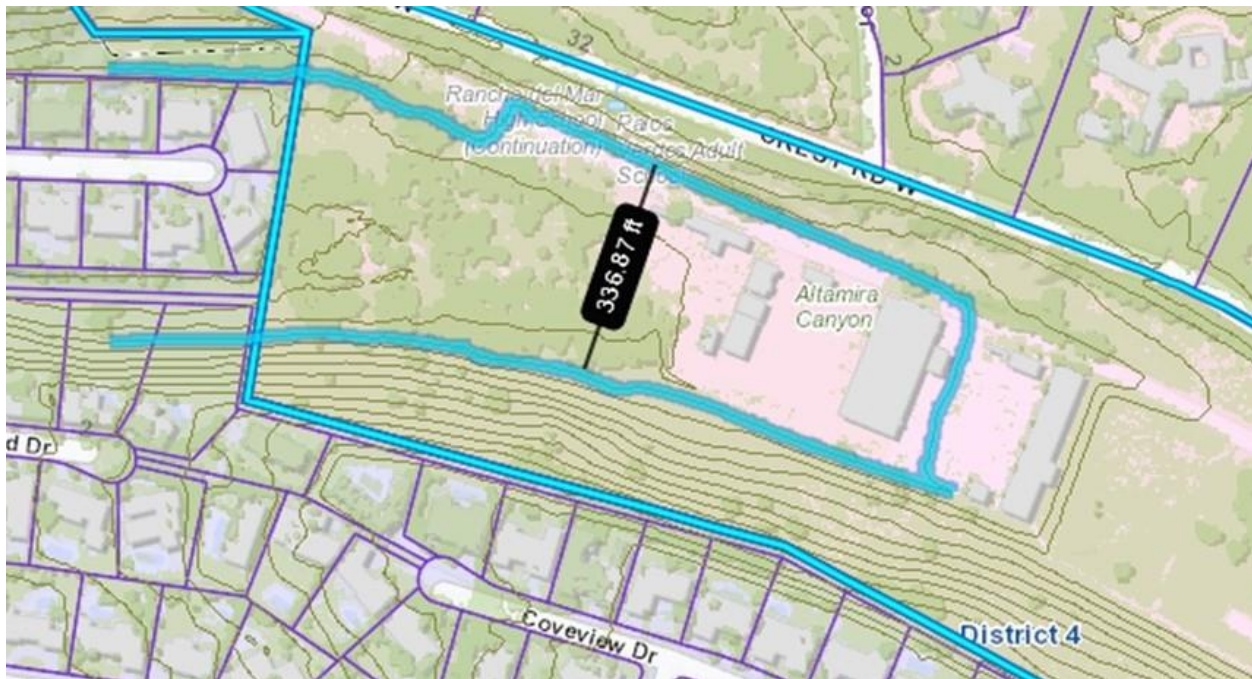


Figure 2: Slope Setbacks on PVUSD Site

Because affordable multi-family housing is permitted by right in the Overlay Zone, the City has adopted a number of design standards to ensure that new development is compatible with adjacent uses. These address residential frontages (facades, etc.), usable open space standards, public space amenity requirements, and operational standards. Such standards have the potential to create a development constraint if they are too onerous or add to the cost of housing.

The residential frontage standards require that the ground floor be no more than five feet above the ground surface. This is easily attained, since the preferred housing site is relatively flat. The standards establish a 10' floor to floor height, which is consistent with the overall 28' height limit as well as typical residential construction standards and interior ceiling heights. Entrances and windows are required along the front façade, and entrances to individual units may either be direct to the exterior, or to an interior hallway. Stoops and porches may be located on the exterior, and projecting elements (bay windows, eaves, balconies) may extend into setback areas. Street tree, landscaping, and lighting requirements apply, but these do not constrain development.

The usable open space standards likewise do not represent a constraint. These requirements call for an amenity such as a children’s playground or clubhouse in multi-family projects. The amenity may be indoors or outdoors and may not include parking areas, streets, or driveways. Projects are also expected to include amenities such as pedestrian walkways, landscaping, bike storage racks, and screened trash enclosures, and would need to comply with building code standards for interior noise. These are common requirements in California communities and do not represent a constraint.

Emergency Shelters

In February 2021, the City of Rolling Hills amended its zoning regulations to permit emergency shelters “by right” in the Affordable Housing Overlay Zone. Although the annual homeless count for Los Angeles County has indicated there are no unsheltered residents in the community, every city in California is required to identify a zone where at least one year-round emergency shelter is permitted without a conditional use permit or other discretionary permit (Govt Code Section 65583(a)(4)(A)). The Government Code further requires that emergency shelters be subject to the same standards that apply to residential and commercial development in that zone, except that certain objective standards prescribed by the State may apply.

Rolling Hills has adopted standards for shelters that meet the requirements of the Government Code and facilitate emergency shelter construction or conversion. The Affordable Housing Overlay Zone encompasses over 31 acres of public property, most of which is underutilized. There are opportunities to create shelters by converting existing buildings, constructing new buildings, or using temporary facilities such as portables or tiny homes. This use is permitted by right, with no discretionary permit required by the City. There are no limitations on where shelters may locate within the boundary of the Overlay Zone. Since shelter beds do not constitute “dwelling units”, an emergency shelter would not be considered part of the 16 units permitted by the Overlay Zone and would not affect the number of allowable multi-family units in the Zone.

The City submitted preliminary standards to HCD for review and subsequently revised those standards to ensure that they are compliant with the Government Code and do not present a constraint to emergency shelter development. These standards include:

- Shelters must be at least 300 feet apart, as allowed by the Government Code
- Parking for staff must be provided. There are no supplemental parking requirements based on the number of beds (see Table 12).
- A maximum of 12 beds applies. This is comparable to the maximums that apply in nearby cities, including those with unsheltered populations.
- The standards allow, *but do not require*, shelters to include a dining room, commercial kitchen, laundry room, recreation room, child care facilities, and support services (the Code indicates these may be provided, but they are not mandatory)
- At least five percent of the shelter area must be dedicated for on-site waiting and intake, and an equivalent (or larger) area is required for exterior waiting
- Shelters must comply with building code, plumbing code, and trash enclosure requirements—the same standards that apply to other uses in the Overlay Zone and in the underlying base RAS-2 Zone.

Consistent with the Government Code, an application to operate an emergency shelter requires submittal of a management and operations plan that addresses hours of operation, staffing levels, maximum length of stay, and security procedures. The application would require approval by the City Administrator, based on satisfaction of the conditions listed above and review for compliance with Building, Fire, and other applicable regulations.

Single Room Occupancy (SRO) Hotels

In February 2021, the City of Rolling Hills amended its zoning regulations to allow Single Room Occupancy (SRO) housing in the Affordable Housing Overlay Zone. These are facilities with individual rooms or small efficiency apartments designed for very low-income persons. There are no limitations on where SROs may locate within the boundary of the Overlay Zone. A Conditional Use Permit is required.

The City submitted preliminary standards to HCD for review and subsequently revised those standards to ensure that they do not present a constraint to SRO development. These standards include:

- A minimum of six units and a maximum of eight units
- Maximum occupancy of two persons per unit
- Each room must include a water closet (Toilet plus sink)
- Each room must include a kitchen sink with a disposal (but not necessarily a full kitchen)
- Each unit must have a closet
- Full kitchens (i.e., with range, refrigerator, dishwasher, etc.) and full bathrooms (with shower/bath) *may* be provided in each unit but are not required. If these facilities are not included in each unit, then shared facilities are required on each floor.
- 0.5 parking spaces are required per unit, plus one space for each employee on duty (see Table 12)
- Occupancy is for 30 days or more

The City initially proposed including a requirement for 24-hour on-site management, and a requirement for elevators in the event the building was two stories. Both of these requirements were removed following HCD's feedback that they were potential constraints. Requiring 24-hour management requirement could be a constraint for a 6-8 unit facility. As a result, on-site management is not required on a 24-hour basis. Given that the building would only be two stories, the requirement for elevators was removed. Since SRO rooms would not be classified as independent "dwelling units", they would not be considered part of the 16 units permitted by the Overlay Zone and would not reduce the number of allowable multi-family units in the Zone.

Supportive, Transitional, and Employee Housing

Supportive housing is a type of rental housing that includes on-site supportive services such as medical assistance or treatment of chronic health conditions or disabilities. Transitional housing is a type of supportive housing but is specifically intended for unsheltered residents who are transitioning to permanent housing. Supportive and transitional housing is not associated with a specific structure type—single family homes can be used in this manner, and so can multi-family buildings.

Government Code Section 65583(a)(5) requires cities to treat transitional and supportive housing as residential uses that are only subject to those restrictions that apply to other residential uses of the same type in the same zone. In other words, a City cannot hold a single family home used as supportive housing to a different standard for parking, setbacks, floor area, etc. than a single family home occupied by a family or other type of household.

Public Health and Safety Code Section 17021.5 requires the City to treat employee housing for six or fewer people the same as other single family housing in each zoning district. For example, if a corporation in another city purchased a home in Rolling Hills and allowed its employees to live there, the use would be treated like any other single family home.

Rolling Hills presently has no Code language that limits transitional, supportive, or employee housing or imposes any special restrictions on such housing. However, these housing types are not expressly acknowledged in the Municipal Code. An action program in this Housing Element recommends that definitions of transitional, supportive, and employee housing be added to the Municipal Code within six months of Housing Element adoption, acknowledging that such housing is permitted or conditionally permitted in the same manner as other residential dwellings of the same type in the same zone, as required by State law.

Housing for Persons with Disabilities

Recent changes to state law, including Government Code Sections 65583(a)(5) and 65583(c)(3), address the provision of accessible housing for disabled persons. These changes also require that the Housing Element address methods for removing any governmental constraints that are identified.

The City of Rolling Hills adopted Resolution 699, which certifies the City's recognition of the American with Disabilities Act and adopts necessary mitigation efforts to assist disabled residents. The City has adopted the Los Angeles County Building Code. As long as construction is consistent with the Building Code, residents are permitted to provide any disabled access or amenity improvements necessary to reduce barriers. Access to homes via ramps is permitted. One-story construction throughout the community removes a major barrier for persons with disabilities and facilitates access for persons with mobility limitations. Accessibility improvements, universal design changes, and other accommodations for persons with disabilities are processed administratively in conjunction with the building permit process and are permitted in both of the City's residential zones.

An analysis of housing constraints for disabled residents performed earlier in the 2014-2021 planning period found that the City did not have formal reasonable accommodation procedures for residents. Such procedures establish a process through which persons with disabilities can request reasonable accommodations to the jurisdiction's codes, rules, policies, practices or services so that they have an equal opportunity to enjoy or use a dwelling. In November 2020, the City Council approved reasonable accommodation procedures, including application requirements, review procedures, findings, and provisions for noticing and advertising the opportunity.

Residential Care Facilities and Definition of “Family”

The City permits small residential care facilities that serve 6 or fewer clients in every residential zone. Regarding business licenses, the City follows California Health and Safety Code Section 1566.2 for residential facilities with six or fewer persons. The code says that they shall not be subject to any business taxes, local registration fees, use permits, fees, or other fees.

The Rolling Hills Municipal Code also includes a definition of “family.” Overly restrictive definitions may pose a housing constraint, but in this instance the definition is broad and inclusive. According to the Rolling Hills Municipal Code, “family” means:

“one or more persons living as a single housekeeping unit, as distinguished from a group occupying a boarding, rooming or lodging house, hotel or club. Family may include domestic servants.”

3. Cumulative Impacts of Land Use Controls

State law requires the City to consider not only the impact of individual development standards, but also the cumulative effects of these standards on the cost and supply of housing. For example, it is possible that a particular setback requirement may appear reasonable on its own but may limit development opportunities when combined with height and lot coverage limits. Sometimes, the combined effect of different development controls can require more expensive construction or result in frequent zoning variances.

Because of the very large lot sizes in Rolling Hills, the zoning standards do not create an adverse cumulative impact on development costs or the housing supply. A decade ago, the City recognized the potential for such an impact in several areas where lot sizes are smaller than the one-acre minimum required by the RAS-I district. An Overlay Zoning District (OZD-I) was created for these areas in 2012, allowing smaller front and side yard setbacks. The zone was mapped on Middleridge Lane North and Williamsburg Lane in the northwestern part of the city, and on Chuckwagon Road and Chesterfield Drive in the eastern part of the city. Approximately 75 lots are covered by this Overlay. The reduced setbacks have facilitated continued single family home improvements in these areas without requiring Variances. No changes to the OZD-I Overlay are proposed in this Housing Element.

As noted earlier, the combination of front, rear, and side yard setbacks on a rectangular one-acre lot would still allow for a buildable area of over 16,000 square feet. Most parcels are considerably larger than one acre and have buildable areas that exceed 20,000 square feet. FAR and lot coverage limits likewise allow ample structure coverage, and homes larger than 10,000 square feet can be built without Variances on most lots. The one-story height limit tends to produce building footprints that are quite large—but still within the 20% structure coverage requirement. Each residence is required to have two covered parking spaces (three, if an ADU or guest quarters are on-site). This requirement is modest given the typically large home size and does not constrain building construction.

The land use controls also do not present a cumulative constraint to ADU construction. Almost every parcel in the City has the land area or built floor area to support an ADU, and many homes already have spaces that could be easily converted to ADUs. The ADU and JADU regulations

adopted in 2018 were drafted to work in tandem with the controls for the RAS-1 and RAS-2 districts and have laid the foundation for substantial ADU production in the coming years.

There are no cumulative land use constraints to multi-family development. The new Affordable Housing Overlay Zone standards have been tested to ensure they are internally consistent and can support housing in the 20-24 unit/acre range. The Affordable Housing Overlay Zone allows multi-family housing to be either owner or renter occupied. New housing units in this zone must be affordable. The affordability requirement is not a constraint to development, as the site is publicly owned and represents a unique opportunity for reduced land and construction costs. Designation of market-rate multi-family housing sites is not appropriate in Rolling Hills due to the absence of sewer infrastructure, constrained land supply, and opportunities for other types of market rate housing in the city.³

4. Fees and Improvements

Various fees and assessments are charged by the City and other agencies to cover the costs of processing permits and providing services and facilities, such as utilities, schools, and infrastructure. Most of these fees are assessed through a pro rata system based on the square footage or value of the project, the staff time required for processing, and the magnitude of the project's impact.

A summary of residential development fees in the City is presented in Table 13. Costs required for all residential development projects are indicated. These costs include various City fees, school impact fees, water service fees, environmental review fees and a RHCA fee. Additional fees may be required for projects with special circumstances, such as residential developments requiring greater discretionary reviews, geotechnical studies, or use permits. Rolling Hills is one of 13 cities that contracts with the Los Angeles County Department of Building and Safety for plan checking, building permits, and building inspection. A local surcharge is applied to building, plumbing, mechanical, and electrical permits. Applicants have the option of paying a higher permit fee for expedited permitting by a consulting firm contracted by the City.

Fees for City review under the Site Plan Review process for a typical new house in Rolling Hills average between \$1,700 and \$2,450. The plan check and building permit fees are based on the Los Angeles County adopted schedule of fees, plus the City's administrative costs. The fee schedule also covers records searches, inspections, and review of grading plans. The cost of a building permit is based on project value, with the unit cost diminishing as value increases. In 2020, a project with a valuation of \$500,000 required a permit fee of \$12,000 (including energy and disabled access check). Electrical, mechanical, and plumbing fees would be added to this total.

There are no local surcharges or special fees associated with multi-family housing. On a per unit basis, permitting costs would be substantially lower for multi-family units than for new single family units. This is due to the smaller size of multi-family units and to multi-family housing being permitted "by right" within the Affordable Housing Overlay Zone, with no applicable administrative fees. The City's fee structure has not historically distinguished between single and multi-family construction, as multi-family housing only recently became a permitted use.

³ Rolling Hills has identified a number of cities in California with certified housing elements that limit allowable multi-family housing to affordable units, including Hidden Hills, Hillsborough and Los Altos Hills.

Los Angeles County typically updates its fees annually based on the consumer price index and other factors. However, City of Rolling Hills fees and surcharges have remained unchanged for the past fifteen years and are in line with or lower than development fees in Los Angeles County and other local communities. For example, the Los Angeles County 2013 fee schedule indicates that the cost for a Negative Declaration is \$3,022 (compared to \$1,000 for Rolling Hills), the cost for a tentative tract map is \$21,436 (compared to \$1,500 for Rolling Hills), and the cost for a zone change is \$12,844 (compared to \$2,000 for Rolling Hills).⁴ This information demonstrates that Rolling Hills' development fees do not present an excessive constraint to development. Rolling Hills does not charge impact fees for the development or maintenance of roads because these facilities are privately owned and maintained by the Rolling Hills Community Association.

Table 13
City of Rolling Hills
Summary of Residential Development Fees
(February 2013)

| Type of Fee | Cost |
|--|--|
| All new residential development | |
| Building Permit | Based on building valuation, per the County Building Code. |
| Plan Check Fees | Based on building valuation. Assessed by County of Los Angeles. |
| Plumbing, Mechanical, and Electrical Permits | County assessment based upon the number of fixtures, outlets, switches, and panels. |
| Park and Recreation Fund Fee | Each new residence pays 2% of the first \$100,000 in building valuation, plus an additional .5% for the remaining balance. |
| School Fee | \$2.63 per square foot of habitable living space. |
| Site Plan Review | \$1,500 |
| Water Service | Option 1: \$600 Hydrant Meter Deposit, plus service charge for the amount of water used during construction. |
| | Option 2: No hook-up fee. Meter fees determined by the size of meter and the number of fixtures. Does not include service charge for amount of water used during construction. |
| Geotechnical fee | 0.42% of valuation of proposed structure, up to \$3588 |
| RHCA | \$.20 per \$100 of assessed valuation |
| Special circumstance fees | |
| Traffic Commission Review | \$300 |
| Zone Change/Amendment | \$2,000 |
| View Impairment Committee Review | \$500 |
| Variance | \$1,250 |
| Tentative Parcel Map | \$1,500 + County fees plus 20% |
| Tentative Tract Map | \$1,500 + County fees plus 20% |
| Negative Declaration | \$1,300 |
| Environmental Impact Report | City Consultant fee plus 20% |

Source: City of Rolling Hills, September 2013

⁴ http://planning.lacounty.gov/assets/upl/general/fee_20130301.pdf; accessed January 2, 2014.

School fees are collected by the Palos Verdes Unified School District based on the square footage of construction. A local Park and Recreation Fund Fee is collected base on building valuation. Projects are also subject to a fee from the Rolling Hills Community Association based on 0.2 percent of estimated valuation (e.g., \$200 on a \$100,000 project). In total, fees for a typical project are roughly equivalent to five percent of total construction costs, excluding utility connection fees. Fees do not constrain development in Rolling Hills, but they do add to the cost of housing, which is already expensive in the City. Programs to reduce processing and permitting fees for ADUs could be considered, as they could incentivize ADU production.

5. Permit Processing Times and Approval Procedures

As a small city with a limited number of vacant lots, Rolling Hills has permit processing times that are faster than most cities. However, the City's staff capacity is limited, requiring that some permit processing functions are contracted out. The City's website provides comprehensive information for applicants seeking permits, including on-line portals for applications, payment, and checking progress on permit status. Most permitting activity is for improvements to existing residences rather than new housing units.

All projects in Rolling Hills that require a building permit—regardless of size or value—must be approved by three entities: the City of Rolling Hills, the Rolling Hills Community Association, and the Los Angeles County Building and Safety Department (in its role as the contracted building authority for the City). Most projects can be approved ministerially—in other words, by staff—provided they meet the development standards in the Municipal Code.

Examples of projects eligible for administrative review include residential additions less than 1,000 square feet, accessory dwelling units and junior accessory dwelling units, remodels, foundation repair, and re-roofing. Such projects are required to submit two sets of plans, various checklists, and calculations of existing and proposed square footage, lot coverage, and impervious surface coverage. Administrative review applications typically take several days to process. The City collects no fees for over the counter review—such fees are assessed when the project is submitted to the Department of Building and Safety. Larger projects may also require review by the LA County Health Department for the adequacy of the septic system, and the Fire Department for fuel modification.

Single family residential development is permitted “by-right” in both the RAS-1 Zone and RAS-2 Zone. However, Planning Commission and City Council hearings are required for new homes. For a new home, an initial consultation with staff is strongly encouraged at the start of the process. Once an application is received, it is reviewed for completeness, including required calculations, elevations, and site plans. The Planning Commission routinely conducts several meetings for a new home, including an initial project review meeting, a field trip, and a meeting to forward the application to the City Council. Likewise, the Council conducts an initial meeting, a field trip, and a meeting to forward the plans to the RHCA. All meetings are publicly noticed.

The RHCA has an Architectural Committee that reviews plans for new homes and large additions to ensure that easements are kept free and clear of structures, including fences and other obstructions.⁵ Projects are submitted to LA County Building and Safety following RHCA review.

⁵ School District and City-owned property is exempt from this requirement.

Projects that require Variances to development standards or Conditional Use Permits (CUPs) also require Planning Commission hearings. CUPs are required for large horse stables and corrals, detached garages, tennis courts, and a number of other large-footprint site features. From start to finish, the process from submittal of plans to approval of permits may take six months or longer for a brand new home. However, there are very few vacant lots in Rolling Hills and the number of applications for new homes (or home demolition and replacements) rarely exceed one or two per year. Applications for ADUs, major remodels, residential additions, and accessory structures are more common, and are processed more rapidly. ADUs, JADUs, and other ministerially approved projects take approximately two to four weeks to process.

Two to three months is typically required to complete the processing of a new home application in both the RAS-1 Zone and RAS-2 Zone. This timing complies with the time limit requirements established by Sections 65943 and 65950 of the Government Code and does not present an excessive constraint to development. Applications for ADUs, JADUs, and other ministerially approved projects take approximately two to four weeks to process.

6. Building Code Standards

As discussed above, effective July 1, 2008, all land in the City of Rolling Hills was deemed to be a “Very High Fire Hazard Severity Zone” (VHFHSZ). As a result, several more restrictive fire safety standards have been adopted in the City Building Code that apply to all new development in the City. The new fire zone designation and related standards are expected to place additional constraints on new development, especially higher building costs. However, these standards are mandated by the State, and were not self-imposed by the City.

C. CONTRACTUAL CONSTRAINTS

Development in Rolling Hills is controlled through both City-enforced zoning and privately enforced CC&Rs. Most properties in Rolling Hills are subject to the CC&Rs established in 1936 by the Palos Verdes Corporation. The CC&Rs set forth two classifications of property and restrict the development and use of property within each classification to either only single family or single family and limited public use. Neither classification allows for the development of multi-family housing or commercial, office or industrial activity. The CC&Rs establish minimum parcel and dwelling unit sizes, and require approval by the RHCA Architecture Committee for all new development. AB 670 and AB 68, which became effective on January 1, 2020, allow homeowners to add an ADU to their property even if the CC&Rs specify otherwise. Consequently, the CC&Rs are no longer a constraint to ADU construction.

Exceptions to CC&R controlled land include the City Hall Campus, Tennis Court Facilities, PVP Unified School District, Daughters of Mary and Joseph Retreat Center, Los Angeles County Fire Station, and scattered public open space sites. Opportunities for multi-family housing and non-residential uses are limited to these properties. The RHCA does not have design review or building permit review authority on these sites.

Potential for Constraints Related to Accessory Dwelling Unit Review

While State law prohibits HOAs, including Associations such as RHCA, from disallowing or unreasonably restricting Accessory Dwelling Units, it does not expressly prohibit design review of proposed ADU applications by such entities. HOAs may still approve improvements or alterations, provided the process is fair, reasonable, and expeditious. In its review of the Rolling Hills Housing Element, the State of California noted the potential for RHCA review to be a constraint to ADU development, since it represents an extra step in the permitting process. An analysis of the process is consequently required.

Since 2018, the City of Rolling Hills has had a ministerial process for ADU approval that is consistent with State law. Projects meeting the dimensional requirements in the Municipal Code (which are consistent with State standards) are approved without a public hearing or discretionary review by the City. However, projects modifying the exterior of a home or adding a new structure are reviewed by the RHCA Architectural Committee, even when they are ministerially approved by the City. The purpose of this review is to verify that the structure is harmonious with the ranch-style architecture of Rolling Hills, rather than to evaluate the merits of the project or its off-site impacts. According to the Committee's own guidelines, it "will not require modifications to working drawings that materially change the massing of the project."

City staff has worked closely with RHCA staff to ensure that their design review process is coordinated with City permitting, streamlined, and does not impose unreasonable restrictions on applicants. In practice, every ADU application approved by City staff has subsequently been approved by the RHCA Architectural Committee.

The RHCA Architectural Committee is comprised of five members, including three Association members and two licensed architects. Committee meetings occur twice monthly, on the first and third Tuesdays. The meetings are not considered "public hearings" since RHCA is not a public agency, but they are open to all members of the Association and are subject to Association bylaws. The Committee does not make findings on cases, but rather confirms that the building height of the improvement does not exceed the maximum height allowed, and that the architectural style is similar to the primary residence.

The RHCA office is adjacent to City Hall and there is ongoing coordination between the two entities. When an application for an ADU is submitted to the City, the City advises the applicant to proceed to RHCA immediately afterwards to initiate project review. Projects are typically forwarded to the RHCA Architectural Committee within two weeks and are typically approved at the initial meeting; if modifications are required, the plans are typically approved at the second meeting two weeks later. The review occurs concurrently with the City permitting process, avoiding potential delays.

An action program in this Housing Element encourages continued coordination with the RHCA to ensure that the process adheres to State housing laws.

D. INFRASTRUCTURE CONSTRAINTS

Another factor adding to the cost of new construction is the limited availability of infrastructure, specifically streets, sewer, storm water and water facilities.

I. Streets

Rolling Hills has no public roads or streets. Since the 1930s, the community's internal street network has been designed to establish a rural, equestrian character. This historic aspect of the city's infrastructure is one of Rolling Hills' defining features. The road network is typified by winding roads with a 15- to 25-foot paved cross-section lacking in curbs, gutters and sidewalks. Narrow road width, coupled with steep grades and very low densities, effectively precludes public transit within the City. Access is also gate-controlled at three entry points.

The City's circulation infrastructure is not conducive to uses generating high trip volumes, such as higher-density housing. A number of properties—including City Hall, the Retreat Center, and the PVUSD site, are accessed from roads outside the City gates. These parcels are less constrained by street access but could require ingress and egress improvements (resurfacing, driveways, etc.) in the event a change of use was proposed. Such improvements are typical for any development and would not adversely affect expected construction costs.

2. Wastewater Disposal

With the exception of a school site and thirteen residences that have individually or collectively (through the creation of a small sewer district) connected to an adjacent jurisdiction's sewer systems, there is no sanitary sewer system in Rolling Hills. Residences are served by individual septic tanks and leach lines. Septic systems are generally designed to serve a single family residence and are not conducive to multi-family housing. This is particularly true given the geologic, slope, and soil constraints in Rolling Hills. To meet water quality and runoff requirements, high-density housing typically requires a viable sewer connection.

The City has commissioned a number of sewer feasibility studies over the past several decades. Most recently, an engineering study determined that a conventional gravity sewer system is not feasible in the City. A hybrid approach consisting of a low-pressure sewer system and a gravity sewer system was explored. The study determined that due to the terrain and unstable geological conditions of the City the cost of such a system would be prohibitive given the City's small size and limited financial resources. The study was presented to the residents, and due to the high cost of construction of such a system, the residents were not interested in funding such a project through an Assessment District or any other method. Based on the feasibility study it is very unlikely that the development constraints associated with wastewater disposal will be removed during the current planning period.

The Palos Verdes Unified School District site is connected to a wastewater treatment line that was installed when the school was initially constructed. Collection lines were sized to accommodate a school campus with several hundred students, and associated maintenance facilities—a higher level of demand than is associated with current uses on the site. Given the availability of sewer service to this site and the high cost of extending sewer services elsewhere, it is the most suitable property for multi-family housing in the City.

In some instances, septic systems may present a constraint to ADU development. This is generally not an issue for JADUs or smaller ADUs that repurpose existing habitable space, but a new detached ADU that adds floor space may require increasing the capacity of a septic system. A program in this Housing Element proposes further evaluation of this constraint, and possible ways to assist homeowners in addressing it.

3. Storm Water Run-off

To comply with the National Pollutant Discharge Elimination System (NPDES) for *Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles*⁶, the City has retained an engineering firm to help the City control run-off from domestic and construction activities, to implement best Management practices (BMPs), and to reduce waste. These activities are intended to reduce development constraints associated with storm water quality. In general, stormwater requirements are not a development constraint, but may add to the cost of construction due to the measures required to contain runoff and prevent erosion and sedimentation from development sites.

4. Water

As noted above, water infrastructure is owned and maintained by California Water Service (CalWater). Additional development beyond that anticipated by the City General Plan could reduce water pressure and compromise firefighting capabilities. Because of Rolling Hills' steep and varied terrain and aging infrastructure, this constraint is unlikely to be reduced during the current planning period. The Palos Verdes Unified School District property is unique in this regard, as its water system reflects the initial use of the site as a public school campus with several hundred students and associated maintenance facilities.

The introduction of ADUs in Rolling Hills could potentially impact water demand in the City. The California Water Company has no plans to upgrade the aging water system. As ADUs are created, it will be important to consider potential impacts on water distribution lines and fire fighting capacity. Several factors work to mitigate the impacts of ADUs on the water system. First, the population of Rolling Hills has declined by roughly 200 since 1980. Thus, the addition of ADUs may not increase the total number of residents in the City. Second, water conservation measures have been implemented—and continue to be implemented—to reduce water flows and water demand.

⁶ Order No. 01-182 of the Los Angeles Regional Water Quality Control Board as amended by Order R4- 2006-0074.

E. TOPOGRAPHIC CONSTRAINTS

Slopes of 25 to 50 percent are present on virtually every remaining undeveloped parcel in the City. Development on such severely sloped parcels requires substantial grading and modification to the natural terrain, which adds significantly to the cost of development. The extreme topography present in Rolling Hills serves as a significant constraint to the development of affordable housing.

F. GEOLOGIC CONSTRAINTS

Expansive soils and geologic hazards continue to place constraints on development within the City. As depicted in Figure 3, Seismic Hazards, the majority of land in the City is located in earthquake-induced landslide areas. These are areas where previous landslide movement has resulted in permanent ground displacement. The California Division of Mines and Geology designates these areas as seismic hazards requiring mitigation.

As summarized in the City of Rolling Hills Hazard Mitigation Plan, Rolling Hills is located very near to the Palos Verdes Fault. In the case of a seismic event on that fault, Rolling Hills is expected to experience very strong ground shaking that could be devastating to the City and the nearby region. The Newport-Inglewood Fault is located a few miles east of the City of Rolling Hills. Although not as violent as the Palos Verdes Fault scenario, damaging ground shaking is possible. Due to the proximity of these faults to the urbanized area of Los Angeles and Long Beach, the City's essential and critical service providers could experience long term impacts.

Liquefaction is a secondary effect of earthquake hazards. Liquefaction occurs when ground shaking causes wet granular soils to change from a solid state to a liquid state. This results in the loss of soil strength and the soil's ability to support weight. Buildings and their occupants are at risk when the ground can no longer support these buildings and structures.

The California Geological Survey has identified areas most vulnerable to liquefaction. In the City of Rolling Hills, there are numerous identified liquefaction zones, as well as areas subject to earthquake-induced landslides, as shown on Figures 4 and 5.

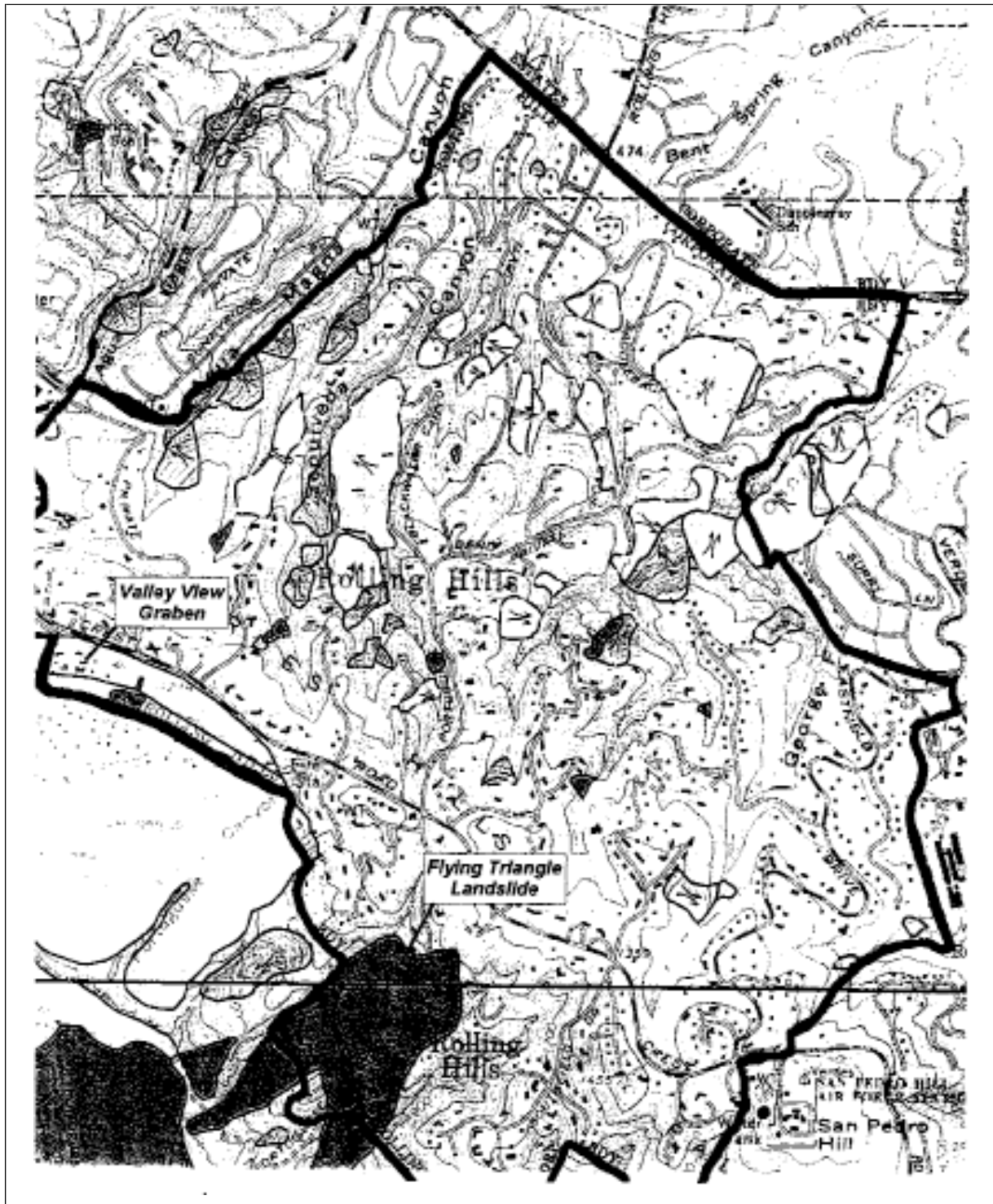


Figure 3: Seismic Hazards

ROLLING HILLS HOUSING ELEMENT 2014-2021

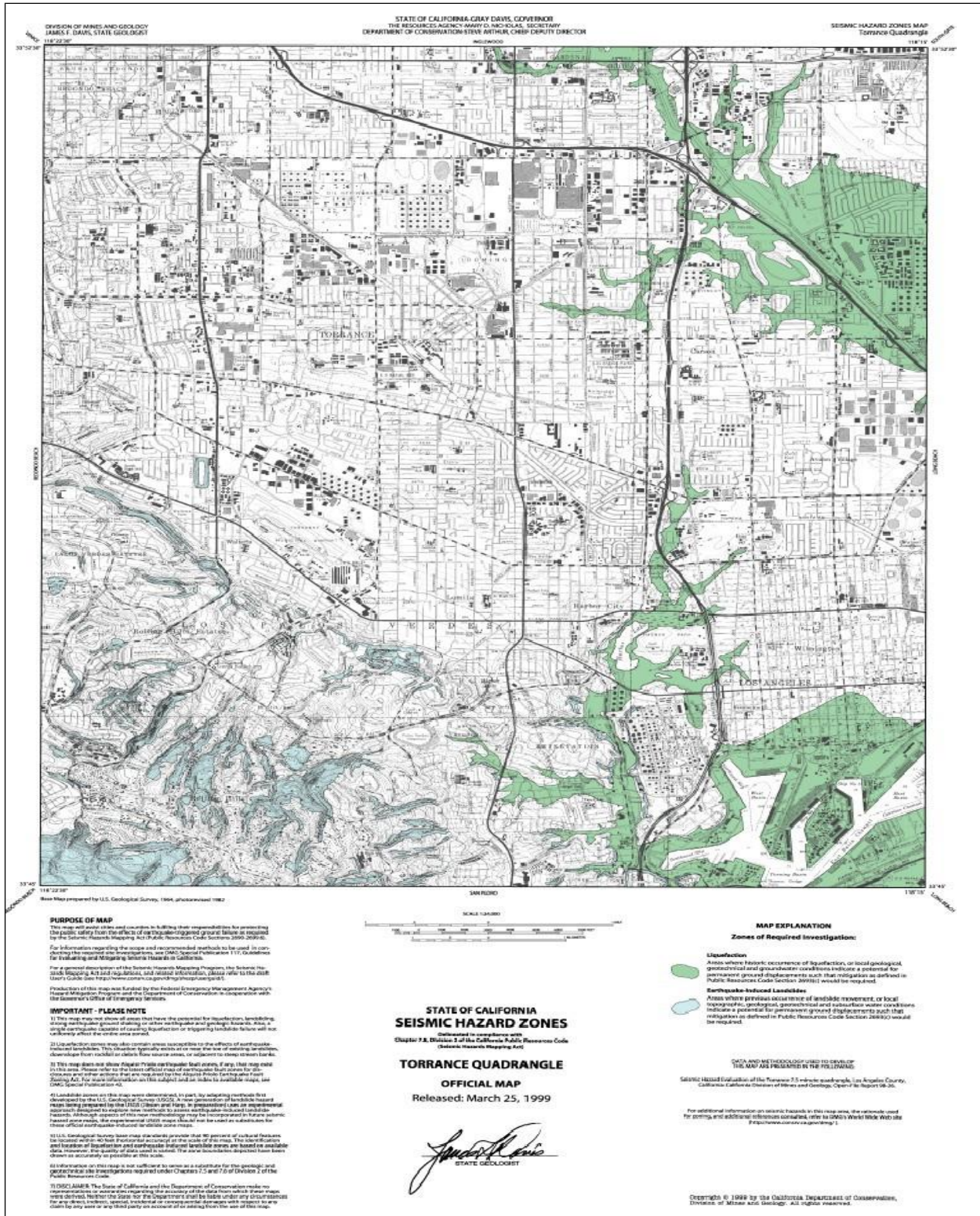


Figure 4. Liquefaction and EQ-Induced Landslide Zones in the City of Rolling Hills – Torrance Quadrangle

(Key: Green indices area prone to liquefaction following earthquakes; Blue indicates area prone to landslides following earthquakes)

ROLLING HILLS HOUSING ELEMENT 2014-2021

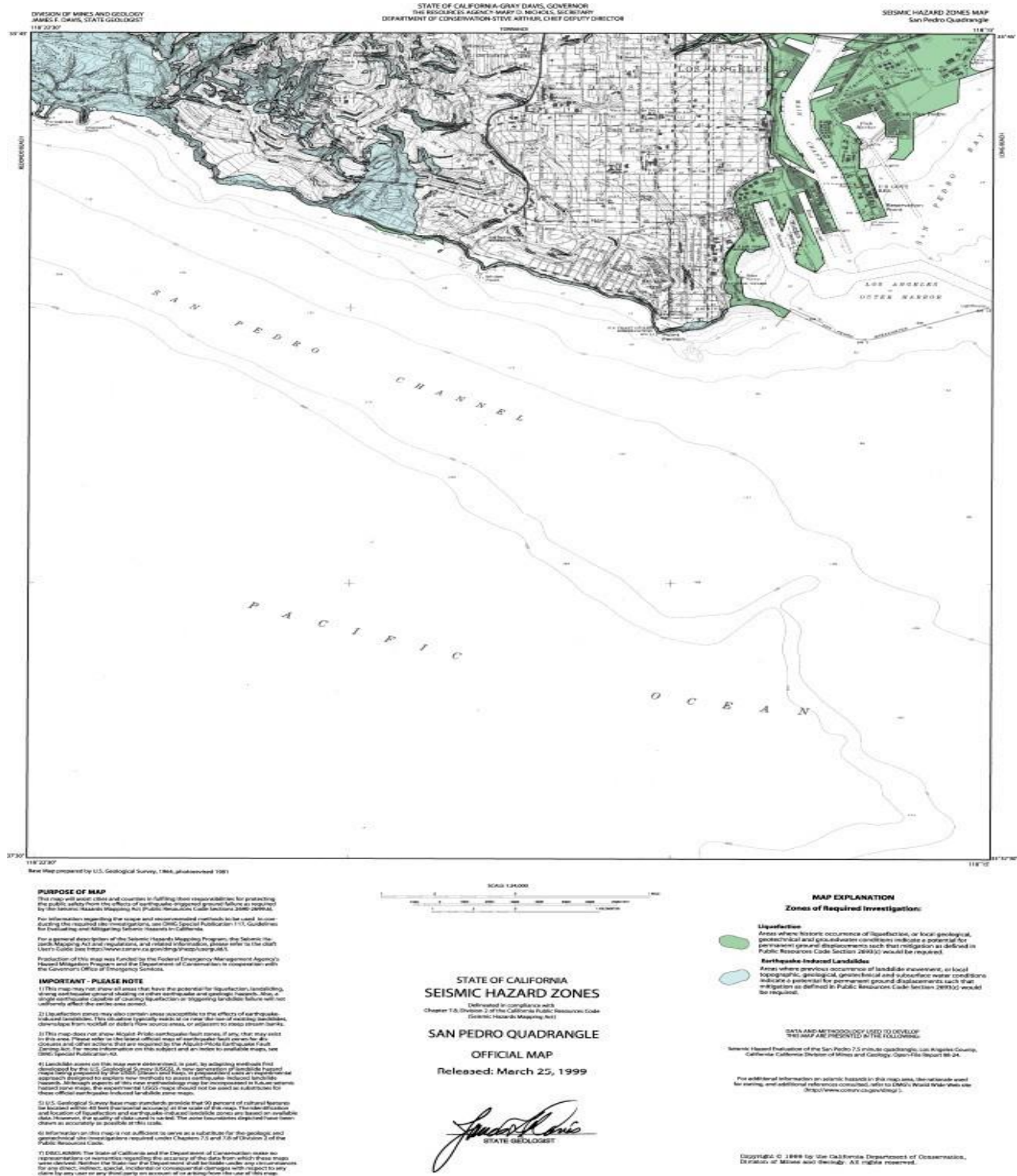


Figure 5. Liquefaction and EQ-Induced Landslide Zones in the City of Rolling Hills – San Pedro Quadrangle

(Key: Green indicates area prone to liquefaction following earthquakes; Blue indicates area prone to landslides following earthquakes)

Building at the head of a landslide can decrease the bedrock strength along an existing or potential rupture surface and “drive” the landslide down slope. Improper grading practices can also trigger existing landslides. Because of these geologic hazards, the City limits land disturbance and other actions that would exacerbate soil instability. Ground instability, particularly if higher density development is constructed, would contribute to potential risks to human life as well as to physical structures. The Safety Element of the General Plan sets forth policies to restrict new development and expansion of existing development in areas susceptible to landslides.

The City has developed a Site Plan Review Process through which most development must be reviewed and approved by the City to prevent erosion and landslides and preserve Rolling Hills’ natural hillside topography. The City’s grading requirements prohibit extensive grading and recontouring of existing terrain. The City has adopted the County of Los Angeles grading standards with some modifications necessary to ensure slope stability. The City requires that all soil from grading be balanced on-site, which is necessary because export of materials is not practical due to the narrow roadways and fragile road surfaces. The RHCA also restricts the use of the streets for soil export due to potential impacts on street condition and public safety.

Because of the public safety concerns associated with these geologic conditions, this constraint is unlikely to be reduced during the current planning period.

G. ENVIRONMENTAL CONSTRAINTS

Rolling Hills supports a variety of plant and wildlife species. Many of these species are either listed or under consideration for listing by the U.S. Department of Fish and Wildlife and/or the California Department of Fish and Wildlife. These species include the Palos Verdes Blue butterfly, the California Gnatcatcher, the Pacific Pocket Mouse, the San Diego Horned Lizard, and Brackishwater snail. The community is also underlain with blue-line streams that are under the jurisdiction of the Army Corps of Engineers.

Development that encroaches into areas of sensitive biological resources must provide mitigation satisfactory to the overseeing federal and state agencies. Typical mitigation requires the preservation of habitat area, further restricting the potential land available for development. Because of the federal and state regulations restricting development in Rolling Hills, this constraint is unlikely to be reduced during the current planning period.

IV. HOUSING ASSESSMENT SUMMARY

Housing Element law requires cities to meet both local and regional housing needs. Rolling Hills' local housing needs are discussed in Sections II and III above. Rolling Hills' regional housing needs are established by the Southern California Association of Governments (SCAG) and are summarized below.

The Housing Plan presented in Section VI establishes specific policies and programs to address these identified needs.

A. LOCAL HOUSING ASSESSMENT

Local housing needs, as discussed in Section II, have been identified based on input from available federal Census and state data, City Planning and Building Department records, and community input.

Census data indicates that the City has a large population of older adults, including empty nesters and persons with mobility limitations and other disabilities. The Census estimates that 8.3 percent of the City's households consist of seniors (persons over 65) living alone, while nearly one-quarter of the City's seniors have one or more disabilities. Although available data suggests that most of these residents are financially secure, some households would benefit from assistance, including opportunities for on-site care, home maintenance, home sharing, or supplemental income through an accessory dwelling. Chapter VI includes programs for addressing these needs.

B. REGIONAL HOUSING ASSESSMENT

State law requires jurisdictions to provide for their "fair share" of regional housing needs. Every eight years, each metropolitan region of California is assigned a total housing need by the State Department of Housing and Community Development (HCD). It is then up to the regional Council of Governments—in this case SCAG—to disaggregate the total need to the cities and counties within each region. For the Fifth Cycle, the 191 cities and six counties in the SCAG region were assigned a total of 412,137 units. Rolling Hills' share of this total was determined by SCAG to be six (6) units, including two very low-income units, one low-income unit, one moderate-income unit, and one above moderate-income unit.

Government Code Section 65584.09(a) prescribes that a City that did not have a compliant element during the prior cycle (in this case the Fourth Cycle, which was 2006-2014), must zone or rezone sites to accommodate the unmet need from the prior planning period. For the low- and very low-income allocation, this means identifying suitable sites to accommodate the prior cycle RHNA "by right" (i.e., without a conditional use permit) at a density of at least 20 units per acre. Adequate sites must also be at least 0.5 acres in size and capable of supporting 16 units of housing.

These requirements apply to Rolling Hills because the City did not have a compliant Housing Element during the 2006-2014 Fourth Cycle.

Rolling Hills' RHNA for the Fourth Cycle was 22 units, including six very low-income units and four low-income units. The City's allocation also included four moderate-income units and eight above moderate-income units. The Government Code's "carry-over" requirement means that the 10 low- and very low-income unit allocation from the Fourth Cycle must be added to the three low- and very low-income unit allocation for the Fifth Cycle, for a total of 13 low- and very low-income units. The City is required to plan for these 13 units by identifying one or more sites where they are permitted "by right" on a site zoned for a density of at least 20 units per acre.

Table 14 summarizes the Fourth and Fifth Cycle Allocations and includes a "total" column indicating the housing needs that must be addressed by this Element. The City is required to demonstrate capacity for 28 units, including eight very low-income units, five low-income units, five moderate-income units, and 10 above moderate-income units. State law requires that the "very low" component be further broken down into "extremely low" (30% of median income or lower) and "very low" (30-50% of median income) categories. The eight units have been evenly allocated across these two income groups.

Table 14
RHNA New Housing Construction Needs by Income Group for the City of Rolling Hills (2014-2021)

| Income Category | 4th Cycle Housing Unit Construction Need by Income Group | 5th Cycle Housing Unit Construction Need by Income Group | Total Need |
|--|---|---|-------------------|
| Extremely Low (0-30% County median income) | 3 | 1 | 4 |
| Very Low (31-50% County median income) | 3 | 1 | 4 |
| Low (50-80% County median income) | 4 | 1 | 5 |
| Moderate (80-120% County median income) | 4 | 1 | 5 |
| Above Moderate (over 120% County median income) | 8 | 2 | 10 |
| Total Housing Unit Construction Need | 22 | 6 | 28 |

Source: SCAG Adopted Regional Housing Needs Determinations (November 2012)

V. HOUSING OPPORTUNITIES

This section of the Housing Element evaluates potential opportunities to meet the City's Regional Housing Needs Allocation (RHNA). It also discusses opportunities for energy conservation in residential development and potential financial resources to support the provision of affordable housing.

A. AVAILABILITY OF SITES FOR HOUSING

Consistent with Government Code Sections 65583(a)(3) and 66683.2(h) an inventory of parcels with the potential for future housing has been prepared. The inventory has been evaluated both in terms of the number of units permitted by zoning and the realistic capacity to accommodate residential development. Parcels that are currently developed but have the potential for further housing units are also discussed. Such units could occur through subdivision of large lots into two or more parcels, or the addition of Accessory Dwelling Units (ADUs). Many of the remaining vacant parcels are characterized by physical constraints, which preclude their development. These constraints are primarily related to severe topography, wildfire hazards, and/or landslides.

Vacant Land

Figure 6 illustrates vacant parcels in the City; the parcels are listed in Table 15. The table identifies 35 vacant, privately-owned lots and two lots with homes under construction or approved for new homes. Some of the vacant parcels have been identified as inappropriate for residential or any other development because of geologic constraints, limited access, or very steep terrain. Twelve of the vacant parcels, located in the southern portion of the City, are in the Flying Triangle Landslide area. Three of the vacant parcels, located in the western portion of the City, have extreme geological constraints.

While some the parcels listed in Table 15 are substantially larger than the minimum lot size allowed by zoning, subdivision into multiple lots is not presumed. The buildable area on these lots is limited and in some cases could not accommodate more than one single family home due to steep slopes. In fact, the acreage cited in Table 15 is based on County Assessor parcel maps which already subtract out easements corresponding to flood hazards and other restrictions imposed by the Rolling Hills Community Association. Approximately 22 vacant parcels have been identified as potentially available for development. These parcels have the capacity to accommodate the 10 "above moderate" income units included in the City's RHNA.¹

¹ In fact, the number of "above moderate" income units needed is less than 10 as five new homes were built in the Fourth Cycle and several more have been built in the Fifth Cycle.

Vacant Parcels in City of Rolling Hills

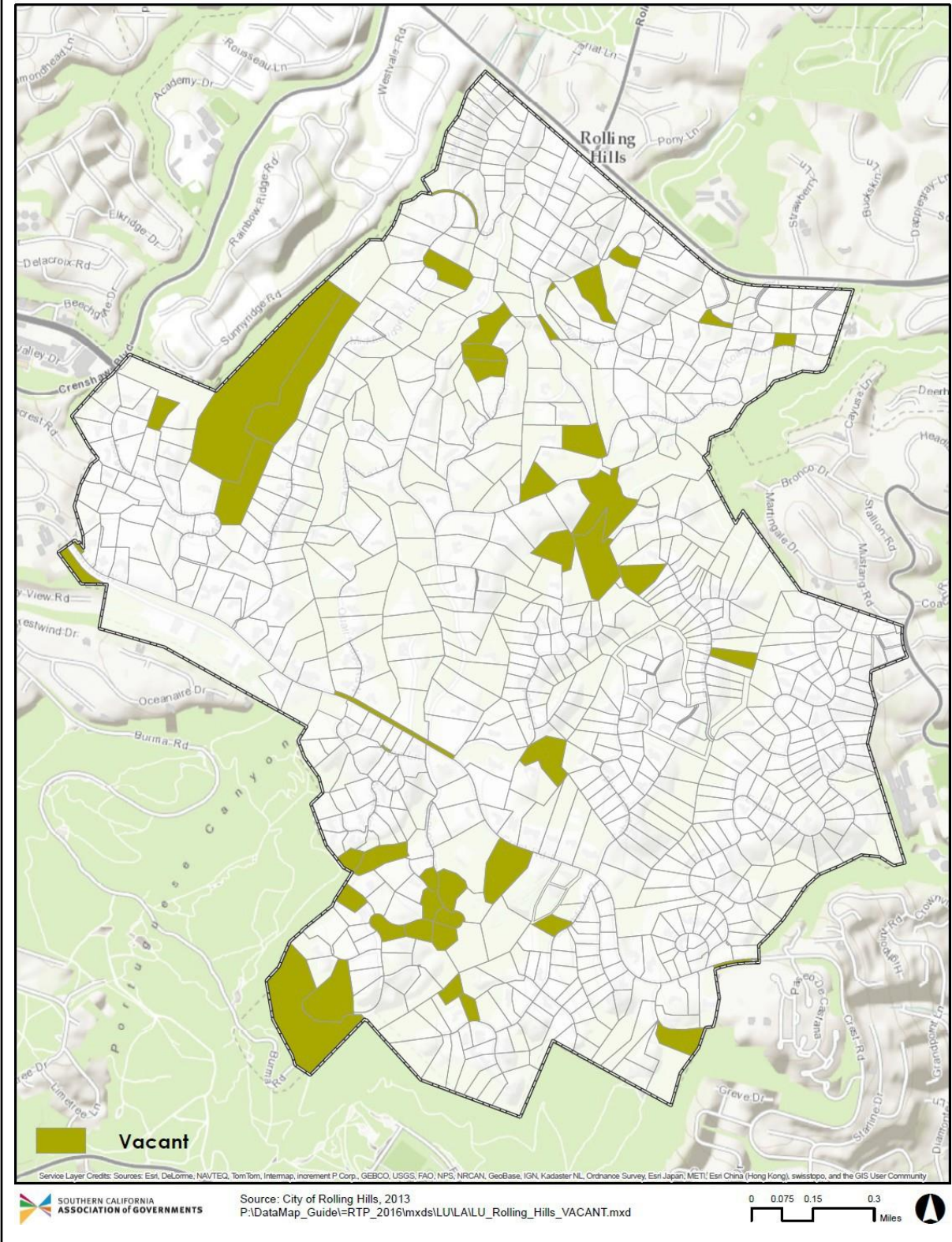


Figure 6: Vacant Land Inventory Map

**Table 15:
Inventory of Vacant Residentially Zoned Sites**

| APN | Location | Zoning | Acres | Units | Notes |
|--------------|-----------------------------------|--------|-------|-------|--|
| 7569-022-006 | East of 5300 Crest | RAS-2 | 2.20 | 1 | Parking lot for Mary and Joseph Retreat Center |
| 7570-025-022 | North end of Johns Canyon Rd | RAS-2 | 1.68 | 1 | |
| 7570-024-014 | Storm Hill Lane extension | RAS-2 | 11.64 | 1 | Actual area is 34.7 acres, but much of the property is restricted due to hazards and easements |
| 7570-024-015 | Storm Hill Lane extension | RAS-2 | 10.10 | 1 | Actual area is 17.4 acres, but much of property is restricted due to hazards and easements |
| 7570-024-016 | Storm Hill Lane extension | RAS-2 | 6.04 | 1 | 7.6 acre site, with restricted use areas |
| 7569-020-004 | 8 Middleridge Ln S | RAS-2 | 3.46 | 1 | New house approved |
| 7569-013-020 | 18 Pine Tree Lane | RAS-2 | 2.00 | 1 | excludes flood hazard area and easements |
| 7569-013-018 | South of 18 Pine Tree Ln | RAS-2 | 2.20 | 1 | excludes flood hazard area and easements |
| 7569-013-017 | North of 10 Pine Tree Ln | RAS-2 | 2.41 | 1 | excludes easements |
| 7569-004-026 | B/w 35 and 45 Saddleback Rd | RAS-1 | 3.39 | 1 | excludes easements |
| 7561-001-020 | B/w 2954 and 2956 PV Dr North | RAS-1 | 1.03 | 1 | |
| 7569-001-036 | B/w 6 and 14 Roadrunner | RAS-1 | 1.00 | 1 | |
| 7569-012-022 | 25 Portuguese Bend | RAS-2 | 2.30 | 1 | excludes easements |
| 7569-012-025 | Portuguese Bend, NW of Saddleback | RAS-2 | 3.51 | 1 | |
| 7567-001-017 | Portuguese Bend, W of Poppy Tr | RAS-1 | 3.05 | 1 | excludes easements |
| 7567-001-018 | 1 Poppy Trail | RAS-1 | 4.59 | 1 | New house under construction |
| 7567-014-013 | Landlocked s/ of 26 Port. Bend | RAS-2 | 3.79 | 0 | landlocked and constrained |
| 7567-014-031 | Landlocked e/ of 27 Georgeff | RAS-2 | 6.85 | 0 | landlocked and constrained |
| 7567-006-025 | N/ end of Chuckwagon Rd | RAS-2 | 3.53 | 1 | |
| 7567-006-001 | 15 Chuckwagon | RAS-1 | 2.20 | 1 | |
| 7567-015-036 | North of 1 Georgeff | RAS-2 | 4.56 | 1 | |
| 7567-011-020 | B/w 17 and 29 Crest Rd East | RAS-2 | 6.53 | 1 | |
| 7567-011-017 | 54 Portuguese Bend Rd | RAS-2 | 2.67 | 0 | severely constrained, slide area |
| 7567-012-020 | 53 Portuguese Bend Rd | RAS-2 | 1.60 | 0 | severely constrained, slide area |
| 7567-012-019 | SW of 56 Portuguese Bend Rd | RAS-2 | 0.96 | 0 | slide area--also awkward parcel shape |
| 7567-012-038 | 62 Portuguese Bend | RAS-2 | 1.84 | 0 | severely constrained, slide area |
| 7567-012-036 | 64 Portuguese Bend | RAS-2 | 1.71 | 0 | severely constrained, slide area |
| 7567-012-035 | 66 Portuguese Bend | RAS-2 | 1.64 | 0 | severely constrained, slide area |
| 7567-012-026 | End of Wrangler Road | RAS-2 | 1.82 | 0 | very low assessed value--constrained parcel |

| APN | Location | Zoning | Acres | Units | Notes |
|--------------|-------------------------------------|--------------|--------|-------|----------------------------------|
| 7567-017-017 | West of 5 Ranchero Road | RAS-2 | 4.28 | 0 | landlocked and constrained |
| 7567-017-045 | 17 Cinchring Road | RAS-1 | 1.52 | 0 | landlocked and constrained |
| 7567-009-007 | 5 Southfield Drive | RAS-1 | 1.61 | 1 | |
| 7567-010-013 | East of 3 Packsaddle Rd W | RAS-1 | 1.24 | 1 | |
| 7567-010-015 | North of 3 Packsaddle, adj to - 013 | RAS-1 | 1.49 | 0 | landlocked |
| 7567-013-007 | West of 73 Portuguese Bend | RAS-2 | 7.09 | 0 | severely constrained, slide area |
| 7567-013-005 | West of 73 Portuguese Bend | RAS-2 | 19.84 | 0 | severely constrained, slide area |
| | | TOTAL | 137.37 | 22 | Includes 2 approved homes |

Table 16 summarizes the vacant land inventory by zoning district. There are eight vacant parcels in the RAS-1 zone and 14 vacant parcels in the RAS-2 zone. Based on the one-acre zoning that applies in the RAS-1 district and the acreage of the parcels, the eight RAS-1 parcels have a theoretical capacity of 18 units. Based on the two-acre zoning that applies in the RAS-2 district and the acreage of the parcels, the 14 RAS-2 parcels have a theoretical capacity of 52 units. However, the theoretical capacity of the lots far exceeds the realistic capacity due to environmental constraints and hazards. The realistic capacity is estimated to be 22 units, which equates to one dwelling unit per lot. As noted, two homes are under construction or have approved plans, leaving 20 remaining vacant lots with the capacity for above moderate-income housing.

In addition to having the capacity for single family homes, these properties are also capable of supporting Accessory Dwelling Units. ADUs are permitted by right in both the RAS-1 and RAS-2 district.

Table 16
City of Rolling Hills Future Residential Development Potential

| MAXIMUM POTENTIAL INCREASE IN DWELLING UNITS | |
|--|-------|
| Zone | Total |
| RA-S-1 | 8 |
| RA-S-2 | 14 |
| TOTAL | 22 |

Source: City of Rolling Hills, 2020.

Lot Splits

There are a number of parcels in Rolling Hills with lot sizes that are more than double the minimum acreage required by zoning. Some of these parcels could theoretically be subdivided into two or more lots. However, the potential for lot splits is limited due to the configuration

of the lots as well as environmental hazards. Many of the city's larger lots have limited street frontage and irregular dimensions that would make it difficult to divide them. Moreover, the platting pattern responds to topography, and the larger lots are often steep and geologically constrained, making them difficult to subdivide. Their division could result in lots with no buildable area, street frontage, or access. While a limited number of new homes could occur as a result of future lot splits, a capacity estimate has not been made due to the constraints inherent in the community's topography and hazards. The supply of vacant lots is sufficient to meet the above moderate income RHNA without relying on lot splits.

Underutilized or Redevelopable Land

While Rolling Hills' above moderate income (or "market rate") RHNA can be met on vacant land, the City's moderate, low, and very low income RHNA will need to be accommodated through a combination of development on underutilized and redevelopable land, and through new accessory dwelling units. It would be difficult to meet the need for moderate, low, and very low income housing on vacant sites, given wildfire and landslide hazards, the high cost of land and construction, the lack of urban services, and historical patterns of development in the community.

Accessory dwelling units (ADUs) are discussed in the next section of this Housing Element. ADUs will enable the City to meet the RHNA requirement for moderate income units during the planning period. In future Housing Element cycles, the City will strive to meet a greater share of its lower income housing allocations through ADUs. However, as noted in the Introduction, the City is required by State law to meet its Fifth Cycle low and very low income allocation through rezoning for multi-family housing, since it did not have a certified Element during the Fourth Cycle.

The sites discussed below are evaluated for their suitability to accommodate 13 multi-family units. The 13 units represent the sum of the Fourth and Fifth cycle low and very low-income allocation. To meet statutory requirements under the State Government Code, the 13 units must be permitted at a density of at least 20 units per acre. Additional State requirements for affordable housing sites indicate that suitable sites must be capable of accommodating at least 16 units. Thus, the City's 13-unit assignment is rounded up to 16 units "by default" for the purposes of the State-mandated rezoning.

An evaluation of the potential for 16 multi-family units is included below. The focus is on non-residential properties that are outside the jurisdiction of the Rolling Hills Community Association. Residential properties on the south side of Palos Verdes Drive North also are addressed.

Non-residential properties in Rolling Hills are limited to the City Hall Complex, Tennis Court Facilities, Daughters of Mary and Joseph Retreat Center, PVP Unified School District site, Los Angeles County Fire Station, and scattered public open space sites.

The City Hall Complex, Tennis Court Facilities, Daughters of Mary and Joseph Retreat Center, and PVP Unified School District are the most viable housing opportunity sites and are discussed in more detail below. In particular, the PVP Unified School District site has been identified as being the most logical and realistic option, given its size, location, terrain, access, ownership, and

current land use. Other governmental owned properties are developed with recreational uses, and some are located on steeply sloping properties or have limited access.

1. City Hall Complex (APN 7569-003-904) – 1.22 acres zoned Public Facilities

The City Hall complex is located off of Palos Verdes Drive North at the main entrance to the City. The parcel is currently developed with three structures: City Hall, the Rolling Hills Community Association Administration Building and an accessory structure that houses an emergency generator. The site is surrounded by a steep canyon to the east, residence to the south, and a guardhouse and tennis courts to the west. The parcel is located on the southeast corner of Palos Verdes Drive North and Portuguese Bend Road. Palos Verdes Drive North is a high-volume arterial, consisting of one lane each way that traverses three cities on the Palos Verdes Peninsula. It is one of two main roads that lead in and out of the City of Rolling Hills. Portuguese Bend Road leads to the main entrance gate of the City and is another arterial road that leads in and out of the City. Given the small size of the site and its active community and civic uses, this site is less practical than some of the others identified.

2. Tennis Court Facility – 0.86 acres zoned Public Facilities (APN 7569-015-900)

The tennis court site is located across from City Hall on the southwest corner of Palos Verdes Drive North and Portuguese Bend Road. The site is surrounded by residences to the south and west and streets to east and north. While the site could feasibly be developed with housing, its function as a community amenity and open space makes it a less than ideal site.

3. Daughters of Mary and Joseph Retreat Center (APN 7569-022-006) – 2 acres zoned RAS-2

The parcel is located on the west end of the City. It is surrounded by residential development to the south, a school facility to the east and Crest Road to the north. The parcel immediately west of the site contains the Daughters of Mary and Joseph Retreat Center and is in the City of Rancho Palos Verdes. The Retreat Center is located on two parcels and spans the City limit line, with part of the parking lot and entrance drive in Rolling Hills.

The flat parking lot area, which is just under an acre in size, offers room for development. The remaining area is on a slope and would be difficult to develop without grading. Additionally, the retreat center itself could be converted to accommodate a higher density housing project. Staff has had conversations with the property owners about the use of the site and intends to investigate it further in the future. The parcel is outside of the Association's gates which minimizes the potential impacts of a higher density housing development in the case of emergency.

4. Privately-owned Parcels Along Palos Verdes Drive North

These are privately owned parcels that have frontage along Palos Verdes Drive North. These parcels are outside of the City gates but are located within the City of Rolling Hills. The parcels are generally developed with single family homes that are accessed from internal streets within Rolling Hills—several are large enough to be subdivided, which would create new vacant parcels with frontage and access from Palos Verdes Drive. The area is zoned for one-acre lots but includes a few parcels that could be divided. Rezoning could also be considered here.

These parcels are surrounded by single family residential developments on all sides with an arterial separating them from properties in the City of Rolling Hills Estates to the north. The arterial serves as one of the main thoroughfares traversing the Palos Verdes Peninsula. The road section in front of these parcels is two lanes with a median separator. Developing these sites could present ingress and egress constraints, as well as public safety concerns due to wildfire hazards. If multi-family housing was pursued in this area, General Plan Amendments would be required as the potential for density transfers is limited.

5. PVP Unified School District (APN 7569-022-900)– 31 acres zoned RAS-2

As indicated in Chapter 3, the City has adopted an Affordable Housing Overlay Zone on the 31-acre property located at 38 Crest Road. This property is owned by the Palos Verdes Peninsula Unified School District (PVPUSD). A significant portion of the site is vacant or underutilized.

Appendix A of the Housing Element provides a detailed evaluation of the site, demonstrating that it is the most suitable location for multi-family housing in Rolling Hills and provides the City's best opportunity to meet its requirements for low- and very low-income units. The site is located outside the jurisdiction of the RHCA, is outside the Rolling Hills security gates, and is one of the largest properties in Rolling Hills. It includes multiple areas that are vacant and underutilized, relatively flat, and well buffered from adjacent uses. The site is also one of the only properties in Rolling Hills that is served by a public sewer system, substantially reducing potential development costs and addressing an infrastructure constraint that makes affordable housing cost-prohibitive in much of the city.

The PVPUSD site is currently home to Rancho Del Mar High School, a small continuation school with an enrollment of 46 students in 2020. The Beach Cities Learning Center also occupies a portion of the school building. Excluding the adjacent playing fields and lawn, the school campus occupies just six percent of the 31-acre site. The only other active use on the property is a Palos Verdes Peninsula Transit Authority (PVPTA) maintenance facility.

The Rancho Del Mar site was initially developed as an elementary school in 1960. The school closed in 1980 and was repurposed as a continuation high school in 1986. The continuation school was initially intended as a temporary use and the possibility of residential development on the site has been considered in the past. Enrollment at the continuation school has been steadily declining and has dropped 40 percent in the last five years alone. Sale of the school property (or a portion of the property) could generate significant revenue for the School District.

The analysis in Appendix A identified five potential development areas on the site, including the school itself (in the event it is closed), the ballfield east of the school, an open lawn area adjacent to the school, a vacant area between the school and the PVPTA facility, and an undeveloped area west of the PVPTA facility. Each of these areas is at least one acre in size. The area west of the PVPTA facility is the largest of the five areas and is considered the most viable location for multi-family housing. It is the closest location to the site entry on Crest Road and could easily be developed without interrupting activities at either the school or the transit facility. Accordingly, the Overlay Zone identifies this area as the location for future affordable housing.

The site has a General Plan designation of Very Low Density Residential and a zoning designation of RAS-2. Both designations allow one unit per two acres, or 16 units on the entire site. In February 2021, the City adopted an Affordable Housing Overlay designation on its General Plan Land Use Map, along with the Rancho Del Mar Affordable Housing Overlay Zone on its Zoning Map. Both of these designations require transfer of the allowable number of units to a subarea within the site where densities of 20-24 units per acre are required. Such development is permitted by right, provided the development complies with the objective development and design standards contained in the Overlay Zone (see discussion in Chapter 3).

The PVPUSD site also provides opportunities for emergency shelter and single room occupancy (SRO) hotels. Emergency shelter is permitted by right, subject to specific development standards that have been adopted by the City. SROs require a conditional use permit and are also subject to development standards. These provisions create opportunities for extremely low income households, as well as low and very low income households.

As noted in Appendix A, the City has met with the School District and confirmed that there are no prohibitions or limitations on multi-family and special needs housing on School District property. In fact, the District has expressed interest in developing housing for teachers in the past; such units would meet income criteria for low or very low income units. Programs in this Housing Element support the site's future development and ongoing communication with the School District regarding its disposition.

For the purposes of the Housing Element analysis, the site has been determined to have the capacity for 16 units affordable to very low and low income households, thus meeting and exceeding (by 3 units) the combined 4th and 5th cycle lower income RHNA for Rolling Hills. Opportunities for State density bonuses also exist, given the affordability requirements for new housing.

Accessory Dwelling Unit (ADU) Opportunities

Chapter 3 of this Housing Element describes the requirements for ADUs and Junior ADUs (JADUs) in Rolling Hills. The City adopted an ADU Ordinance compliant with State law in February 2018, and amendments to that Ordinance in February 2020 to reflect additional State laws that facilitate ADU development in all California cities. ADUs that meet adopted development standards are permitted ministerially—that is, without Planning Commission or City Council action. The analysis in Chapter 3 concluded that the City's adopted standards, fees, and procedures for ADUs are supportive of their future development.

ADUs are the most practical approach to meeting Rolling Hills' affordable housing allocations given the characteristics of the City's housing stock, the constraints to higher density housing, and the City's demographics. While the City has created affordable housing opportunities on the PVUSD site, the ADU ordinance provides opportunities for incremental, smaller-scale housing that meets the needs of individual households, often without even requiring construction of new buildings or creation of new habitable space. The City's large parcels, large home sizes, and large senior population are all conducive to ADU production. The only jobs in the City are home-

based service positions (au pairs, care givers, caretakers, gardeners, personal assistants, etc.), making ADUs a logical and sustainable solution to meeting local housing needs.

In Fall 2020, the City surveyed all of its households to identify the extent of ADUs (permitted and unpermitted), the potential for ADUs to meet affordable housing needs, and attitudes toward ADUs in general. A paper survey with return postage was mailed to every address in the City. Nearly 30 percent of the City's households replied, providing an excellent foundation for evaluating possible new policies and regulations. The survey was completely anonymous. The full survey, including an analysis of the replies, is included as Attachment B of the Housing Element.

The survey found mixed opinions about ADUs, with some households supporting their development and others opposed. Those supporting ADUs cited their potential as housing for care givers, domestic employees, family members, and seniors seeking to age in place. Those opposed cited concerns about privacy, parking, security, impacts on community character, and the erosion of local control over land use decisions. Some of the concerns regarding parking, privacy, tenants, etc. may be resolvable by including specific elements in ADU strategies and providing more outreach and opportunities for public discussion. A large number of the survey respondents felt they "needed more information" before weighing in on some of the questions.

While public opinions are mixed, the survey indicated that the potential for ADUs is very high in Rolling Hills. Some of the findings are summarized below:

- 25 percent of the respondents indicated they had an accessory structure on their property with a kitchen, bath, and habitable space.
- More than 10 percent (21) of the respondents indicated they had another household living on their property, including paying tenants (3), care givers (7), and relatives (11).
- The rents reported for ADUs (where rent was being collected) were within State affordability thresholds for low- and very low-income households
- Roughly half of the occupants of ADUs in Rolling Hills meet State definitions of low, very low, and extremely low-income households.
- 24 percent of the respondents indicated they would consider developing an ADU and 15 percent indicated they *might* consider developing an ADU in the future.
- 54 percent indicated they would not consider developing an ADU. Loss of privacy and not wanting to deal with tenants were the most common reasons selected.
- When asked how residents would use an ADU if they had one, 8 percent said they would rent it to a tenant, 24 percent said they use it for a care giver or home employee, and 31 percent said they would use it for a family member
- 13 percent of the respondents indicated they would be amenable to a deed restriction that limited the rent of the ADU to a lower income household; another 10 percent said they *might* be amenable. Most of the respondents favored short affordability terms (5 years—or until point of sale) and were less interested if the restriction was longer.
- When asked about incentives for creating "affordable" ADUs, the most popular choices were reduced fees and expedited permitting.

For its Fifth Cycle housing element, the City is presuming that ADUs will meet the requirement for five moderate income units. Based on the data above, the actual potential is higher and also extends to the very low- and low-income ranges. In October 2020, a scan of “Craigslist” ads for rental housing identified one ADU in (or immediately adjacent to) Rolling Hills renting for \$1,200 a month, a rate that would meet affordability criteria for a low income household.

The City of Rolling Hills is committed to facilitating construction of ADUs. The City has conducted, and will continue to conduct, site visits to assist owners in identifying sites on their properties to build ADUs and provide additional information when needed. It is currently taking the City approximately two to four weeks to approve ADUs. The City is also working with the RHCA to facilitate the approval process.

B. ABILITY TO MEET RHNA ALLOCATION

As indicated in Chapter 4, the RHNA prepared by SCAG identifies a housing need for Rolling Hills of six units for the Fifth (2014-2021) Cycle. The City is also subject to a “carry over” requirement of 22 units from the Fourth Cycle (2006-2013), for a total of 28 units. The analysis above indicates that the City has the capacity to meet this allocation. This is based on the following assumptions:

- **Above Moderate Income Housing:** The City has 22 vacant lots zoned RAS-1 or RAS-2 with the capacity for one dwelling unit each. This is sufficient to meet the need for above moderate income or market-rate housing.
- **Moderate Income Housing:** The City of Rolling Hills currently has approximately 700 housing units. Based on Municipal Code amendments adopted in 2020, ADUs and JADUs are permitted in every home. The City’s 2020 ADU survey indicates that as many as half already have space that could be converted into an ADU. The ADU survey also indicates that rents for ADUs would be affordable to Moderate Income households (and in many cases to Low and Very Low Income households). If an ADU were added to only one percent of the City’s housing stock, Rolling Hills would exceed its allocation of five moderate income units. The City has already approved several ADUs during the Fifth Cycle.
- **Low and Very Low Income Housing:** The City has met its requirement to provide capacity for Low and Very Low Income units through the creation of the Rancho Del Mar (RDM) Affordable Housing Opportunity Overlay district. The Overlay allows the construction of 16 affordable multi-family units “by right” with no discretionary approval required. As previously noted, the site is one of the few in Rolling Hills with a public sewer system and is relatively unconstrained compared to sites in the rest of the city.
- **Extremely Low Income Housing:** The City has provided opportunities for extremely low income households by permitting emergency shelters by right in the RDM Overlay Zone and by allowing Single Room Occupancy hotels in the Overlay Zone. In addition, some of the ADUs that could be created in the future may meet eligibility criteria for Extremely Low

Income housing, to the extent they are offered without rent or are occupied by elder family members or others with very limited income.

C. OPPORTUNITIES FOR ENERGY CONSERVATION

Government Code Section 65583(a)(7) requires the Housing Element to include an analysis of opportunities for residential energy conservation. Energy costs are considered part of monthly housing expenses when calculating affordability and can be a cost burden, particularly for seniors on fixed incomes. The large size of many Rolling Hills homes and the high percentage of seniors indicates that this may be an important consideration in the City.

In 1974, the California state legislature created the California Energy Commission to deal with the issue of energy conservation. Since that time, the Energy Commission has set conservation standards for new residential and nonresidential construction. These standards, known as Title 24, are periodically updated to reflect new technology and new targets for reducing greenhouse gas emissions. The new standards, implemented by the City as part of the recently adopted California Green Building Code, specify energy saving design for walls, ceilings and floor installations, as well as heating and cooling equipment and systems, gas cooling devices, conservation standards, and the use of nondepleting energy sources, such as solar energy and wind power.

Through the Site Plan Review process and the Building Code (Title 15 of the Municipal Code) , the City requires energy conservation in all buildings. The City has also adopted a Water Efficient Landscape Ordinance (Chapter 13.18 of the Municipal Code) that requires landscaping to be water wise and plants to be drought tolerant.

In addition, the Rolling Hills General Plan establishes a policy to permit the use of solar panels to maximize energy efficiency. In the past few years, the City of Rolling Hills has approved 42 solar panel requests from residents. Other residential energy design standards can be applied to reduce energy costs, including:

- **Glazing** - Glazing on south facing exterior walls allows for winter sunrays to warm the structure. Avoidance of this technique on the west side of the unit prevents afternoon sun from overheating the unit.
- **Landscaping** - Strategically placed vegetation reduces the amount of direct sunlight on the windows. Incorporation of deciduous trees in landscaping along the southern area of units reduces summer sun, while allowing penetration of winter sun to warm the units.
- **Building Design** - The implementation of roof overhangs above southerly facing windows shield the structure from solar rays during the summer months.
- **Cooling/Heating Systems** - The use of attic ventilation systems reduces attic temperatures during summer months. Solar heating systems for swimming pool facilities save on energy costs. Natural gas is conserved with the use of flow restrictors on all hot water faucets and showerheads.

- **Weatherization Techniques** - Weatherization techniques such as insulation, caulking, and weatherstripping can reduce energy use for air-conditioning up to 55 percent and for heating as much as 40 percent. Weatherization measures seal a dwelling unit to guard against heat gain in the summer and prevent heat loss in the winter.
- **Efficient Use of Appliances** - Appliances can be designed and used in ways that increase their energy efficiency. Unnecessary appliances can be eliminated, and outdated appliances can be replaced with more energy-efficient models. Proper maintenance and use of the stove, oven, clothes dryer, clothes washer, dishwasher, and refrigerator can also reduce energy consumption. New appliance purchases of air-conditioning units and refrigerators can be made on the basis of efficiency ratings. The State prepares a list of air-conditioning and refrigerator models that detail the energy efficiency ratings of the product.
- **Outdoor Lighting Ordinance** – The City has adopted standards for outdoor lighting through its Municipal Code (Section 17.16.190(E)). Energy efficient lighting is required for most outdoor lighting, and outdoor lighting is prohibited in many instances to retain dark skies and the community’s rural character.
- **Efficient Use of Lighting** - Costs of lighting a home can be reduced through purchase of light bulbs, which produce the most lumens per watt, avoidance of multi-bulb mixtures and use of long life bulbs and clock timers on security buildings.

In 2008, the City had adopted Resolution No. 1040, providing for a City of Rolling Hills Natural Environment and Sustainability Committee. The committee was composed of nine resident members and was appointed by the City Council to develop and recommend environmentally sustainable policies, practices and programs for Rolling Hills and provide outreach to residents and bring in educational programs to the City. Several Committee recommendations were incorporated as City policies prior to the Committee’s dissolution.

As a member of SCAG, the City also participates in the Regional Comprehensive Plan to achieve a sustainable future. The City is a member of the South Bay Council of Governments Green Task Force. The City also has joined ICLEI, which is a membership association of local governments committed to advancing climate protection and sustainable development.

The City’s commitment to energy efficiency is carried forward in the Housing Implementation Plan (2014-2021) of this document.

D. FINANCIAL RESOURCES

Conventional affordable housing usually requires a variety of state and federal tax credits and subsidies, locally-generated funds from housing programs, and active participation by the non-profit development sector. This type of development would be extremely challenging in Rolling Hills given the very high cost of land and construction, the community's topography and natural hazards, the City's small size and limited resources, and the absence of a public sewer system on most parcels. The only site where such housing would be financially feasible is the PVUSD site, given that it is publicly owned and has infrastructure and street access.

Elsewhere in the city, the availability of Federal and State funding sources would be subject to many limitations. Many types of government assistance are conditioned upon the existence of populations in need of assistance or housing stock conditions requiring repair or rehabilitation. The absence of high-need populations in Rolling Hills renders the City ineligible for many types of assistance. The housing stock is in excellent condition and there are few properties that would be eligible for rehabilitation assistance. The City's limited financial resources further preclude the use of City General Fund monies for assistance.

High housing values in the City and an extremely limited rental supply also preclude the use of the Section 8, Housing Voucher Assistance Payments Program. Under that program, the Department of Housing and Urban Development (HUD) provides subsidies to landlords under certain conditions. Only housing units with rents at or below maximum rent levels set by HUD for each county are eligible to receive subsidies. Rents in the City far exceed maximum allowable levels payable under the Section 8 Program.

Since inception of the CDBG program in 1979, the City of Rolling Hills has used its CDBG funds to provide over \$225,000 to local communities for housing rehab programs and for construction of Section 8 housing. Between 2008 and 2011, Rolling Hills received a total of \$25,331 in CDBG funds, an average of \$6,333 per year. The City transferred these funds to the City of Rancho Palos Verdes for their Senior Citizens Home repair program. However, the cost of administering the program made it infeasible for the City of Rolling Hills to continue participating.

Despite these constraints, the City is amenable to exploring future funding sources and supporting applications that would facilitate housing rehabilitation and development. Programs that assist lower income seniors in energy conservation, septic system improvements, and minor home repair could be considered. Programs that underwrite ADU production could be explored in the future.

Table 17 summarizes potentially available funding sources as a reference to City staff and potential developers:

Table 17**Federal And State Housing Programs And Their Applicability In Rolling Hills**

| Program | Comments |
|---|--|
| Federal Programs | |
| Section 8 | Provides rent subsidies to low-income renters. This source cannot be used in Rolling Hills because rents on housing in the City far exceed maximum rent levels required for participation in the program. |
| Section 8 Moderate Rehabilitation | Provides for payment contracts on units needing substantial rehabilitation. This source is inapplicable in Rolling Hills because no housing in the City has been identified as in need of rehabilitation. |
| Section 8 New Construction | Provides funding for the construction of housing affordable to lower-income persons. High land costs and legal and environmental constraints would likely preclude the development of projects in Rolling Hills that would be eligible for such funding. |
| Section 202 | Provides private/non-profit funding for senior housing and supported services. High land costs and legal and environmental constraints make the development of projects that would be eligible for such funding infeasible in Rolling Hills. |
| Section 106(b) – Seed Money Loans | Provides interest free loans to non-profit housing sponsors for pre-construction costs. Currently used only in connection with Section 202 above. |
| State Programs | |
| California Housing Finance Agency | Provides loans to housing sponsors for construction. Direct Lending or rehabilitation of housing projects containing over five units. Program could be applied for by Rolling Hills' developers within the Affordable Housing Overlay Zone (AHOZ) |
| California Housing Finance Agency | Provides financing for rehabilitation and purchase of Home Ownership and Home Improvement (HOHI) housing by low and moderate-income persons in areas that are in need of rehabilitation. Absence of housing in need of rehabilitation and very high acquisition costs preclude use in Rolling Hills. |
| California Self-Help Housing Program | Provides grants and loans to assist low and moderate income families to build or rehabilitate their own homes. High land costs and home values make use of this program in Rolling Hills unlikely. |
| Mobile Home Park Assistance | Provides financial and technical assistance to mobile home park residents. No mobile home parks exist in Rolling Hills. |
| HCD Homelessness Programs (Emergency Solutions and Housing, Housing for a Healthy CA, Emergency Solutions Grants, Multi-family Supportive Housing) and OES Programs (Specialized Emergency Housing, Transitional Housing, etc.) | Provides grants for homeless shelters and direct subsidies to people experiencing homelessness. County data does not indicate a need for emergency shelter in Rolling Hills. |
| Predevelopment Loan Program | Provides predevelopment loans for low-income housing projects. This source could be used by nonprofit developers in the City. High land costs and environmental and infrastructure constraints render the development of eligible projects infeasible on most sites in the City. |

ROLLING HILLS HOUSING ELEMENT 2014-2021

| Program | Comments |
|---|--|
| Senior Citizen Shared Housing | Provides grants to assist seniors find shared housing arrangements. Rolling Hills provides informational brochures on shared housing referral services offered at neighboring cities. Rolling Hills provides the brochures using local funds. |
| Multi-Family Housing Program (MHP) | Provides low-interest long-term deferred payment loans for the construction of affordable housing developments; could be considered in Rancho Del Mar AHOZ area. |
| Permanent Local Housing Allocation (PLHA) | Provides funding for predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including ADUs for households with up to 150% of AMI in high-cost areas. Could be applied to facilitate ADU construction throughout Rolling Hills, as well as construction in the AHOZ area. |
| Deferred Payment Rehabilitation Loans | Provides loans for the rehabilitation of low and moderate-income housing. Not applicable in Rolling Hills because of absence of targeted housing. |
| Government Code Section 65915-Density Bonuses | Requires local governments to offer density bonuses or other incentives in exchange for the development of low- income housing. State requirements would apply to future development in the Rancho Del Mar AHOZ. |
| Affordable Multi-Family Revenue Bonds (CA Public Finance Authority) | Provides access to tax-exempt bonds for for-profit and non-profit developers building senior and low-income multi-family housing. Could be applied in the AHOZ area but not elsewhere. Limited availability and competitive funds could limit practical use. |
| Single-Family Mortgage Revenue Bonds | Allows for the issuance of bonds for below market loans for low and moderate-income homebuyers. The high costs of homes in the City make them unaffordable to persons targeted in this program. |

VI. HOUSING PLAN

Chapters II to V of the Housing Element evaluated housing needs, constraints, and opportunities in Rolling Hills. Chapter VI evaluates the accomplishments of the last adopted housing element, and then presents the City's Housing Plan. The Plan sets forth the goals, policies, and programs to address Rolling Hills' identified housing needs.

A. REVIEW OF PRIOR HOUSING ELEMENT PERFORMANCE

State Housing Element law requires communities to assess the achievements of adopted housing programs as part of the update to their housing elements. These results should be quantified where possible but may be qualitative where necessary. These results need to be compared with what was projected or planned in the previous element. Where significant shortfalls exist between what was planned and what was achieved, the reasons for such differences must be discussed.

The 2006-2014 Rolling Hills Housing Element established programs to address the following four housing goals:

- Provide for housing which meets the needs of existing and future Rolling Hills' residents
- Maintain and enhance the quality of residential neighborhoods in Rolling Hills
- Provide housing services to address the needs of the City's senior citizen population
- Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color

A number of programs were set forth in the 2006-2014 Housing Element to achieve these goals. As summarized in Table 18, the City has actively pursued avenues for supporting residential development and facilitating affordable housing opportunities, despite the constraints that limit development opportunities in Rolling Hills.

Table 18
City of Rolling Hills Progress Toward Implementing the 2006-2014 Housing Element Programs

| Programs | Accomplishments |
|--|---|
| Goal 1: Provide for housing which meets the needs of existing and future Rolling Hills' residents. | |
| Manufactured Home Program: Permit manufactured homes on all buildable, single family lots in the City. | The City has amended its Zoning Ordinance to provide for manufactured homes and continues to permit this program. No request for a manufactured home was submitted to the City during the past planning period. |
| Facilitate New Construction: The City will continue to work with and assist housing developers and builders to enable new housing to be built in the City. | The City has continued to work with and assist developers and builders. Five new units and seven replacement units were constructed during the 2006-2014 planning period. In 2012, the OZD-I overlay zone was created to facilitate construction on narrow and shallow lots in parts of the City. Reduced setback standards apply in this area. |
| Goal 2: Maintain and enhance the quality of residential neighborhoods in Rolling Hills. | |
| Code Enforcement: In the event that a violation of City codes or regulations is discovered, the City works with the County and the Association to remediate the violation. | The City continues to promote code enforcement in cases of violations. An educational program including information brochures has been implemented to discourage violations. A program to accomplish compliance also has been implemented. Approximately thirty violations have occurred in the City and only six of them consisted of residential structural deficiencies. These were all corrected during the past planning period. Code enforcement is intended to protect the public health, safety and welfare, and is not considered a constraint to the development of affordable housing. |
| Ground Instability: Continue to explore possible solutions to ground instability problems. | The City has continued to work with property owners and geotechnical consultants to establish construction regulations and to explore other potential solutions to ground stability problems. Despite these efforts, certain property in high-risk landslide areas remains unbuildable. |
| Neighborhood Sponsored Sewer Districts: Promote and facilitate the development of homeowner sponsored sewer districts. | The City retained a consulting engineer to assess the feasibility of establishing a citywide sewer system. Because of the geologic and topographic constraints, the city's low density, high construction costs, and limited revenues, installation of a sewer system has been deemed infeasible. There is ongoing consideration for extending sewer service to individual properties or subareas within the city. |
| Housing Repair on Landslide Sites: Continue to allow the repair of damaged structures and remedial grading in landslide areas. | The City continues to allow repair of damaged structures and remedial grading in landslide areas with special permits. |
| Home Improvement Program for eligible low and moderate-income residents. | In keeping with its commitment to support housing element objectives and low income housing needs, Rolling Hills assigned its CDBG funds to the City of Rancho Palos Verdes Home Improvement Programs for eligible low and moderate income residents to provide grants and zero percent deferred loans to correct hazardous structural conditions, eliminate blight, and improve disabled access. |

Table 18, page 2

| Program | Accomplishments |
|---|--|
| Goal 3: Provide housing services to address the needs of the City's senior citizen population. | |
| Shared Housing Program: Actively market the two area shared housing programs – Focal Point at the South Bay Senior Services in Torrance and Anderson Senior Center in San Pedro - which assist seniors in locating roommates to share existing housing in the community. | Informational brochures advertising existing shared housing programs are available at the public counter. Records on the number of matches that have occurred during the planning period are not available. |
| Reverse Mortgage Program: Inform residents about the advantages of reverse mortgages. A reverse mortgage is a deferred payment loan or a series of such loans for which a home is pledged as security and can offer a viable financing alternative to many of Rolling Hills' elderly homeowners. | The City offers referral services to seniors interested in pursuing a reverse mortgage. |
| Elderly Services: Rolling Hills will continue to provide information to its elderly residents concerning available senior services. | In keeping with its commitment to assist its elderly residents find needed services, the City maintains a list of local senior facilities at City Hall. |
| Goal 4: Promote housing opportunities for all persons regardless of race religion, sex, marital status, ancestry, national origin or color. | |
| Fair Housing Program: As a means of increasing public awareness of legal rights under fair housing laws, the City will advertise services offered by the Fair Housing Foundation, including housing discrimination response, landlord-tenant relations, housing information and counseling, and community education programs. | As a past participating city in the Community Development Block Grant Program, Rolling Hills cooperated with the Los Angeles office of the Fair Housing Foundation to enforce fair housing laws. Informational brochures about the Foundation are available at the City of Rolling Hills public counter and local library. |

B. GOALS AND POLICIES

As part of this General Plan update, the goals and policies of the past Housing Element were reviewed as to their appropriateness in addressing the community's housing needs. The following goals and policies reflect the City's continued commitment to actively support residential development and avenues for facilitating affordable housing opportunities, despite the constraints that limit development opportunities in Rolling Hills. These policies will serve as a guide to City officials in daily decision making.

GOAL 1: Provide for housing which meets the needs of existing and future Rolling Hills' residents.

Policy 1.1: Evaluate ways in which the City can assist in providing housing to meet special community needs.

Policy 1.2: Work with other governmental entities to explore the possibility of providing affordable housing for low and moderate income and senior citizen households in the South Bay region.

Policy 1.3: Encourage the use of energy conservation devices and passive design concepts that make use of the natural climate to increase energy efficiency, as well as weatherization to reduce energy costs.

Policy 1.4: Continue to facilitate the development of a variety of housing types in the City, taking into account existing financial, legal, infrastructure, and environmental constraints. While Rolling Hills will remain a rural equestrian community, housing opportunities will be provided for all income groups as required by State law.

Policy 1.5: Ensure effective and informed community participation in local housing decisions.

Policy 1.6: Participate in countywide programs to meet the needs of unsheltered residents and others who may need emergency housing assistance.

GOAL 2: Maintain and enhance the quality of residential neighborhoods in Rolling Hills.

Policy 2.1: Encourage and assist in the maintenance and improvement of existing homes to maintain optimum standards of housing quality and design.

Policy 2.2: Require the design of housing to comply with the City's building code requirements.

Policy 2.3: Require compatible design to minimize the impact of residential redevelopment on existing residences.

Policy 2.4: Enforce City housing codes to assure the upkeep and maintenance of housing in the City.

Policy 2.5: Allow Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in all residential zones. Adopt standards to ensure that ADUs and JADUs are compatible with the community; minimize visual, parking, traffic, and other impacts; and respect neighborhood context.

GOAL 3: Provide housing services to address the needs of the City's senior citizen population.

Policy 3.1: Provide reference and referral services for seniors, such as in-home care and counseling for housing-related issues, to allow seniors to remain independent in the community.

Policy 3.2: Maintain information regarding shared housing programs as an option for seniors to share existing housing in the community.

Policy 3.3: Coordinate with lending companies and institutions to educate the City's elderly homeowners as to the availability of reverse mortgage loans, which allow seniors with limited income to remain in their homes.

Policy 3.4: Encourage housing opportunities for live-in care givers, domestic employees, and family members who may assist elderly or mobility-impaired residents who wish to age in place.

GOAL 4: Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, disability status, or national origin.

Policy 4.1: Affirm a positive action posture, which will assure that unrestricted housing opportunities are available to the community, and enforce all applicable laws and policies pertaining to equal housing opportunity.

Policy 4.2: Encourage the development of residential units that are accessible to the disabled or are adaptable for conversion to residential use by disabled persons. Provide reasonable accommodations in rules, policies, practices, and procedures for disabled persons to ensure equal access to housing.

Policy 4.3: Make information on fair housing laws available to residents and realtors in the City by distributing at the City Hall public counter and on request.

Policy 4.4: Investigate any allegations of violations of fair housing laws.

C. HOUSING IMPLEMENTATION PLAN (2014-2021)

The goals and policies set forth in the Housing Element to address the City's housing needs are implemented through a series of housing programs. The Housing Element program strategy consists of both programs currently in use in the City and additional programs to provide the opportunity to adequately address the City's housing needs. The following section provides a brief description of each program, quantified objectives, funding sources, responsible agencies and implementation time frames. Each of these programs have been developed consistent with HCD guidelines for developing effective programs and are responsive to the unique constraints facing Rolling Hills.¹ As appropriate, programs that have been completed since the initial draft of this element in 2014 have been included.

1. Annual Progress Report

As required by State law, the City will create an annual report on the status and progress of implementing its Housing Element using forms and definitions adopted by the California Department of Housing and Community Development (HCD). Guidance on the content of the report is provided by the State Office of Planning and Research. It documents the City's progress toward meeting its share of regional housing needs and efforts to remove government constraints to housing production. The report must be presented to the City Council prior to its submittal (it may be approved as a consent item).

| | |
|----------------------------|------------------------------|
| Quantified Objective: | Provide one report per year |
| Funding Source: | City General Fund |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | File by April 1 of each year |

2. General Plan Land Use Element Amendments

At the start of the 2014-2021 Housing Element Cycle, the Rolling Hills General Plan only permitted single family residences in the city. To comply with Government Code requirements to accommodate a variety of housing types, the City amended the Land Use Element of the General Plan to permit multi-family housing, emergency shelter and SROs. The Housing Element and Land Use Element are now internally consistent and support the development of a variety of housing types. Land use policies allow for by right multi-family development, accessory dwelling units, and other measures that facilitate housing development in the City. The City provided CEQA compliance for the General Plan Amendment through an Initial Study and Negative Declaration

| | |
|----------------------------|--|
| Quantified Objective: | Amendment of Land Use Element |
| Funding Source: | City General Fund |
| Responsible Agency: | Planning Department |
| Implementation Time Frame: | Started in October 2020; Completed in March 2021 |

¹ http://www.hcd.ca.gov/hpd/housing_element2/PRO_overview.php; accessed January 2, 2014.

3. Affordable Housing Overlay Zone

The City of Rolling Hills is subject to the provisions of Section 65583.2(h) of the California Government Code, which require planning for 100 percent of the need for very low and low income housing for the current RHNA cycle and the previous RHNA cycle since the prior cycle element was non-compliant. Rolling Hills is obligated to provide by-right zoning to accommodate 13 units of multi-family housing (10 units from the 4th Cycle and 3 units from the 5th Cycle). State law requires that acceptable housing sites must accommodate at least 16 units—thus the 13 units has been rounded up to 16 units for this Housing Element. State law further requires that the sites are zoned to permit at least 20 units per acre.

This program calls for creation of Affordable Housing Overlay Zone (AHOZ), to be mapped on the 31-acre Rancho Del Mar site owned by the Palos Verdes Unified School District. As documented in Chapter 5 and Appendix A, an analysis of housing opportunities in Rolling Hills found that this was the most viable location for affordable multi-family housing and one of the only sites in the city with sewer infrastructure, thus reducing development costs. The AHOZ retains the General Plan density for the site but requires that the allowable number of units are clustered at a density of 20-24 units per acre. An analysis of site conditions determined that the area west of the PVPTA facility (located on the site) was the best location for the density transfer. The City has confirmed with the School District that the site is acceptable.

| | |
|----------------------------|---|
| Quantified Objective: | Zoning for 16 affordable multi-family units |
| Funding Source: | City General Fund |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | Completed in February 2021 |

4. Next Steps for PVUSD Housing Opportunity

The City will work with the Palos Verdes Unified School District and School Board to advance opportunities for affordable multi-family housing on the Rancho Del Mar property. This could include subdivision of the property to create a defined parcel west of the PVPTA facility that could be leased or sold, encouraging the PVUSD to consider teacher housing or PVUSD employee housing on the site, and identifying funding sources or permit streamlining and fee reduction measures to make affordable housing more viable. It will also include meeting with non-profit housing developers about the site and exploring expressions of interest from parties that may be interested. Specific measures will be determined through an initial meeting with the Superintendent of Schools following certification of the Housing Element.

| | |
|----------------------------|--|
| Quantified Objectives: | Initial City Manager/ School Superintendent Coordination Meeting |
| Funding Source: | City General Fund |
| Responsible Agency: | City Manager |
| Implementation Time Frame: | Complete before October 2021 |

5. Zoning for Emergency Shelter

Section 65583(a)(4)(A) of the California Government Code requires that all cities identify a zone where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The zone must have sufficient capacity to accommodate the identified need in the community. While bi-annual homeless counts have determined there is not an unsheltered population in Rolling Hills, the City must still provide for at least one shelter.

At the start of the Fifth Cycle in 2014, emergency shelter was not a permitted use in Rolling Hills. In February 2021, the City adopted provisions for emergency shelters in the Affordable Housing Overlay Zone. A shelter of up to 12 beds is now permitted, subject to development standards that are consistent with state requirements. While no shelters are proposed at this time; the City will continue to work with homeless service providers, adjacent communities, the School District, and residents to evaluate needs, opportunities, and funding sources.

| | |
|----------------------------|--|
| Quantified Objectives: | Adoption of Zoning Provisions for at Least One (1) Emergency Shelter |
| Funding Source: | City General Fund |
| Responsible Agency: | City Planning Director |
| Implementation Time Frame: | Completed in February 2021 |

6. Zoning for Single Room Occupancy (SRO) Hotels

SROs provide a housing resource for extremely low income households. They consist of small efficiency units with a water closet and sink, often with shared kitchen and bathing facilities. At the start of the Fifth Cycle in 2014, SROs were not permitted in Rolling Hills. In February 2021, the City adopted provisions for SROs in the Affordable Housing Overlay Zone. SROs of six to eight units are permitted with a conditional use permit, subject to development standards relating to unit size, on-site management, and length of stay.

| | |
|----------------------------|--|
| Quantified Objectives: | Adoption of Zoning Provisions for SROs |
| Funding Source: | City General Fund |
| Responsible Agency: | City Planning Director |
| Implementation Time Frame: | Completed in February 2021 |

7. Reasonable Accommodation

Although Rolling Hills has accommodated the needs of persons with disabilities through its administration of the Building Code and Americans with Disabilities Act, it did not have a formal Reasonable Accommodation policy. Such a policy is required under the Government Code and is a pre-requisite for a certified Housing Element. Accordingly, this Housing Element includes adoption of a formal procedure through which a person with disabilities may request reasonable accommodation in order to have equal access to housing under the Federal Fair Housing Act and California Fair Housing and Employment Act. The Policy covers application requirements, review

authority and a review process, findings and determinations, appeals processes, and other provisions.

The City of Rolling Hills completed this program in October 2020. It will implement the policy on an ongoing basis and will provide relevant materials on its website and at City Hall for those who may be interested in requesting Reasonable Accommodation in the future.

Quantified Objectives: Adoption of Reasonable Accommodation Policy
 Funding Source: City General Fund
 Responsible Agency: City Planning Director
 Implementation Time Frame: Completed in October 2020

8. Add Definitions of Transitional and Supportive Housing, and Employee Housing, to Municipal Code

To comply with Government Code Section 65583(c)(3), the City of Rolling Hills must clarify that transitional and supportive housing are considered residential uses and are subject to the same restrictions that apply to the other residential uses that are allowed in a given zoning district. In other words, a single family home used as a group home for persons with disabilities is subject to the same planning and zoning requirements that apply to a single family home used by a traditional family or any other household. Most local governments have addressed this requirement by adding definitions to their zoning codes for transitional and supportive housing.

The purpose of this program is to add those definitions to the Rolling Hills Municipal Code (Chapter 17). The definitions would acknowledge that such housing is permitted or conditionally permitted in the same manner as other residential dwellings of the same type in the same zone as required by State law.

This program also includes a Municipal Code Amendment to add a definition for employee housing in accordance with the California Health and Safety Code (HSC). HSC Section 17021.5 states that employee housing providing accommodations for six or fewer people shall be deemed a single family structure with a residential land use designation. It further states that employee housing may not be considered a boarding house, rooming house, hotel, dormitory, or similar term that implies that such housing is a business run for profit or differs in any other way from a single family dwelling. State law precludes a city from requiring a conditional use permit, zoning variance or other zoning variance for such housing, and stipulates that the use of a single family dwelling for six or fewer employees does not constitute a change of occupancy for building code purposes.

Quantified Objectives: Council Action Adopting Definitions
 Funding Source: City General Fund
 Responsible Agency: City Planning Director/ City Attorney
 Implementation Time Frame: Complete by October 2021

9. Density Bonus Requirements

Section 65915 of the Government Code establishes provisions for density bonuses for affordable and senior housing projects. Rolling Hills does not currently have density bonus provisions in its Municipal Code. Historically, the City has not had multi-family housing, nor any site where multi-family housing could be constructed. With the creation of the Affordable Housing Overlay Zone, a developer could request a density bonus and related concessions from a developer. State standards would apply in this instance. The City should consider adopting its own density bonus standards or adopting Code provisions clarifying that State standards apply in the event a request is received.

Quantified Objectives: Municipal Code amendment related to Density Bonuses
 Funding Source: General Fund
 Responsible Agency: City Planning Director
 Implementation Time Frame: Complete by October 2021

10. Adopt and Periodically Update Accessory Dwelling Unit (ADU) Regulations

At the start of the Fifth Housing Element Cycle (2014), ADUs (rentable to tenants) were not permitted in Rolling Hills. Although the City allowed guest houses, these were generally used for visitors, family members, or household employees and did not include kitchens. In 2017, the State of California adopted legislation requiring that ADUs be permitted in most residential zoning districts, with provisions for “by right” approval if the units met certain standards. Additional ADU requirements were adopted by the State in 2019 and became effective in 2020. Like all cities in California, Rolling Hills was required to allow rental ADUs—and then Junior ADUs—in accordance with State standards.

Program 10 covers actions taken by the City during the Fifth Cycle related to ADUs, including adoption of Chapter 17.28 of the Municipal Code in 2018 and amendment of this Chapter in January 2020. The City now permits ADUs up to 1,000 square feet or two bedrooms with a ministerial permit (e.g., a permit that does not require Planning Commission or City Council action). Units that do not conform to the adopted development standards may be approved with a conditional use permit. The City has approved 3 ADUs since the ordinance went into effect in 2018 and several more are pending.

Quantified Objectives: Adoption of ADU regulations (Program completed)
 Five (5) ADUs between February 2018 and October 2021
 Funding Source: City General Fund
 Responsible Agency: City Planning Director
 Implementation Time Frame: Complete by October 2021

II. ADU Education, Outreach, and Community Engagement

This program covers outreach, education, and community engagement regarding ADUs and Junior ADUs in Rolling Hills. While ADUs became legal in 2018 and many homeowners have expressed interest, the procedures, standards, and opportunities may not be widely known to all residents. The City took a number of outreach steps in 2019 and 2020, including articles about ADUs in the City newsletter and a survey administered to all residents in October 2020. The survey responses suggest that continued outreach about ADUs is important.

Additional outreach and engagement measures include links on the Planning Department's webpage with more information about ADUs, including Frequently Asked Questions (FAQs). The City will also host a community meeting to discuss the possibility of using ADUs and JADUs to meet the City's affordable housing requirements, and to address the public's concerns about the impacts of ADUs. This meeting also could serve to connect homeowners to local organizations who can teach them about how to create or rent ADUs, choose the proper tenants, process paperwork, and advertise their rentals.

This program also includes ongoing data collection on ADUs and JADUs by the City, including developing a register of permitted ADUs by address. To the extent feasible, the City may monitor data on rent and occupancy of its ADUs in order to support the counting of these units as affordable for the purpose of the RHNA and Annual Progress Report.

Additionally, this program includes ongoing coordination with the Rolling Hills Community Association (RHCA) to keep the Association staff, Board of Directors, and Committees apprised of State laws on Accessory Dwelling Units and other housing-related issues. This includes limitations on design review practices or procedures that could be an impediment to ADU production. In the event a constraint related to the RHCA design review process is identified in the future, the City will work proactively with the Association to resolve it.

| | |
|----------------------------|--|
| Quantified Objectives: | ADU Survey (Program completed—29% response rate) Website materials and FAQs ADU Register Meeting with RHCA staff on ADU design review practices |
| Funding Source: | City General Fund; State LEAP and REAP funds |
| Responsible Agency: | City Planning Director |
| Implementation Time Frame: | Complete FAQs by October 2021 (survey completed in November 2020. ADU Register started in 2020.) |

12. ADU Incentives

Converting guest houses to legal accessory dwelling units could add to the City's affordable housing stock. The City will reach out to non-profit organizations (such as Habitat for Humanity) to evaluate ADU incentives such as fee reductions and streamlined permitting. The City will also reach out to other cities with successful ADU programs to determine what strategies have been most effective in incentivizing ADU production and achieving affordability. In addition, the City will explore ways to address ADU constraints associated with undersized septic systems. The extent of the problem and possible funding sources for septic system expansion will be identified.

| | |
|----------------------------|---|
| Quantified Objectives: | Contact at least five other cities and two non-profits regarding their experience with ADUs and report back to City Council on findings |
| Funding Source: | City General Fund/ LEAP and REAP |
| Responsible Agency: | City Planning Director |
| Implementation Time Frame: | Complete by October 2021 |

13. Multi-Family Zoning Monitoring and Consideration of Additional Opportunities

There are two components to this program: first, ongoing monitoring of the new Affordable Housing Overlay Zone (AHOZ), and second, continued consideration of future multi-family housing opportunities in the City. Each component is addressed below.

Monitoring of the AHOZ is necessary to assess the effectiveness of the newly adopted regulations and determine if adjustments are needed to address any constraints that may be identified. The City will work with interested developers and/or non-profits and the School District to evaluate the need for future changes to the density, height, setback, parking, and design standards. This monitoring will continue into the sixth cycle Housing Element period. Changes will be proposed if needed.

The second part of this program is to continue to evaluate opportunities for multi-family housing in the City, including both market-rate and affordable units. This could include changes to the Affordable Housing Overlay Zone to permit market-rate units in the future, and the evaluation of other sites in the City with the potential for rezoning to allow market-rate or affordable multi-family housing. This program will be an important part of the City's sixth cycle Housing Element process, as requirements to "Affirmatively Further Fair Housing" will apply.

| | |
|---------------------------|--|
| Quantified Objectives: | One City Council discussion/ informational report on Additional Multi-Family Opportunities |
| Funding Source: | City General Fund |
| Responsible Agency: | City Planning Director |
| Implementation Timeframe: | By October 2021 (and continuing into 2021-2029 Cycle) |

14. Assisting Extremely Low Income Households

Extremely Low Income (ELI) households have incomes that 30 percent or less of the County median. In 2020, the income thresholds for ELI were \$23,700 for a household of one; \$27,050 for a household of two; \$30,450 for a household of three; and \$33,800 for a household of four. Based on Census data, about 6 percent of Rolling Hills' households are considered ELI. There are also household employees and contractors (landscaping, construction, health care, childcare, etc.) working part-time or full-time who are likely in this income category. The City will address the needs of ELI households by prioritizing applications for Accessory Dwelling Units and other housing units that meet the needs of ELI residents, encouraging homeowners to create opportunities for domestic employees and ELI family members to live "on-site", and working collaboratively with non-profits and advocacy groups providing services to ELI residents. The City will also explore ways to assist elder Rolling Hills homeowners on fixed incomes with home maintenance, repair, and retrofit activities.

Quantified Objectives: See Table 19
 Funding Source: City General Fund/ Permitting Fees
 Responsible Agency: City Planning Director
 Implementation Time Frame: Objective covers the period from 2014 through October 2021

15. Facilitate Communication with Affordable Housing Service Providers, Developers, and Advocates

The City of Rolling Hills periodically receives requests from housing advocates, non-profit developers, and service providers to disseminate information on affordable housing needs and opportunities and work collaboratively to address housing issues. For example, the City recently received a request from Abundant Housing LA, a housing advocacy and education organization, with recommendations for identifying potential housing sites to meet the future RHNA. This information was provided to the City Council and Planning Commission for their consideration.

City planning staff regularly field requests from for-profit and non-profit developers, participate in regional housing meetings and discussions, and work with other cities to explore creative, effective ways to meet housing needs. In the event a non-profit agency or developer wishes to submit a grant application that will increase housing affordability for senior or low income Rolling Hills residents, staff will provide administrative support wherever possible.

Quantified Objective: Hold at least one meeting a year with one or more non-profit housing sponsor to discuss housing opportunities and strategies in Rolling Hills
 Funding Source: General Fund
 Responsible Agency: City Planning Department
 Implementation Time Frame: Convene one meeting before October 2021

16. Shared Housing

Many seniors who prefer to live independently resort to institutionalized living arrangements because of security problems, loneliness, or an inability to live entirely independently. Seniors in Rolling Hills have access to two nearby shared housing programs: Focal Point at the South Bay Senior Services Center in Torrance and the Anderson Senior Center in San Pedro. Both these centers offer resources to assist seniors locate roommates interested in sharing housing. These programs make roommate matches between seniors based on telephone requests.

Numerous other home sharing services have emerged over the last decade. These include SHARE! Collaborative Housing, a public-private partnership supporting shared single family housing for persons with disabilities in Los Angeles County; Affordable Living for the Aging, which matches younger single tenants with seniors in Los Angeles County; and Los Angeles County HomeShare, which serves residents of all ages throughout the County. There are also private services such as Silverleaf (Long Beach) that facilitate home sharing for a fee.

The City will continue to actively market the availability of these shared housing programs by providing informational brochures at the public counter and online. It will also strive to obtain data on how many Rolling Hills households are using home sharing services.

| | |
|----------------------------|--|
| Quantified Objectives: | Continue to provide informational brochures advertising shared housing programs at City Hall and on the City's website |
| Funding Source: | City General Fund |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | In progress (2014-2021) |

17. Reverse Mortgage Program

The City of Rolling Hills will continue to provide information to residents about reverse mortgage opportunities. Census data indicates that some older adults in Rolling Hills have fixed incomes but have paid off their mortgages, creating opportunities to draw from the equity in their homes. Payments from a reverse mortgage can help offset home maintenance and repair costs, as well as high utility and energy costs. Reverse mortgages are essentially deferred payment loans which rely on the home as security. There may be downsides associated with high closing costs and fees. In some cases, the proceeds from reverse mortgages and the repayment terms may be unfavorable. As such, the City will help older homeowners make informed choices through referrals to housing counseling services, lenders, and senior service providers.

| | |
|----------------------------|--|
| Quantified Objective: | Continue to offer referral services to seniors interested in pursuing a reverse mortgage |
| Funding Source: | None necessary |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | On-going (2014-2021) |

18. Sewer Feasibility and Design Studies

Chapter 3 of this Housing Element identified a housing constraint related to the lack of sewer service in Rolling Hills. The absence of sanitary sewers makes higher density development infeasible on all but a few parcels in the City. It also limits the viability of lot splits and minor subdivisions. Septic systems also create potential water quality issues. Sewer feasibility studies completed in the past have generally concluded that the cost would be prohibitive given Rolling Hills small size, low densities, and limited municipal resources.

In 2018, the City commissioned a sewer feasibility study to determine options and costs for extending sewer lines from the adjoining City of Rolling Hills Estates to a limited number of properties in Rolling Hills, including City Hall and the Tennis Courts. The study included an initial phase that explored possible pipe alignments and a second phase with a preferred alignment and estimated cost. In early 2020, the cost was estimated at \$1.1 million. During mid-2020, the City solicited bids and selected a firm to prepare design plans for the sewer extension.

| | |
|----------------------------|--|
| Quantified Objective: | Design and financing plans for sanitary sewer system serving City Hall, Tennis Courts, and upstream properties |
| Funding Source: | City General Fund/ Private Assessment District |
| Responsible Agency: | City Manager's Office. |
| Implementation Time Frame: | Complete design plans by 3 rd Quarter 2021 |

19. Storm Water Runoff

Water quality conditions present a potential constraint to housing development in Rolling Hills. The City is required to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, as outlined by *Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles*². The County's Municipal Separate Storm Sewer System (MS4) permit includes provisions for water quality monitoring and development of outfall structures that capture runoff and treat discharge before it flows into water bodies such as Machado Lake. The City has retained an engineering firm to assist in this process, including measures to reduce runoff from domestic and construction activities, and to reduce waste. These activities are intended to reduce development constraints associated with storm water quality.

| | |
|----------------------------|---|
| Quantified Objective: | Continued implementation of Best Management Practices (BMPs) pursuant to NPDES requirements - |
| Funding Source: | Safe Clean Water Program Measure W |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | Update Hydromodification Policy by October 2021 |

² Order No. 01-182 of the Los Angeles Regional Water Quality Control Board as amended by Order R4-2006-0074.

20. Code Enforcement

Code enforcement is an important part of achieving Housing Element Goal 2: maintaining and enhancing the quality of Rolling Hills' neighborhoods. While property maintenance in Rolling Hills is generally excellent and there is high pride of ownership, there is a need for ongoing enforcement of planning and building codes. The City has a "Code Enforcement" webpage with online forms for reporting suspected violations, including those relating to vegetation management and outdoor lighting as well as unpermitted construction or nuisances.

This action program calls for the retention of a full-time Code Enforcement Officer to perform these functions on an on-going basis. The Officer can also work with property owners to help them correct violations, address structural deficiencies, and find financial resources in the event they are facing a hardship or have limited incomes. *(This program was achieved in 2019)*

| | |
|----------------------------|---|
| Quantified Objective: | Retain a full-time Code Enforcement Officer |
| Funding Source: | General Fund |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | Achieved in 2019, enforcement is ongoing |

21. Energy Conservation

Energy bills can be a significant cost burden, particularly for households on fixed incomes with large homes to heat and cool. The City is committed to following the recommendations of its former Natural Environment and Sustainability Committee and SCAG for sustainable development and energy conservation. The City has adopted the Green Building Code and enforces Title 24 energy efficiency requirements through its contract with the Los Angeles County Department of Building and Safety. It works with Southern California Edison to distribute information to residents on energy conservation and weatherization, including information on financial assistance and lower utility rates for low-income customers. Rolling Hills is also a member of the South Bay Environmental Services Center, which provides information on energy incentives, audits and rebates, enabling residents to reduce their energy costs. These programs will continue in the future.

The City will also support the installation of solar energy systems by residents. A growing number of Rolling Hills homeowners have opted to install photovoltaic panels, increasing energy independence and resilience while reducing home energy costs.

| | |
|----------------------------|---|
| Quantified Objective: | Provide links on City website related to energy conservation, weatherization, and financial assistance Adopt updated Building Code standards for energy efficiency |
| Funding Source: | General Fund |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | Building Code Update (completed in 2020) Website Update, with links: Complete by October 2021 |

22. Facilitate New Construction and Remodels

The City will continue to work with property owners, architects, and builders to enable new housing to be built in the City. The steep hillsides, deep canyons, geologic hazards and CC&Rs create challenges that require a high degree of cooperation between City staff, applicants, and neighbors. Continued cooperation and communication will facilitate the construction of new housing. The City is committed to efficient, transparent planning, building, and inspection procedures, and regularly seeks ways to improve the process and reduce delays.

With few vacant lots remaining, most major construction projects in Rolling Hills consist of home additions, repairs and modernization, or replacement of existing dwellings. Continued investment in Rolling Hills housing stock is strongly encouraged and will continue to be supported in the future. Although the City does not provide direct financial assistance to lower income homeowners, it assists owners in keeping costs down through permit streamlining and fees that are generally below average compared to other cities in Los Angeles County.

Quantified Objective: 10 new homes
 Funding Source: Private Funds and Permitting Fees
 Responsible Agency: City Planning Department
 Implementation Time Frame: Objective covers the period from 2014 through October 2021.

23. Ground Stability and Landslide Repair:

The City will continue to explore solutions to ground stability and landslide problems. Grading, new structures and additions typically require a soils and geology report along with grading and building permits. Also, any grading, new structures and additions of more than one thousand square feet or that increase the size of a structure by more than 25% in any 36-month period requires a Site Plan Review and approval by the Planning Commission and concurrence by the City Council. The City has developed strict grading practices that limit grading to no more than 40 percent of the lot and require maintenance of natural slopes. These practices are necessary to safeguard the public against ground instability.

The City will also support repair work on landslide-damaged homes and hillsides that have been damaged or compromised by past landslides. The City will strive to avoid further loss of its housing stock as a result of natural disasters, including landslides and wildfires.

Quantified Objective: Geologic studies for new development and major grading permits
 Funding Source: City General Fund
 Responsible Agency: City Planning Department and City Manager's Office
 Implementation Time Frame: On-going

24. Fair Housing Program

The City has posted information on fair housing at the public counter in City Hall. Fair housing issues, including housing discrimination, landlord-tenant disputes, and community education, are referred to the Fair Housing Foundation, a non-profit entity that has served residents of the Los Angeles area for over 50 years. This action program calls for increased access to fair housing information, including information on the City's website and a link to the Fair Housing Foundation website and point of contact. The City will also work to make Fair Housing information available at community events, and at additional locations such as the Fire Station and the RHCA offices.

| | |
|----------------------------|--|
| Quantified Objective: | Informational brochures on fair housing laws at City Hall Addition of fair housing information and a weblink to the Fair Housing Foundation on the City's website |
| Funding Source: | General Fund |
| Responsible Agency: | City Planning Department |
| Implementation Time Frame: | Provide web information by October 2021 |

D. SUMMARY OF 2014-2021 QUANTIFIED OBJECTIVES

Table 19 provides quantified objectives for housing construction, rehabilitation, and conservation by income group. The new construction objectives align with the RHNA numbers that appear earlier in the Housing Element. The rehabilitation objectives include assistance (potentially including reduced fees) to at least four low-income households for major home repair and rehabilitation projects.

The Conservation and Preservation objectives correspond to the approximate number of households in Rolling Hills by income group based on Census data. There are roughly 663 households in the City, with about 13 percent considered lower income and 8 percent considered moderate income. The objectives aim to preserve housing for 100 percent of these households. There are no housing units in Rolling Hills that are at risk of conversion from affordable to market-rate.

Table 19
Quantified Objectives by Income Group for the City of Rolling Hills (2014-2021)

| Income Category | New Construction | Rehabilitation | Conservation/ Preservation |
|---|-------------------------|-----------------------|---------------------------------------|
| Extremely Low [1] | 4 | 1 | 25 |
| Very Low | 4 | 1 | 25 |
| Low | 5 | 2 | 40 |
| Moderate | 5 | | 53 |
| Above Moderate | 10 | | 520 |
| Total Housing Unit Construction Need | 28 | 4 | 663 |

Source: SCAG Adopted Regional Housing Needs Determinations (November 2012)

[1] Extremely Low contains half of the City Very Low Income allocation

Table 20 summarizes the 24 Housing Element programs listed in this chapter. It includes a quantified objective and timeframe for each program, as presented above. The table has been updated to reflect the status of these programs as of February 2021. Because there is a limited amount of time remaining in the Fifth Cycle, the Element includes programs that have already been completed as well as those scheduled for the next six months. The table is color-coded to indicate programs that have been completed, programs that are underway, and programs to be completed in coming months.

Table 20: Housing Element Action Plan

| # | Program | Quantified Objective | Timing |
|----|--|---|---|
| 1 | Prepare Annual Progress Report on Housing Element Implementation | One Report per year | Annually, by April 1 (report filed in 2020) |
| 2 | Amend Land Use Element to allow multi-family, density transfers, and create overlay zone | General Plan Amendment | Completed in Mar 2021 |
| 3 | Create Affordable Housing Overlay Zone allowing affordable multi-family housing by right | Zoning/ Muni Code Amendment to allow 16-20 units | Completed in Feb 2021 |
| 4 | Engage with School District/ Staff to develop plan for PVUSD site | Coordination Meeting | Complete by Oct 2021 |
| 5 | Allow emergency shelter by right in Overlay Zone | Zoning allowance for at least one (1) shelter of up to 12 beds | Completed in Feb 2021 |
| 6 | Allow SROs with a Conditional Use Permit in Overlay Zone | Zoning allowance for 6-8 units | Completed in Feb 2021 |
| 7 | Adopt Reasonable Accommodation provisions for persons with disabilities | Municipal Code Amendment | Completed in Nov 2020 |
| 8 | Add Code definitions of supportive, transitional, and employee housing | Municipal Code Amendment | Complete by Oct 2021 |
| 9 | Adopt State density bonus provisions | Municipal Code Amendment | Complete by Oct 2021 |
| 10 | Adopt and Update Accessory Dwelling Unit regulations | (1) Adopt ADU Ordinance (2) Amend ADU Ordinance (3) Produce 5 ADUs during 2014-2021 | (1) Completed Feb 2018 (2) Completed Feb 2020 (3) By Oct 2021 |
| 11 | Undertake ADU outreach and engagement efforts | (1) ADU Survey (2) ADU website materials (3) ADU Register | (1) Completed Nov 2020 (2) By Oct 2021 (3) Started in 2020 |
| 12 | Develop ADU Incentives | Contact other cities and report to Council on ADU Incentive options | Complete by Oct 2021 |

Key: Light blue= Action completed
 Light green = Action partially completed
 Unshaded = Action to be completed by Oct 2021

| # | Program | Quantified Objective | Timing |
|----|--|--|--|
| 13 | Monitoring of AHOZ standards and additional multi-family opportunities | Council meeting/discussion | Complete by Oct 2021 (continue into 6 th cycle) |
| 14 | Assist Extremely Low-Income Households | See Table 19 | Complete by Oct 2021 |
| 15 | Facilitate Communication with Affordable Housing Stakeholders | One meeting annually | Complete by Oct 2021 |
| 16 | Provide information on shared housing programs | Web materials/ links for interested households | Ongoing (2014-21) |
| 17 | Provide information on reverse mortgages | Web materials/ links for interested households | Ongoing (2014-21) |
| 18 | Complete sewer design for City Hall/ Tennis Court and nearby homes | (1) Feasibility Study (2) Design plans for sewer pipe extension | (1) First quarter 2020 (2) Third quarter 2021 |
| 19 | Implement stormwater runoff improvements | Updated hydromodification policy | Complete by Oct 2021 |
| 20 | Retain City Code Enforcement officer | One additional employee | Completed in 2019 |
| 21 | Adopt building codes and practices that support energy conservation. Provide information to residents on conservation, weatherization, and assistance with energy bills. | (1) Building Code Update to incorporate green bldg. and energy conservation measures (2) Update website re: energy conservation | (1) Completed in 2020 (2) Complete by Oct 2021 |
| 22 | Facilitate new construction and home remodels | 10 net new homes | Over period from 2014-2021 (partially completed) |
| 23 | Facilitate slide repair and ground stability for residential construction | Geologic studies for new development | Ongoing (2014-21) |
| 24 | Provide fair housing information to residents | Information and links on City website | Complete by October 2021 |

Key: Light blue= Action completed
 Light green = Action partially completed
 Unshaded = Action to be completed by Oct 2021

APPENDIX A

Analysis of Palos Verdes Unified School District (PVUSD) Site (APN 7569-022-900)

The intent of this Appendix is to provide supplemental analysis supporting the designation of the Palos Verdes Unified School District (PVUSD) site as an opportunity site for “by right” affordable housing in the City of Rolling Hills. This analysis was requested by the State Department of Housing and Community Development to demonstrate the site’s capacity to provide 16 multi-family units at a density of 20 units per acre. Land use regulations supporting such development are required to meet the City’s 4th and 5th Cycle affordable housing allocation. Based on existing land uses, access, infrastructure, topography and hazards, land ownership, and site utilization, the City has determined that this represents the most viable site in Rolling Hills for such development.

The 31-acre property is also known as the Rancho Del Mar site, as it is home to Rancho Del Mar High School, a small continuation school with an enrollment of 46 students in 2020. The Beach Cities Learning Center also occupies a portion of the school building. Excluding the adjacent playing fields and lawn, the school campus occupies just six percent of the 31-acre site. The only other active use on the property is a Palos Verdes Peninsula Transit Authority maintenance facility. A majority of the site is vacant.

Location and Surroundings

The PVUSD site is located at 38 Crest Road. Figure 1 provides an aerial photo of the site to provide context, orientation, and an overview of adjacent uses. Figure 2 is an assessor parcel map. Its exact area is 31.14 acres, including a 3.56-acre street internal to the site that provides access to Crest Road, at a point outside the controlled access entryway to the Rolling Hills (but within the city limits). The net acreage of the site without the street is 27.58 acres.

The site is oblong in shape, with a panhandle area at its western edge that extends to the Crest Road access point. Excluding this panhandle area, the site extends roughly 2,600 feet from east to west and averages more than 600 feet from north to south. Within this area are numerous flat, graded surface areas with no structure coverage and minimal programmed activities.

The City of Rancho Palos Verdes lies immediately south and west of the site. The area to the south is developed with single family homes at densities of 2-3 units per acre. This area is roughly 80 to 100 feet higher in elevation than the site itself, as there is a graded downslope between the residential neighborhood and the school property (the downslope is on the school property). Residential uses also abut the west side of the site, with densities around 3-4 units per acre.

There are no road or driveway connections between the PVUSD site and the Rancho Palos Verdes neighborhoods to the south and west. A 15’ riding and hiking trail easement exists along the southern and western edges of the site but it is undeveloped. The difference in topography reduces the potential for visual impacts associated with future development.

The entire northern perimeter of the site is defined by the Crest Road right-of-way. There are large lot homes on the northern side of Crest Road, set back more than 100 feet from the School District property line and more than 200 feet from the improved area of the PVUSD site. The area to the north is well buffered not only by large setbacks and Crest Road, but also by an internal street on the PVUSD property. Effectively, there are two streets between homes in Rolling Hills and the developable area—Crest Road, and the parallel internal street within the PVUSD site.

On its eastern edge, the site is abutted by large lot residences. The home closest to the site is heavily screened from the PVUSD site by vegetation, as well as a private tennis court between the residence and the property line. The residence itself is more than 200 feet from the PVUSD ballfield and more than 550 feet from the school.

The site context creates effective buffering from adjacent uses, mitigating land use compatibility concerns such as privacy, noise, and visual impacts. At the same time, the site is easily accessible from Crest Road and is outside of the gated area of the city. A fire station is located 1,000 feet to the east, and major shopping facilities and services are located just over a mile away in the City of Rancho Palos Verdes. Crest Road is one of Rolling Hills' major thoroughfares and one of the few "through-streets" that bisects Rolling Hills and connects the city to adjacent cities and regional highways.

History of the Site and Current Uses

The site was initially home to Cresta Elementary School, which was constructed in 1960. A School District warehouse and maintenance facility was part of the original campus. The school closed in the early 1980s and was repurposed as Rancho Del Mar Continuation High School, which opened in 1986. At the time, there were discussions between the City and the School District to rezone the property and sell the site for residential development. However, Rancho Del Mar has remained on the site for the last 34 years. Given the value of the land and the low-intensity and limited extent of the existing use, residential development remains viable, even if the school does not relocate.

The Rancho Del Mar Campus consists of three one-story buildings totaling 20,000 square feet of floor area. Figure 3 shows the campus layout, as well as six photos of the school and adjacent areas. The campus consists of an L-shaped building (divided by a breezeway) with eight classrooms, a rectangular building with a classroom, multi-purpose room restroom, and custodial area, and a small building facing the parking lot with the main office. Classrooms at the school are open to the exterior and there are no interior hallways. The PVUSD shares its classroom and administrative facilities with the Beach Cities Learning Center. The Learning Center has 48 students aged 11-18 with emotional, behavioral, and learning challenges.



Source: LA County GIS, 2020. Aerial Fall 2019

- Site Boundary
- City Limits

Figure 1:
Location of PVUSD Housing Opportunity Site

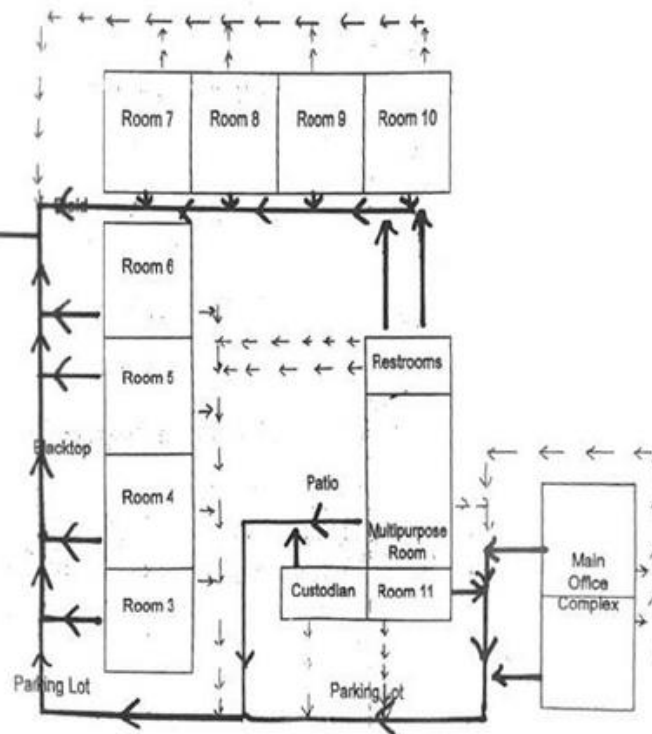


Figure 3:
Rancho Del Mar High School Building Plan and Photos

Rancho del Mar itself serves students ages 16-18 who were unsuccessful in a traditional high school setting. Students are referred to the school for a myriad of reasons, including poor attendance, personal crisis, behavioral issues, or other factors creating a high risk of drop-out. Enrollment at Rancho del Mar has been steadily declining and was just 46 students in the 2019-20 school year. Enrollment was 79 students in 2014-15, 72 students in 2015-16, 69 students in 2016-17, 58 students in 2017-18, and 47 students in 2018-19. There are also six teachers on site and three other personnel.

Thus, the combined enrollment (Beach Cities and Rancho Del Mar) is fewer than 100 students on a 31-acre site. By contrast, Palos Verdes Peninsula High School and Palos Verdes High School enroll roughly 2,300 and 1,700 students respectively, on sites of similar size. Sale of the school property could generate significant revenue for the School District. Sale of a portion of the property also is possible, as the site is configured in such a way that easily facilitates its subdivision.

A comprehensive structural evaluation of the school was completed in 2016 as part of the PVUSD Facilities Master Plan. Beach Cities Learning Center likewise prepared a facility condition status report in 2019 as part of its annual reporting requirements. Both evaluations found the building(s) to be in good condition. The buildings were last renovated in 2008. The 2016 evaluation called for resurfacing the parking area, upgrading the HVAC system, and upgrading the electrical system. Total capital needs were estimated at \$1.9 million. All utilities were found to be in good condition, and drainage issues were minimal.

The school campus is adjoined by an approximately 100-space parking lot on its north and east sides. To the west of the buildings, there is a large flat lawn area. To the east, there is an athletic field area that includes a basketball court and ballfield. The 2016 facility evaluation determined that the Floor Area Ratio of the school campus was just 0.03, as it defined the campus area as being 15.2 acres (including athletic fields, lawns, and other open areas on the perimeter of the site). The square footage of floor space per student is well below District averages.

Beyond the 15.2-acre area associated with the school, the PVUSD has leased approximately 4.5 acres of the site (roughly 15 percent of the 31 acres) to the Palos Verdes Peninsula Transit Authority. The PVPTA facilities include maintenance buildings and administrative offices and are self-contained in the west central part of the site. The Housing Element analysis presumes this part of the site will not be available for development and that the transit district will remain a long-term tenant. However, the PVPTA site could potentially be sold and redeveloped in the future, leased to a new third party, or repurposed by the School District.

Potential Development Areas

Figure 4 shows potential development areas on the Rancho Del Mar site. These are summarized below:

- Area 1 is located between the transit facility and the school campus. It is an unimproved, almost completely flat rectangular area of 1.6 acres. Its dimensions are approximately 250 x 300, with 250 feet of frontage along the internal access street. The site is well situated for multi-family development and has no visible physical constraints.
- Area 2 is located immediately adjacent to the school and is 1.0 acre. The dimensions are approximately 200 x 200, with a “stem” area providing access to the interior street. The area is currently an unimproved lawn with a few mature trees. It is almost completely flat and has no physical development constraints. The site could easily support up to 16 to 20 multi-family units at a density of 20 units per net acre.
- Area 3 is the school itself, which occupies roughly 1.75 acres including parking, landscaped areas, courtyards, and classroom buildings. This option would be most viable if the school relocates and the site is sold, as co-location of a school and multi-family housing or emergency shelter would be unlikely. However, certain special needs housing types (such as housing for teachers) would be viable in this setting.
- Area 4 includes the area east of the school. It includes approximately three acres of level ground, with 0.5 acres of parking, a two-acre ballfield serving the school, and other paved areas used for basketball and recreation. There are several areas within the three acres where 16-20 units could be built without impacting use of the site for parking and school recreation.
- Area 5 includes approximately four acres and is located west of the PVPTA facility. It is regarded by the City as the best location on the 31-acre site for multi-family housing, as it would have the least impact on the school campus and transit facility. It is also the largest of the five areas and the most buffered from adjacent development. There are a number of extant foundations on the site from prior uses, and internal roadways that are not in use. The area has gently sloping terrain and has not been improved for school use, parking, or recreation, as the other portions of the site have.

Figures 5 through 7 provides a bird’s eye view of each of the five areas.

Physical Constraints to Site Development

Approximately nine acres of the 31-acre site consists of a graded slope along the south side of Altamira Canyon. This area is shown in Figure 8. The slope exceeds 30 percent, making it poorly suited for development. The sloped areas also have the potential for landslides and other seismic stability issues, which limit their suitability for further grading and construction. The sloped area is not considered suitable for multi-family development or special needs housing. It occupies roughly 29 percent of the site, all of which has been excluded from consideration in the definition of Areas 1-5 above.



Figure 4:
PVUSD Potential Housing Opportunity Areas



Figure 5:
PVUSD Opportunity Site Areas 1-4 (Looking East)



Figure 6:
PVUSD Opportunity Site Areas 1-4 (Looking West)

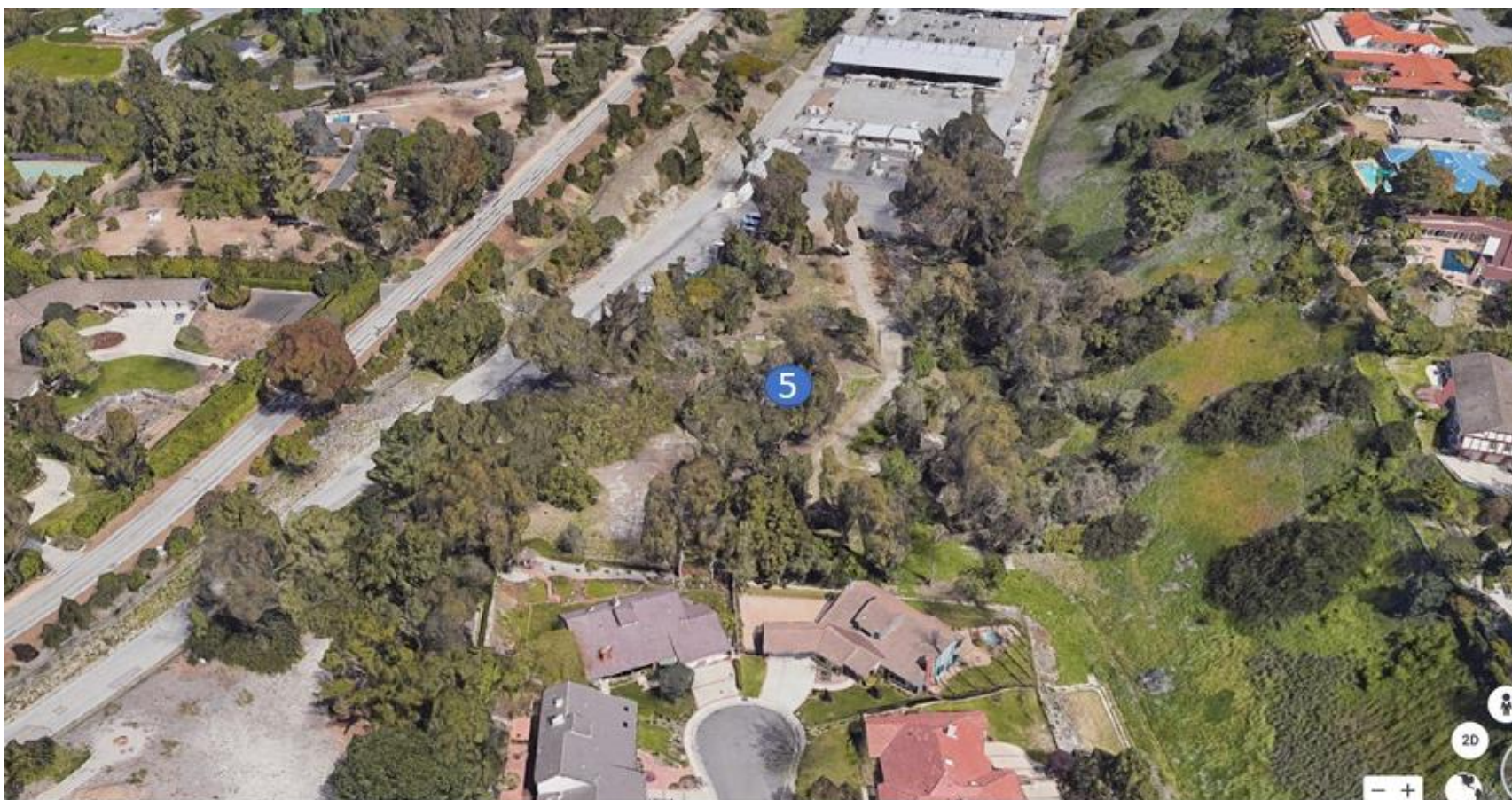


Figure 7:
PVUSD Opportunity Site Area 5 (Looking East)



Portion of site considered to have limited development potential due to slope

-  10-foot contour
-  50-foot contour

Figure 8:
PVUSD Opportunity Site Topography

The central portion of the site has historically been used for general maintenance activities, first by PVUSD and more recently by PVPTA. A search of the California State Water Resources Control Board (SWRCB) GeoTracker data base identified two leaking underground storage tanks (LUST sites) at this location. The sites were determined to contain gasoline and hydrocarbons resulting from leaking underground storage tanks. Both sites have been cleaned per SWRCB standards and are now designated by the SWCRB as "complete" and "case closed."

As noted elsewhere in the Housing Element, the City of Rolling Hills—including the PVUSD site—has been designated as a Very High Fire Hazard Severity Zone by the State of California. Rolling Hills is implementing a Community Wildfire Protection Plan to mitigate this hazard and is implementing vegetation management measures and programs to make structures more resilient. In the event of a housing proposal on this site, the need for an emergency-only access connection between the existing access road and Crest Road would be assessed.

An analysis of infrastructure and utilities on the site conducted as part of the Housing Element in Fall 2020 found no constraints associated with redeveloping this site with residential uses or special needs housing. The site is used less intensively now than when it was actively used as an elementary school and school maintenance facility. Water, drainage, and wastewater facilities are adequate to support the number of units contemplated by the Housing Element.

Importantly, this is one of the only sites in the City of Rolling Hills that has access to a public sewer system. As such, it is much more conducive to multi-family housing than sites elsewhere in the city that are served by private septic systems.

Regulatory Constraints to Site Development

Prior to December 2020, the PVUSD opportunity site was subject to a range of planning and regulatory constraints that limited the feasibility of multi-family housing. The site has historically had a General Plan designation of Very Low Density Residential and a zoning designation of RAS-2 (Residential Suburban 2-acre minimum lot size), which effectively limited uses to existing community facilities or new large-lot residential development. While Accessory Dwelling Units (ADUs) could conceivably be incorporated in new homes, the site would not have met State requirements for the Housing Element.

In February 2021, the City of Rolling Hills amended its General Plan and zoning regulations to allow multi-family housing and other special needs housing types "by right" on the PVUSD property, subject to specific development standards. As noted elsewhere in the Housing Element, the amendments included:

- Amending the Land Use Element of the General Plan to create the Rancho Del Mar Housing Opportunity Overlay. The Land Use Element now explicitly states that multi-family housing and emergency shelter are permitted by right in this area, subject to objective development standards. The number of units on the site is based on a transfer of the allowable General Plan density to a clustered area where 16 to 20 units could be added.

- Amending the Rolling Hills Municipal Code (Zoning Regulations) to create the Rancho Del Mar Housing Opportunity Overlay, and to map this Overlay on the entire PVUSD site. The Overlay establishes a minimum density of 20 units per acre and a maximum density of 24 units per acre. Affordable housing is permitted “by right” subject to objective development standards defined in the Ordinance. The Ordinance identifies the area west of the PVPTA site as the location for future housing.
- Amending the Zoning Regulations to allow emergency shelter on the property by right, subject to specific development standards specified in the Code.
- Amending the Zoning Regulations to allow single room occupancy (SRO) units on the site, with a conditional use permit.

Other Constraints to Site Development

Development of multi-family housing, emergency shelter, or SRO uses on the PVUSD site could occur either:

- by the School District itself (on its own or through a public-private partnership)
- through a long-term lease; or
- through sale of all or part of the property

The City has met with the School District and reviewed Board Policies and Codes. Current policies accommodate all of these options—and that there are no prohibitions or limitations on multi-family and special needs housing. Moreover, the School District has expressed interest in developing housing for teachers in the past; such units would meet income criteria for low or very low income units. There are ample opportunities for such housing on the property that would not impact operations at either Rancho Del Mar School or PVPTA. Rancho Del Mar is a logical location for these activities, given the size of the site and its significant underutilization.

The District is less likely to pursue development of an emergency shelter or SRO on its own, as these are not as clearly mission-aligned. However, it could sell or lease property to a third party who could develop these uses. SROs and emergency shelters would be unlikely to co-locate in the school building or on the 1.75-acre school footprint area, given the possibility for use conflicts. However, the 31-acre PVUSD property is large enough to accommodate multiple uses. There are developable areas on the site that are 1,500 feet away from the school. The District has already set a precedent by leasing a large portion of this site to a transit agency; it could do the same for a social service agency or another agency providing a public benefit service to the community.

Like most School Districts in California, the sale or lease of PVUSD property is subject to action by the School Board. Section 3280 of the Board’s Policies allows the Superintendent or designee to study the existing and projected use of facilities to ensure the efficient utilization of space. A Board Committee is typically created prior to the sale of land (although teacher housing is specifically exempted by Board policy from any Committee requirements). A Board vote is required to approve the sale or lease terms. There are also requirements for how the

proceeds of a sale or lease may be used.

Once property is sold, the School District Board has no land use or decision-making authority over a site. Thus, the District could sell all or part of the PVUSD site to a non-profit housing developer, for-profit housing developer, social service provider, or other third party who could develop housing “by right” without further oversight by the Board or City Council. Subdivision of the property would be required, creating a new legal parcel on which housing could be developed.

Given its large size, the most likely scenario is only that a portion of the site would be sold, rather than the entire site. In effect, the Housing Element is creating a unique opportunity for the District to sell a vacant or underutilized subarea on its 31-acre site to a third party, who can then produce teacher housing, senior housing, affordable family housing, or another type of housing that meet local needs.

There are a number of examples of successful small affordable housing projects in the Los Angeles region that meet the density and height criteria established for this site. For example, Habitat for Humanity is currently developing a 10-unit affordable two-story townhome project in Long Beach on a 0.5-acre site. Similar two-story projects by Habitat have been developed in Lynwood, Burbank, Bellflower, and Downey.

In the event that the Rancho Del Mar School itself is closed in the future, the building could be sold and repurposed for other uses. Once sold, the floor space could be reconfigured for alternative uses, including special needs housing. The project would be subject to the objective standards prescribed by the zoning regulations (covered elsewhere in this Housing Element), but approval of the development would be ministerial.

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APPENDIX B:

Accessory Dwelling Unit Survey Analysis

In Fall 2020, the City of Rolling Hills surveyed its residents to determine the viability of Accessory Dwelling Units (ADUs) as a future affordable housing strategy. The survey was formatted as an 11 x 17 folded sheet printed double-sided (four 8.5 x 11 pages) and was mailed via the US Postal Service to approximately 720 addresses in the city. Return postage was provided so the survey could be easily returned. Residents had roughly one month to complete and return the survey. An option was provided to reply electronically via SurveyMonkey.

Approximately 190 surveys were returned, for a response rate of 27 percent. Another seven surveys were received by SurveyMonkey, bringing the total response rate to 28 percent. The survey represents the views and experiences of more than one in four Rolling Hills households. This is a high response rate and is indicative of the community's strong interest in the subject. Demographic information about the respondents was collected as part of the survey.

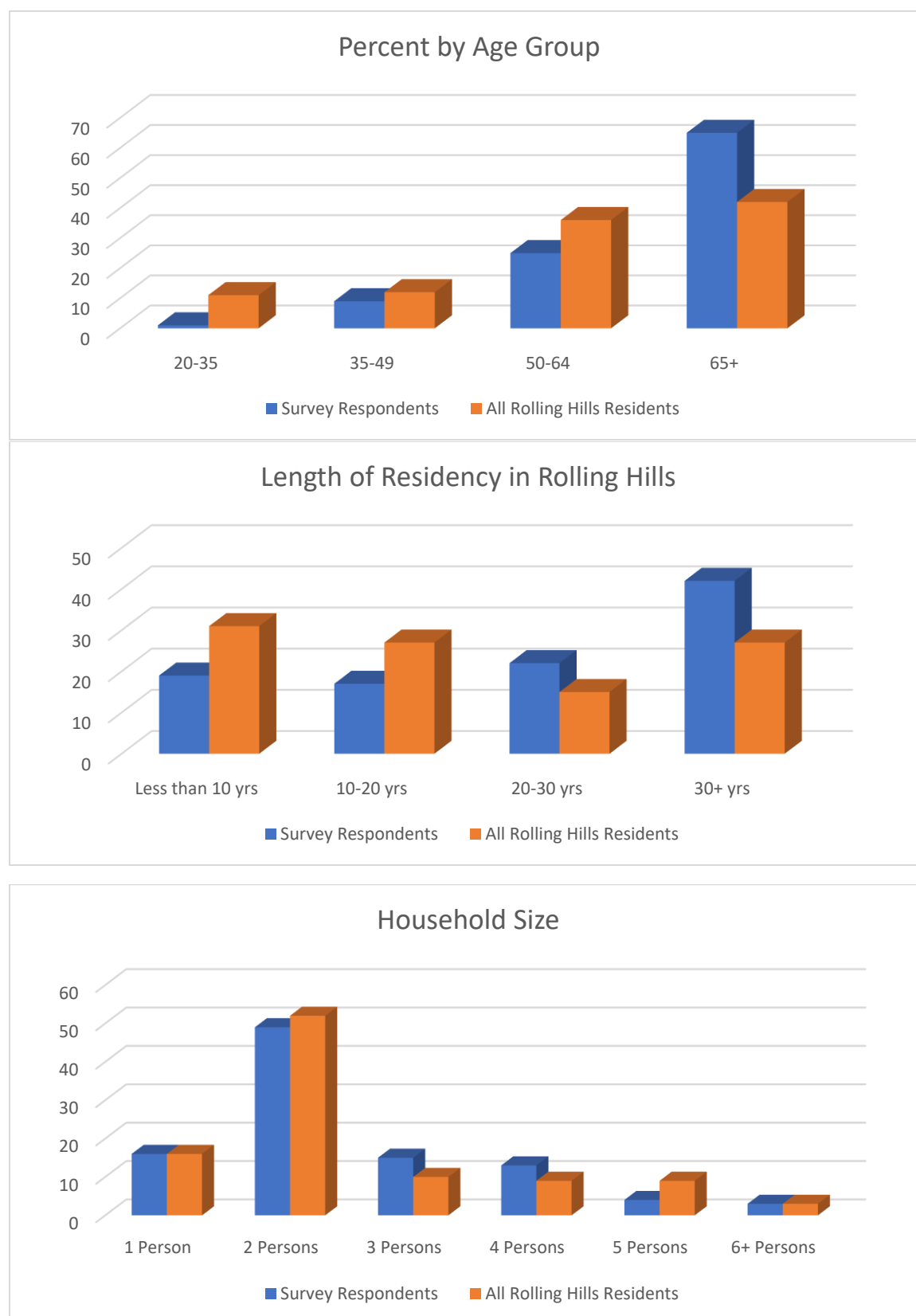
Respondents tended to be older than Rolling Hills residents as a whole and were mostly long-time residents. About two-thirds of the respondents were 65 or older and 25 percent were 50-64. By contrast, about 42 percent of the City's adult residents are over 65 and 36 percent are 50-64. About 42 percent of the respondents had lived in Rolling Hills for more than 30 years and only 20 percent had lived in the city for less than 10 years. By contrast, about 27 percent of all residents have lived in Rolling Hills for more than 30 years and 31 percent have lived in the city for less than 10 years.

The distribution of respondents by household size was close to the citywide average. Approximately 65 percent lived in one and two person households, which is similar to the citywide average. Only seven percent lived in households with five or more residents, which is just below the citywide average. Of the 194 respondents who indicated their housing tenure, 192 were owners and two were renters. This is equivalent to one percent of the respondents, whereas renters represent about five percent of Rolling Hills households.

Figure B-1 compares demographics for the survey respondents and residents in the city as a whole.

Responses to the survey was completely anonymous. Respondents were given the option of phoning the City if they had questions or wanted more information about ADUs.

Figure B-1: Demographics of Survey Respondents Relative to All Rolling Hills Residents



Suitability of the Property for an ADU

Question 1 asked respondents to indicate if their property contained an ADU or other habitable spaces which could potentially be used as an ADU. Respondents were asked to check “all choices that apply,” so the results are not additive.

Thirteen of the respondents indicated they had a legally permitted ADU on their properties with a separate kitchen, bath, and entrance. Some of these units may have been legally created in 2018-2020 after the City adopted its ADU Ordinance, but some likely already existed and are legally classified as guest quarters.

Thirty-four respondents, or roughly 25 percent of the total, indicated they had a secondary building on their properties with an indoor kitchen, bathroom, heat and plumbing. This included guest houses/ casitas, pool houses, habitable barns, and similar features that could be considered *potential* ADUs even if they are not used for habitation by another household. Ten respondents indicated they had a second kitchen in their homes. Eighteen said they had another space in their home that could “easily be converted” to a separate dwelling or junior ADU. While some respondents may have counted the same space twice, roughly half indicated they had spaces on their properties with the potential to be used as an ADU or JADU. This is further supported by the responses to Question 2 below.

Current Use of ADUs and Spaces Suitable as ADUs

Question 2 asked how the spaces described in Question 1 were being used. Only three of the respondents indicated they were renting ADUs to a paying tenant. Seven indicated that the space was used by a caregiver or domestic employee, while eleven had a family member or long-term occupant living on the property. Collectively, this represents 21 units, or just over 10 percent of the respondent households. The remainder of the respondents with potential ADU space indicated they used these spaces for house guests or their own families, or that the space was unoccupied or used as storage.

The survey findings indicate that ADUs (or “unintended” ADUs such as guest houses) already represent a component of the Rolling Hills housing supply. The survey suggests that there is potential to expand the number of permitted ADUs in the future, even without any new construction. About 15 percent of the respondents (30 in total) indicated they had potential ADU space on their properties that was vacant or used for storage.

Respondents were asked the square footage of the spaces they were describing. Figure B-2 shows the distribution. More than 100 responses were received, with a median size of about 600 square feet.

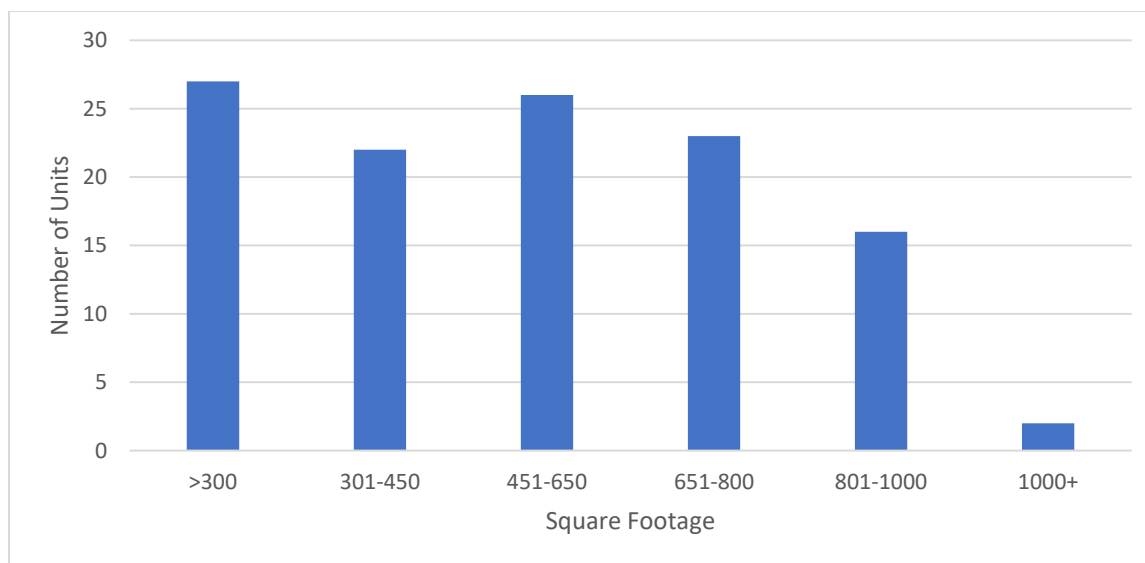


Figure B-2: Square Footage of Spaces Reported by Respondents as Potential ADUs on their Properties, Including Guest Houses

Respondents who had rented ADUs on their properties were given the option of reporting the rent that was being charged. Two of the three households who indicated they had a paying tenant replied. The monthly rents charged for these units were \$950 in one case and \$1,500 in another. Based on HCD income limits for Los Angeles County, the \$950 unit would be considered affordable to a very low-income household of one or more persons. The \$1,500 unit would be considered affordable to a low-income household of one or more persons. These units are presumed to have been created or legalized between 2018 and 2020, following adoption of the ADU ordinance.

Income Characteristics of Households in Occupied Units

Those who indicated their ADU (or “unintended” ADU/ guest house/ secondary space) was occupied by someone who was not part of their household were asked to describe the number of residents and total income of the occupants. The numeric HCD 2020 income limits (dollar amounts) and number of persons in the household were used so that the occupants could be easily identified using HCD’s income categories.

There were 12 responses to this question, or about six percent of all surveys returned. This presumably includes the small number of units that are rented as ADUs, plus those occupied by caretakers, domestic employees, and other long-term occupants. The distribution by HCD’s income categories is shown in Table B-I below:

Table B-1
Household Size and Income of Households Occupying Formal or Unintended ADUs

| Income | 1 person | 2 person | 3 person | 4 person | 5 person | 6+ person | TOTAL |
|------------------------|----------|----------|----------|----------|----------|-----------|-------|
| Extremely Low | 1 | | 1 | | | | 2 |
| Very Low | 2 | | | | | | 2 |
| Low | 1 | | | | | | 1 |
| Moderate/ Above Mod | 1 | 4 | | 1 | | 1 | 7 |
| TOTAL | 5 | 4 | 1 | 1 | 0 | 1 | 12 |

The data indicates that roughly half of the survey respondents' ADUs (including those which may be unpermitted and used "informally" on a long-term basis) provided housing for low, very low, and extremely low income households.

Interest in Developing an ADU

Question 4 asked respondents if they might be interested in developing an ADU if they didn't currently have one. There were 164 responses to this question, with 24 percent indicating "Yes" and 15 percent indicating "Maybe." Another 40 percent indicated "No" and 14 percent indicated "Probably Not." The responses are profiled in Figure B-3 below.

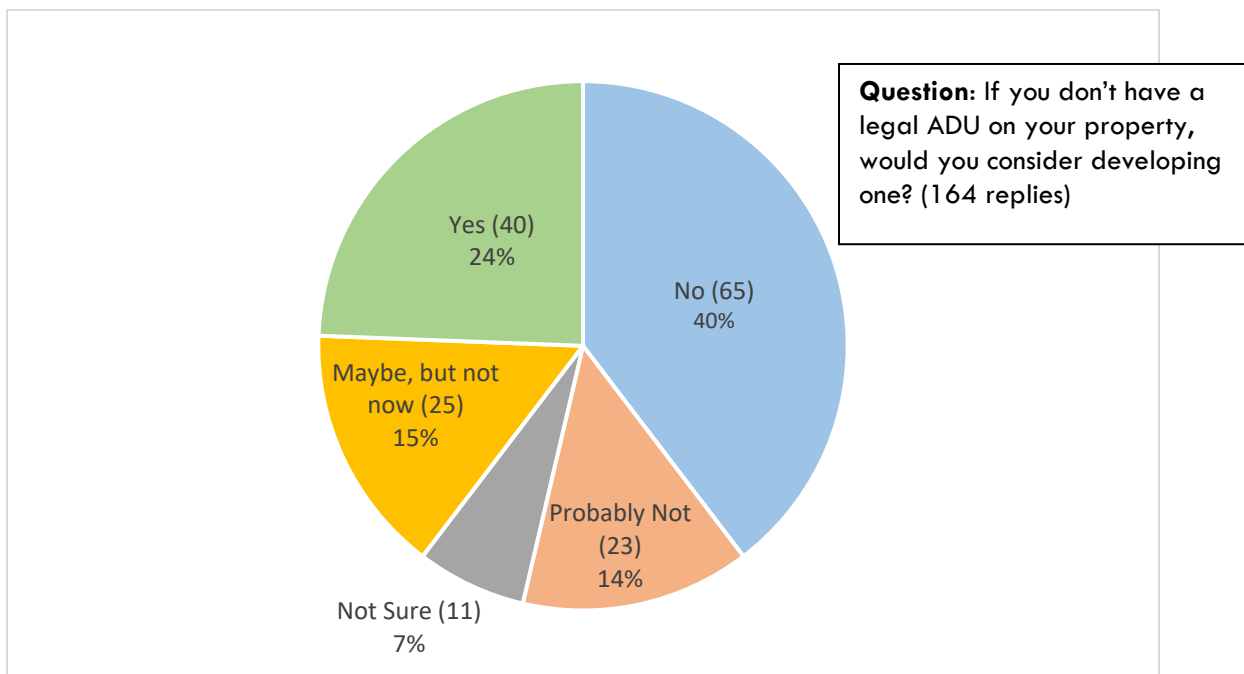


Figure B-3: Level of Interest in ADU development (N=164)

The chart above suggests that more than half of the City's residents are not interested in developing an ADU on their properties, and another quarter are undecided or not interested at this time. To flesh out possible barriers, Question 4 included a follow up asking why respondents were not interested. The responses suggest it is primarily a lifestyle choice rather than the result of regulatory or cost barriers. About one-third (51) listed the loss of privacy as a factor, and another one-third (48) indicated they didn't want to deal with tenants. The number of respondents listing the "permitting process" as a factor was relatively small (27 out of 164) and the percentage listing "cost" as a factor (24 out of 164) was even smaller. About 10 percent of the respondents cited lack of space as their reason.

Location of Possible ADUs

Those who expressed some interest in adding an ADU were asked where they might locate the ADU on their properties. The responses may help guide City programs that facilitate ADUs in particular locations. There were 85 responses, representing more than 40 percent of the total survey respondents. Conversion of an existing accessory building (such as a guest house or barn) was the most commonly selected choice (38 responses), followed by a new detached structure (21 responses) and conversion of existing space in the house (6 responses). Only one respondent indicated they would build an addition to their home.

Nineteen of the respondents were not sure where they might locate an ADU. Again, a majority (about 115) were not interested in adding an ADU.

The responses suggest stronger demand for traditional ADUs than Junior ADUs, given the large number of respondents indicating they would built or convert an accessory structure, rather than use space within their own homes.

Likely Use of Future ADUs

Respondents were asked how they would use an ADU on their property if they developed one in the future. The responses to this question are important, as the objective of the program is to create rental housing opportunities or opportunities for on-site care givers. Using the ADU as a home office or space for occasional house guests would not accomplish State-mandated housing program goals. Figure B-4 shows the responses to the question.

The responses indicate that roughly one-third would use the ADU for another household, including 16 who suggested they would rent it to a tenant and 48 who suggested they would use it for a domestic employee or caregiver. The latter statistic is particularly important, as it suggests a potential resource for health care workers, elder care professionals, construction and landscape workers, and others who may work in Rolling Hills but lack the financial resources to live here. Nearly a third of the respondents indicated they would use the ADU for a family member. The family member could be an extension of their own household or a relative or relatives living independently as a separate household. It is worth noting that only a quarter of the respondents indicated they would use the ADU for occasional visitors—historically, this has been the intended use of guest houses in the city.

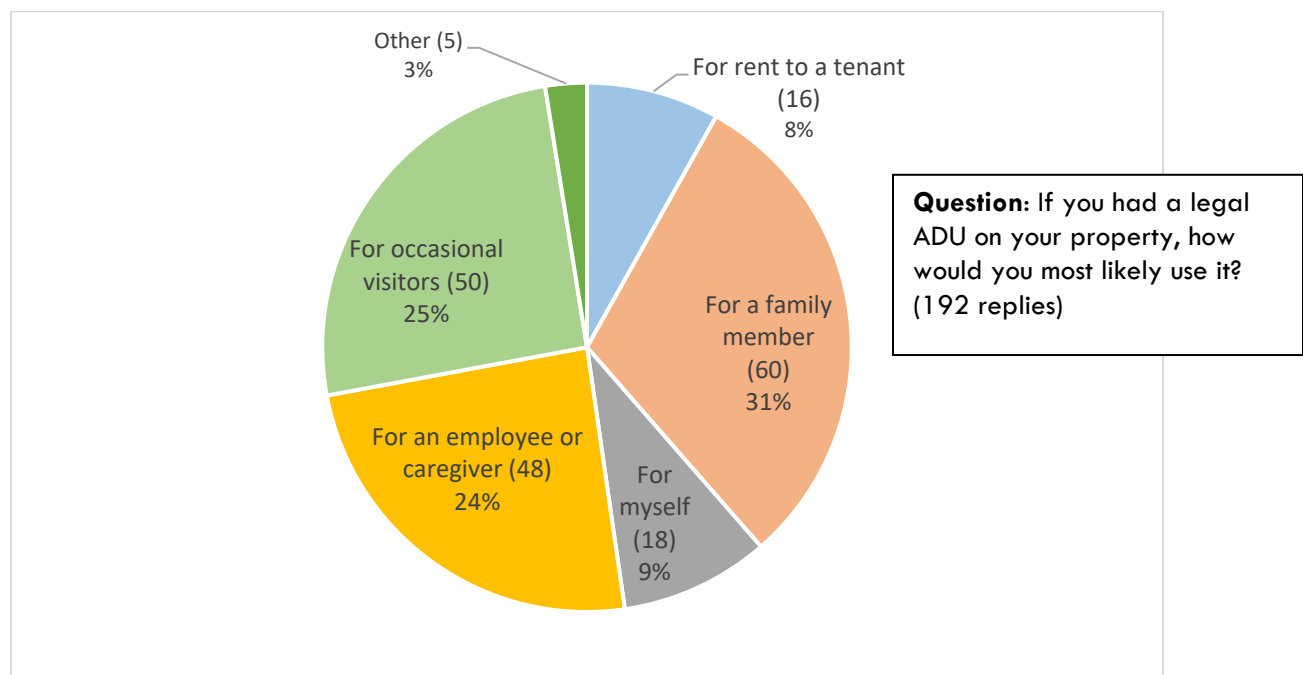


Figure B-4: Likely Use of Future ADUs (N=192)

Use of ADUs as Affordable Housing

Respondents were asked if they would consider limiting the rent on an ADU so that the unit was affordable to a lower income household. The question specifically asked if the respondent would consider a deed restriction that maintained the rent at a reduced rate (such as \$1,200/month for a two-person household) to help the City meet its State-mandated affordable housing requirements. Of the 194 surveys returned, 25 indicated they would consider this and another 20 indicated they might consider this (“maybe”). This represents nearly one-quarter of the total respondents. Another one-quarter indicated they would need more information before deciding. About 35 percent indicated they would not consider a lower income affordability restriction and 15 percent did not respond.

Figure B-5 shows the responses to this question. The data suggests that an “affordable” ADU program could generate sufficient participation for the City to meet its entire lower-income housing allocation through ADUs.

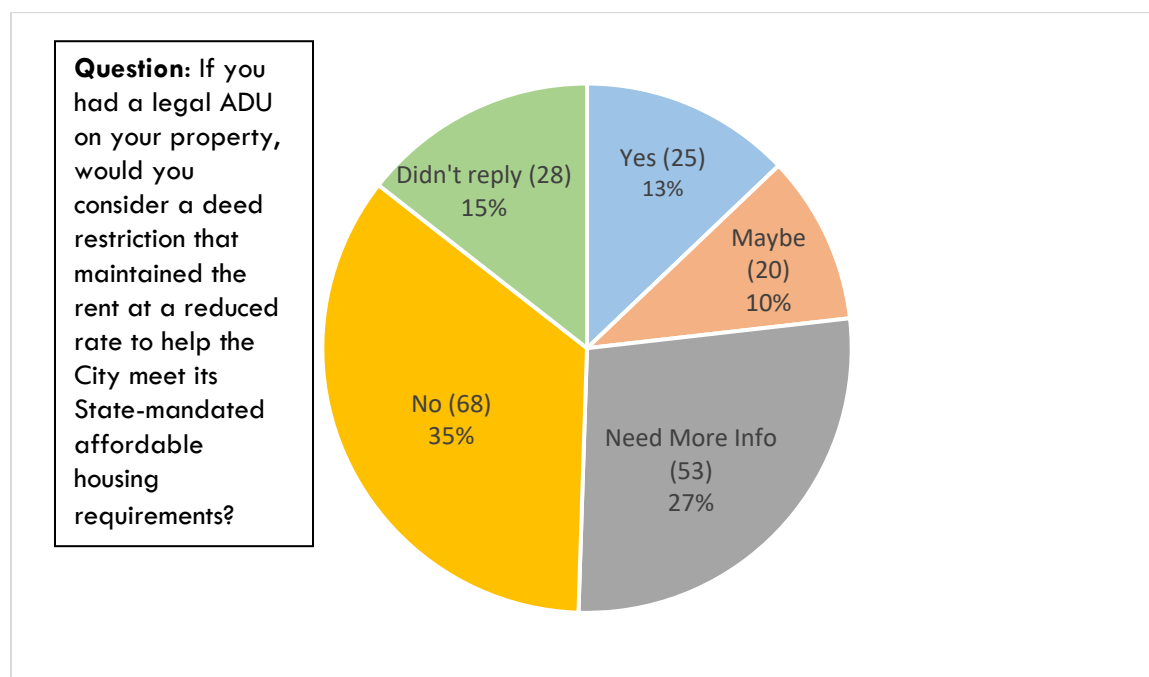


Figure B-5: Viability of ADUs to Meet Very Low Income Housing Assignment (N=194)

For the 98 respondents who answered “Yes”, “Maybe,” or “Need More Information”, the survey asked a follow-up question, which is the maximum length of time the respondent would consider acceptable for an affordability deed restriction. Two respondents did not reply, but the other 96 provided the answers below:

- 20 would consider a 5-year term
- 2 would consider a 10-year term
- 3 would consider a 20-year term
- 17 would consider a deed restriction that ended when they sold the house
- 59 were not sure or answered “other”

The responses suggest that long-term deed restrictions (10 or 20 years) and affordability contracts that “run with the land” would have limited participation. Residents are more open to short-term arrangements such as five-year affordability terms, and flexible arrangements that would not encumber the resale of their homes. This is an important consideration in the event a program is established.

Incentives

The final question in the survey asked respondents to select from a menu of possible incentives that might make a rent-restriction on an ADU more acceptable to them. Respondents were invited to select as many of the choices as they wanted. The most frequently selected options are shown in descending order in Figure B-6 below.

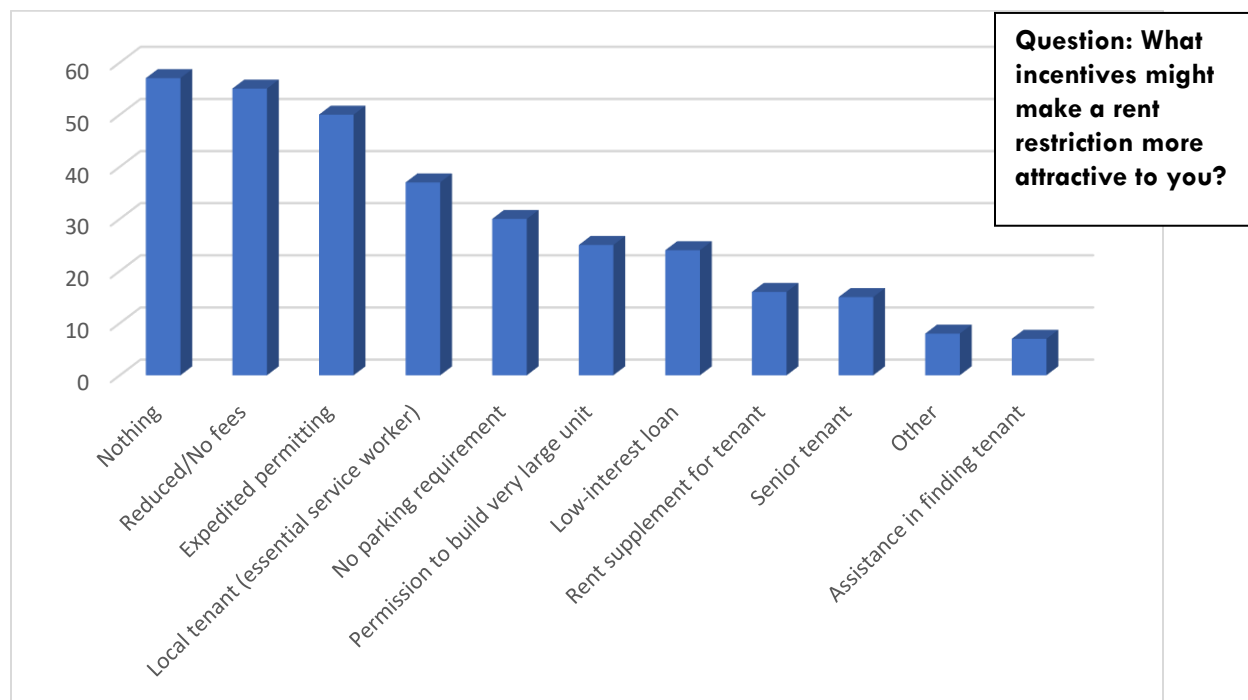


Figure B-6: Ranking of Potential Affordable ADU Incentives

The most frequently selected option was “nothing.” However, 55 respondents indicated that fee waivers or reductions would be an incentive, and 50 said expedited permitting would be an incentive. Many respondents were also supportive of the idea of rent-restricted ADUs serving local essential service workers such as fire-fighters and teachers. The least popular incentive was assistance in finding a tenant.

Other Comments

The survey provided an opportunity for residents to make general open-ended comments on ADUs and housing issues in Rolling Hills, as well as the factors the City should consider as new ADU policies and regulations are developed. Feedback was provided by 52 of the respondents. This is summarized below.

Most of the open-ended comments expressed negative views about ADUs and their potential impacts on the character of Rolling Hills, as well as concerns with State housing mandates and the erosion of local land use control. Numerous concerns were raised about safety, security, and privacy. There were also concerns expressed about noise, parking, traffic, evacuation capacity, and impacts on the community’s rural, equestrian feel. Some respondents expressed concerns that they would not be able to choose their own tenants if they created an ADU or would be penalized if they created an ADU but did not rent it. Questions were also raised about property tax impacts, septic system impacts, and whether tenants would pay association dues and have access to RHCA facilities.

There were also supportive comments, particularly from persons interested in creating ADUs for aging parents, or for themselves to age in place while renting out their primary home. Several respondents indicated an interest in renting space to a care giver. One respondent suggested prioritizing rentals to employees of the RHCA. Some respondents expressed their support for the idea of using the school property to meet affordable housing needs rather than relying on ADUs.

Survey

A copy of the survey mailed to residents follows this page.



City of Rolling Hills Accessory Dwelling Unit Survey

October 2020



Dear Resident:

Please take a few minutes to complete this survey about Accessory Dwelling Units (ADUs) in Rolling Hills. Your responses will help us understand community goals and concerns and will be used to develop new policies for consideration by the Rolling Hills Planning Commission and City Council.

State law requires that all cities and counties allow ADUs, provided they meet certain standards. Some of the potential benefits of ADUs include rental income for homeowners, on-site living space for caregivers or household employees, and accommodation of extended family (adult children, parents, etc.). ADUs can also help residents “age in place,” particularly as homeowners need more care or assistance.

The City’s objective in carrying out this survey is to determine the level of interest in ADUs among Rolling Hills residents and evaluate their potential to meet local housing needs. Like all cities in California, Rolling Hills is required by State law to provide for its “fair share” of the region’s housing needs, including low- and very low-income households. ADUs provide a way to do that without significantly changing the character or appearance of the community. Some communities even provide special incentives for homeowners who rent ADUs at reduced rates to very low-income households, including household employees and local essential service employees.

The deadline for returning your survey is November 20, 2020. Please use the enclosed postage-paid envelope to return the survey to City Hall by this date. If you would prefer to complete the survey on-line, please visit www.surveymonkey.com//rollinghillsADUsurvey.

Please do not include your name or address on the survey as the intent is for all responses to be anonymous. If you have questions about the survey or about ADUs in Rolling Hills, please call Meredith Elguira at (310) 377-1521.



What are ADUs and JADUs?

Accessory Dwelling Units (ADUs) are sometimes referred to as “in-law apartments” or “second units.” They are small independent dwelling units that exist on single family properties, either in a detached structure or as part of the primary structure with a separate entrance. ADUs include a bedroom or sleeping area, a bathroom, and cooking facilities.

Rolling Hills has adopted specific zoning standards for ADUs as required by state law. The maximum allowable size is 850 square feet for a studio or one-bedroom and 1,000 square feet for a two bedroom. Other standards also apply.

Junior Accessory Dwelling Units (JADUs) are a type of ADU created by converting existing living space inside a single-family home (usually a bedroom) to a separate living space. They have a maximum size of 500 square feet. JADUs may have their own kitchenette or bathroom, or they may share the facilities in the primary residence.

State law allows a property to have both an ADU and a JADU if certain requirements are met.

Thank you for taking the time to complete the survey!

Accessory Dwelling Unit Survey

1. Does your property include any of the following features? (circle all that apply)

- A. A legally permitted Accessory Dwelling Unit (ADU) with kitchen, bath, and separate entrance?
- B. A guest house, pool house, casita, barn or other outbuilding that has heat and plumbing?
_____ Check here if the space has a kitchen or other cooking facilities
- C. A space inside your house with a separate entrance from outside and independent living quarters, including a bedroom/ sleeping area and bathroom?
_____ Check here if the space also has its own kitchen or cooking facilities
- D. Another space within your house that could easily be converted into an accessory dwelling unit?

2. If you circled one of the choices above, how is the space currently used? (If you circled more than one choice, please provide a response for each applicable space on your property. Use the blank line to the right of each choice below to describe the space you're referring to).

- A. It is occupied by a tenant paying rent _____
- B. It is occupied by a family member or long-term visitor who is not part of my household _____
- C. It is occupied by a caretaker or household employee(s) _____
- D. It is used occasionally by guests or visitors _____
- E. My own household uses the space _____
- F. The space is currently not occupied by anyone, or is used for storage _____
- G. Not applicable

2A. About how large is the space of each applicable feature from Question 1 (in square feet)?
(please skip question if not applicable)

2B. If rent is collected for the space, what is the monthly amount? (if multiple spaces are rented, please indicate the rent for each area). (Please skip question if not applicable)

3. If you have space on your property occupied by a household other than your own, please circle the category in the table below that most closely matches their annual income based on the number of persons in their household, if you know that amount. Recent data from the US Census indicates that 16 percent of Rolling Hills households have annual incomes below \$50,000. ADUs (or potential ADUs) may provide a resource for these households. If Question 3 does not apply to your property, please skip to Question 4.

| Number of Persons in the Household (for other occupants only, not your own household) | | | | | | |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| Annual Income | 1 | 2 | 3 | 4 | 5 | 6 |
| | \$23,700 or less | \$27,050 or less | \$30,450 or less | \$33,800 or less | \$36,550 or less | \$39,250 or less |
| | \$23,700-\$39,450 | \$27,050-\$45,050 | \$30,450-\$50,700 | \$33,800-\$56,300 | \$36,550-\$60,850 | \$39,250-\$65,350 |
| | \$39,450-\$63,100 | \$45,050-\$72,100 | \$50,700-\$81,100 | \$56,300-\$90,100 | \$60,850-\$97,350 | \$65,350-\$104,550 |
| | \$63,100 or more | \$72,100 or more | \$81,100 or more | \$90,100 or more | \$97,350 or more | \$104,550 or more |

4. If you don't currently have a legal ADU on your property, would you consider developing one? (circle one answer)

| | | | | |
|----|--------------|-------------------|-----------------------------|-----|
| No | Probably Not | Not Sure/ Neutral | Maybe, but not at this time | Yes |
|----|--------------|-------------------|-----------------------------|-----|

4A. If you answered A, B, or C, what are the reasons? (Circle All that Apply)

| | | | | | |
|-------------|------|-----------------|--------------------|---------------------------------|----------|
| No Interest | Cost | Loss of Privacy | Permitting Process | Don't Want to Deal with Tenants | No Space |
|-------------|------|-----------------|--------------------|---------------------------------|----------|

Other (please explain below) _____

5. If you decided to build an ADU on your property, where would it be located? (circle one)

| | | | | | |
|---------------------------------------|---|-------------------------|--|----------|---------------------------------------|
| New detached structure on my property | Conversion of an existing accessory building on my property (e.g., guest house, barn, etc.) | An addition to my house | Conversion of space already within the footprint of my house | Not sure | I would not add an ADU on my property |
|---------------------------------------|---|-------------------------|--|----------|---------------------------------------|

6. If you had a legally approved ADU on your property, how would you most likely use it? (circle one)

| | | | | | |
|----------------------|---------------------|------------|---------------------------------------|-------------------------|-------|
| For rent to a tenant | For a family member | For myself | For a household employee of caregiver | For occasional visitors | Other |
|----------------------|---------------------|------------|---------------------------------------|-------------------------|-------|

7. If you had a legally approved ADU on your property, would you consider a deed restriction that maintained the rent at a reduced rate (for example \$1,200/month, which is considered the threshold for an “affordable” housing unit for a two person very low income household) to help the City meet its State-mandated affordable housing requirements? (circle one)

A. Yes

C. I would need more information first

B. Maybe

D. No

- 7A. If your answer to Question 7 was A-C, what would be the maximum length of time you would consider for the rent restriction? (circle one)

A. Five years

D. Until I sell the house

B. 10 years

E. Not Sure

C. 20 years

F. Other _____

- 7B: What incentives might make a rent restriction more attractive to you? (circle all that apply)

A. No parking requirement

G. Senior tenant

B. Reduced (or no) permit fees

H. Low-interest financing to create the ADU

C. Expedited permit processing

I. Permission to build a unit larger than 1,000 square feet

D. Assistance in finding a tenant

J. Nothing

E. Rent supplement for the tenant

K. Other _____

F. Local tenant (e.g., school teacher, fire fighter, child care worker)

8. To ensure that we are hearing from a cross-section of the community, please tell us a little about you:

Circle one choice in each box

| | | | |
|---|--|---|--|
| <u>Age</u> Under 35 35-49 50-64 65+ | <u>How Long Have You Lived in Rolling Hills?</u> Less than 10 years 10-19 years 20-29 years More than 30 years | <u>How Many People Are in Your Household?</u> 1 4 2 5 3 6 or more | <u>Are you a Homeowner or a Renter?</u> Homeowner Renter |
|---|--|---|--|

9. Please share any concerns you may have about ADUs in Rolling Hills, or factors you’d like us to consider as new ADU policies and regulations are developed:



CITY OF ROLLING HILLS

INITIAL STUDY
FOR
2014-21 UPDATE OF THE
HOUSING ELEMENT OF THE GENERAL PLAN

City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274
contact: Yolanta Schwartz
(310) 377-1521

December 26, 2013

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City of Rolling Hills

INITIAL STUDY FOR

UPDATE OF THE

HOUSING ELEMENT OF THE GENERAL PLAN

SUMMARY AND FINDINGS

This Initial Study assesses the potential environmental impacts of the proposed City of Rolling Hills Update of the Housing Element of the General Plan for the 2014-2021 planning period. In the Housing Element Update, the City of Rolling Hills outlines its program to preserve and promote housing opportunities, including affordable housing opportunities, in the community.

To support provision of adequate housing opportunities, the City of Rolling Hills continues to undertake the following actions:

- Provision of housing service information to community senior citizens
- Enforcement of code violations within residential neighborhoods
- Facilitating new construction by working closely with housing developers and builders
- Monitoring the City land supply
- Support for fair housing counseling and monitoring.

Through these actions and the policies and programs, the City has determined that given its numerous geologic, infrastructure, contractual, fire safety and environmental constraints, it has earnestly endeavored to meet its local and regional housing needs, and its RHNA allocation for the 2014-2021 planning period.

This Initial Study finds that the Update to the Housing Element of the City of Rolling Hills General Plan will promote housing opportunities in Rolling Hills. The Housing Element Update has been prepared consistent with the City General Plan and with State housing element law. No adverse environmental impacts will result from Housing Element Update adoption and implementation, and no mitigation measures are necessary. On the basis of this finding, a Negative Declaration is being recommended for adoption by the City Council.

PURPOSE AND SCOPE

This Initial Study serves as the environmental review of the proposed Project, as required pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. The proposed Project is the City of Rolling Hills Update to the Housing Element of the General Plan.

Pursuant to Section 65580 of the Government Code, each local community in the State of California must include a Housing Element within its General Plan. The Housing Element must provide a specific analysis of the community's housing needs and a realistic set of programs designed to meet those needs. The Housing Element must be periodically updated as specified by State law.

In accordance with Section 15378(a)(1) of the Guidelines for Implementation of CEQA (CEQA Guidelines), the City of Rolling Hills (City) is required to prepare an Initial Study to determine if the proposed Project may have a significant adverse effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission and City Council of the City of Rolling Hills, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the implementation of the proposed Project.

PROJECT DESCRIPTION:

1. **Project title:** 2014-2021 Update to the City of Rolling Hills Housing Element of the General Plan.
2. **Applicant name and address:** City of Rolling Hills, No. 2 Portuguese Bend Road, Rolling Hills, CA 90274.
3. **Lead agency name and address:** City of Rolling Hills, No. 2 Portuguese Bend Road, Rolling Hills, CA 90274.
4. **Contact person and phone number:** Yolanta Schwartz, Planning Director, (310) 377-1521.
5. **Project location:** Citywide. Rolling Hills is located in Los Angeles County, on the Palos Verdes peninsula (See Figure I, Project Vicinity Map, below.)
6. **Approvals required:** Pursuant to State law, the California Department of Housing and Community Development (HCD) is empowered to review the housing element of each community to ensure its compliance with the provisions of the Government Code related to facilitating the improvement and development of housing in order to make adequate provisions for the housing needs of all economic segments of the community. HCD has review, but not approval, authority. The City Council will need to approve the Negative Declaration for the Housing Element Update. No other approvals will be required.

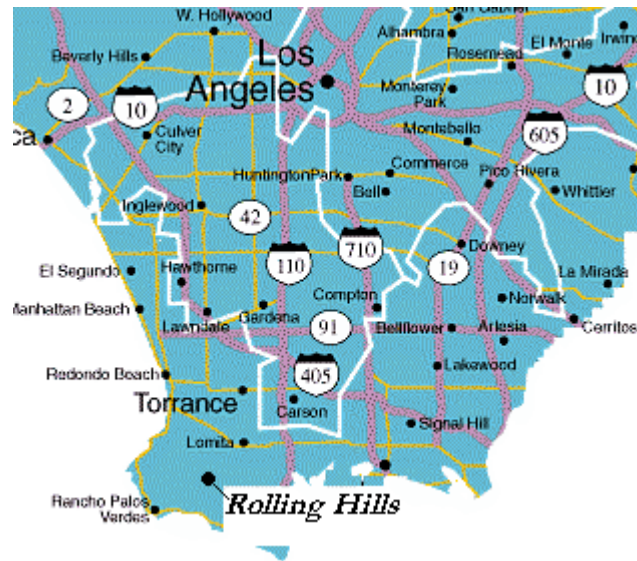


Figure 1. Vicinity Map

7. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)

As illustrated in Table 1, Rolling Hills is required to provide adequate sites for the construction of 6 new dwelling units during this planning period. Of these new units, 1 should be affordable to Extremely Low Income households, 1 to Very Low Income households, 1 to Low Income households, 1 to Moderate income households, and 2 to above moderate income households.

Table 1
RHNA New Housing Construction Needs by Income Group
for the City of Rolling Hills (2014-2021)

| Income Category | Housing Unit Construction Need by Income Group | Percent of Need by Income Group |
|---|--|---------------------------------|
| Extremely Low (0-30% County median income) [1] | 1 | 17% |
| Very Low (31-50% County median income) | 1 | 17% |
| Low (50-80% County median income) | 1 | 17% |
| Moderate (80-120% County median income) | 1 | 17% |
| Above Moderate (over 120% County median income) | 2 | 33% |
| Total Housing Unit Construction Need | 6 | 100% |

Source: SCAG Adopted Regional Housing Needs Determinations (November 2012)
 [1] Extremely Low contains half (or 3) of the City Very Low Income allocation, which is 6 units.

Progress Toward Implementing the 2006-2014 (4th Cycle) Housing Element Programs

The 2006-2014 Rolling Hills Housing Element established programs to address the following primary housing goals:

- Provide for housing which meets the needs of existing and future Rolling Hills' residents.
- Maintain and enhance the quality of residential neighborhoods in Rolling Hills.
- Provide housing services to address the needs of the City's senior citizen population.
- Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color.

The following section examines the progress made towards implementing the City's housing programs as set forth in the 2006-2014 Housing Element. As summarized in Table 2, the City has actively pursued avenues for supporting residential development and facilitating affordable housing opportunities, despite the overwhelming constraints that limit development opportunities in Rolling Hills.

Table 2
City Of Rolling Hills Progress Toward Implementing
the 2006-2014 Housing Element Programs

| Programs | Accomplishments |
|--|--|
| Goal 1: Provide for housing which meets the needs of existing and future Rolling Hills' residents. | |
| Manufactured Home Program: Permit manufactured homes on all buildable, single family lots in the City. | The City has amended its Zoning Ordinance to provide for manufactured homes, and continues to permit this program. No request for a manufactured home was submitted to the City during the past planning period. |
| Facilitate New Construction: The City will continue to work with and assist housing developers and builders to enable new housing to be built in the City. | The City has continued to work with and assist developers and builders. Five new units and seven replacement units have been constructed during the past planning period. |
| Goal 2: Maintain and enhance the quality of residential neighborhoods in Rolling Hills. | |
| Code Enforcement: In the event that a violation of City codes or regulations is discovered, the City works with the County and the Association to remediate the violation. | The City continues to promote code enforcement in cases of violations. An educational program including information brochures has been implemented to discourage violations. A program to accomplish compliance also has been implemented. Approximately thirty violations have occurred in the City and only six of them consisted of residential structural deficiencies, which have been corrected during the past planning period. Code enforcement is intended to protect the public health, safety and welfare, and is not considered a constraint to the development of affordable housing. |
| Ground Instability: Continue to explore possible solutions to ground instability problems. | The City has continued to work with property owners and geotechnical consultants to establish construction regulations and to explore other potential solutions to the problem. However, despite these continued efforts, certain property in high-risk landslide areas remains unbuildable. |
| Neighborhood Sponsored Sewer Districts: Promote and facilitate the development of homeowner sponsored sewer districts. | The City has retained a consulting engineer to assess the feasibility of establishing a citywide sewer system. Because of the geologic and topographic constraints, the cost of installing sewer citywide makes installation of a sewer system infeasible. |
| Housing Repair on Landslide Sites: Continue to allow the repair of damaged structures and remedial grading in landslide areas. | The City continues to allow repair of damaged structures and remedial grading in landslide areas with special permits. |
| Home Improvement Program for eligible low and moderate-income residents. | In keeping with its commitment to support housing element objectives and low income housing needs, Rolling Hills assigned its |

| | |
|---|--|
| | CDBG funds to the city Rancho Palos Verdes Home Improvement Programs for eligible low and moderate income residents to provide grants and zero percent deferred loans to correct hazardous structural conditions, eliminate blight, and improve disabled access. |
| Goal 3: Provide housing services to address the needs of the City's senior citizen population. | |
| Shared Housing Program: Actively market the two area shared housing programs – Focal Point at the South Bay Senior Services in Torrance and Anderson Senior Center in San Pedro - which assist seniors in locating roommates to share existing housing in the community. | Informational brochures advertising existing shared housing programs are available at the public counter. Records on the number of matches that have occurred during the planning period are not available. |
| Reverse Mortgage Program: Inform residents about the advantages of reverse mortgages. A reverse mortgage is a deferred payment loan or a series of such loans for which a home is pledged as security, and can offer a viable financing alternative to many of Rolling Hills' elderly homeowners. | The City offers referral services to seniors interested in pursuing a reverse mortgage. |
| Elderly Services: Rolling Hills will continue to provide information to its elderly residents concerning available senior services. | In keeping with its commitment to assist its elderly residents find needed services, the City maintains a list of local senior facilities at City Hall. |
| Goal 4: Promote housing opportunities for all persons regardless of race religion, sex, marital status, ancestry, national origin or color. | |
| Fair Housing Program: As a means of increasing public awareness of legal rights under fair housing laws, the City will advertise services offered by the Fair Housing Foundation, including housing discrimination response, landlord-tenant relations, housing information and counseling, and community education programs. | As a past participating city in the Community Development Block Grant Program, Rolling Hills cooperated with the Los Angeles office of the Fair Housing Foundation to enforce fair housing laws. Informational brochures about the Foundation are available at the City of Rolling Hills public counter and local library. |

Housing Plan 2014-2021

Finally, the Housing Element Update must establish a plan for addressing the identified local and regional housing needs. The goals of the 2014-2021 Housing Element are formulated based on information provided in the Housing Needs Assessment and Constraints sections of the Housing Element document and input from the community, City officials and staff. Goals and policies of the Update are as follows:

GOAL 1: Provide for housing which meets the needs of existing and future Rolling Hills' residents.

Policy 1.1: Evaluate ways in which the City can assist in providing housing to meet special community needs.

Policy 1.2: Work with governmental entities to explore the possibility of providing affordable housing for low and moderate income and senior citizen households in the South Bay region.

Policy 1.3: Encourage the development of residential units that are accessible to the disabled or are adaptable for conversion to residential use by disabled persons.

Policy 1.4: Encourage the use of energy conservation devices and passive design concepts that make use of the natural climate to increase energy efficiency and reduce energy costs.

Policy 1.5: Continue to facilitate the development of housing in the City, taking into account existing financial, legal, and environmental constraints.

GOAL 2: Maintain and enhance the quality of residential neighborhoods in Rolling Hills.

Policy 2.1: Encourage and assist in the maintenance and improvement of existing neighborhoods to maintain optimum standards of housing quality and design.

Policy 2.2: Require the design of housing to comply with the City's building code requirements.

Policy 2.3: Require compatible design to minimize the impact of residential redevelopment on existing residences.

Policy 2.4: Enforce City housing codes to assure the upkeep and maintenance of housing in the City.

GOAL 3: Provide housing services to address the needs of the City's senior citizen population.

Policy 3.1: Provide reference and referral services for seniors, such as in-home care and counseling for housing-related issues, to allow seniors to remain independent in the community.

Policy 3.2: Maintain information regarding shared housing programs in nearby cities as an option for seniors to share existing housing in the community.

Policy 3.3: Coordinate with lending companies and institutions to educate the City's elderly homeowners as to the availability of reverse mortgage loans which allow income-poor seniors to remain in their homes.

GOAL 4: Promote housing opportunities for all persons regardless of race religion, sex, marital status, ancestry, national origin or color.

Policy 4.1: Affirm a positive action posture which will assure that unrestricted housing opportunities are available to the community, and enforce all applicable laws and policies pertaining to equal housing opportunity.

Policy 4.2: Make information on fair housing laws available to residents and realtors in the City by distributing at the City Hall public counter and on request.

Policy 4.3: Investigate any allegations of violations of fair housing laws.

Summary of 2014-2021 Quantified Objectives

Through the housing strategies outlined above, the City of Rolling Hills aims to obtain the quantified objectives required by State Housing Law. Each jurisdiction is required to establish the minimum number of housing units that will be constructed, rehabilitated, and conserved over the Housing Element planning period. The quantified objectives for the City of Rolling Hills Housing Element are summarized in below:

- Number of Units to be Constructed: 16 single-family units

- Number of Units to be Rehabilitated: 0 rehabilitation need
- Number of Units to be Conserved: 693 single-family housing units.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. If any of the factors are checked, an Environmental Impact Report (EIR) is required. If no factors are checked, a Negative Declaration or Mitigated Declaration is required.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazard Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture & Forest Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | |
| <input type="checkbox"/> Geology/Soils (Liquefaction) | <input type="checkbox"/> Population/Housing | |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services | |

ENVIRONMENTAL DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

| | |
|----------|---|
| X | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on the attached pages have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. |
| | I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. |
| | I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. |

| | | | |
|---------------|----------------------|--------|-------------------|
| Signature: | /s/ Yolanta Schwartz | Date: | December 26, 2013 |
| Printed Name: | Yolanta Schwartz | Title: | Planning Director |

EVALUATION OF ENVIRONMENTAL IMPACTS:

An Environmental Checklist Form (Form) has been used to evaluate the potential environmental impacts associated with the proposed project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Rolling Hills, in complying with the requirements of the Statutes and Guidelines for implementing the California Environmental Quality Act. In the Form, environmental effects are evaluated as follows:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in its response. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is "Potentially Significant", "Less Than Significant With Mitigation", or "Less Than Significant". "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from an "Earlier Analyses," as described in #5 below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

- (a) The significance criteria or threshold, if any, used to evaluate each question.
- (b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS CHECKLIST:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| I. AESTHETICS. Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | | | | X |
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X |
| c) Substantially degrade the existing visual character and quality of the site and its surroundings? | | | | X |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | | X |
| <i>I. a), b), c), d). No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. Any development that occurs pursuant to Housing Element policies will be consistent with City planning, engineering and building requirements. No impacts relative to aesthetics are expected to occur as a result of the Housing Element. | | | | |
| II. AGRICULTURAL RESOURCES. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | | |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526) | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|---|-----------------------------------|--|------------------------------------|-----------|
| d) Result in loss of forest land or conversion of forest land to non-forest use? | | | | |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | | | | X |
| II. a), b), c), d), e). <i>No Impact.</i> The City of Rolling Hills is an urbanized community. Policies and programs of the Housing Element Update promote infill housing. There are no designated agricultural lands or forest lands within the City. The Update will not impact any existing farmland or land zoned or contracted for farming. | | | | |
| III. AIR QUALITY. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | | | | X |
| b) Violate any air quality standard or contribute to an existing or projected air quality violation? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceed quantitative thresholds for ozone precursors)? | | | | X |
| d) Expose sensitive receptors to substantial pollutant concentrations? | | | | X |
| e) Create objectionable odors affecting a substantial number of people? | | | | X |
| III. a), b), c), d), e). <i>No Impact.</i> Rolling Hills is within the South Coast Air Quality Management District (SCAQMD), established to implement the California Clean Air Act of 1988 and protect air quality in California. SCAQMD's jurisdiction encompasses the counties of Los Angeles, San Bernardino, Riverside and Orange. The SCAQMD has developed the CEQA Air Quality Guidelines to assist local jurisdictions determine if a potential project may emit significant air quality impacts. Any development that occurs pursuant to Housing Element Update policies will be reviewed and processed in accordance with City planning policies and the SCAQMD CEQA Air Quality Guidelines. No impacts to air quality are expected to occur as a result of the Housing Element. | | | | |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| IV. BIOLOGICAL RESOURCES. Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife? | | | | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X |
| IV. a), b), c), d), e), f). <i>No Impact.</i> Policies and programs of the Housing Element Update promote infill housing. Any development that occurs pursuant to Housing Element policies will occur in already urbanized areas of the community, and will be reviewed and processed in accordance with City planning policies. No impacts to biological resources are expected to occur as a result of the Housing Element Update. | | | | |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|---|-----------------------------------|--|------------------------------------|-----------|
| V. CULTURAL AND RESOURCES. Would the project: | | | | |
| a) Cause a substantial adverse change in the significant of a historical resource as defined in §15064.5? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | | | X |
| d) Disturb any human remains including those interred outside of formal cemeteries? | | | | X |
| V. a), b), c), d). <i>No Impact.</i> Policies and programs of the Housing Element Update promote infill housing. Any development that occurs pursuant to Housing Element policies will occur in already urbanized areas of the community, and will be reviewed and processed in accordance with City planning policies. No impacts to cultural resources are expected to occur as a result of the Housing Element Update. | | | | |
| VI. GEOLOGY AND SOILS. Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | X |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | | |
| ii) Strong seismic ground shaking? | | | | X |
| iii) Seismic-related ground failure, including liquefaction? | | | | X |
| iv) Landslides? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil? | | | | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | | | | X |
| VI. a), b), c), d), e). <i>No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. Any development that occurs pursuant to Housing Element Update policies will be subject to City planning, engineering and building requirements. No impacts to geological conditions are expected to occur as a result of the Housing Element Update. | | | | |
| VII. GREENHOUSE GAS EMISSIONS. Would the Project : | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | | | | X |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | | | | |
| <p>VII. a), b). <i>No Impact.</i> In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gas would be progressively reduced, as follows:</p> <ul style="list-style-type: none"> ▪ By 2010, reduce greenhouse gas emissions to 2000 levels; ▪ By 2020, reduce greenhouse gas emissions to 1990 levels; and ▪ By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels. <p>Policies and programs of the Housing Element Update promote infill housing. Any development that occurs pursuant to Housing Element policies will occur in already urbanized areas of the community, and will be reviewed and processed in accordance with City planning policies. The Housing Element Update is a policy document consistent with the City General Plan. It will not result in changes that will increase greenhouse gas emissions or conflict with applicable policies.</p> | | | | |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the Project area? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Project area? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| VIII. a), b), c), d), e), f), g), h). <i>No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. The City is not within an airport or airfield safety hazard zone. Any development that occurs pursuant to Housing Element Update policies will be subject to state and local regulations regarding the transport, use and disposal of hazardous materials, and to City planning, engineering and building requirements. No impacts relative to hazards are expected to occur as a result of the Housing Element Update. | | | | |
| IX. HYDROLOGY AND WATER QUALITY. Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | | | | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | | | | X |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | | | | X |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | | |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | | | | X |
| f) Otherwise substantially degrade water quality? | | | | X |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | | X |
| j) Inundation by seiche or mudflow? | | | | X |
| IX. a), b), c), d), e), f), g), h), i), j). <i>No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. Any development that occurs pursuant to Housing Element Update policies will be subject to state and local regulations regarding water quality, run-off and hydrology, and to City planning, engineering and building requirements. No impacts relative to water quality or hydrology are expected to occur as a result of the Housing Element Update. | | | | |
| X. LAND USE AND PLANNING. Would the project: | | | | |
| a) Physically divide an established community? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X |
| X. a), b), c). <i>No Impact.</i> The City of Rolling Hills has prepared its Housing Element Update in accordance with Section 65580 et. al. of the Government Code. The Housing Element Update also has been prepared consistent with the City of Rolling Hills General Plan and the community's vision of its housing needs and objectives. Accordingly, this Housing Element examines Rolling Hills's housing needs as they exist today, and projects future housing needs. It sets forth statements of community goals, objectives and policies concerning those needs. It includes a housing program responsive to current and future needs, consistent with available resources. Any subsequent discretionary actions or development that occurs pursuant to Housing Element policies will be reviewed and processed in accordance with City planning policies. The Element has been prepared in full compliance with the State housing law, and no potential adverse impacts relative to land use are expected to occur. | | | | |
| XI. MINERAL RESOURCES. Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X |
| b) Result in the loss of availability of a locally important mineral resource | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|---|-----------------------------------|--|------------------------------------|-----------|
| recovery site delineated on a local general plan, specific plan or other land use plan? | | | | |
| <p><i>XI. a), b). No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. Any development that occurs pursuant to Housing Element policies will be subject to City planning, engineering and building requirements. No impacts relative to mineral resources are expected to occur as a result of the Housing Element Update.</p> | | | | |
| XII. NOISE. Would the project: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the Project area to excessive noise levels? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the Project area to excessive noise levels? | | | | X |
| <p><i>XI. a), b), c), d), e), f). No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. Any development that occurs pursuant to Housing Element policies will be subject to City planning, engineering and building requirements. No impacts relative to noise are expected to occur as a result of the Housing Element Update.</p> | | | | |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| XIII. POPULATION AND HOUSING. Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | | X |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X |
| <p><i>XIII. a), b), c). No Impact.</i> Policies and programs of the Housing Element Update promote infill housing in order to meet the State and regionally mandated RHNA obligation for affordable housing. Any subsequent development accomplished pursuant to the Housing Element Update will be consistent with State and regional growth mandates. The Update will not displace housing or people, but conversely, is intended to increase affordability of the planned housing supply, which can support retention of households in all income categories. No significant impacts relative to population or housing are expected to occur as a result of the Housing Element Update.</p> | | | | |
| <p>XIV. PUBLIC SERVICES. Would the project: result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> | | | | |
| a) Fire protection? | | | | X |
| b) Police protection? | | | | X |
| c) Schools? | | | | X |
| d) Parks? | | | | X |
| e) Other public facilities? | | | | X |
| <p><i>XIV. a), b), c), d), e). No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. As noted under response #XII, above, any subsequent development accomplished pursuant to the Housing Element Update will be consistent with State and regional growth mandates. Subsequent development also will be subject to City planning, engineering and building requirements. No impacts to public services are expected to occur as a result of the Housing Element Update.</p> | | | | |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|---|-----------------------------------|--|------------------------------------|-----------|
| XV. RECREATION: | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | | | | X |
| <p><i>XV. a), b. No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. As noted under response #XII, above, any subsequent development accomplished pursuant to the Housing Element Update will be consistent with State and regional growth mandates. Subsequent development also will be subject to City planning, engineering and building requirements. No impacts to recreation are expected to occur as a result of the Housing Element Update.</p> | | | | |
| XVI. TRANSPORTATION/ TRAFFIC. Would the project: | | | | |
| a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.) taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | | | | X |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | | | | X |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | X |
| e) Result in inadequate emergency access? | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | X |
| XVI. a), b),c), d), e), f). <i>No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. As noted under response #XII, above, any subsequent development accomplished pursuant to the Housing Element Update will be consistent with State and regional growth mandates. Subsequent development also will be subject to City planning, engineering and building requirements. No impacts to transportation or traffic are expected to occur as a result of the Housing Element Update. | | | | |
| XVII. UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project as projected demand in addition to the provider's existing commitments? | | | | X |
| d) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| e) Have sufficient water supplies available to serve the project from existing entitlements and resources, or new or expanded entitlements needed? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X |
| g) Comply with federal, state and local statutes and regulations related to solid waste? | | | | X |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| <p><i>XVII. a), b),c), d), e), f), g). No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. As noted under response #XII, above, any subsequent development accomplished pursuant to the Housing Element Update will be consistent with State and regional growth mandates. Subsequent development also will be subject to City planning, engineering and building requirements. No impacts to utilities are expected to occur as a result of the Housing Element Update.</p> | | | | |
| XVIII. MANDATORY FINDINGS OF SIGNIFICANCE | | | | |
| <p>A. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</p> | | | | X |
| <p><i>XVIII. A. No Impact.</i> As discussed in Items # IV and V, policies and programs of the Housing Element Update promote infill housing. Any development that occurs pursuant to Housing Element policies will occur in already urbanized areas of the community, and will be reviewed and processed in accordance with City planning policies. No impacts that will cause substantial degradation of biological or cultural resources are expected to occur as a result of the Housing Element Update.</p> | | | | |
| <p>B. Does the project have impacts that are individually limited, but cumulatively considerable? ('Cumulatively considerable' means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p> | | | | X |
| <p><i>XVIII. B. No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. As noted under response #XII, above, any subsequent development accomplished pursuant to the Housing Element Update will be consistent with State and regional growth mandates. Subsequent development also will be subject to City planning, engineering and building requirements. No cumulative impacts are expected to occur as a result of the Housing Element Update.</p> | | | | |
| <p>C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | | X | | |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
|--|-----------------------------------|--|------------------------------------|-----------|
| <p><i>XVII. C. No Impact.</i> The Housing Element is a policy document that analyzes housing need and promotes affordable housing. Any development that occurs pursuant to Housing Element Update policies will be subject to state and local regulations, and to City planning, engineering and building requirements. No impacts that will cause substantial adverse effects on human beings, either directly or indirectly are expected to occur as a result of the Housing Element Update.</p> | | | | |

SOURCES CITED IN EVALUATION OF ENVIRONMENTAL IMPACTS:

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents outlined below are hereby incorporated by reference, and the pertinent material is summarized throughout this Initial Study where that information is relevant to the analysis of impacts of the proposed project. All documents incorporated by reference are available for review at the City of Rolling Hills Community Development Department, No. 2 Portuguese Bend Road, Rolling Hills, CA 90274. The office hours are Monday through Friday between 7:30 a.m. and 5:00 p.m.

1. City of Rolling Hills, General Plan (current)
2. City of Rolling Hills Zoning Code (current)

LIST BELOW THE PERSON OR PERSONS WHO PREPARED OR PARTICIPATED IN THE PREPARATION OF THE INITIAL STUDY:

Preparer: Joann Lombardo, Consultant.

Technical Review/City of Rolling Hills Staff:
Yolanta Schwartz, Planning Director



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.C

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MEREDITH ELGUIRA, PLANNING DIRECTOR

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: CONSIDER APPROVAL OF RESOLUTION NO. 1279 DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE FOR A MIXED STRUCTURE LOCATED AT 24 CINCHRING ROAD (NAKAMURA).

DATE: June 14, 2021

BACKGROUND:

LOCATION AND LOT DESCRIPTION

Zoning and Land Size

The property is zoned RAS-1 and has a net lot area of 73,947 square feet. The lot was developed with a 3,796 square-foot single family residence and a 674 square-foot attached two-car garage. There are two existing building pads on site with a 10-foot difference in elevation. The existing residence and garage are located on the upper pad (15,520 square feet) of the property closer to the entrance and the secondary building pad (4,984 square feet) is on the lower elevation behind the existing residence. The secondary building pad is the proposed site for the 1,400 square foot detached mixed-use structure. A stable was previously located on the secondary pad before it was demolished and there is an existing dirt path access from the upper pad to the lower pad. The existing topography of the entire site limits the buildable area of both pads. The remaining undeveloped portions of the property are mostly on undisturbed slopes.

REQUEST AND PLANNING COMMISSION ACTION

Applicant Request

Applicants are proposing to build: a 1,400 square foot mixed-use structure consisting of a 650 square-foot three-car garage and a 750 square-foot recreation room that will partially encroach into the front yard; a six-foot high retaining wall integrated into the mixed-use structure; a 20-foot wide fire truck accessible driveway and 12-foot wide secondary driveway with retaining walls exceeding three feet in

height and portions of which encroach into the front yard; and 390 cubic yards of cut and 390 cubic yards of fill balanced onsite.

Variances

Applicants are requesting Variances for: the proposed mixed use structure encroaching into the front yard, a retaining wall projecting into the front yard, and retaining wall exceeding 5 feet in height.

Site Plan Review

Applicants are requesting a Site Plan Review (SPR) for the proposed 780 cubic yards of grading and for two retaining walls that exceed three feet in height outside of the setback.

Conditional Use Permit

Applicants are requesting a Conditional Use Permit (CUP) for the proposed 1,400 square-foot mixed use consisting of a three-car garage and recreation room.

MUNICIPAL CODE COMPLIANCE

Encroachment of Mixed-Use Structure and Retaining Wall into the Front Yard and Retaining Wall Exceeding 5 Feet

The proposed detached mixed-use encroaches into the front yard exceeding the leading edge line of the primary structure. Per the Rolling Hills Municipal Code ("Code"), the front yard shall be unoccupied or unobstructed by any structures, unless provided relief from the Code. The front yard is defined as the area between the edge of the easement to the nearest line of the primary building. In addition to the mixed-use encroachment, portions of one of the retaining walls, supporting the main and secondary driveway, exceed the maximum three feet allowable height and encroach into the front yard and portions of the other retaining wall exceed the maximum allowable wall height of 5 feet.

The topography of the site limits the buildable size of building pads making it difficult to keep the mixed use structure, which is allowed by Code with discretionary approval, and one of the retaining walls outside of the front yard and comply with the required setback. Moving the detached mixed-use north or west could result in more grading and further alterations of the natural terrain on site. It would also result in higher and longer retaining walls if the pad is further expanded. The partial encroachment of the mixed-use in the front yard is the least impactful to the site's topography and adjacent neighbors. The proposed structure is partially tucked into the hillside and is screened by the existing residence from the surrounding existing developed lots on higher elevation in front of the main residence. The secondary pad is also 10 feet lower than the main pad and the height of the proposed structure will not exceed 13.5 feet.

The existing primary driveway needs to be widened to 20-feet to comply with the Fire Department's access requirements. Due to the requirements to widen access to the site and to the garage, portions of one of the retaining walls must project into the front yard area and portions of the other retaining wall must exceed the maximum allowed height of 5 feet to retain the slope. The retaining wall is needed to support and stabilize the driveway and vehicular back-up areas. The widening of the driveway is required for the applicant's safety as well as first responders during an emergency. The encroachment of the mixed use structure and retaining wall into the front yard and the allowance of a wall in excess of 5 feet require Variances. The applicant is also proposing to landscape the front of the walls to help improve aesthetics and minimize visibility of the proposed retaining walls.

Two Walls Exceeds 3 Feet Height Limit and Grading

The proposed mixed-use is located on an existing pad that is currently accessed from the main pad. In order to provide vehicular access to the garage, a driveway will need to be constructed and a vehicular back up area will need to be created to meet the Building Code and Fire Department requirements. The proposed driveway widening and pad expansion require retaining walls that will exceed the maximum height of three feet. As mentioned earlier, the topography of the site makes it unavoidable to have retaining walls that vary in height ranging from a few inches to six feet. Fortunately, this height variation allows for some visual relief from having one monolithic four-foot wall supporting the driveways and mixed use structure. The applicant is also proposing to landscape the front of the walls to help improve aesthetics and mitigate the visual impact of the retaining walls.

The applicant is also proposing 780 cubic yards of grading that will be balanced on site. The proposed location of the mixed-use was previously developed with a stable. The area is currently fairly flat and accessible by foot. In order to make the pad buildable, additional grading will need to occur to expand the pad to accommodate the 1,400 square foot mixed-use and vehicular turnaround area. The additional grading will increase the disturbance on the lot by 2.6%. The total disturbance of the lot will remain under 40%, the maximum allowable. The proposed reuse of the secondary pad minimizes the amount of grading and prevents further alteration of the natural terrain. The proposed site is consistent with the goals of the general plan to maintain the City's natural topography and minimize grading. The proposed improvements consisting of walls exceeding three feet in height outside of the required setback and grading require Site Plan Review approval.

Mixed-Use Structure

Applicants are proposing a detached 1,400 square foot mixed-use structure that houses a three-car garage and recreation room. A garage is required by the Municipal Code for every residential development in the City. The existing attached garage originally attached to the residence is to be converted to habitable space as part of the house renovation. Applicants must provide a garage replacement on site. Applicants initially proposed adding an attached garage to the proposed house renovation, however, the RHCA Architectural Review Board denied Applicants' request.

Applicants are also proposing to attach a recreation room to the proposed garage thereby creating a mixed use structure. Many residential developments in the City consists of mixed use structures on site. Applicants are proposing an amenity currently enjoyed by many residents in the City. The proposed structure is 1,400 square feet and has a maximum height of 13.5 feet. The scale and massing of the structure is consistent with the neighborhood character. The mixed use structure is setback and low in profile. Lastly, it will partially be screened by the existing topography further reducing its visual impact. The proposed development has received RHCA's approval.

Environmental Review

The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which exempts minor alterations in the condition of land, including but not limited to grading on land with a slope of less than 10 percent. The grading taking place on the property is on land with a slope of less than 10 percent to account for the mixed use structure and widening of the driveway to 20 feet which requires two walls. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures)

of the CEQA Guidelines, which exempts accessory structures including garages, carports, patios, swimming pools, and fences. The mixed use structure will consist of a two car garage and recreation room and qualifies as new construction of small structures. Further the two walls one of which is a 4 foot high by 140 feet long wall and the second of which is a 6 foot high by 64 foot long wall similarly qualify as construction of small structures. These walls are necessary for purposes of construction of the mixed use structure and widening of the driveway.

Public Participation

A public hearing field trip to the site was conducted on March 16, 2021 at 7:30 AM.

A call was received from Ms. Diane Montaldo asking about the scope of the project and date of the Planning Commission public meeting.

A call was received from Dr. Brunner asking for information about the project prior to the Planning Commission meeting.

A letter was received from Mr. Clint Patterson, which is included in the City Council agenda packet.

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 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.

17.46.050 - Required Site Plan Review 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.
12. If all of the above findings cannot be made with regard to the proposed project, or cannot be made even with changes to the project through project conditions imposed by City staff and/or the Planning Commission, the site plan review application shall be denied.

17.42.050 - Basis for approval or denial of Conditional Use Permit.

The Commission (and Council on appeal), in acting to approve a conditional use permit application, may impose conditions as are reasonably necessary to ensure the project is consistent with the General Plan, compatible with surrounding land use, and meets the provisions and intent of this title. In making such a determination, the hearing body shall find that the proposed use is in general accord with the following principles and standards:

1. That the proposed conditional use is consistent with the General Plan;
2. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, building or structures;
3. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed;
4. That the proposed conditional use complies with all applicable development standards of the zone district;
5. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities;
6. That the proposed conditional use observes the spirit and intent of this title.

DISCUSSION:

Appeal

On April 29, 2021, City staff received an appeal letter from Mr. Larry Hall, via email, requesting that the City Council grant the appeal and overturn the Planning Commission's approval of the proposed mixed use. Mr. Hall represents the owners of property located at 26 Cinchring Road, Dr. Elliot H. Brunner and Dr. Nourit H. Korzennik ("Appellants").

Basis for Appellants' Appeal

Mr. Hall claims issued Post-hoc Approval

City's Response: The proposed mixed use that houses the garage and recreation has not been built. The garage is a requirement of the Municipal Code when developing a single family residence. The proposed mixed use is an allowed land use with a Conditional Use Permit, Site Plan Review and Variances approval. The Planning Commission made findings that the existing site topography limited the buildable area, coupled with life and safety requirements by Fire and Building Departments made it difficult for applicants to comply with zoning and safety standards without the City granting relief from

the Code.

Mr. Hall cites City Municipal Code Section 17.30.010.A.3, "any and all illegal conditions on the subject property must be remedied before an application is deemed complete."

City's Response: Applicants received approval of the house from the Planning Department. Applicants are in plan review with Building and Safety for the house. Applicants have obtained legal rights to move forward with the house development process.

Mr. Hall discusses Resolution No. 1221 and claims that "the Planning Commission abused its discretion in approving the Project."

City's Response: Resolution No. 1221 is no longer valid because it pertains to the construction of house plans that were abandoned as a result of the parties' partial settlement of litigation.

Mr. Hall claims that the proposed mixed use has unacceptable impacts on Appellants' property.

City's Response: Mr. Hall is conflating impacts of the house and not of the mixed use structure. The mixed use is the only subject of this appeal hearing. The house received approval in 2020. Appellants have not identified any impacts to their property resulting from the proposed mixed use structure.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve Resolution No. 1279 denying the appeal of the Planning Commission's approval of Resolution No. 2021-04 approving Site Plan Review, Conditional Use Permit and Variance for a mixed use structure located at 24 Cinchring Road.

ATTACHMENTS:

[24_Cinchring_Mixed-use Plans.pdf](#)

[24_Cinchring_Stamped_House Plan_Set.pdf](#)

[SUPPLEMENTALBrunner_response_for_Planning_Commission_3-30-21_v2.pdf](#)

[Appeal Ltr of 24 Cinchring Road \(Brunner_Korzennik\) final.pdf](#)

[Clint Patterson's Letter_24 Cinchring.pdf](#)

[24 Cinchring Retaining Walls Height.pdf](#)

[ResolutionNo1279_Mixed_Use_Structure_Nakamura.pdf](#)

[PC_Resolution_No_2021-04_Mixed_Use_Structure_-_Nakamura.pdf](#)

[ResolutionNo1221_24CinchringRoadNakamura.pdf](#)

LEGEND

- PROPERTY LINE
FLOOD HAZARD LINE
EASEMENT LINE
SETBACK LINE
LIMIT OF GRADING
(E) BUILDING FOOTPRINT
(E) DRAIN LINE
(P) BUILDING ADDITION/ REMODEL
(P) RETAINING WALL
(P) DRAINLINE
(P) LANDSCAPING/ PLANTER
(P) CONCRETE HARDSCAPE
(P) FLOW LINE
(P) SWALE
(P) KEY
(P) ROUGHENED PATH
(P) DAYLIGHT LINE
(P) 9" / 12" / 18" SQUARE CATCH BASIN
(P) 4" / 6" ATRIUM/AREA DRAINS
EG EXISTING GRADE
EP EDGE OF PAVEMENT
FF FINISHED FLOOR
FG FINISHED GRADE
FS FINISHED SURGACE
GR GRATE
INV INVERT
TBR TO BE REMOVED
TC TOP OF CURB
TF TOP OF FENCE
TP TOP OF PLATE
TW TOP OF WALL

GRADING QUANTITIES:

CUT: 390 C.Y.
FILL: 390 C.Y.
OVEREX/RECOMPACTION: 840 C.Y.

SLOPE SETBACK-GARAGE

SCALE: 1" = 16'

BUTTRESS FILL DETAIL

SCALE: 1" = 16'

GENERAL NOTES

1. THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT THE WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND REQUIREMENTS OF THE CITY BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE.
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3. THE FIELD ENGINEER AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS, AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
4. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOIL ENGINEER.
5. SUB-DRAIN OUTLETS SHALL BE COMPLETED AT THE BEGINNING OF THE SUB DRAIN CONSTRUCTION AND SURVEY FOR LOCATION. THE AS GRADED PLAN SHALL SHOW ALL SUB DRAIN LOCATIONS AND ELEVATIONS.
6. WHERE SUPPORT OF BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, THE SOIL ENGINEER SHALL SUBMIT DESIGN, LOCATIONS, AND CALCULATIONS TO THE BUILDING DEPARTMENT PRIOR TO CONSTRUCTION. THE ENGINEERING GEOLOGIST AND SOIL ENGINEER SHALL INSPECT AND CONTROL THE CONSTRUCTION OF THE BUTTRESSING AND CERTIFY TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.

CONSTRUCTION NOTES

ALL WORKS SHALL CONFORM TO THE "GREEN BOOK", STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2009 EDITION. STANDARD DETAILS SHALL CONFORM TO STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION, 2006 EDITION.

ENTIRE SITE:

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- 2 NEW GARAGE AND RECREATION ROOM PER ARCHITECTURAL PLANS.
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- 15 NOT USED
- 16 INSTALL 4" ATRIUM GRATE NDS #75, FINISH PER ARCHITECT, LOCATION AS SHOWN PER PLAN. CONTRACTOR TO SET ELEVATION AND CONNECT TO NEW UNDERGROUND DRAINAGE SYSTEM PER PLAN. SEE DETAIL 9, SHEET C3.O.
- 17 INSTALL PVC PIPE, SLOPE AND DIAMETER PER PLAN.
- 18 INSTALL 12" X12" NDS CATCH BASIN WITH NDS#1213 GRATE. CONNECT TO UNDERGROUND DRAINAGE SYSTEM. SEE DETAIL 4, SHEET C3.O.
- 19 INSTALL 12" X 12" NDS CATCH BASIN WITH NDS#1215 GRATE, CONNECT TO UNDERGROUND DRAINAGE SYSTEM PER PLAN. SEE DETAIL 4, SHEET C3.O.
- 20 INSTALL 18" X 18" NDS CATCH BASIN WITH NDS #1810, CONNECT TO UNDERGROUND DRAINAGE SYSTEM PER PLAN.
- 21 CONNECT DOWNSPOUT, LOCATION PER ARCHITECTURAL PLANS, TO UNDERGROUND DRAINAGE SYSTEM.
- 22 CLEAN EXISTING 18" X 18" CATCH BASIN. REPAIR OR REPLACE WITH NDS BASIN AND NDS #1215 GRATE AS NECESSARY. ADJUST GRATE TO ELEVATION SHOWN ON PLAN.
- 23 EXAMINE EXISTING DRAINAGE DEVICE, CLEAN OR REPLACE AS NECESSARY.
- 24 REMOVE EXISTING DRAINAGE DEVICES.
- 25 EXISTING RESIDENCE.
- 26 EXISTING UTILITIES UNDERGROUND, LOCATION AND DEPTH UNKNOWN, PROTECT IN PLACE OR ADJUST AS NEEDED.
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SURVEY NOTES

BOLTON ENGINEERING CORPORATION (BEC) DID NOT PERFORM THE SURVEY OF THIS PROJECT, AND THE EXISTING TOPOGRAPHY, BOUNDARY, AND LINE AND GRADE INFORMATION IS OBTAINED FROM SOURCES OF VARYING RELIABILITY. BEC MAKES NO GUARANTEES OF ANY KIND REGARDING THE LINES, GRADES, OR IMPROVEMENTS SHOWN HEREON. THE CONTRACTOR IS CAUTIONED THAT ONLY FIELD INVESTIGATION CAN REVEAL THE NATURE OF EXISTING CONDITIONS. CALL UNDERGROUND ALERT BEFORE YOU DIG.

PROPERTY DESCRIPTION

ADDRESS: 24 CINCHING ROAD ROLLING HILLS, CALIFORNIA
LEGAL DESCRIPTION: LOT 3, TRACT #26343
ASSESSOR'S PARCEL NO: 7567-017-012

BENCHMARK

DENN' ENGINEERING FOUND N&T RCE 30702 AT MOST EASTERLY PROPERTY CORNER N&T ELEV. 912.37'.
ADDITIONAL N&T RCE 30702 FOUND AT EASTERLY PROPERTY CORNER ELEV. 914.45'.

| | | | |
|--|--|--|--|
| Revisions 04-02-14 DIMED PLAN CHECK LEVATIONS | | By TMM | |
| Bolton Engineering Corp. Civil Engineering and Surveying 25834 Narbonne Avenue Suite 210 Lantana, Ca. 90717 Ph: 310-325-5580 Fax: 310-325-5581 | |  | |
| TOSHIO NAKAMURA #24 CINCHING ROAD ROLLING HILLS, CA 90274 | | TOSHIO NAKAMURA #24 CINCHING ROAD ROLLING HILLS, CA 90274 | |
| GRADING AND DRAINAGE PLAN #24 CINCHING ROAD ROLLING HILLS, CA 90274 | | GRADING AND DRAINAGE PLAN #24 CINCHING ROAD ROLLING HILLS, CA 90274 | |
| Date: May 25, 2015 Scale: As Shown Drawn: TMM Checked: DJE Job No. 1329 Sheet | | Date: May 25, 2015 Scale: As Shown Drawn: TMM Checked: DJE Job No. 1329 Sheet | |
| C2 | | C2 | |



DIGALERT
1-
AT

DIAL TOLL FREE
1-800-227-2600
AT LEAST TWO DAYS

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

GRADING AND DRAINAGE PLAN

SCALE: 1" = 16'

WALL HEIGHT

MAXIMUM = 3.0 FEET

- MAXIMUM = 3.1 TO 4.0 FEET

MAXIMUM = 6.0 FEET

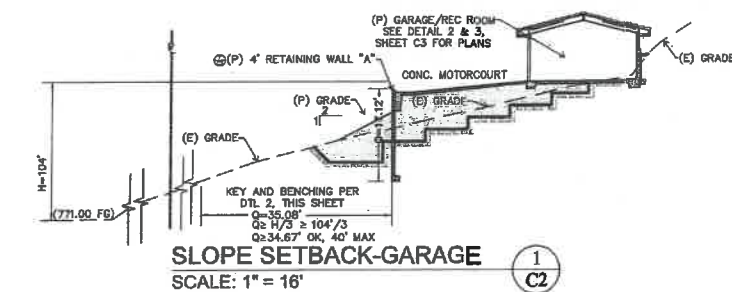
GRAPHIC SCALE

100

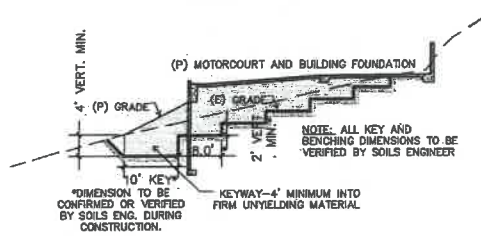
(IN FEET)
1 Inch = 18 ft

GRADING QUANTITIES:
CUT: 390 C.Y.
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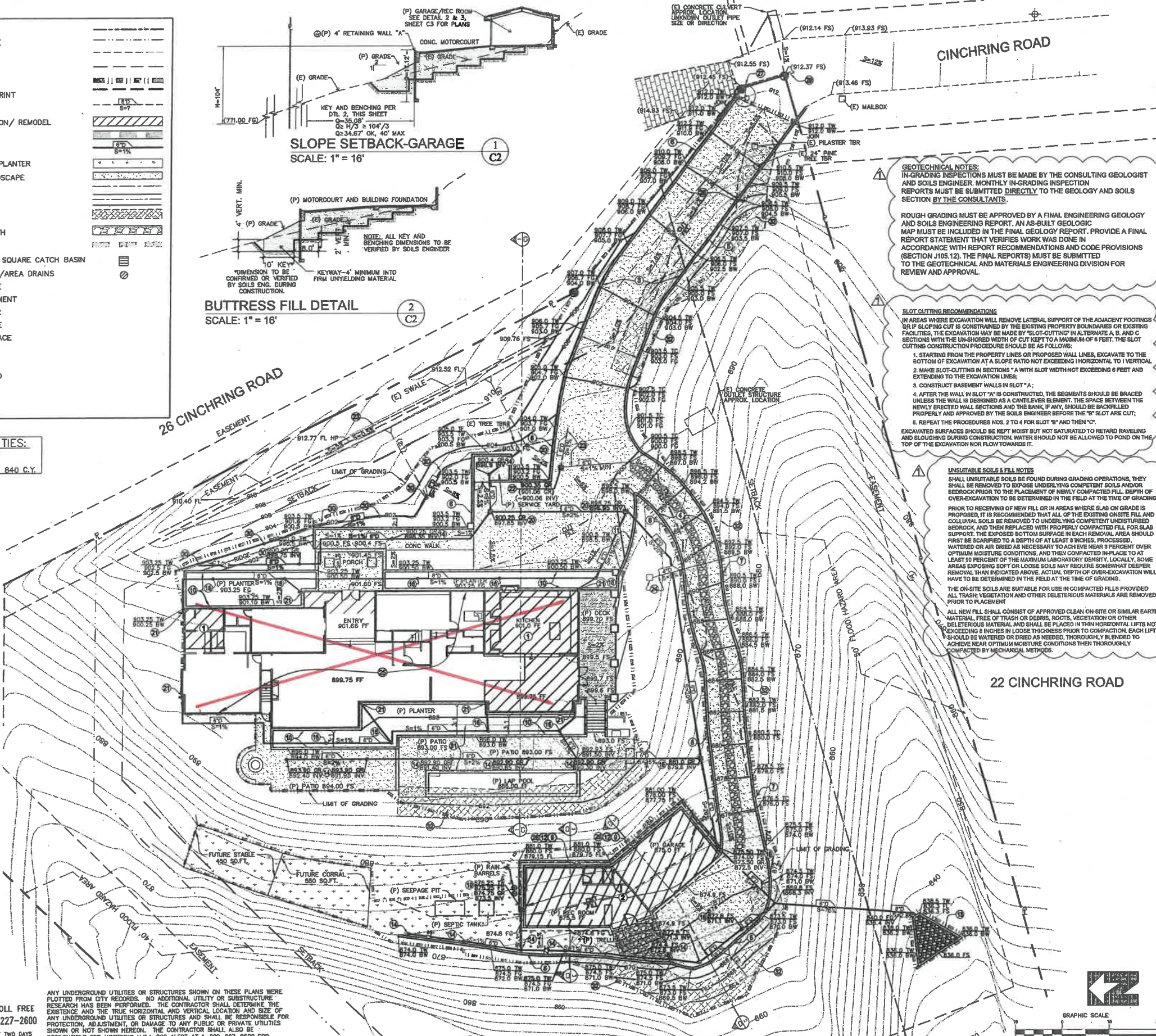
SLOPE SETBACK-GARAGE
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BUTTRESS FILL DETAIL
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GRADING AND DRAINAGE PLAN
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PROPERTY DESCRIPTION

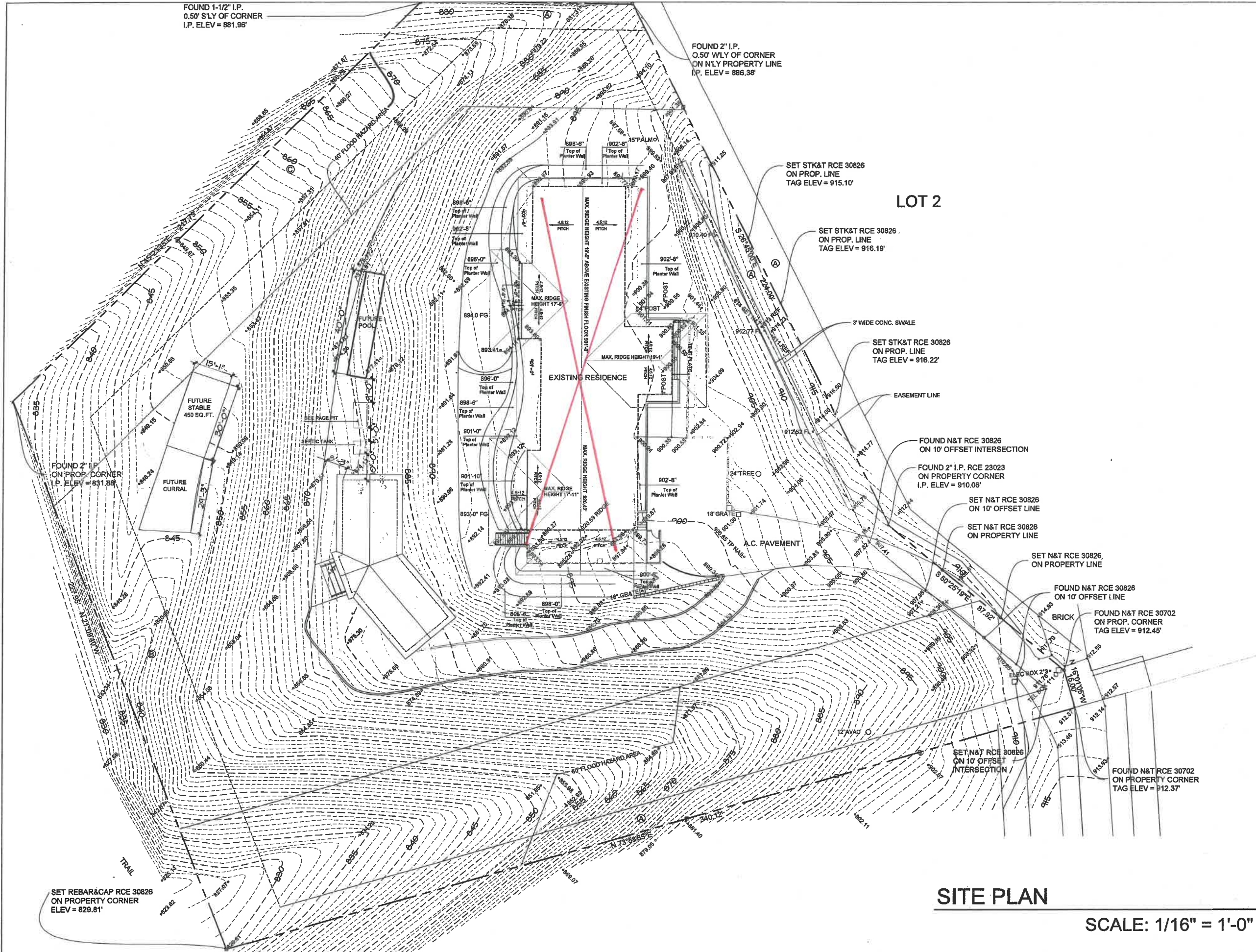
ADDRESS: 24 CINCHING ROAD ROLLING HILLS, CALIFORNIA

LEGAL DESCRIPTION: LOT 3, TRACT #26343
ASSESSOR'S PARCEL NO: 7567-017-012

BENCHMARK

DENN ENGINEERING FOUND N&T RCE 30702 AT MOST EASTERLY PROPERTY CORNER N&T ELEV. 912.37'

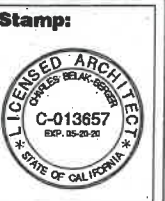
ADDITIONAL N&T RCE 30702 FOUND AT EASTERLY PROPERTY CORNER ELEV. 914.45'.



SITE PLAN

SCALE: 1/16" = 1'-0"

LOT 5



Legal Description:
LOT #: 3
TRACT #: 26343
M.B.: 815-24-27
APN: 7567-017-012

Project Name (Client - Address - City):
Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

| Use Description: | |
|------------------|------------|
| SITE PLAN | |
| Date: | 05/04/2017 |
| Revision Dates: | |
| △ | 06/28/2020 |
| △ | 07/27/2020 |
| △ | |
| △ | |
| △ | |
| Drawing By: | |
| CBB STAFF | |
| Scale: | |

Sheet
1



ATTACHMENT A

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITIES

Storm Water Pollution Control Requirements for Construction Activities Minimum Water Quality Protection Requirements for All Development Construction Project Certification Statement

The following is intended as a minimum guide or as an attachment for building best practices and represents the minimum standards of good housekeeping that must be implemented on all construction sites regardless of size. (Attached to the permit)

- 1. Erosion control measures and other pollutants must be retained on site and may not be transported from the site by wind, water, or other means. Erosion control measures must be implemented on all construction sites regardless of size. (Attached to the permit)
- 2. Sedimentation and other pollutants must be retained on site and may not be transported from the site by wind, water, or other means. Sedimentation must be implemented on all construction sites regardless of size. (Attached to the permit)
- 3. Fuel, oil, lubricants, and other petroleum products must be stored in accordance with their labels and are not to be disposed of on site. All petroleum products are to be removed from the site. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be released into the drainage system.
- 4. Non-hazardous waste must be stored in a secure container and any other activity shall be contained at the project site.
- 5. Debris to be removed from the site must be placed in a secure container. Debris shall be removed from the site as soon as possible and disposed of in a proper manner.
- 6. Trash and construction debris shall be stored in a secure container to prevent contamination of the site and disposal by wind.
- 7. Sedimentation and other pollutants must be retained on site and may not be transported from the site by wind, water, or other means. Sedimentation must be implemented on all construction sites regardless of size. (Attached to the permit)
- 8. Any debris or materials that are not to be retained on site must be disposed of in a proper manner.

As the project owner or authorized agent of the owner, I have read and understand the requirements listed above, necessary to control storm water pollution from construction activities, and I certify that I will comply with these requirements.

Print Name: _____
Signature: _____
Date: _____

The above information is provided in accordance with the requirements of the City of Los Angeles Department of Building and Safety.

Project Name: _____

MATERIAL CONSERVATION & RESOURCE EFFICIENCY

1. Openings in the building envelope separating conditioned space from unconditioned space needed to accommodate gas, plumbing, electrical lines, and other penetrations must be sealed.
2. Minimum of 50% of non-hazardous construction and demolition debris will be salvaged, recycled, and/or reused.
3. The Building Operations and Maintenance Manual must be completed and provided at the time of final inspection and placed in the building.

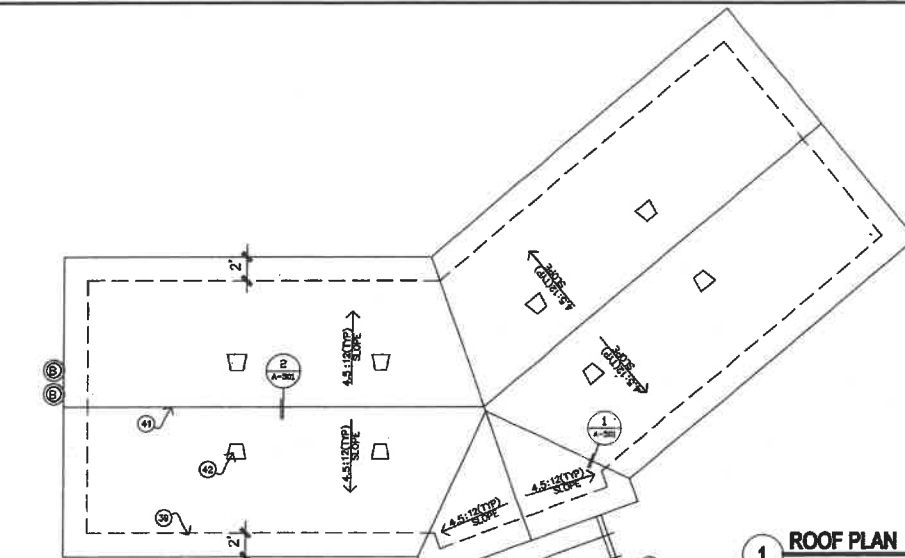
PLUMBING FIXTURE SCHEDULE

| SYMBOL | FIXTURE TYPE | # | FLOW RATE | MAX FLOW RATE AT > 20 PSI |
|--------|--|---|--------------------|---------------------------|
| 1 | WALL MOUNTED SHOWER HEAD NEWPORT BRASS | 1 | 2.5 GPM @ 80 PSI | 2 GPM @ 80 PSI |
| 2 | LAVATORY FAUCET NEWPORT BRASS | 1 | 2.2 GPM @ 80 PSI | 1.5 GPM @ 80 PSI |
| 3 | WATER CLOSET KOHLER | 1 | 1.6 GAL. PER FLUSH | 1.28 GAL. PER FLUSH |
| 4 | BAR FAUCET NEWPORT BRASS | 1 | 2.2 GPM @ 80 PSI | 1.5 GPM @ 80 PSI |

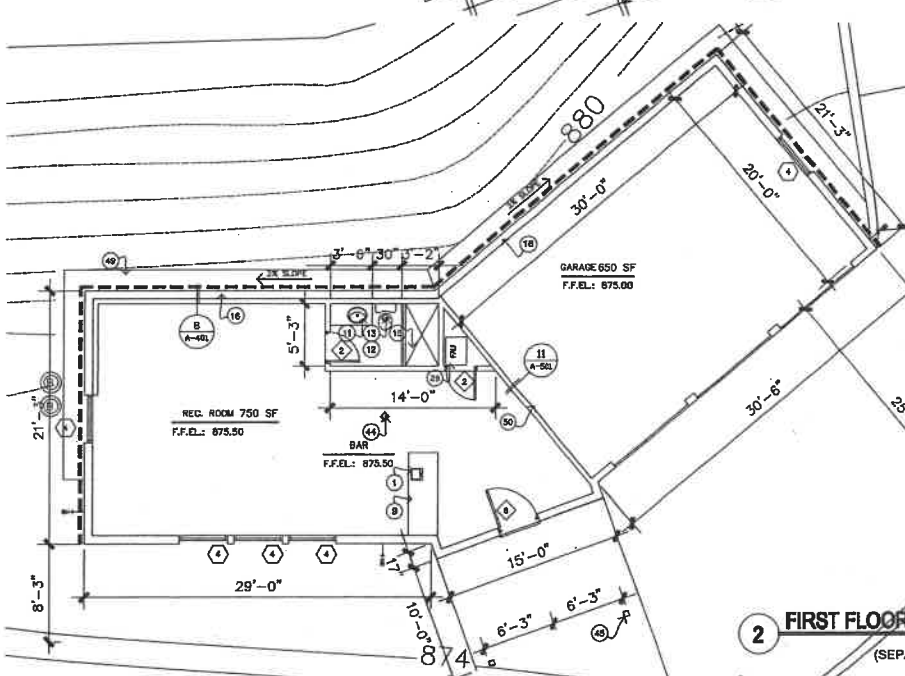
NOTES:
1. COMBINED FLOW RATE OF MULTIPLE SHOWER SERVING A SINGLE SHOWER SHALL NOT EXCEED THE MAXIMUM FLOW RATES SPECIFIED IN THE 20% COLUMN CONTAINED IN TABLE 4.303.2

ENVIRONMENTAL QUALITY NOTES

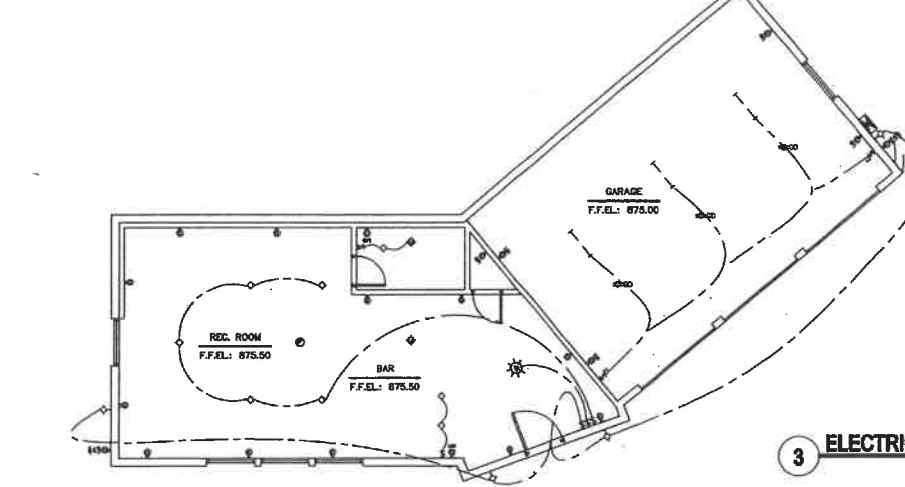
1. At the time of rough installation, or during storage on the construction site and until final startup of the heating and cooling equipment, all duct and other related or distribution component openings shall be covered with tape, plastic, sheetmetal, or other acceptable methods to reduce the amount of dust or debris which may collect in the system.
2. Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 18% moisture content. Insulation products which are visibly wet or have high moisture content shall be replaced or allowed to dry prior to enclosure in wall or floor cavities.
3. Whole house exhaust fans installed shall have insulated louvers or covers (minimum R-4.2) which close when the fan is off.
4. All mechanical exhaust fans in rooms with a bathtub or shower shall comply with the following: 1-Fans shall be Energy Star compliant and be ducted to terminate outside the building. 2-Fans must be controlled by a readily accessible humidistat unless functioning as a component of a whole house ventilation system.
5. Verification of the following must be provided at the time of final inspection and shall be documented in the Building Operations and Maintenance Manual.
6. Adhesives, sealants and caulks shall meet or exceed the standards outlined in Section 4.504.2.1 and comply with the VOC limits in Tables 4.504.1 and 4.504.2 as applicable.
7. Paints and coatings shall meet or exceed the standards outlined in Section 4.504.2.2 and comply with the VOC limits in Table 4.504.3.
8. All carpet installed in the building interior shall meet all the testing and product requirements of one of the following: 1-Carpets and Rug Institute's Green Label Plus Program or; 2-California Department of Public Health Standard practice for the testing of VOC's (spec 01350) or; 3-NSF/ANSI 140 at the Bald level or; 4-Scientific Certifications Systems Indoor Advantage Gold.
9. All carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute Green Label Program.
10. Carpet adhesives shall not exceed a VOC limit of 50 g/l.
11. A minimum of 50% of floor area including resilient flooring shall comply with the VOC emission limits defined in the CHPS Low-emitting Materials List or certified under the RFLC FloorScore program.
12. Composite wood products (hardwood plywood, particle board, and MDF) installed on the interior or exterior of the building shall meet or exceed the standards outlined in Table 4.504.5. Verification of compliance with these sections must be provided at the time of inspection.



1 ROOF PLAN



2 FIRST FLOOR PLAN
(SEPARATE PERMIT)



3 ELECTRICAL PLAN

GENERAL NOTES

1. FOLLOW THE 2011 LOS ANGELES COUNTY BUILDING CODE.
2. ALL SHOWERS AND TUB-SHOWERS SHALL HAVE A PRESSURE BALANCE, THERMOSTATIC MIXING VALVE, OR A COMBINATION PRESSURE BALANCE/THERMOSTATIC MIXING VALVE TYPE.
3. PROVIDE ACCESS PANEL (12x12) REQ'D FOR TUB TRAP SLIP-JOINT.
4. PROVIDE NATURAL VENTILATION IN HABITABLE ROOMS & BATHROOMS BY MEANS OF OPERABLE EXTERIOR WALL OPENINGS W/ AN AREA NOT LESS THAN 4% OF FLOOR AREA.
5. IN LIEU OF EXTERIOR OPENINGS FOR VENTILATION OF HABITABLE ROOMS, AN APPROVED MECHANICAL VENTILATION SYSTEM OF 0.35 AIR CHANGE PER HOUR IN THE ROOM OR A WHOLE-HOUSE VENTILATION SYSTEM CAPABLE OF 15-CFM PER OCCUPANT SHALL BE INSTALLED.
6. ALL GLAZING IN DOORS AND WINDOWS SHALL BE MULTI-PANE UNITS WITH ONE TEMPERED PANE.
7. PROVIDE (1) LAYER OF 5/8" TYPE X GYPSUM WALL BOARD ON EACH SIDE OF ALL GARAGE SIDE WALLS, FLOORS AND CEILINGS BETWEEN GARAGE AND HABITABLE SPACE.
8. TWO LAYERS OF GRADE D PAPER ARE REQUIRED UNDER STUCCO APPLIED OVER HOOD SHEATHING.
9. KITCHEN & BATHROOM LIGHTING TO BE 50% FLUORESCENT LIGHTS. ALL OTHER SPACES TO BE STANDARD LIGHTING WITH DIMMERS OR MOTION CONTROL. COMPLY WITH ALL PROVISIONS OF THE TITLE 24 ENERGY CODE.
10. EXTERIOR WALLS TO BE 2X6 STUDS MINIMUM.
11. SEE STRUCTURAL, T-24 ENERGY CALC. SOILS REPORT FOR FURTHER INFO.
12. SEE STRUCTURAL, T-24 ENERGY CALC. SOILS REPORT FOR FURTHER INFO.

SHEET NOTES

1. SINK W/ GARBAGE DISPOSER.
2. RANGE OR COOKTOP (VERIFY). ALIGN W/ VENT HOOD ABOVE.
3. REFRIGERATOR/FREEZER.
4. CLOTHES WASHER.
5. OVEN-VERIFY GAS OR ELEC. & VENT REQUIREMENT.
6. MICROWAVE OVEN.
7. DISHWASHER.
8. HOOD ABOVE-VENT TO OUTSIDE.
9. BASE CABINET-VERIFY HEIGHT) WITH COUNTERTOP (VERIFY FINISH).
10. WALL MOUNTED CABINET-VERIFY HEIGHT.
11. SINK & MIRROR-VERIFY SIZE.
12. PROVIDE EXHAUST FAN CAPABLE OF 50 CFM INTERMITTENT VENTILATION.
13. TOILET-30" O.D. WIDE SPACE REQUIRED. (1.5 GALLONS PER FLUSH).
14. BATHROOM/JACUZZI BATHING-PROVIDE TUB, GLASS ENCLOSURE.
15. SHOWER, PROVIDE 72" HIGH MIN. NON-ABSORBANT ENCLOSURE.
16. RETAINING WALL PER STRUCTURAL DETAIL. PROVIDE WATERPROOFING MEM-BR OR BGL CHARGE & SLOPE 4% PER SOILS REPORT.
17. LOW WALL-36" A.F.F. MINIMUM (VERIFY HEIGHT & CAP).
18. ATTIC VENT-VERIFY LEVEL. PAINTED TO MATCH ROOF TILE.
19. UNDERFLOOR ACCESS CHALK HOLE-24"x18".
20. FLAT 2x4 PIER FUR OUT W/ GYPSUM BOARD FINISH U.L.O.
21. COMBUSTION PRODUCTS TO VENT THROUGH ROOF.
22. DRYER WITH 4" DIA. DRYER VENT, 14" LENGTH MAX. W/ 2 ELBOWS.
23. A.C. CONDENSING UNIT ON CONCRETE PAD-PROVIDE SOUND ATTENUATION-VERIFY ELECTRIC REQUIREMENT.
24. FLOOR DRAIN.
25. ELECTRIC MAIN PANEL-VERIFY LOCATION W/ POWER CO.
26. 100 GAL. WATERHEATER ON 18" HIGH PLATFORM. PROVIDE SEISMIC STRAPS AT TOP & BOTTOM-PROVIDE VENT.
27. FAU ABOVE.
28. ATTIC ACCESS-24"x30" CLEAR FOR FAU.
29. FAU, SEE TITLE-24 ENERGY CALCULATIONS.
30. HANDRAIL, 30" A.F.F. HOT DIP GALVANIZED.
31. WOOD FLOOR.
32. MARBLE OR TRAVERTINE FLOORING, NON-SLIP FINISH.
33. WOOD BASE, PAINTED.
34. GRANITE COUNTERTOP.
35. POLE & SHELF.
36. BENCH, PRECAST CONCRETE TOP.
37. BRG PROVIDE GAS & ELECTRICAL SERVICE.
38. BRG ENCLOSURE TO BE NON-COMBUSTIBLE: MASONRY OR STEEL STUD.
39. LINE OF HOUSE BELOW.
40. CHIMNEY, PROVIDE SPARK ARRESTOR, STONE FINISH.
41. EXHAUST FAN-50 CFM INTERMITTENT OR 25 CFM CONTINUOUS VENTILATION.
42. SMOKE & CARBON MONOXIDE DETECTOR.
43. CRICKET, HOT MOP.
44. WHOLE HOUSE FAN, PANASONIC WHISPERLITE FV-110VLS (110 CFM).
45. WOOD POST, FIRE TREATED WOOD.
46. WOOD TRUSS, FIRE TREATED WOOD.
47. TELEVISION, PROVIDE ELEC. AND CABLE CONNECTION.
48. FIREPLACE, MASON (M42) PRE-FAB GAS BY FMI PRODUCTS, ESR-2542.
49. CONCRETE SWALE, 2% SLOPE MIN.
50. 1-HR FIRE RATED WALL.
51. IRRIGATION SYSTEM CONTROL WITH WEATHER SENSOR BY RAINBIRD.

FLOOR PLAN LEGEND

- (C) MAIN ELEC. PANEL
- DOOR SEE SCHEDULE
- WINDOW SEE SCHEDULE
- EXHAUST FAN-50 CFM INTERMITTENT OR 25 CFM CONTINUOUS VENTILATION
- SMOKE & CARBON MONOXIDE DETECTOR
- FORCED AIR UNIT 1 SONE MAX
- WATER HEATER
- AUTOMATIC IRRIGATION
- IRRIGATION CONTROL WITH WEATHER SENSOR
- EXISTING WALL
- DEMOLISH WALL
- NEW STUD WALL-FULL HEIGHT
- EXPRESS WINDOW/DOOR
- COMPLY WITH EMERGENCY ESCAPE REQUIREMENTS: MIN. NET CLEAR OPENING AREA = 0.7 SQ.FT. MIN. CLEAR WIDTH=20" MIN. CLEAR HEIGHT=24" MAX. SILL HEIGHT=44"
- DOWNSPOUT, SEE DETAIL 8 ON A-501
- PERFORATED PIPE W/ FILTER SOCK & GRAVEL, 1% MIN. SLOPE
- 4" DIA. DRAIN
- 1/2" HOSE BIB

ELECTRICAL LEGEND

- ELECTRICAL SWITCH @ 48" A.F.F. (U.O.A.)
- THREE-WAY ELECTRICAL SWITCH @ 48" A.F.F. (U.O.A.)
- WALL MOUNTED EXTERIOR LIGHT FIXTURE, HIGH EFFICIENCY OR ON MOTION SENSOR OR PHOTO CONTROL
- RECESSED CEILING MOUNTED DOWN LIGHT
- RECESSED CEILING DOWN LIGHT-HIGH EFFICIENCY
- RECESSED CEILING MOUNTED WALL WASHER
- SURFACE MOUNTED CEILING LIGHT FIXTURE-HIGH EFFICIENCY
- CHANDIEIER-PROVIDE SUFFICIENT BLOCKING
- STAIR FLOOR-LIGHT FIXTURE
- RECESSED WALKWAY LIGHT FIXTURE @ 18" A.F.F.
- EXHAUST FAN-50 CFM INTERMITTENT OR 25 CFM CONTINUOUS VENTILATION
- SMOKE & CARBON MONOXIDE DETECTOR
- MAIN ELEC. PANEL: 200 AMP
- DUPLEX POWER OUTLET @ 12" A.F.F. / 45" A.F.F. @ KITCHEN COUNTER / 36" A.F.F. @ BATH VANITIES / 60" @ TV
- DUPLEX POWER OUTLET WITH GFCI @ 36" A.F.F. IN BATHROOMS AND 45" A.F.F. IN KITCHENS (U.O.A.)
- EXTERIOR DUPLEX POWER OUTLET W/ WATERPROOF COVER & GFCI @ 18" A.F.F.
- CEILING OUTLET FOR GARAGE DOOR OPENER

ELECTRICAL NOTES

1. ALL BRANCH CIRCUITS THAT SUPPLY 120 VOLT, SINGLE PHASE, 15 AND 20 AMPERE RECEPTACLE OUTLETS SHALL BE PROTECTED BY AFCI-40% INTERDISRUPTERS.
2. ELECTRICAL CONTRACTOR TO VERIFY LOCATION OF ALL OUTLETS, SWITCHES AND FIXTURES WITH THE ARCHITECT/OWNER.
3. ELECTRICAL CONTRACTOR TO VERIFY POWER REQUIREMENTS FOR ALL APPLIANCES AND FIXTURES.
4. ALL OUTLETS WITHIN 6' OF WATER SOURCE IN THE KITCHEN, BATHROOMS, & LAUNDRY AREA TO BE PROVIDED WITH GROUND FAULT INTERCEPTORS.
5. AT LEAST 50% LIGHTING FIXTURES IN KITCHEN TO BE HIGH EFFICIENCY LAMINARIES. ALL OTHER SPACES TO HAVE MOTION CONTROL OR DIMMERS.
6. ALL NON-DECEIVING LIGHTING FIXTURES RECESSED INTO CEILING SHALL BE APPROVED FOR ZERO CLEARANCE (I.C. RATED) AND AIRTIGHT.
7. PROVIDE HARD WIRED AND INTERCONNECTED SMOKE DETECTORS WITH BATTERY BACK-UP ADJACENT TO AND INSIDE BEDROOMS.
8. OUTLETS FOR D.W. & DISPOSAL TO BE UNDER COUNTER @ 12" A.F.F. MIN. CLEARANCE, AND POINT OF TERMINATION OF ANY APPLIANCE VENT OR CHIMNEY SHALL CONFORM TO THE RESIDENTIAL BUILDING CODE.
10. PROVIDE MECHANICAL VENTILATION FOR BATHROOMS AND LAUNDRY ROOMS.



Stamp:



Legal Description:

LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN:7587-017-012

Project Name (Client - Address - City)
Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

Use Description:

GARAGE FLOOR PLAN AND ROOF
(SEPARATE PERMIT)

Date: 05/04/2017

Revision Dates:

- 02/26/2020
- 06/28/2020
- 07/14/2020
- 10/26/2020
- 12/10/2020

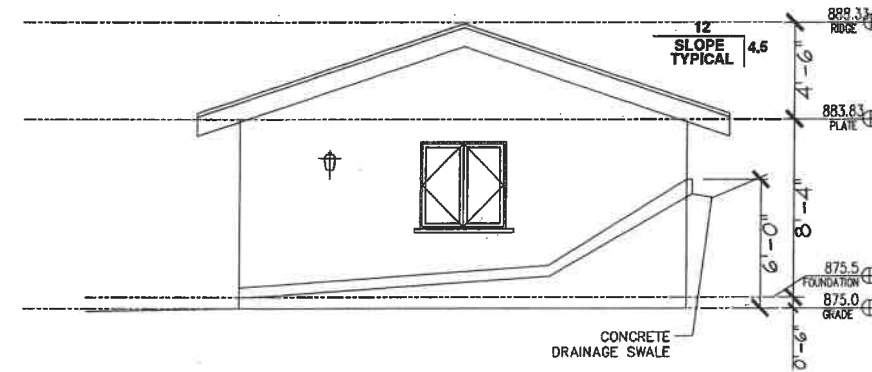
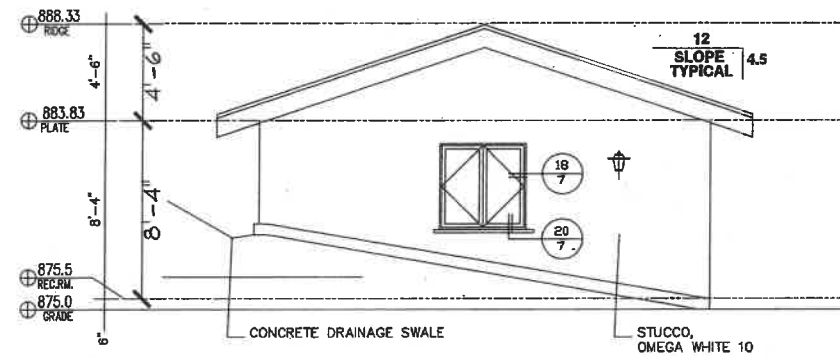
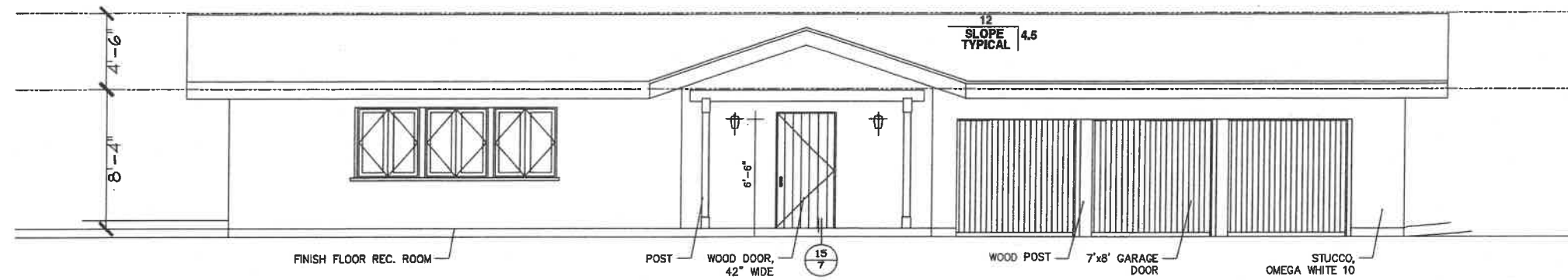
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CBB STAFF

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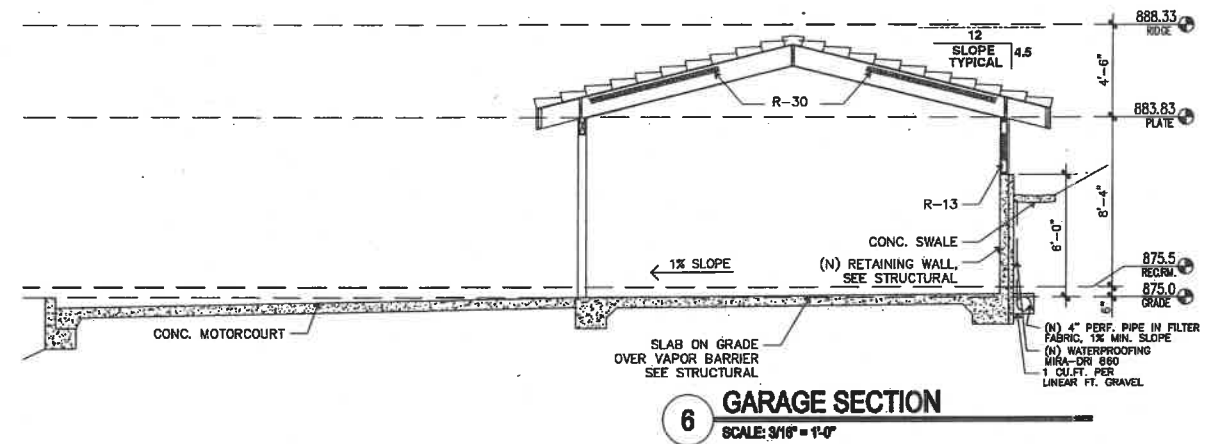
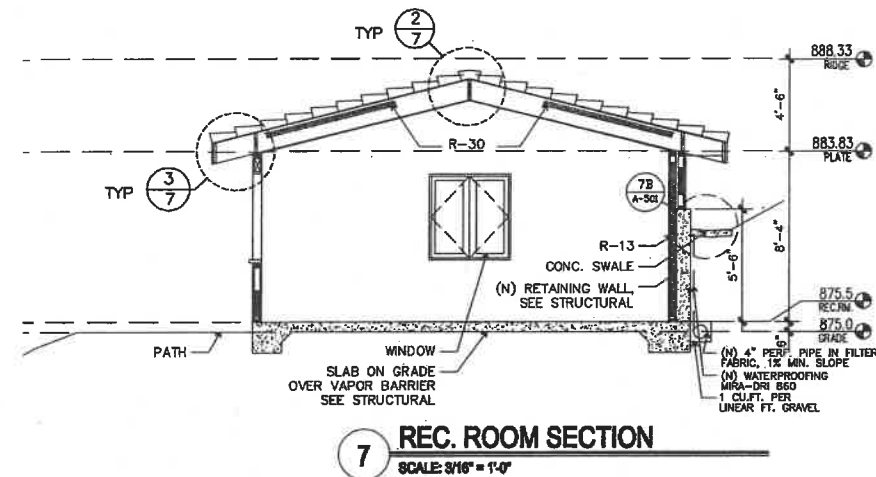
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GARAGE Elevations

(SEPARATE PERMIT)



GARAGE Sections

Stamp:



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LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN: 7567-017-012

Project Name (Client - Address - City)
Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

Use Description:

GARAGE ELEVATIONS
(SEPARATE PERMIT)

Date: 05/04/2017

Revision Dates:

03/12/2020

07/15/2020

12/10/2020

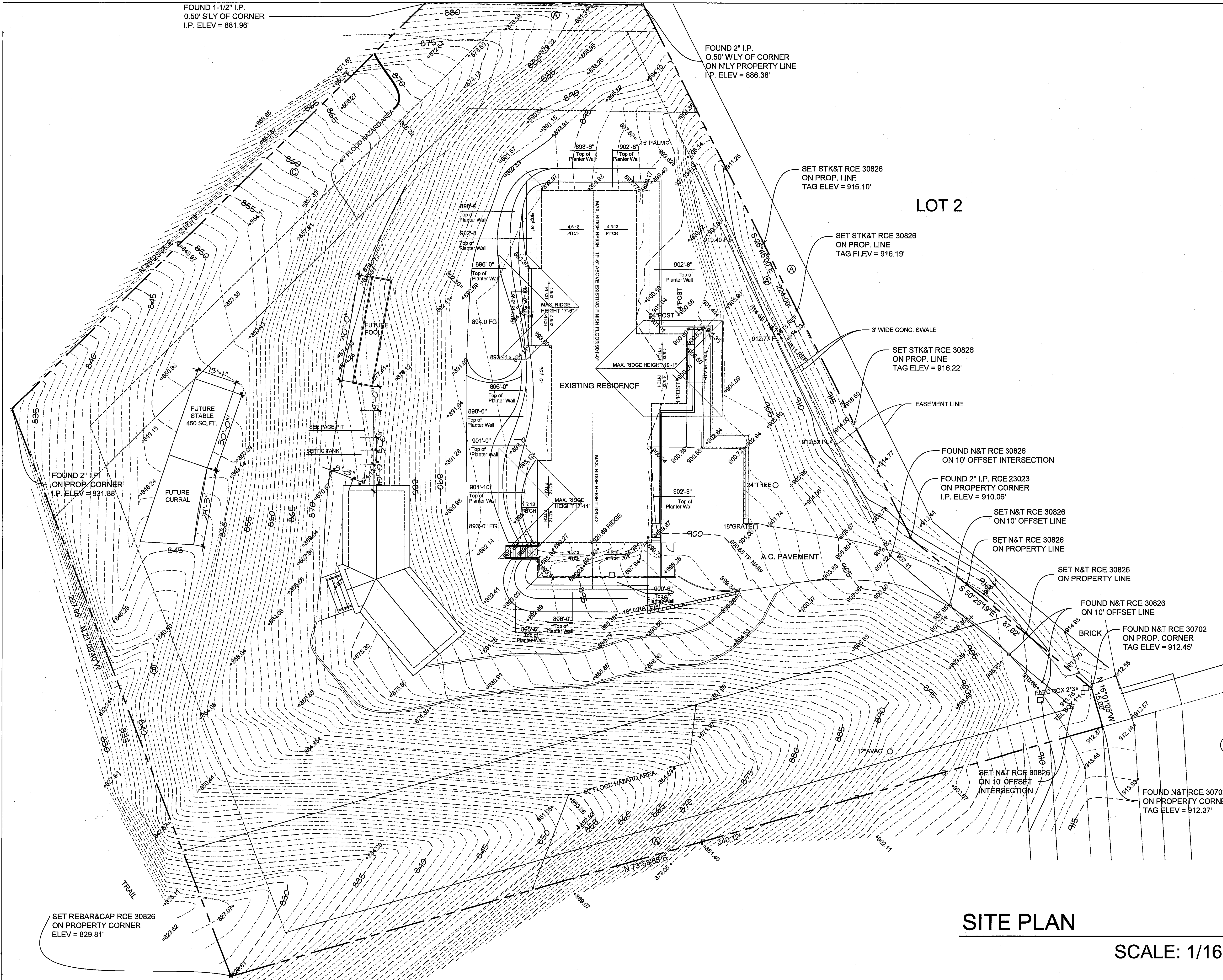
Drawing By:

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Scale:

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FOUND 1-1/2" I.P.
0.50' S'LY OF CORNER
I.P. ELEV = 881.96'

FOUND 2" I.P.
0.50' W'LY OF CORNER
ON N'LY PROPERTY LINE
I.P. ELEV = 886.38'

LOT 2

SET STK&T RCE 30826
ON PROP. LINE
TAG ELEV = 915.10'

SET STK&T RCE 30826
ON PROP. LINE
TAG ELEV = 916.19'

SET STK&T RCE 30826
ON PROP. LINE
TAG ELEV = 916.22'

FOUND N&T RCE 30826
ON 10' OFFSET INTERSECTION

FOUND 2" I.P. RCE 23023
ON PROPERTY CORNER
I.P. ELEV = 910.06'

SET N&T RCE 30826
ON 10' OFFSET LINE

SET N&T RCE 30826
ON PROPERTY LINE

SET N&T RCE 30826
ON PROPERTY LINE

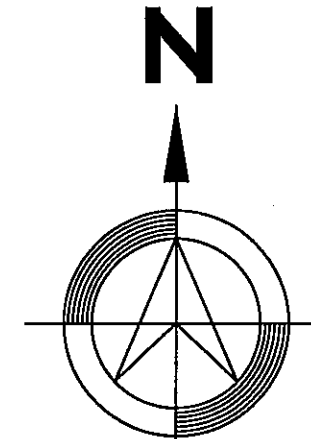
FOUND N&T RCE 30826
ON 10' OFFSET LINE

FOUND N&T RCE 30702
ON PROP. CORNER
TAG ELEV = 912.45'

FOUND N&T RCE 30702
ON PROPERTY CORNER
TAG ELEV = 912.37'

SET REBAR&CAP RCE 30826
ON PROPERTY CORNER
ELEV = 829.81'

City of Rolling Hills
Planning Department
Approved for Plan Check Only
By: [Signature] Date: 12/18/20



RECEIVED
DEC 18 2020
City of Rolling Hills
By: _____

SITE PLAN

SCALE: 1/16" = 1'-0"

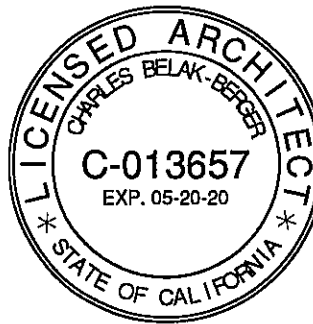
LOT 5



CBB ARCHITECTS

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WWW.CBBARCHITECTS.COM
CBBARCHITECTS@GMAIL.COM

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APN: 7567-017-012

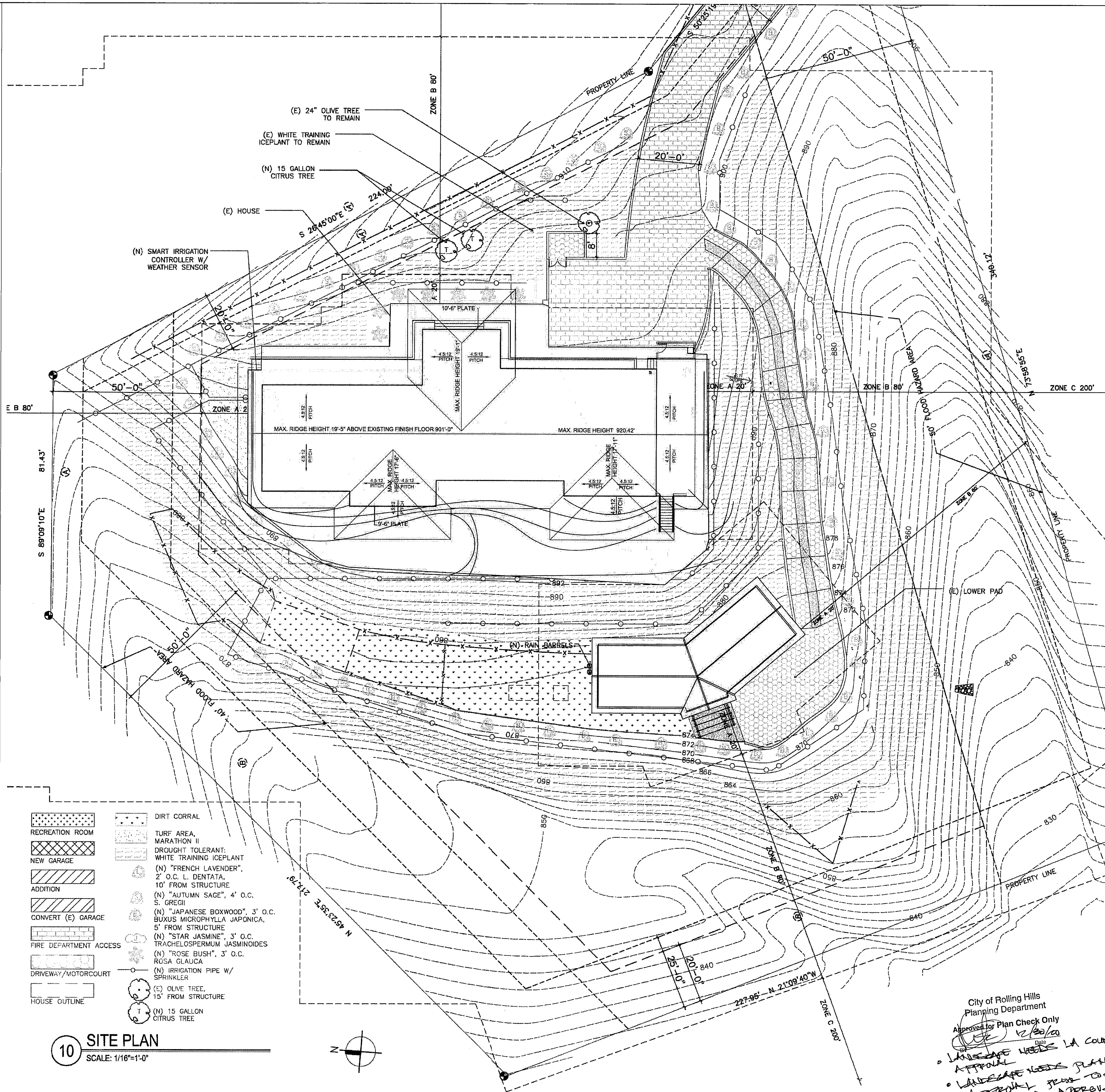
Project Name (Client - Address - City)

Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

| Use Description: | |
|------------------|------------|
| SITE PLAN | |
| Date: | 05/04/2017 |
| Revision Dates: | |
| △ | 06/28/2020 |
| △ | 07/27/2020 |
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| Drawing By: | |
| CBB STAFF | |
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ASSESSMENT NOTES AND MAINTENANCE AGREEMENT FOR
FUEL MODIFICATION PLAN # 4948

Zone A - Setback Zone

- Extends 20 feet beyond the edge of any combustible structure, accessory structure, appurtenance or projection. Overhangs or other parts of the structure not accurately reflected on the plans may require the approval of plant location on site landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall consist primarily of green lawns, ground covers not exceeding 8 inches in height, and adequately spaced shrubs. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone A shall be inherently highly fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval. Final or revised Plans submitted after 6 months from the initial submittal will have plants in all zones evaluated based on the most current Fuel Modification Plant List available from the Fuel Modification Unit.
- Except for dwarf varieties, or mature trees shall in mature trees are generally not recommended within Zone A.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site.
- Vines and climbing plants shall not be allowed on any combustible structure requiring review.

Zone B - Irrigated Zone

- Extends from the outermost edge of Zone A to 100 feet from structure.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall typically consist primarily of green lawns, ground covers, and adequately spaced shrubs and trees.
- Unless otherwise approved, ground covers shall be maintained at a height not to exceed 6 inches in Zone B. 12 inches is acceptable within 30 feet of a structure and 18 inches beyond 30 feet in Zone B if it is on a slope. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment. Specimen native plants may be approved to remain if properly maintained for adequate defensible space. Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- Plants in Zone B shall typically be fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval.
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site. This distance may extend to 50 feet if the situation dictates.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, unseasonal supplemental water.)
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Zone C - Native Brush Thinning Zone

- Extends from the outermost edge of Zone B up to 200 feet from structure.
- Required thinning and clearance will be determined upon inspection. Required clearance may increase to the maximum allowed by the Fire Code as needed because of vegetation growth.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, unseasonal supplemental water.)
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone C shall be spaced appropriately. Existing native vegetation shall be modified by thinning and removal of those species constituting a fire risk. These species include, but are not limited to, chamise, sage, sage brush, and buckwheat.
- Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- General spacing for existing native shrubs or groups of shrubs is 15 feet between canopies. Native plants may be thinned by reduced amounts as the distance from development increases.
- General spacing for existing native trees or groups of trees is 30 feet between canopies. This distance may increase or decrease depending on the slope, arrangement of the trees in relation to slope, and the species of tree.

Fire Access Road Zone

- Extends a minimum of 10 feet from the edge of any public or private roadway that may be used as access for fire-fighting apparatus or resources.
- Clear and remove flammable growth for a minimum of 10 feet on each side of Fire Access Roads. (Fire Code 325.10) Additional clearance beyond 10 feet may be required upon inspection.
- Fire access roads, driveways and turnarounds shall be maintained in accordance with fire code. Fire Access Roads shall have unobstructed vertical clearance for a width of 20 feet. (Fire Code 503.2.1)
- Landscaping and native plants within the Fire Access Road Zone shall be appropriately spaced and maintained to provide safe access in wildland fire environments.
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Maintenance

Routine maintenance shall be regularly performed in all zones. Requirements include but are not limited to those items in the Fuel Modification Guidelines and those outlined below:

- Removal or thinning of undesirable combustible vegetation and removal of dead or dying landscaping to meet minimum brush clearance requirements.
- Pruning and thinning to reduce the overall fuel load and continuity of fuels.
- Fuel loads shall be reduced by pruning lower branches of trees and tree-lim shrubs to 1/3 of their height, or 6 feet from overhanging branches to the ground, to help prevent the from spreading animals maintenance safety. (Trees with underlying plants could be limbed up at least three times the height of the underlying vegetation or up to a height of 40 feet, whichever is less, to help prevent fire from spreading upward into the crown.)

- Accumulated plant litter and dead wood shall be removed. Debris and trimmings produced by thinning and pruning should be removed from the site or chipped and evenly dispersed in the same area to a maximum depth of 6 inches.
- All invasive species and their paths should be removed from the site.
- Manual and automatic irrigation systems shall be maintained for operational integrity and programming. Effectiveness should be regularly evaluated to avoid over or under-watering. Compliance with the Fire Code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department. Annual inspections for brush clearance code requirements are conducted following the natural cycle of grasses and tree fuels between the months of April and June depending on geographic region. Inspection for compliance with an approved Fuel Modification Plan may occur at any time of year.
- Brush Clearance enforcement (issues on adjacent properties) should be directed to the County of Los Angeles Fire Department's Brush Clearance Unit at (822) 969-2378.
- All future plantings shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines and approved prior to installation. Changes to the approved plan which require an additional plan review will incur a plan review fee.
- Questions regarding landscape planting and maintenance with regard to fire safety should be directed to the Fire Department's Fuel Modification Unit at (822) 969-5205.

Long Term Maintenance Agreement

The property owner(s) agree to be responsible for the long-term maintenance of this Fuel Modification Plan, as described herein. A Covenant & Agreement identifying the applicable Fuel Modification Plan will be recorded on the parcel(s) or CCB's approved, prior to occupancy being granted. Notification of Fuel Modification requirements is to be made upon sale to new owners. Proposed changes to the Fuel Modification plan must be submitted to the Fuel Modification Unit for approval, prior to implementation. Plans will be reviewed based on the current plant list. Regular inspections will be performed by the Fire Department to ensure compliance with the approved plan. Failure to comply with the Fuel Modification Plan requirements may result in an Administrative Fine of at least \$500 per violation, as well as possible liens, assessments, and legal action. Violations may also be considered at the owner's expense with the cost placed on the property tax bill with the addition of an Apartment Enforcement Cost of \$488.

Name (Print) _____ Signature _____ Date _____
Name (Print) _____ Signature _____ Date _____

Approval of this Fuel Modification Plan constitutes approval for only those Codes reviewed as part of the Fuel Modification process and does not replace the needed approval of any other office or agency with jurisdiction and review responsibility for those items which may or may not be illustrated on the plan.

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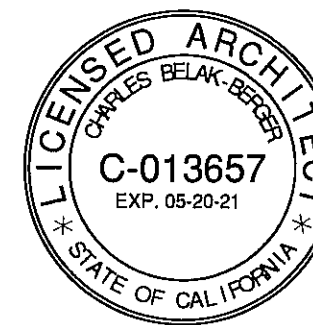
City of Rolling Hills



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CBBARCHITECTS@GMAIL.COM

Stamp:



Legal Description:

LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN: 7567-017-012

Project Name (Client - Address - City)

Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

Use Description:

Date: 06/16/2020

Revision Dates:

| | |
|---|------------|
| 1 | 02/26/2020 |
| 2 | |
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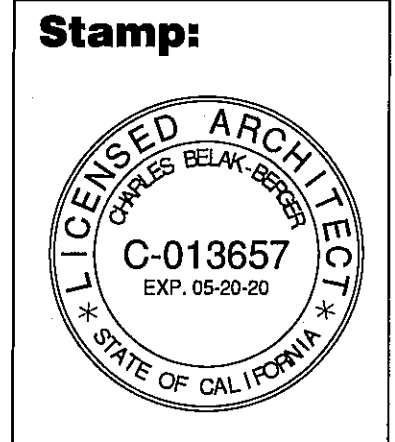
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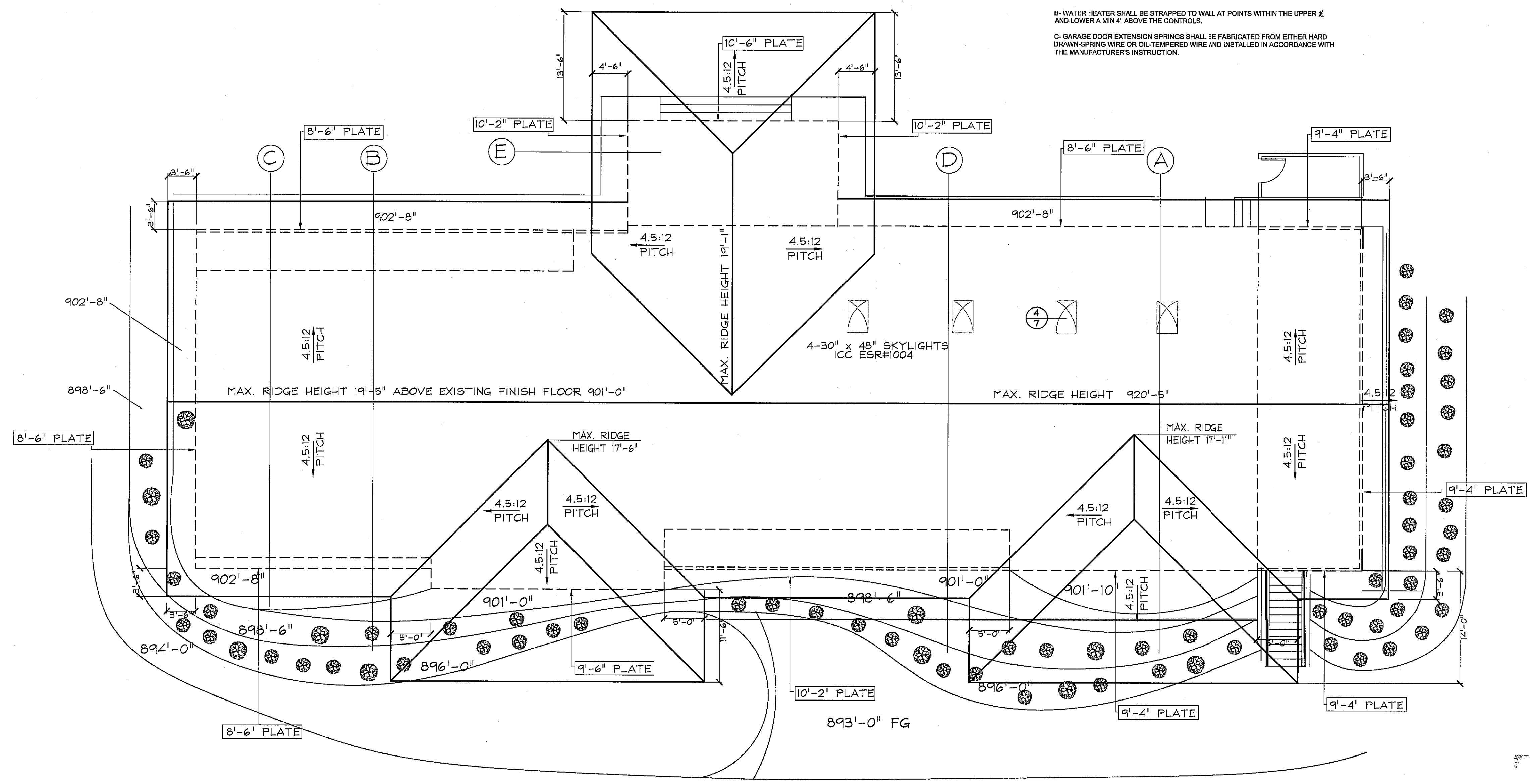
Project Name (Client - Address - City)
Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

| Use Description: | |
|--------------------------|------------|
| Date: | 05/04/2017 |
| Revision Dates: | |
| △ | 02/26/2020 |
| △ | 06/28/2020 |
| △ | 07/27/2020 |
| △ | |
| △ | |
| Drawing By: CBB STAFF | |
| Scale: | |

Sheet
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CITY ORDINANCE GREEN BUILDING REQUIREMENTS

- A. Photovoltaic systems: Installation of conduit leading from an exterior south-facing, east-facing or west-facing roof, where a minimum of 4 hours of direct sunlight is achieved, to a stubbed junction box next to the electrical panel. All exposed conduit shall be capped and provided with adequate flashing. The conduit shall not be located on or in the direction of a north-facing roof. (roof reinforcements shall be addressed at the time of installation).
- B. Solar Water Heating System: Installation of 1/2" island cold copper water pipes from a south-facing, east-facing or west-facing roof, where a minimum of 4 hours of direct sunlight can be achieved, to an existing water heater/tank. Both ends of the 1/2" copper pipes shall be stubbed out and shall not be located on or in the direction of a north-facing roof. All exposed pipes shall be capped and provided with adequate flashing (structural engineering and any roof reinforcements shall be addressed at the time of installation under separate plans and permits). That duct's shall be protected during construction and cleaned before occupancy.
- A. FLUSH VOLUMES FOR LOW CONSUMPTION AND WATER-SAVING WATER CLOSETS SHALL BE PROVIDED WITH A MAX 1.6 GALLONS OF WATER PER FLUSH.
- B. WATER HEATER SHALL BE STRAPPED TO WALL AT POINTS WITHIN THE UPPER 1/2 AND LOWER A MIN 4" ABOVE THE CONTROLS.
- C. GARAGE DOOR EXTENSION SPRINGS SHALL BE FABRICATED FROM EITHER HARD DRAWN-SPRING WIRE OR OIL-TEMPERED WIRE AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTION.



ROOF PLAN (WITH PLANTER WALLS)
SCALE: 1/8" = 1'-0"

APPROVED

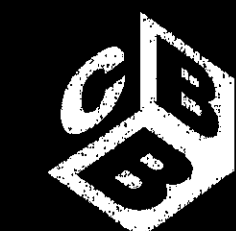
ROLLING HILLS
COMMUNITY ASSOCIATION
ARCHITECTURAL COMMITTEE

[Signature]
1-20-2020

City of Rolling Hills
Planning Department

Approval Plan Check Only
[Signature] 12/20/20
Date

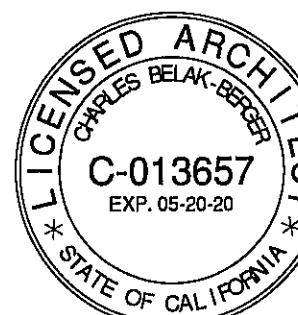
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CBB ARCHITECTS

529 N. ROLLING HILLS BLVD.
CANAAN, CT 06026
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WWW.CBBARCHITECTS.COM
CBBARCHITECTS@GMAIL.COM

Stamp:



Legal
Description:

LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN: 7567-017-012

Project Name (Client - Address - City)

Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

Use Description:

FLOOR PLAN

Date: 05/04/2017

Revision Dates:

| | |
|---|------------|
| △ | 12/08/2020 |
| △ | 12/09/2020 |
| △ | |
| △ | |
| △ | |

Drawing By:

CBB STAFF

Scale:

Sheet

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CITY ORDINANCE GREEN BUILDING REQUIREMENTS

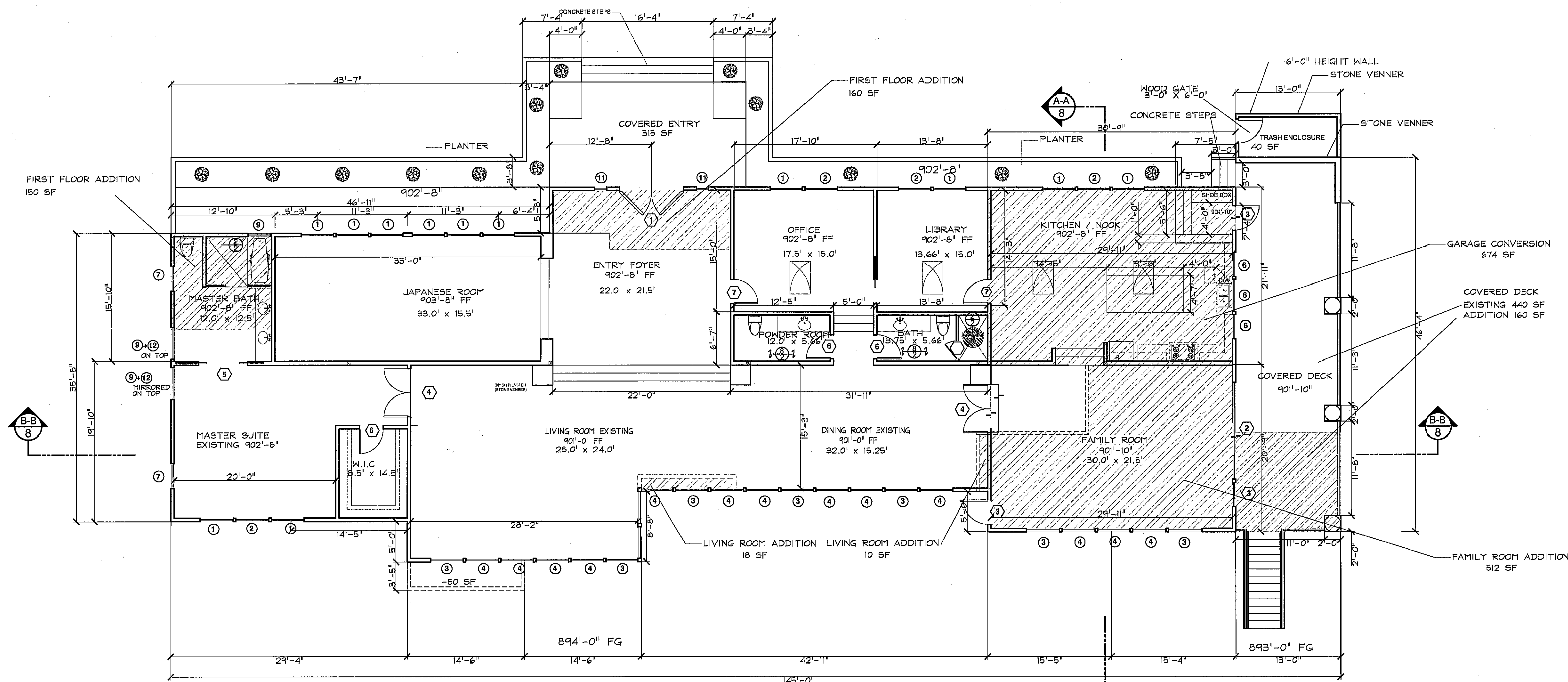
A. Photovoltaic systems: Installation of conduit leading from an exterior south-facing, east-facing or west-facing roof, where a minimum of 4 hours of direct sunlight is achieved, to a stubbed junction box next to the electrical panel. All exposed conduit shall be capped and provided with adequate flashing. The conduit shall not be located on or in the direction of a north-facing roof. (roof reinforcements shall be addressed at the time of installation).

B. Solar Water Heating System: Installation of 1/2" hot and cold copper water pipes from a south-facing, east-facing or west-facing roof, where a minimum of 4 hours of direct sunlight can be achieved, to an existing water heater/tank. Both ends of the 1/2" copper pipes shall be stubbed out and shall not be located on or in the direction of a north-facing roof. All exposed pipes shall be capped and provided with adequate flashing (structural engineering and any roof reinforcements shall be addressed at the time of installation under separate plans and permits). That duct shall be protected during construction and cleaned before occupancy.

A. FLUSH VOLUMES FOR LOW CONSUMPTION AND WATER-SEVER WATER CLOSETS SHALL BE PROVIDED WITH A MAX 1.6 GALLONS OF WATER PER FLUSH.

B. WATER HEATER SHALL BE STRAPPED TO WALL AT POINTS WITHIN THE UPPER 1/2 AND LOWER A MIN 4" ABOVE THE CONTROLS.

C. GARAGE DOOR EXTENSION SPRINGS SHALL BE FABRICATED FROM EITHER HARD DRAWN-SPRING WIRE OR OIL-TEMPERED WIRE AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTION.



FLOOR PLAN

EXISTING RESIDENCE 3746.0 SF
(DEMO) - 50.0 SF
GARAGE CONVERSION 674.0 SF
PROPOSED ADDITION 850.0 SF

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

APPROVED
ROLLING HILLS
COMMUNITY ASSOCIATION
ARCHITECTURAL COMMITTEE
12/20/20

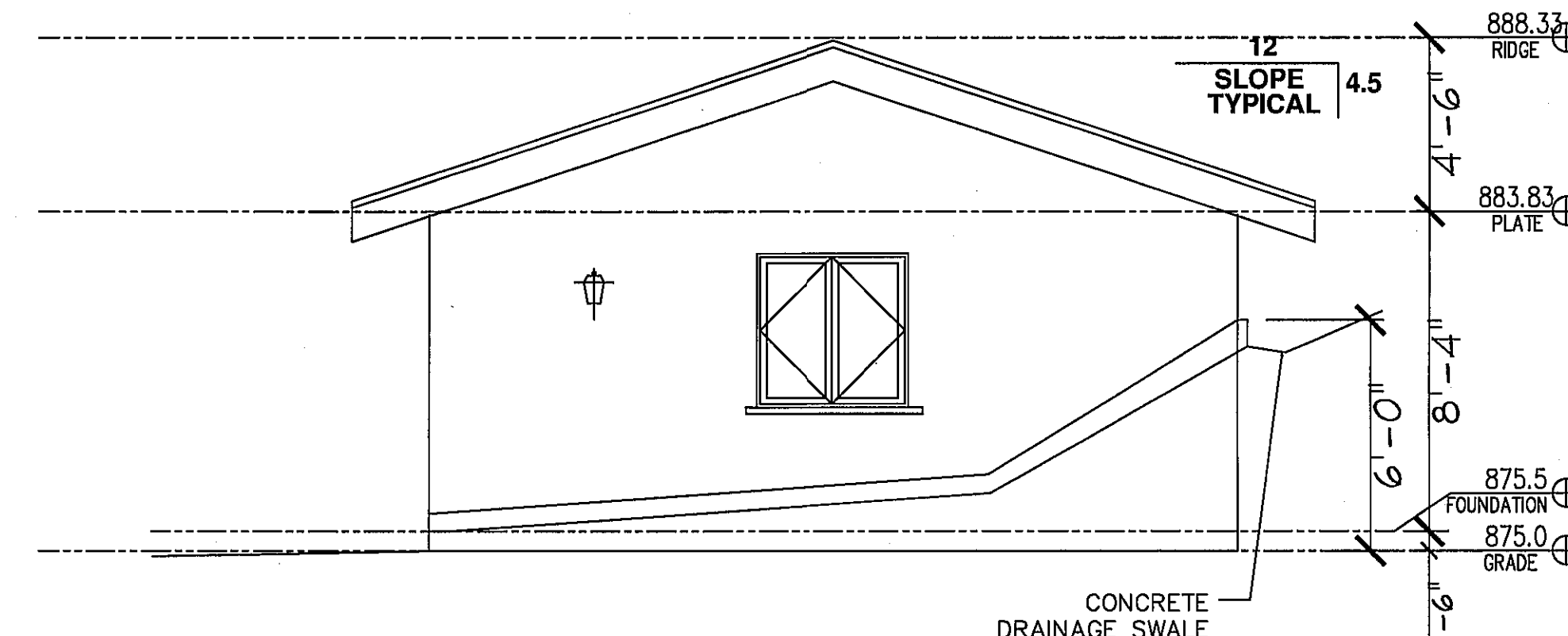
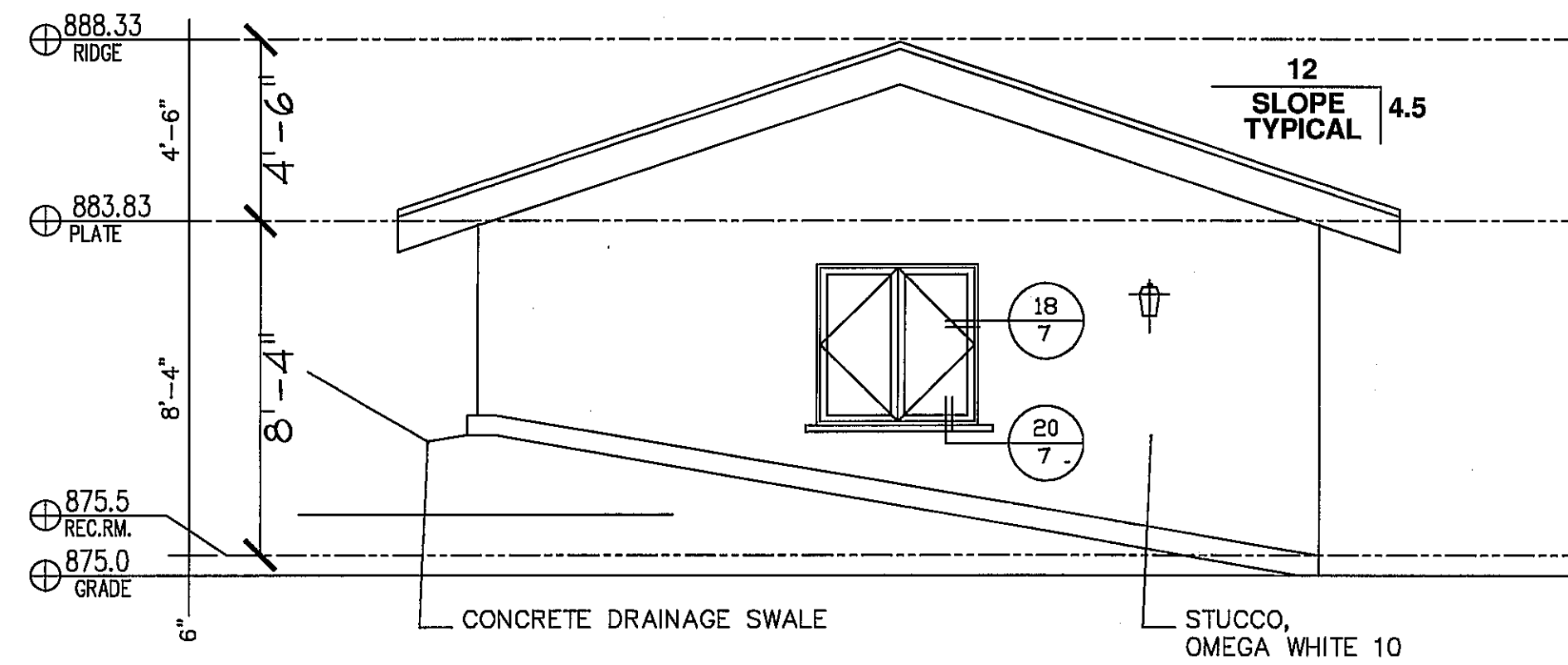
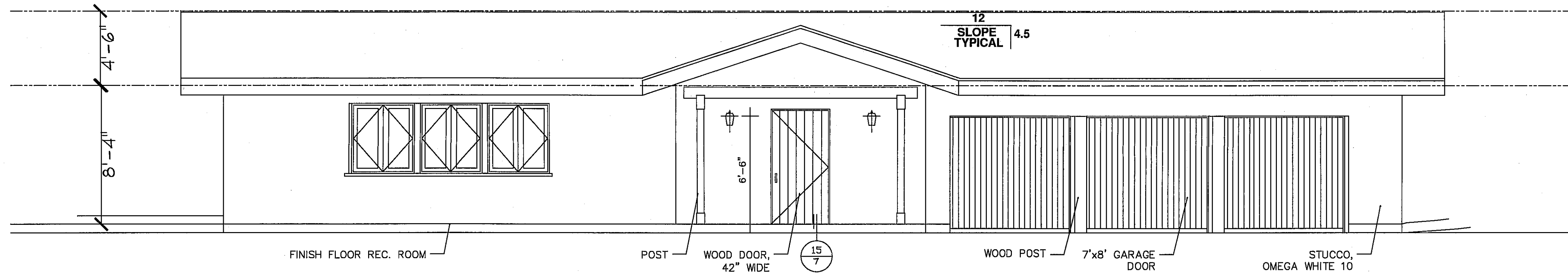
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Planning Department
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12/20/20

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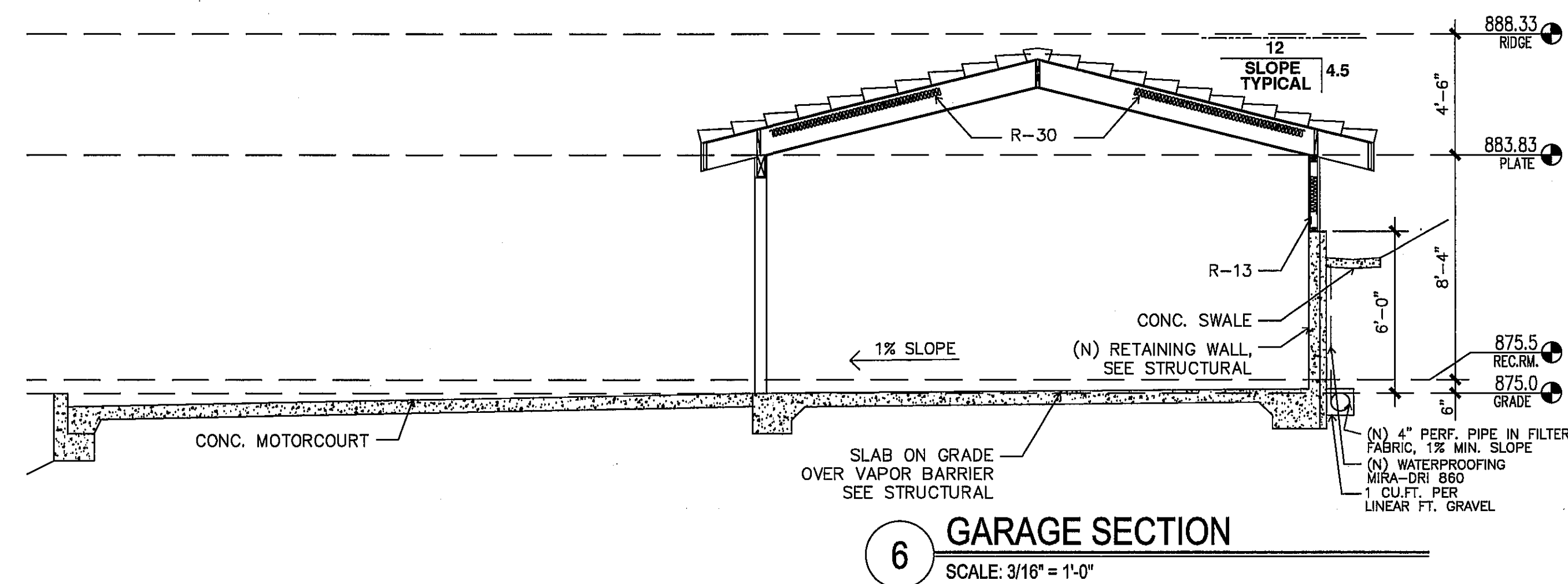
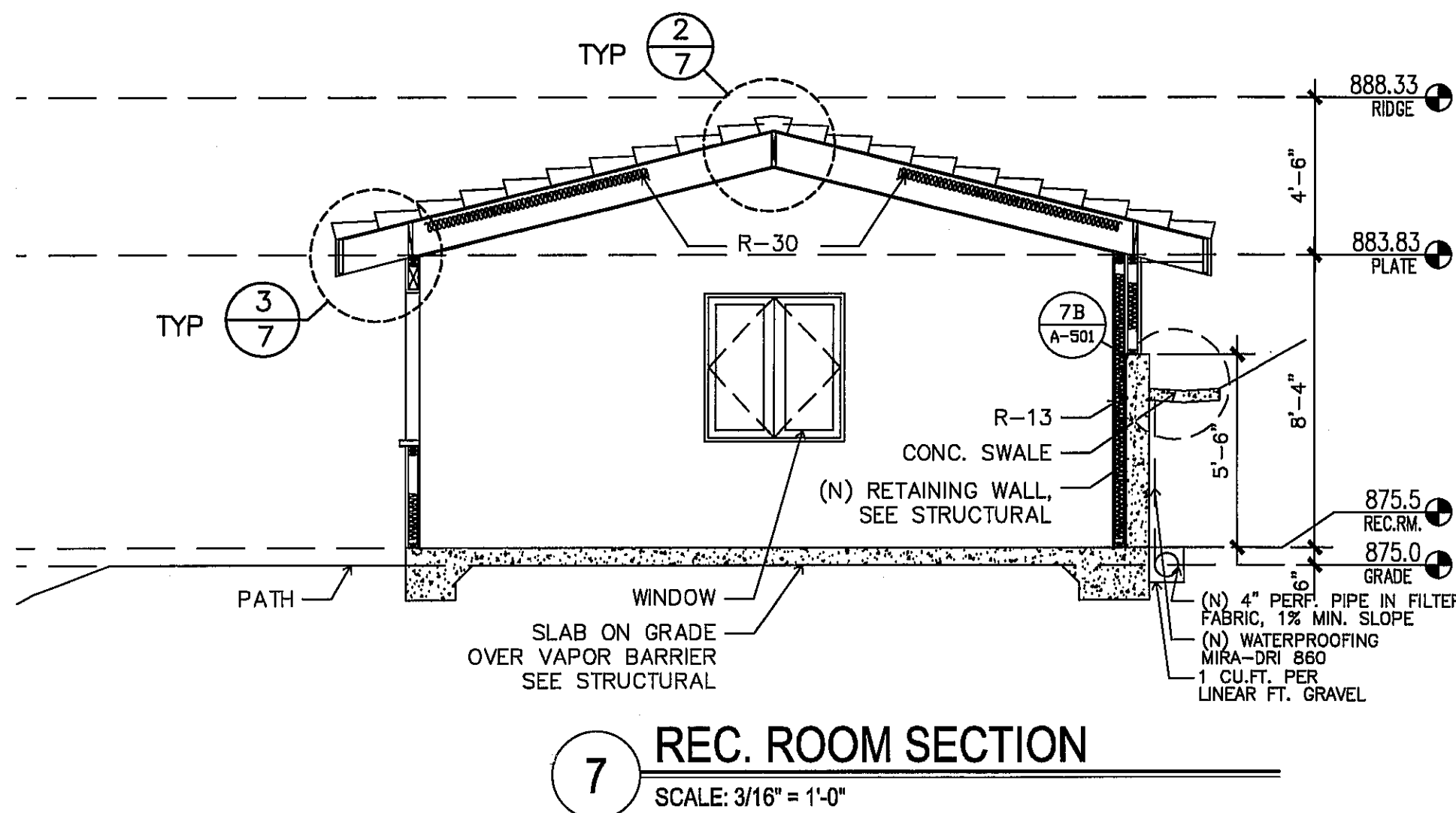


GARAGE Elevations

(SEPARATE PERMIT)

APPROVED

ROLLING HILLS
COMMUNITY ASSOCIATION
ARCHITECTURAL COMMITTEE
11/20/2021
THE FOLLOWING ITEMS MUST BE SUBMITTED TO
THE ARCHITECTURAL COMMITTEE FOR APPROVAL:
Doors & Windows (BRAND/MATL/COLOR)
Roofing Material
Exterior Lighting (LOCATION & DESIGN)
Front Door
Garage Door
Stone Sample
Shrub/Trees Sample
Garden Lighting (LOCATION & DESIGN)
Landscape Plan
SUBMIT ANY MODIFICATIONS FOR APPROVAL
PRIOR TO CONSTRUCTION
ALL STRUCTURES MUST BE PAINTED ASSOCIATION
APPROVED WHITE
NO STRUCTURES, PLANTING OR IRRIGATION IS
PERMITTED IN AN ASSOCIATION EASEMENT



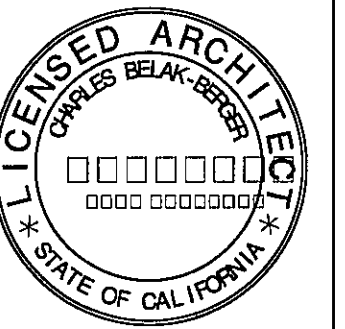
GARAGE Sections

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DEC 18 2020

City of Rolling Hills
By _____

Stamp:



Legal
Description:

LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN: 7567-017-012

Project Name (Client - Address - City)

Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

Use Description:

GARAGE ELEVATIONS
(SEPARATE PERMIT)

Date: 05/04/2017

Revision Dates:

| | |
|---|------------|
| △ | 03/12/2020 |
| △ | 07/15/2020 |
| △ | 12/10/2020 |
| △ | |
| △ | |

Drawing By:

CBB STAFF

Scale:


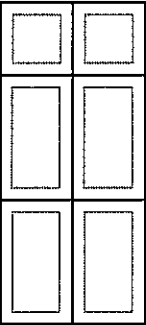
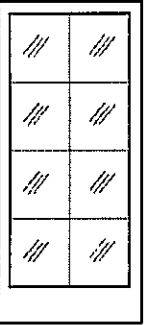
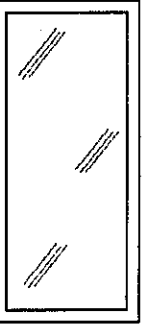
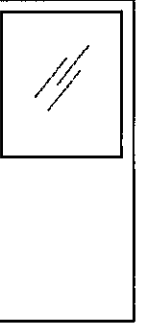
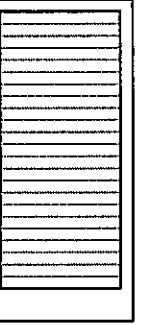
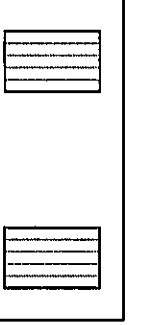
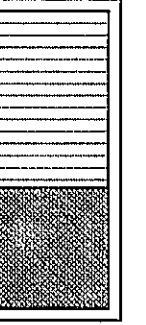

Sheet

5.1

| ROOM FINISH SCHEDULE | | | | | | | | | | REMARKS |
|----------------------|----------|--|-------|------|-------|-------|------|------|----------|---------|
| REF. NO. | LOCATION | | FLOOR | BASE | WALLS | WALLS | WALL | WALL | WAINSCOT | |
| 1 | | | | | | | | | | |
| 2 | | | | | | | | | | |
| 3 | | | | | | | | | | |
| 4 | | | | | | | | | | |
| 5 | | | | | | | | | | |
| 6 | | | | | | | | | | |
| 7 | | | | | | | | | | |
| 8 | | | | | | | | | | |
| 9 | | | | | | | | | | |
| 10 | | | | | | | | | | |
| 11 | | | | | | | | | | |
| 12 | | | | | | | | | | |
| 13 | | | | | | | | | | |
| 14 | | | | | | | | | | |
| 15 | | | | | | | | | | |
| 16 | | | | | | | | | | |

| ROOM FINISH SCHEDULE | | | | | | | | | |
|----------------------|--|------|--|-------|--|----------|--|---------|--|
| FLOOR | | BASE | | WALLS | | WAINSCOT | | CEILING | |
| 1 | | 1 | | 1 | | 1 | | 1 | |
| 2 | | 2 | | 2 | | 2 | | 2 | |
| 3 | | 3 | | 3 | | 3 | | 3 | |
| 4 | | 4 | | 4 | | | | 4 | |
| 5 | | 5 | | 5 | | | | 5 | |
| 6 | | 6 | | 6 | | | | 6 | |
| 7 | | 7 | | 7 | | | | 7 | |
| | | | | | | | | | |
| | | | | | | | | | |

NOTES:
1. WALL AND CEILING SHALL NOT EXCEED THE FLAME SPREAD CLASSIFICATIONS IN CRC R302.9.

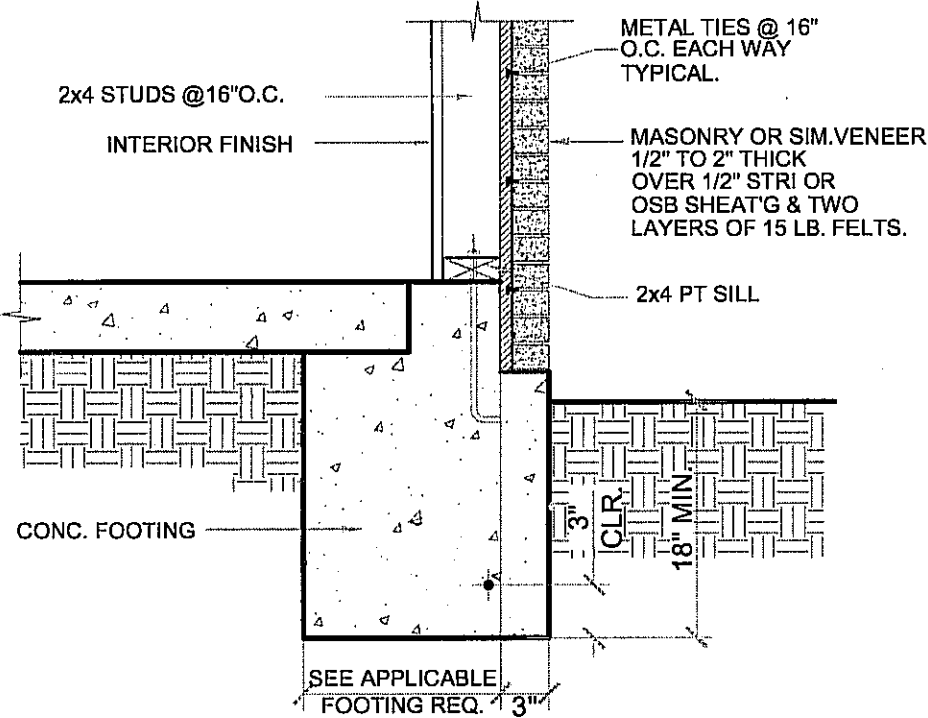
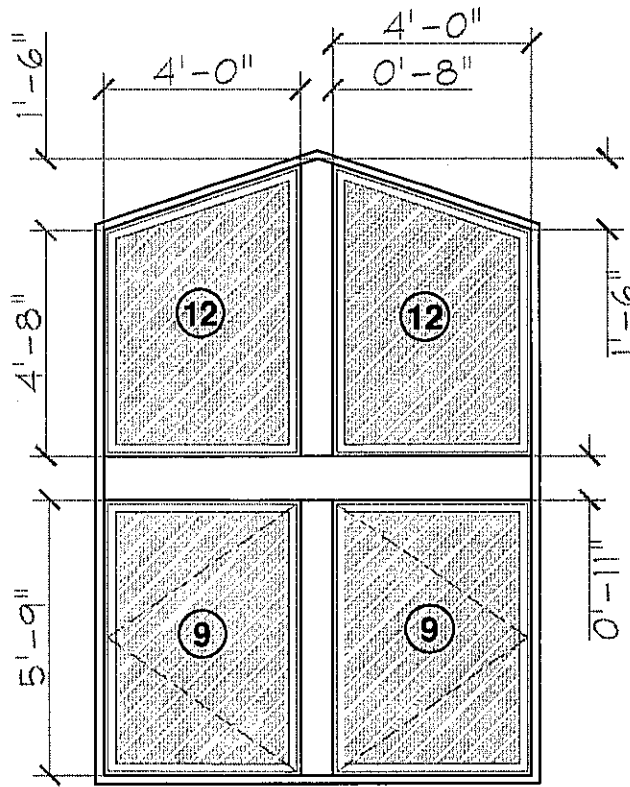
| DOOR TYPES | | | | | | | | |
|--|---|---|---|---|---|---|---|---|
|  |  |  |  |  |  |  |  |  |
| FLUSH | PANELED | FRENCH | GLASS | SASH | JALOUSIE | LOUVERED | SHUTTER SCREEN | DUTCH |

| DOOR SCHEDULE | | | | | | | | | | |
|---------------|--------|-------|--------|-----|---|-----------|----------------|----|------|-----|
| No | Wide | High | Thick | F/R | TYPE | Manufact. | Other | Q. | SHGC | U-F |
| 1 | 8'-0" | 8'-0" | 1 3/4" | NO | SWINGING SOLID WOOD DOORS, STAIN GRADE W/PRIVACY LOCK | PER OWNER | | 1 | | |
| 2 | 12'-0" | 6'-8" | 1 3/4" | NO | FOUR PIECE SLIDING ASSEMBLY, W/LOCK & DEADBOLT | PER OWNER | TEMPERED GLASS | 1 | | .18 |
| 3 | 3'-0" | 6'-8" | 1 3/4" | NO | SWINGING FRENCH DOOR, TEMP GLASS W/PRIVACY LOCK, SOLID CORE | PER OWNER | PRIVACY LOCK | 3 | | |
| 4 | 3'-0" | 6'-8" | 1 3/8" | | SWINGING FRENCH DOOR (AIR), TEMP GLASS W/PRIVACY LOCK, SOLID CORE | PER OWNER | | 2 | | |
| 5 | 3'-0" | 6'-8" | 1 3/8" | | POCKET SLIDING DOOR COMMERCIAL GRADE FLUSH P/G | PER OWNER | PRIVACY LOCK | 2 | | |
| 6 | 2'-10" | 6'-8" | 1 3/8" | NO | PAINT GRADE, FLUSH PANEL SOLID CORE | PER OWNER | PRIVACY LOCK | 2 | | |
| 7 | 3'-0" | 6'-8" | 1 3/8" | NO | PAINT GRADE, FLUSH PANEL SOLID CORE | PER OWNER | PRIVACY LOCK | 2 | | |
| 8 | | | | | | | | | | |
| 9 | | | | | | | | | | |
| 10 | | | | | | | | | | |
| 11 | | | | | | | | | | |
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* GLAZING MUST BE TEMPERED & AFFIXED WITH PERMANENT LABELS PER CODE SEC.2406 FOR GLAZING IN DOOR & WITHIN 24" ARC OF DOOR (IN A CLOSED POSITION), IN WALL ADJACENT TO TOP & BOTTOM LANDING OF STAIRWAY, SHOWER & BATH TUB.


| WINDOW SCHEDULE | | | | | | | | | | |
|-----------------|-------|-------|-------|----------|---|--------------|----|------|-----|--|
| No | Wide | High | Glass | Dbt Glss | FRAME TYPE | MANUFACTURER | Q. | SHGC | U-F | |
| 1 | 4'-0" | 5'-0" | PLATE | YES | CASEMENT WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 12 | .30 | .34 | |
| 2 | 4'-0" | 5'-0" | PLATE | YES | FIXED GLASS WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 4 | .30 | .34 | |
| 3 | 4'-0" | 6'-6" | PLATE | YES | CASEMENT WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 7 | .30 | .34 | |
| 4 | 4'-0" | 6'-6" | PLATE | YES | FIXED GLASS WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 13 | .30 | .34 | |
| 5 | | | | | | | | | .34 | |
| 6 | 3'-0" | 3'-0" | PLATE | YES | CASEMENT WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 3 | .30 | .34 | |
| 7 | 3'-0" | 5'-0" | PLATE | YES | CASEMENT WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 2 | .30 | .34 | |
| 8 | 7'-0" | 3'-0" | PLATE | YES | WIND SET, 2 SIDES 2'-0" X 3'-0" CASEMENTS AL. FRAME WITH A 2'-0" X 3'-0" FIXED TEMPERED GLASS ON MIDDLE | BY OWNER | 1 | .30 | .34 | |
| 9 | 4'-0" | 5'-9" | PLATE | YES | FIXED GLASS WINDOW; MATERIAL FIBERGLASS WHITE FRAME OBSCURED TEMPERED GLASS | BY OWNER | 2 | .30 | .34 | |
| 10 | 6'-0" | 6'-6" | PLATE | YES | FIXED GLASS WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 1 | .30 | .34 | |
| 11 | 1'-4" | 6'-6" | PLATE | YES | FIXED GLASS WINDOWS; MATERIAL FIBERGLASS WHITE FRAME TEMPERED GLASS | BY OWNER | 2 | .30 | .34 | |
| 12 | 4'-0" | VAR | PLATE | YES | FIXED GLASS WINDOW; MATERIAL FIBERGLASS WHITE FRAME OBSCURED TEMPERED GLASS | BY OWNER | 2 | .30 | .34 | |
| 13 | | | | | | | | | | |
| 14 | | | | | | | | | | |
| 15 | | | | | | | | | | |
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EGRESS NOTES:
1. MEANS OF EGRESS DOORS SHALL BE DETAILED AS FOLLOWS:
a. MAX. 1.5" LOWER THAN TOP OF THE THRESHOLD HEIGHT. (CRC R311.3.1)
b. MIN. WIDTH OF LANDING AT DOOR SHALL NOT BE LESS THAN WIDTH OF STAIRWAY OR DOOR. (CRC R311.3)
c. MAX. 7.75' BELOW THE TOP OF THE THRESHOLD HEIGHT OF AN EXTERIOR DOORWAY THAT DOES NOT SWING OVER THE LANDING.
GLASS AND GLAZING NOTE:
1. EACH PANE OF SAFETY GLAZING INSTALLED IN HAZARDOUS LOCATIONS SHALL BE IDENTIFIED BY A MANUFACTURER'S DESIGNATION SPECIFYING WHO APPLIED THE DESIGNATION, THE MANUFACTURER OR INSTALLER AND THE SAFETY GLAZING STANDARD. THE FOLLOWING SHALL BE CONSIDERED SPECIFIC HAZARDOUS LOCATIONS FOR THE PURPOSE OF SAFETY GLAZING. GLAZING IN:
a. SWING DOORS
b. FIXED & SLIDING PANELS OF SLIDING DOOR ASSEMBLIES & PANELS IN SLIDING AND BI-FOLD CLOSET DOOR ASSEMBLIES.
c. DOORS & ENCLOSURES FOR BATHTUBS AND SHOWERS.
d. FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION & WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60" ABOVE THE WALKING SURFACE. READ CODE FOR EXCEPTIONS.
e. GUARDS & RAILINGS REGARDLESS OF AREA OR HEIGHT ABOVE A WALKING SURFACE. INCLUDED ARE STRUCTURAL BALUSTER PANELS & NONSTRUCTURAL IN-FILL PANELS.
WINDOWS AND DOORS:
EXTERIOR GLAZING, INCLUDING IN DOORS, SHALL BE MULTI-PANE UNITS WITH A MINIMUM OF ONE TEMPERED PANE, OR GLASS BLOCK UNITS, OR 20-MIN. RATED OR COMPLIES WITH SFM 12-7A-2 (708A; R327.8.2.1)
EXTERIOR DOORS SHALL MEET ONE OF THE FOLLOWING:
A- NONCOMBUSTIBLE MATERIAL OR
B- IGNITION RESISTANT MATERIAL OR
C- SOLID CORE WOOD HAVING STILES AND RAILS NOT LESS THAN 1-3/8" THICK WITH INTERIOR PANEL THICKNESS NOT LESS THAN 1-1/4" IN THICK OR
D- MINIMUM 20-MIN RATED OR
E- COMPLIES WITH SFM 12-7A-1 (708A; R327.8)



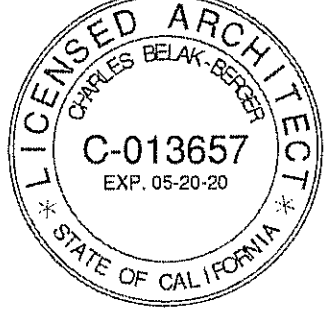
VENEER DETAIL

1



CBB ARCHITECTS
251 W. BOULEVARD 5
CARLETON, CA 90248
TEL: 760/266-0082
WWW.CBBARCHITECTS.COM
CBBARCHITECTS@GMAIL.COM

Stamp:



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APN:7567-017-012






Project Name (Client - Address - City)

Toshiko Nakamura
24 Cinchring Road
Rolling Hills , CA 90274

Use Description:

Date: 05/04/2017

Revision Dates:

| | |
|---|------------|
|  | 06/05/2020 |
|  | 07/27/2020 |
|  | |
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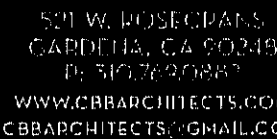
Drawing By:
CBB STAFF


Scale:

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City of Rolling Hills
By _____





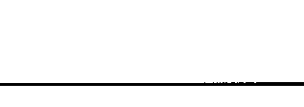
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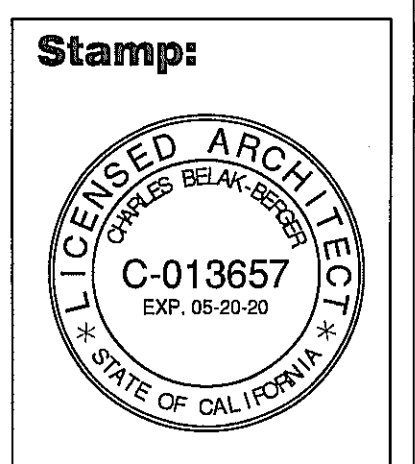
Toshiko Nakamura
224 Cinchring Road
Rolling Hills, CA 90274

Date: 05/04/2017

Scale:

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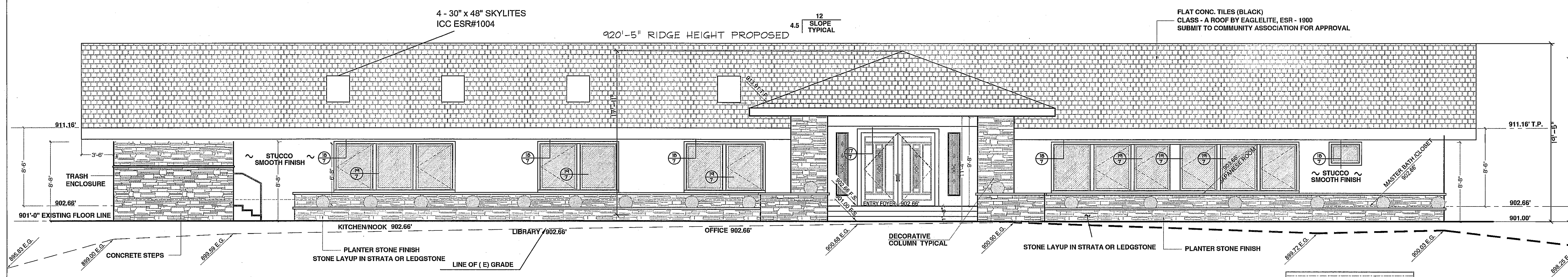


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| ELEVATIONS | |
| Date: | 05/04/2017 |
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| △ | 05/06/2020 |
| △ | 06/28/2020 |
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| △ | |
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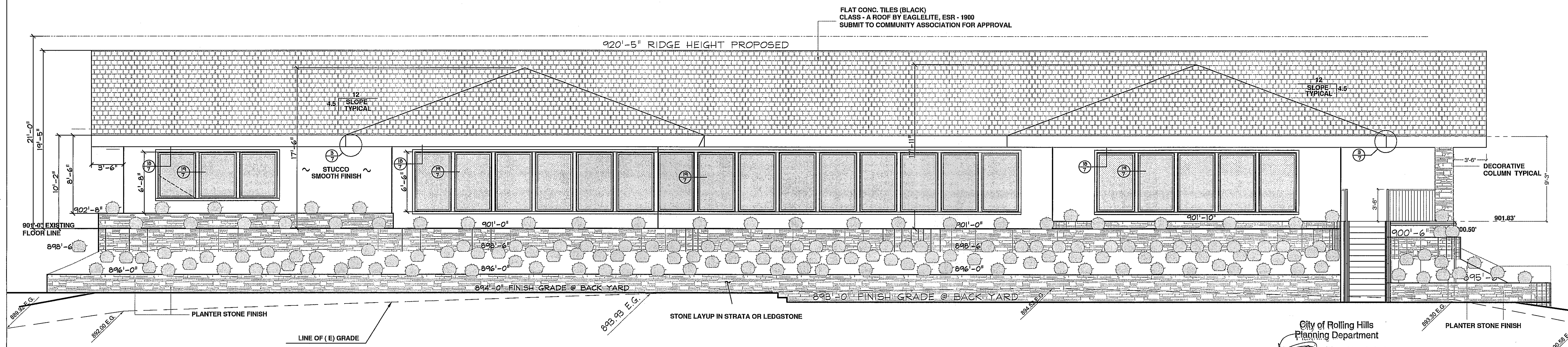
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- NOTES**
1. STRUCTURE EXTERNAL WALLS - STUCCO - 10 OMEGA WHITE COLOR
 2. ROOF - MATERIAL CONCRETE TILE COLOR BLACK
 3. WINDOWS - FRAME COLOR WHITE - MATERIAL FIBERGLASS
 4. FRONT ENTRANCE - CHESTNUT MANOGANY
 5. GARDEN WALLS AND COLUMNS - STONE LAYUP IN STRATA OR LEDGSTONE

FRONT ELEVATION (EAST)

SCALE: 3/16" = 1'-0"



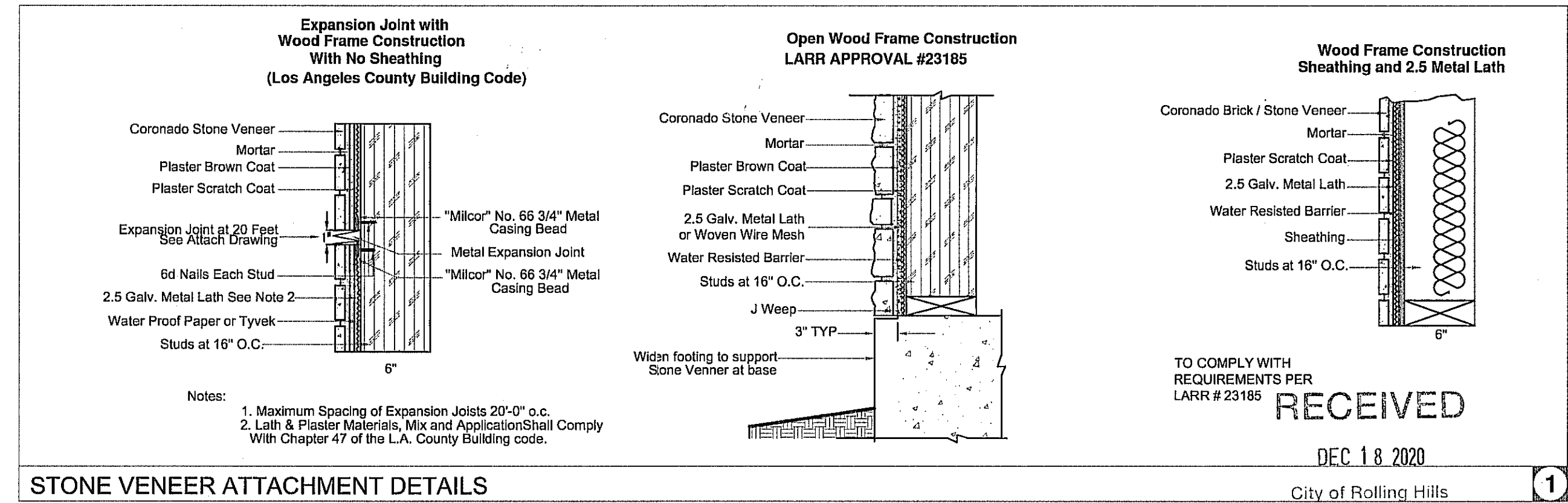
- NOTES:**
- 1 - EXTERIOR WALL COVERING OVER WEATHER RESISTIVE BARRIER. (CBC 1402.1)
 - 2 - TYPICAL STUCCO OVER EXTERIOR LATH; W/MIN. 2 LAYERS OF GRADE D PAPER OVER ALL WOOD BASE SHEATHING (CBC 2508.4)

NOTE: PARAPETS, SATELLITE, ANTENNAE, RAILS, SKYLIGHTS, ROOF EQUIPMENT MUST BE WITHIN THE HEIGHT LIMIT.

REAR ELEVATION (WEST)

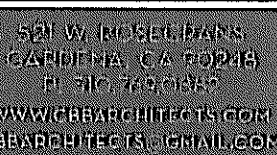
SCALE: 3/16" = 1'-0"

APPROVED
ROLLING HILLS COMMUNITY ASSOCIATION ARCHITECTURAL COMMITTEE
12/20/20
THE FOLLOWING ITEMS MUST BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE FOR APPROVAL:
1. Open and Windows (BRAND/MATL/COLOR)
2. Stairing Material
3. Exterior Lighting (LOCATION & DESIGN)
4. Front Door
5. Storage Door
6. Stone Sample
7. Stair/Trip Sample
8. Garden Lighting (LOCATION & DESIGN)
9. Landscape Plan
SUBMIT ANY MODIFICATIONS FOR APPROVAL PRIOR TO CONSTRUCTION
PAINTED ASSOCIATION



City of Rolling Hills
Planning Department
Approved for Plan Check Only
12/20/20
Date

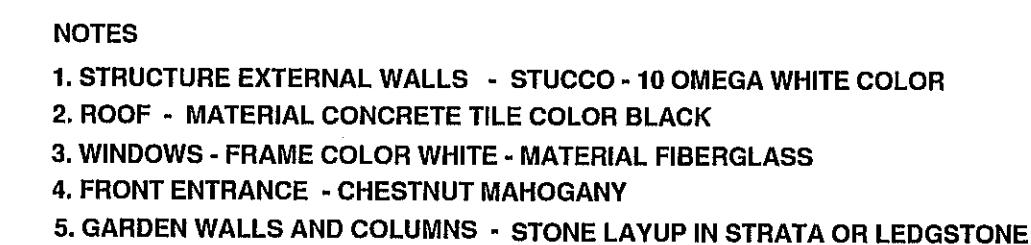
TO COMPLY WITH REQUIREMENTS PER LARR # 23185
RECEIVED
DEC 18 2020
City of Rolling Hills
By



LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN:7567-017-012

Toshiko Nakamura
224 Cinchring Road
Rolling Hills , CA 90274

9



ROLLING HILLS
COMMUNITY ASSOCIATION
ARCHITECTURAL COMMITTEE

Handwritten signature: [Signature]

1.2.2022

THE FOLLOWING ITEMS MUST BE SUBMITTED TO
THE ARCHITECTURAL COMMITTEE FOR APPROVAL

- Doors & Windows (BRAND/MATL/COLOR)
- Roofing Material
- Exterior Lighting (LOCATION & DESIGN)
- Front Door
- Garage Door
- Stone Sample
- Stair/Trim Sample
- Landscaping Lighting (LOCATION & DESIGN)
- Landscaping Plan

SUBMIT ANY MODIFICATIONS FOR APPROVAL
PRIOR TO CONSTRUCTION

ALL STRUCTURES MUST BE PAINTED ASSOCIATION
APPROVED WHITE

NO STRUCTURES, PLANTING OR IRRIGATION IS
PERMITTED IN AN ASSOCIATION EASEMENT

City of Rolling Hills
Planning Department

Approved for Plan Check Only
 [Signature] R/30/20
 Date

DEC 18 2020

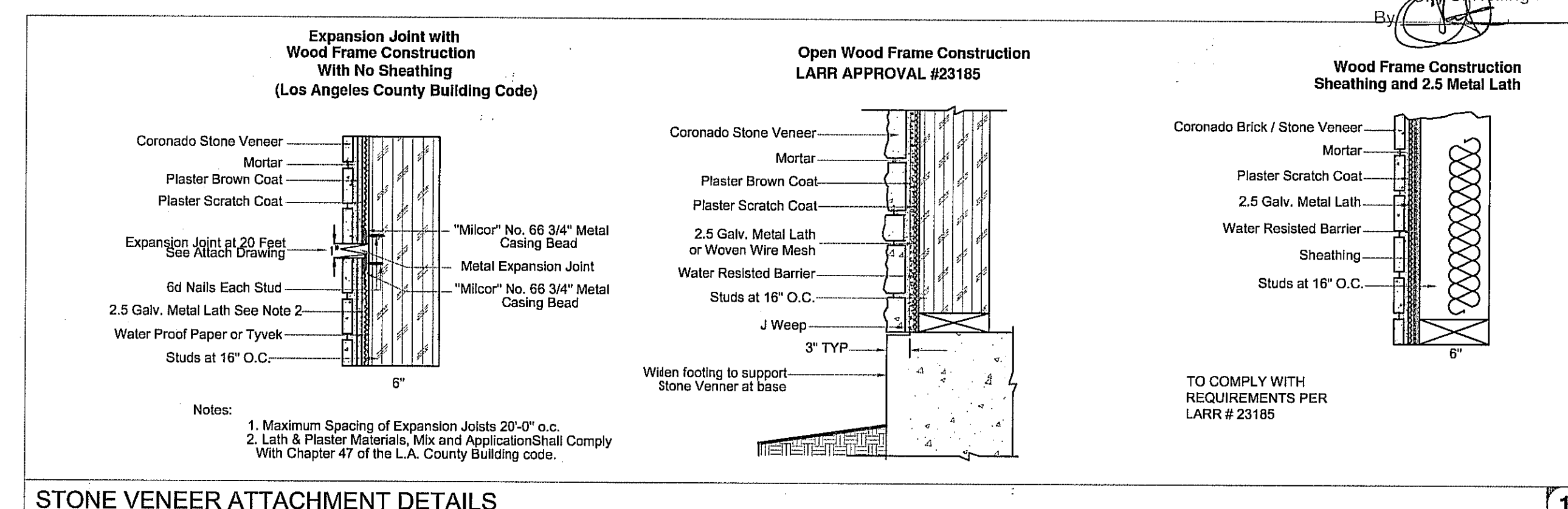
City of Rolling Hills

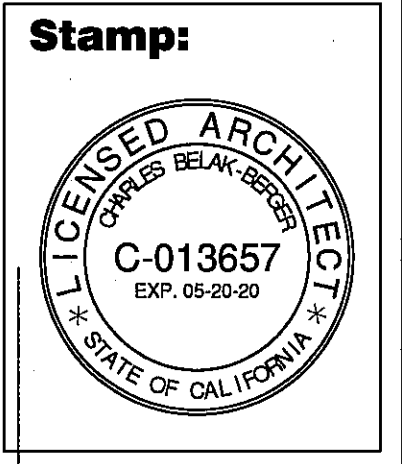
SCALE: 3/16" = 1'-0"

NOTES:

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- 2 - TYPICAL STUCCO OVER EXTERIOR LATH; W/IN. 2 LAYERS OF GRADE D PAPER OVER ALL WOOD BASE SHEATHING (CBC 2506.4)

NOTE: PARAPETS, SATELLITE, ANTENNAE, RAILS, SKYLIGHTS, ROOF EQUIPMENT MUST BE WITHIN THE HEIGHT LIMIT.



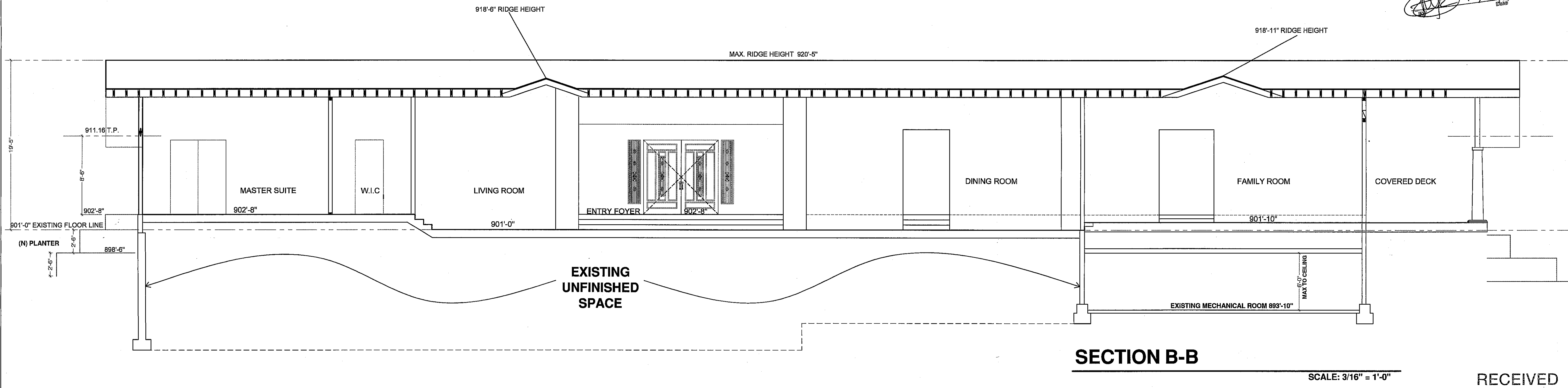
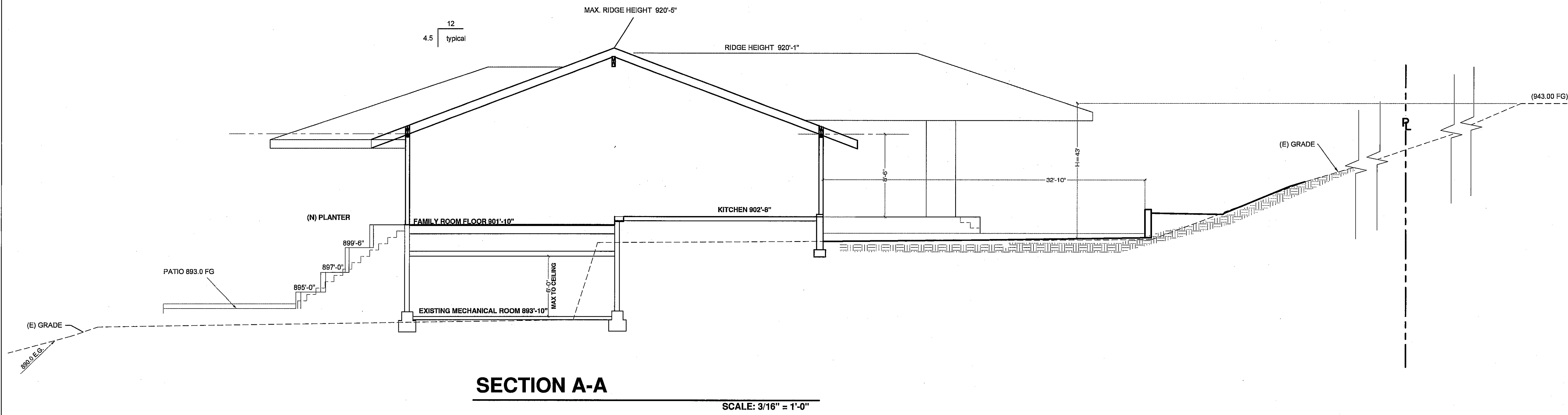


Legal Description:
LOT#: 3
TRACT#: 26343
M.B.: 815-24-27
APN:7567-017-012

Project Name (Client - Address - City)
Toshiko Nakamura
24 Cinchring Road
Rolling Hills, CA 90274

| Use Description: | |
|------------------|------------|
| SECTIONS | |
| Date: | 05/04/2017 |
| Revision Dates: | |
| △ | 06/28/2020 |
| △ | 12/08/2020 |
| △ | |
| △ | |
| △ | |
| Drawing By: | |
| CBB STAFF | |
| Scale: | |

Sheet
10



City of Rolling Hills
Planning Department
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12/30/20
[Signature]

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DEC 18 2020
City of Rolling Hills
By _____

DIVISION 1: GENERAL REQUIREMENTS

The drawings, specifications, and Contract for Construction shall form the Contract documents for the General Contractor and all subcontractors let on this project. Any work or material shown on the drawings or specified in writing, shall be executed as though covered by both.

Any conflict or errors in the drawings and specifications shall be reported to the Architect before proceeding. Dimensions are from finish to finish. Dimensions shall not be scaled from the drawings. Dimensions given on the drawings shall be verified by the Contractor in the field. In cases where additions or alterations occur in and around existing structures, the Contractor shall confirm that the dimensions on the plan are consistent with those existing in the field.

All work and workmanship shall comply strictly with the required codes and other governing ordinances. Where work exceeding those requirements is not specifically called for in the Contract Documents, the Building Code shall be considered the minimum standard of performance for the work of the Contract.

GUARANTEE: Except where a guarantee is stipulated, all work and material shall be guaranteed for one (1) Year after completion of the project and acceptance of same.

CHANGES: No changes or deviations in the plans and specifications shall be made except upon written agreement between Owner and Contractor with the addition or deduction therefore appended by the contract. The Architect must be notified of such changes or deviations prior to commencing work.

UNDERGROUND UTILITIES: The Contractor shall verify the location of all underground utilities prior to beginning any demolition excavation or grading.

INSURANCE: The General Contractor and each sub-contractor shall carry insurance to cover public liability and workmen's compensation during the entire job. Certificate of insurance, shall be filed with the owner. The Owner shall maintain during the construction period, fire insurance, to cover the full value of work incorporated into the structure and the materials about the premises intended for use in structure.

CLEAN-UP: Each sub-contractor shall remove all debris from the site resulting from his work. It shall be the responsibility of each sub-contractor to protect the work of each and every other sub-contractor during construction.

FINISH CLEAN-UP: Upon job completion, all glass, mirrors, plumbing fixtures, and fittings shall be cleaned of paint and other debris and left in clean, bright condition. Floors shall be cleaned. All debris shall be removed from the site.

INSPECTION OF SITE: Each Contractor and/or Sub-Contractor shall visit the site and inspect all existing conditions pertaining to his work prior to submitting bids.

PROTECTION: The General Contractor shall protect the house from climatic elements during construction.

LIEN RELEASES: Labor and material lien releases from each supplier or worker who has provided labor and/or on the job to date, shall accompany each request for payment.

TEMPORARY UTILITIES: The General Contractor shall provide temporary electrical, gas, and telephone services to the site at all times. The General Contractor shall provide a temp. chemical toilet for use by the workers during construction.

DIVISION 2: SITE WORK AND DEMOLITION

2.1 DEMOLITION AND CLEARING

WORK INCLUDED: The removal of all landscaping, paving, and walls shall be removed only from the area of new construction, or as indicated on the drawings. Where trees or other elements are in conflict with new construction and must be removed, the Architect and the Owner shall be informed prior to removal. Provide a construction waste bin for storage of debris.

EXAMINATION OF SITES: The Contractor shall carefully inspect the site. No extras shall be allowed for conditions not noted or failure to become acquainted with the existing conditions.

NOTIFY OWNER: The Contractor shall give the Owner seven (7) days before starting site work to allow the Owners to transport and save any landscape elements they choose.

LANDSCAPE SPRINKLER SYSTEMS: If existing sprinkler lines exist, cap off all sprinkler lines in conflict with new construction. Extend sprinkler lines for new landscape areas.

DUST CONTROL: Prevent the spread of dust to occupied portions of the buildings to avoid nuisance in the surrounding area. Sweep and dust the work area at least daily.

PROTECTION OF EXISTING WORK: Protect existing work which is to remain in place or which is to be covered. Repair or replace temporary walls, shoring, bracing, and supports. Items and finishes which are to remain that are damaged during performance of the work shall be repaired to their original condition or replaced with new. Do not overload structural elements. Care shall be taken to prevent damage to existing curbs, sidewalks, drainage devices, trees and adjacent areas.

WEATHER PROTECTION: Protect building and all materials and equipment from the weather at all times. Have materials and workers ready to provide adequate and approved temporary covering of exposed areas. Temporary coverings shall be installed, as necessary, to insure effectiveness and to prevent displacement.

UNDERGROUND UTILITIES: The Contractor shall verify the location of all underground utilities prior to commencing demolition, excavation or grading.

2.2 SITE GRADING

Prior to the controlled grading operations, the construction area shall be stripped of all vegetation that is present and the debris removed from the site. See soils report for further information.

See Soils report for application of fill or backfill. Clean on site soils may be utilized as fill material. Imported soil shall be predominantly granular, non-expansive and capable of developing the bearing strength required for the project.

FINISH GRADING: Upon completion, all wood, plaster, or other debris shall be cleared from the site. Grading shall be performed so that all surface water drains rapidly away from the structure and then properly to the drainage devices or to the street.

DIVISION 3: CONCRETE

WORK INCLUDED: All footings, foundation walls, slabs, and excavations for same. Reinforcing steel, wire mesh, sand backfill, and form work. Finish walks and stairs indicated on the drawings. Installation of all bolts, anchors, clips, angles, and miscellaneous iron in connection with the concrete work. Stripping forms and removal of all debris and accumulated material upon completion of this work, leaving site in a clean and acceptable condition. Clean form boards and stock.

EXCAVATION: Excavate all footings, slabs, and steps as indicated on the drawings. Surfaces of trenches shall be level and free of loose earth. Footing depths shall be as indicated on the drawings. The Contractor shall visit the site prior to bidding to note any conditions that might affect the excavation. No trenches or excavations five feet or more in depth into which a person is required to descend, are permitted without approved shoring. Verify location of underground utilities prior to commencing excavations.

BACKFILLING: After concrete of foundations has reached its required strength and the forms have been removed, do all backfilling around walls, bringing grade to those required for proper drainage from the structure. Wet and tamp all fill with special attention to areas to receive slabs. If additional backfill material is required, clean dry sand shall be used. Note the "concrete slabs" section for special preparation of base under concrete slabs.

PLACING CONCRETE: Before placing any concrete, all forms shall be true and plumb and shall be thoroughly cleaned. Concrete shall be poured into forms immediately after it is mixed, so that no separation of materials will occur. The freshly poured concrete shall be tamped and rodded thoroughly in order to produce a concrete of max density.

CONCRETE SLABS: See Structural Drawings for information. A pre-saturation memo from the geologist must be presented to the City prior to pouring the slab.

Over the saturated soil, place a layer of clean, coarse sand 4" thick. Do not place sand if any evidence of cracking has appeared in the sub-soil. If cracking has appeared, re-saturate the soil. Over the sand base, provide a 6 mil Viqueen sheet with all joints made so as to preserve the impervious character. Over the membrane, provide an additional layer of clean, coarse sand leave 2" thick. Over the final sand base, place the concrete slab, as per Structural Drawings.

Smooth concrete slab surfaces are to be troweled to a smooth, hard, impervious surface free from marks and blemishes. The floor shall receive 3 trowelings and should not show a greater variation than 1/8" in 10' when completed. Slabs to receive brick, stone or tile shall have a rough trowel finish. Exterior slabs to have a rock salt finish, U.O.N.

Placing of Reinforcing Steel and Mesh: All bars shall be as shown on drawings, accurately placed and wired into position with 16 gauge annealed wire. Sufficient support shall be provided to hold the reinforcing in place.

CURING CONCRETE: Apply one of the following procedures to concrete not in contact with forms, immediately after completion of placement and finishing. A. Pounding or continuous sprinkling. B. Application of waterproof sheet materials C. Application of a curing agent. Cure concrete by preserving moisture as specified above for at least 7 days.

DIVISION 4: MASONRY

WORK INCLUDED: Concrete block, brick paving, stone paving, brick veneer, stone veneer, chimney, retaining walls, walls.

CONCRETE BLOCK: Shall be Grade N units conforming to the A.S.T.M. Designation C90 and the requirements of the Quality Control Standards of the Concrete Masonry Association.

PORTLAND CEMENT: Shall conform to ASTM Designation C150.

MORTAR: Shall be freshly prepared and uniformly mixed in the ratio by volumes of 1 part cement, 1/2 part lime putty, 4.5 parts sand, and shall conform to ASTM Designation C270. If plastic type cement is used the lime putty shall be omitted.

REINFORCING STEEL: Shall be deformed bars conforming to appropriate ASTM Designation. Wire reinforcement shall conform to appropriate ASTM Designation.

WORKMANSHIP: Construction shall be of the highest quality workmanship and all walls shall be laid true and plumb. Install anchors, brackets, knockouts, and other items as required for construction. All walls to have flush joints ready to receive plaster or waterproofing. Paving to be laid in full bed of mortar. Joints trowled to a smooth light concrete profile.

DIVISION 5: METALS

5.1 METAL CONNECTORS & STRUCTURAL STEEL

METAL CONNECTORS: Gutter and downspouts, miscellaneous saddles, clips, etc. **STRUCTURAL STEEL:** Misc. structural beams, columns, rafters, tie rods, straps, etc.

MATERIALS: See material specifications on drawings.

WORKMANSHIP: All fabrication to be by a licensed fabricator per current AISC specifications. All field welding to have deputy inspection provide certificate of approval. Welds shall conform to the standard code for arc and gas welding of the American Welding Society, E-70 electrodes for A36 steel.

Before fabrication, shop drawings and erection diagrams shall be prepared by the steel fabricator and submitted to the Architect. Any proposed deviations additions or questions shall be noted conspicuously and clearly on solid drawings.

All exposed exterior iron work shall be galvanized. Finish all items free of kinks, twists, burrs, and open joints. Grind and finish smooth all exposed joints. Touch up all field welds.

5.3 ORNAMENTAL IRON

WORK INCLUDED: Decorative iron accessories, including wrought iron railings, window grills.

MATERIALS:

WROUGHT IRON: Standard grade steel.

FINISH: All exterior wrought iron to be galvanized. All interior wrought iron to be delivered with prime finish.

DIVISION 6: WOOD AND PLASTICS

6.1 ROUGH CARPENTRY

WORK INCLUDED: All labor and equipment necessary for the erection of the rough framing as indicated on the drawings, including wood siding and trelis. Installation of window frames and wood door jambs. Provide cutting notching, furring, blocking, backing, and heading as required by any sub-contractor.

FRAMING LUMBER: Douglas Fir Coast Region of grade indicated on the drawings. All exposed members shall be clear, bright stock, selected for appearance. All wood sills on concrete shall be pressure treated Douglas Fir.

ROUGH HARDWARE: All rough hardware including screws, nails, sheet metal, joist hangers, and similar parts shall be furnished and installed as part of this section. Nails shall be per structural drawings. Nails shall be galvanized where exposed. All nails shall be common nails. Where nail guns are used, provide Structural Engineer with list of intended fasteners.

WORKMANSHIP: All rough carpentry shall be erected true, plumb, and square. Lumber shall be cut and method of framing shall be as indicated on the drawings and as required by governing codes. Care shall be taken in the placement of joists and studs so as not to interfere with the installation of recessed lights or other fixtures in locations indicated on the drawings. Warped slabs and joists shall not be used.

6.2 FINISH CARPENTRY AND MILLWORK

WORK INCLUDED: Exterior wood trim, interior wood base, crown molding and casing. Installing both accessories, finish hardware, closet poles, and wardrobe shelving. Hanging doors.

Cabinet work to be installed by the Cabinet Contractor. Door/Window frames to be installed by the Door/Window Sub-Contractor.

FRENCH DOOR/FIXED SASH INSTALLATION: Hang all exterior French doors and fixed sash with removable glass stops on the outside.

HARDWARE: Door butt shall be furnished by the Contractor, pair and one-half per door. All exterior doors shall have pair and one-half butts. Latch sets, lock sets, and other hardware to be furnished under the "Finish Hardware Allowance". Bath Accessories shall be as specified under "Bath Accessories Allowance" and installed by Contractor.

6.3 CABINETS

WORK INCLUDED: All cabinets and shelving. All hinges, catches, pulls and any other accessories. Connections with the call be as indicated on the drawings. Cabinets include any special hardware, shop drawings and installation as noted on the drawings. Include matching face panels for refrigerator/freezer, and ice maker, and other appliances.

WORKMANSHIP: All work shall conform to the Woodwork Institute of California requirements for "Custom" quality cabinets. All material on natural finished cabinets shall match in color and grain including bottoms and upper cabinets.

CABINET EXTERIORS: Face frames and panels, door and drawer fronts shall be as specified by the Architect or interior design.

CABINET INTERIORS: Shall be white melamine.

SIDES & PARTITIONS: Shall be 1/2" minimum thick.

BACKS & PARTITIONS: Shall be 1/2" minimum thick.

BACKS FOR UPPER & LOWER CANNETS: 1/2" min. thick.

SHELVING: Shall be 3/4" thick white melamine. All exposed edges shall be as directed on the drawings. Adjustable shelving shall be supported on drilled holes and clips.

DRAWERS: Shall have hardwood sides, bottoms and backs. All drawers shall have self closing metal guides and shall be the full depth of the cabinets in which they are installed.

COUNTER TOPS: Shall be properly finished to receive the finished material. Tops to receive granite shall have full support over dishwasher and other open areas.

DOOR STYLE: See Interior Design. Verify with Owner.

HINGES: Shall be concealed, 95 degree opening.

CABINET PULLS: Shall be under "Finish Hardware Allowance".

DIVISION 7: THERMAL AND MOISTURE PROTECTION

7.1 WEATHER RESISTIVE BARRIER

WEATHER RESISTIVE BARRIER: Waterproof Building Paper or Asphalt saturated felt to comply with UBC standard 14-1.

7.2 ROOFING

See roofing specifications on plans

7.4 UNDER TILE WATERPROOFING:

All exterior wood floors to receive tile to be waterproofed. Use AW-700 or equal. Hot-tap under shower floors, apply a flood coat of asphalt to floor and walls. Call for inspection by Building Inspector.

WATER TEST: Water test finished membrane prior to placement of topping materials.

PROTECTION: Protect membrane after completion from damage.

INSPECTION: The waterproofing Contractor shall examine all surfaces on which this work is to be applied and shall notify the Architect in writing prior to starting work of any defects which he considers detrimental to the proper installation of his materials.

7.5 INSULATION

WORK INCLUDED: Provide and install fiberglass insulation batts in walls and ceilings as called for on the drawings and required by the California Energy Standards TITLE 24 & Energy Calculations. All windows/doors are to have weather-stripping as per Manufacturer's requirements.

MATERIALS: Light density, foil faced, thermal insulation. Thickness to be as noted on the drawings.

7.6 SHEET METAL

WORK INCLUDED: Furnish and install all sheet metal, including gutters, downspouts, flashings, roof jacks, fascia, and any other sheet metal necessary to insure a tight waterproof structure.

MATERIALS: Shall be 24 gage galvanized steel sheets U.N.O.

7.7 SKYLIGHTS

WORK INCLUDED: Labor and materials necessary for proper installation of skylights. Skylights to be Velux, acrylic bronze. Size to be as noted on the drawings: U.N.O.

INSTALLATION: The skylight shall be installed only by workmen experienced, skilled, and trained in the erection of skylights. Caulk and seal all joints as necessary to insure a watertight structure. Provide primer, bond breaker tape, backer rod as required. Upon completion of the job, clean all components and glass and remove all surplus materials from the job site. Test for watertightness.

GUARANTEE: Certify that the installation will be completely free of defects in materials and workmanship shall remain completely watertight for a period of 5 years.

7.3 BELOW GRADE WATERPROOFING AND DAMPROOFING:

Shall be MIRA-DRY 860 self adhering sheet applied waterproof membrane by Corliss on concrete exterior walls below grade indicated on drawings.

Protection Course Insulation Board and perforated pipe in filter fabric (filter sock) to be included as part of materials required.

INSTALLATION: Follow all manufacturers recommendations. Coordinate with Structural and Geotechnical recommendations.

Apply succeeding courses as per manufacturers requirements allowing each course to dry before application of the next course or courses.

MEMBRANE PROTECTION: Install insulation panels. Protect the system from injury during application. Install bracing necessary to hold panels in place during backfill operations.

BACKFILL: Depailling of backfill shall be made in such a manner to prevent injury to the finished work.

7.8 CAULKING AND SEALANT

Caulk all joints as necessary, with one component urethane construction sealant to insure a complete watertight structure. Provide primer, bond breaker tape, backer rod as required for complete installation.

WORK INCLUDED: Throughout the work, seal and caulk all joints where shown on the drawings and elsewhere as required to provide a positive barrier against passage of moisture and passage of air.

MATERIALS: To be a one part urethane or latex construction sealant conforming to federal spec TT-S-00230C, Type II, Class "C" or better. Color to match adjacent surface.

INSTALLATION: Minimum size of joint to receive sealant shall not be less than 1/4" x 1/4". The depth of the joint shall not exceed the width of the joint. Sealant shall be applied 1/2" For joints exceeding 1/2" width, the depth should be one-half that of the width. All joints shall have straight smooth sides and be either square, rectangular or "V" shaped. Joints to be sealed shall be free of all traces of corrosion, rust, form release agent, grease, loose aggregates, moisture, dust, waterproofing compounds, sealers, coatings and all other contaminants.

DIVISION 8: DOORS AND WINDOWS

8.1 DOORS

WORK INCLUDED: Furnish doors as indicated on the drawings. See Door Schedule for Raised Panel Interior Doors.

8.2 WINDOWS

Work included: Casement, double hung and fixed windows, complete with glass, weather stripping and hardware and screen.

Windows: Shall conform with the drawings and window schedule and shall be of the size, thickness and type indicated. Windows shall be manufactured in accordance with the applicable requirements of the California Building Code.

Installation: Windows shall be as per the window schedule. Windows shall be expertly hung and shall fit snug against stops, and shall fit accurately and hang free from hinge board with uniform clearance of 1/16" at heads and jacks. Finish hardware, except hinges, shall be removed for painting and finishing, and reinstalled after painting and finishing are completed and dried.

8.3 FINISH HARDWARE AND BATH ACCESSORIES

The following items shall be furnished and installed by the General Contractor: including door butts and closet poles. The following items shall be furnished from the "Hardware Allowance" and "Bath Accessories Allowance" and installed by the General Contractor: door locksets and latch sets, not otherwise specified, recessed jamb bolts, towel bars, bathroom accessories and cabinet pulls.

8.4 MIRRORS

WORK INCLUDED: Provide glass mirrors as shown on drawings.

MATERIALS: Mirror shall be 1/4" thick plate or float glass. Provide other materials, not specifically described by drawings, but required for a complete and proper installation.

Inspect each piece of mirror installation: immediately prior to the start of installation. Attach with clips, fasteners, and mastic and set mirror in a manner which provides the greatest possible degree of uniformity in appearance.

DIVISION 9: FINISHES

9.1 EXTERIOR FINISH

WORK INCLUDED: Exterior siding or lath and plaster walls as indicated on the drawings.

EXTERIOR SIDING: Lap Siding to be Hardiplank by James Hardie or equal. Follow all Manufacturers recommendations.

EXTERIOR PLASTERING: Prepare a sample of the finish color and texture for approval by Architect & Owner prior to starting finish coat.

Apply up to three coats of cement plaster composed of waterproof plastic Portland cement and clean port sharp sand. These three coats must have minimum thickness of 7/8" when finished. First coat to be thoroughly cross scratched and allowed to set a minimum of 48 hours. Second coat to maintain a uniform thickness and be allowed to set a minimum of 7 days. Both first and second coats shall be kept wetted down during the entire setting period. Finish coat shall be integral color as selected by the Architect and Owner. Details at corners, doors and windows shall be as per drawings.

PROTECTION: The Contractor shall protect and thoroughly clean oil glass, window and door frames and wood.

CLEAN-UP: This Contractor shall remove all debris created by siding work or plastering from the site.

9.2 TILE WORK:

WORK INCLUDED: Provide and install Tile on walls, floors and cabinets as shown on the drawings, as specified herein, and as needed for a complete and proper installation.

MATERIALS: As indicated on the drawings. All ceramic tile shall be as per Architectural or Interior design drawings.

GROUT: Color to be approved by Architect.

INSTALLATION: Tile shall be installed in accordance with CBC.

CLEANING: Immediately after tile is installed, remove any cement, thin set mortar, or grout thoroughly from tile surface with damp cloth or sponge.

SEALER COAT: The tile contractor to seal all the tile work with sealers approved for such tiles.

SHOP DRAWINGS: Contractor shall provide shop drawings to scale showing joint locations, detail, dimensions, and methods of installation. Shop drawings shall be approved by the Architect prior to commencing work.

CLEAN-UP AND DISPOSAL: At frequent intervals during and again upon completion of work remove from the building and site all disused tools and equipment, surplus materials, rubbish, debris, dust and dirt, and leave all areas affected by the work of this Division in a clean acceptable condition as approved by the Architect.

9.3 PAINTING:

WORK INCLUDED: All labor and material necessary for painting as specified herein, noted on the drawings or as necessary to complete the job.

MATERIALS AND WORKMANSHIP: Paints shall be Ameritone, Frazee, Sherwin-Williams, Dunn Edwards or Sinalco. Stains shall be Minwax or Olympia. Paint and stain shall be on the premises in unbroken containers and mixed in accordance with the manufacturers directions in order to insure a first class job. All surfaces shall be inspected by the painter prior to commencing work. Any surface not suitable to receive a first class finish shall be brought to the attention of the General Contractor and corrections made. All surfaces shall be free of defects, dust, grease, or any other imperfections that would impair the finished work. All work shall be thoroughly sanded between coats. All nail holes, cracks and joints are to be puttyed and sanded. All putty to be properly tinted for surfaces to receive natural finish. Any electrical switch plates or similar devices will be removed during painting and replaced upon completion.

Waxes, rugs, etc., shall be removed from the job at the end of each day. All frames and wood trim to receive paint shall be primed upon delivery to the job before installation. Contractor to provide two samples of all finishes to the Architect for approval prior to commencing work.

EXTERIOR WORK: Wood doors, window trim, and other surfaced wood (new painted); one coat alkyd resin primer, two coats alkyd resin semi-gloss trim paint.

STUCCO: W.O. two coats of paint at all new stucco surfaces. Color to be approved by the Architect and Owner.

Wood doors, windows, trim, and other surfaced wood (existing): prepare surface to a sound base, spot prime as necessary, two coats alkyd resin semi-gloss trim paint.

SHEET METAL: Wash with acetic acid, one coat galvanized iron primer, two coats alkyd industrial enamel.

INTERIOR WORK: Sailer, putty defects, sand, resal and two finish coats.

Plaster/Stucco: Prepare as above, prime only as necessary where patched.

Wood Stained/Painted: Fill and spike, one coat wood primer, two coats acrylic latex or alkyd enamel, see drawings.

UPON COMPLETION: All paint spots, stains, dirt and any other foreign matter shall be removed. Refuse resulting from this work shall be removed. One gallon of each color shall be left with the owner in a sealed container, marked plainly. Repair or point damage caused by other trades, which shall be adjusted by trade responsible if necessary. Final touch up or repair shall be performed without additional cost to the owner.

WOOD FLOORING: **WORK INCLUDED:** All labor and material to install wood flooring as indicated in the drawings All wood trim necessary for a complete job.

The Sub-contractor for this portion of the work shall examine all surfaces to receive his material. He shall report to the General Contractor all conditions which will affect the satisfactory execution of his work or endanger its permanency, and he shall not proceed with his work until surfaces are in satisfactory condition.

Material: Select solid oak 3/4" thick plank flooring, width 4" Installation Over Wood Joists and Plywood Subfloor: For plank or strip floors apply a sub floor cover of 15 lb. asphalt saturated felt, with edges lapped 4 inches laid loose before surface flooring is installed. Install hardwood floor directly over with blind nailing as per manufacturer's specs.

Finish: One coat duro-seal stain, wax and buff (except at kitchen and laundry room). At kitchen, porch, mud room, pantry, and laundry room one coat duro-seal stain, two coats flat urethane.

NEW INTERIOR DRYWALL: All interior walls to receive 5/8" thick drywall with round metal corner beads. All joints to be properly taped and filled with putty. After sanding the joints, contractor to apply a finish putty coat over all drywall surfaces and finish with sandpaper ready for paint.

Use 5/8" green board Type X at all bathroom interiors.

9.5 CARPET:

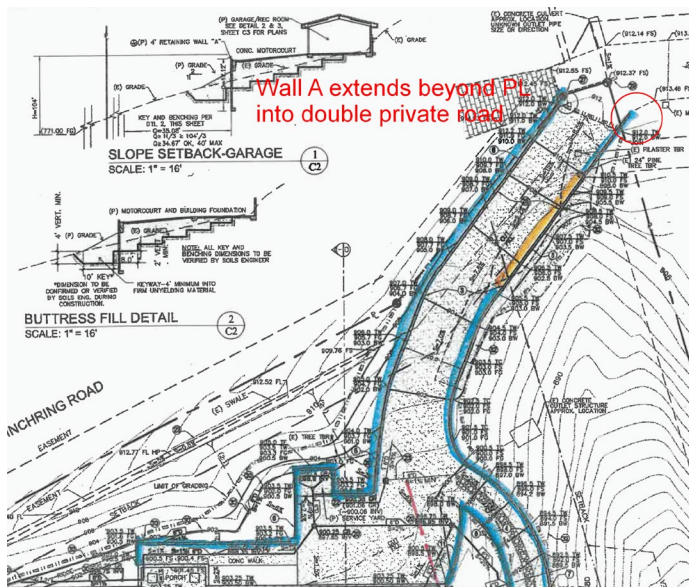
WORK INCLUDED: All labor and material needed to install carpet as indicated on the drawings. All pads and accessories necessary for a complete job.

The sub-contractor for this portion of the work

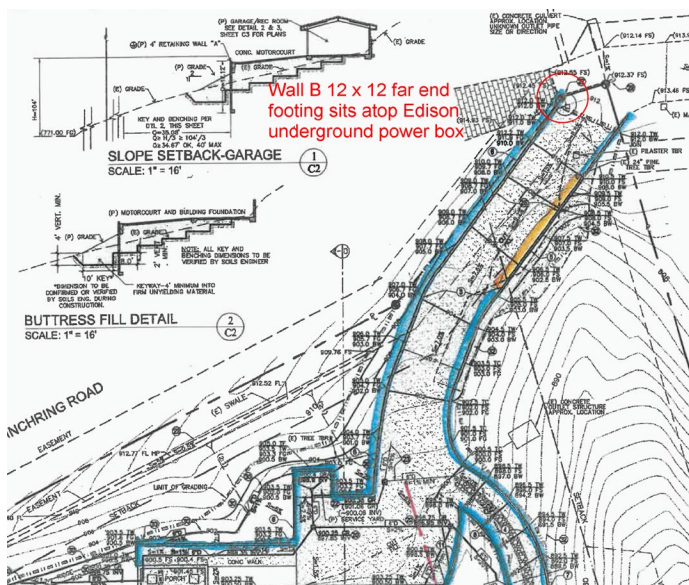
March 28, 2021

We are in receipt of the City of Rolling Hills request for comments from neighbors within 1000 feet of the proposed Resolution #2021-04 concerning 24 Cinchring, to be presented at a public hearing of the Rolling Hills Planning Commission on Tuesday, March 30, 2021 at 6:30 pm. This statement constitutes our objections to certain parts of the proposed plan and variances. Please note that I will be distinguishing herein between a "wall" i.e. an above grade structure where to either side there is no difference in surface elevation, and a "retaining wall" where there is a below grade condition on the down slope side and an at grade situation on the upslope side. My apologies in pointing this out, but in my reading of the resolution the difference did not seem obvious. However, I am no expert and, of course, that is your job here. But I feel that this is important in discussing the topology of the entrances of the two driveways.

The plans as submitted show, marked in blue on sheet #2, "walls" that can be up to 3 feet in height extending as far as possible, and even beyond the Nakamura property line. This configuration has the potential to impact the entrance into and the exit from both properties of vehicles. As seen on the plans, the far end of wall A is shown reaching beyond the property line into the asphalt area of the double private road leading to both driveways.

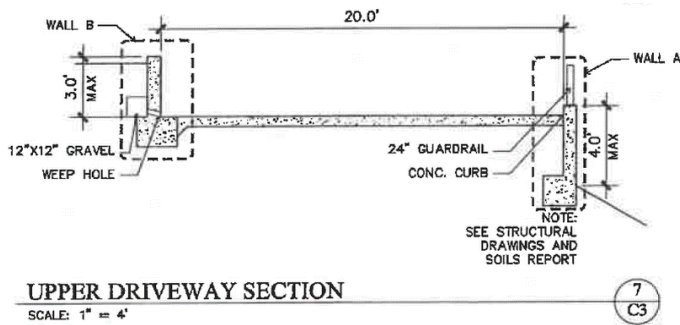


Likewise problematic, the required 12" by 12" footing for the far end of wall B will intrude upon the Edison underground power distribution box for both properties.



If these "walls" were to be built to the approved 3 feet height, or even something less, like 2 feet, we feel that the appearance and "traffic" flow to and from the two driveways will be a potential problem. The two driveway entrances meet at an angle of approximately 30 degrees and the proposed "walls" if built to this permitted height would have the effect of funneling cars from both driveways together on a collision course. It would be far wiser for the Planning Commission to specify that "walls" of potentially 3 feet in height in this immediate area instead be curbs 5-6 inches in height.

Here is a section through the upper driveway showing Wall B clearly and unnecessarily above grade. Wall A on the far side is said to be a simple guardrail. I fail to see any rational purpose for Wall B. It should match the curb of the opposite side.



Having a 3 foot wall (Wall B) directly abutting our driveway entrance curb would be unsightly, inharmonious, unappealing, and hazardous. The larger utility box to the right is Edison underground. You can try to imagine the appearance of that wall in this photo below of our driveway entrance. The survey stake that you see there is around 3 feet in height.

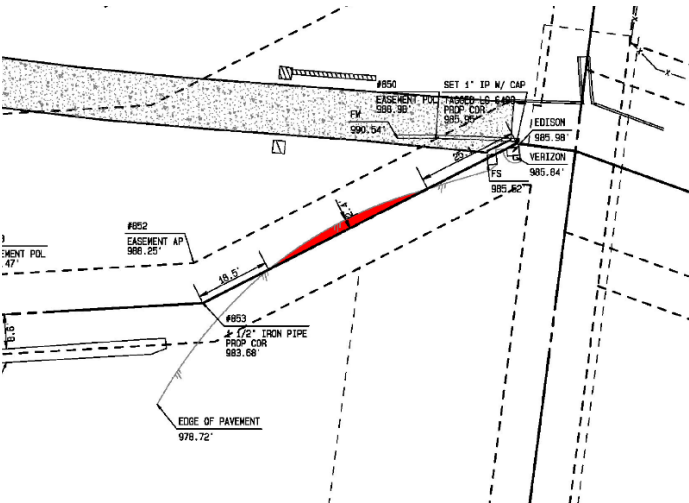


Here is looking down our driveway from the opposite viewpoint.



As you can see there is not really enough room for the footing of the proposed “wall” to be built where the Nakamuras propose without placing it over onto our property. However, much more importantly, the Nakamuras are already intruding upon our property and, in addition, they are suing us for “trespass” and the trimming of the excessive fire-prone acacia bush growth in the easements, which was done in April of 2017. While this lawsuit is pending, in which they question property lines, including those along the proposed driveway, it would be prudent for the Planning Commission to defer the decision regarding Resolution 2021-04 until this legal matter is completely adjudicated.

We needed to have 4 surveys done since we purchased the property in 2013. Two of the surveys were done before 2017 and were missing relevant details regarding the property lines and easements between the two properties. The two surveys since then have corrected that missing information. As it turns out, a portion of the Nakamura driveway has been on our property forever, as you can see in this third survey here.



No matter what the Planning Commission approves, how will you know that is what the Nakamuras have built? I should not need to remind you that the Nakamuras have never complied with approved plans. That as-built unapproved, illegal main house structure, indicated on these new plans with a big red ‘X’, standing there now some 6 years, is proof enough of this.

Here, in addition, is their construction fence pole, that has been on our property for as long as we have owned it.



The markup shows the location of part of the fence on our property. The next photo shows more clearly the far marker.

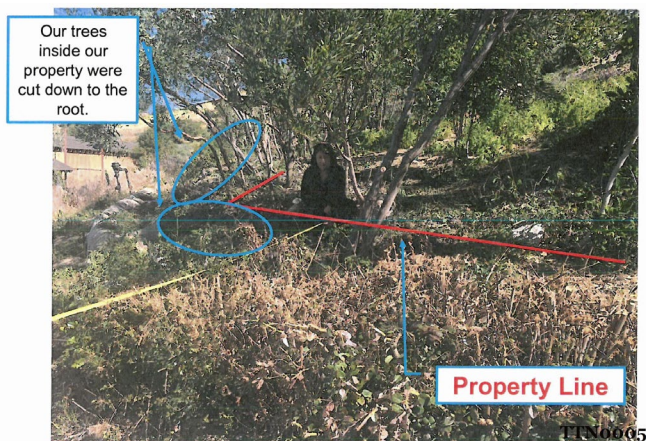


And below is a photograph of the same markup of the property line along the driveway as seen from the opposite viewpoint.



Part of their lawsuit is the claim that we trimmed the hedge along their driveway that you see here. It is plainly obvious that the majority of said planting is located on our property. That we are being sued for cutting plants on our property illustrates the deliberately deceitful misconduct of the Nakamuras that ought to give the Planning Commission pause before issuing a blanket approval of Resolution 2021-04.

There are other aspects to their lawsuit that illustrate the true purpose of their repeated efforts at litigation, which is to harass, intimidate, and punish us, as the whistleblowers of their illegal main house construction project of 2015-2016. These efforts have included two perjurious Temporary Restraining Orders, intentional delivery of subpoenas to the waiting room of Dr. Korzennik's practice, and multiple calls to the Lomita Sheriff for... nothing. I'm sorry to have to bore you with the sordid details, but it is important for the Planning Commission to realize who they are dealing with.



Above is part of their documentation of this bogus case that, unfortunately, we must still defend ourselves against. Their claim that "trees" were "cut down to the root" is demonstrably false, as indicted in the photos below taken shortly after the lacing and lolloping of the acacia bushes, which show manifestly ancient, not freshly, cut branches. You do not need to be a horticulturalist to realize this.



In addition, they are claiming some \$100,000 in damages to supposedly replace the missing foliage. However, since that time, the acacias have grown back, as plants are wont to do, to an even greater extent than previously and therefore pose an even greater fire risk, which we cannot conceivably rectify because of the lawsuit. Thus, by pursuing a questionably fraudulent legal action against us, the Nakamuras are not only endangering themselves and us, but the entire community of Rolling Hills.

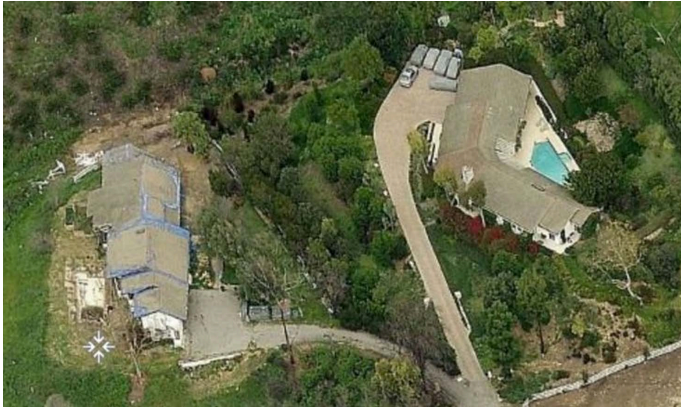
Here you can see the state of the easement acacias as of already two years ago. Please note how close this dense stand of brush is to their unfinished 5-year old plywood structure and tell me how this is not an extreme fire hazard situation.



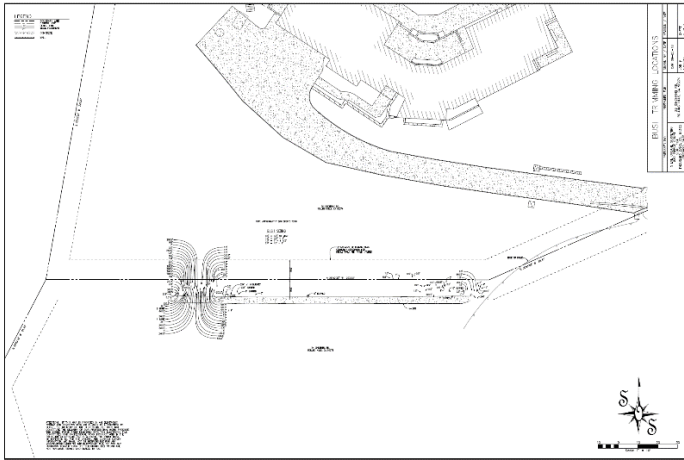
Below is looking at this growth from the other direction taken at the time of a court ordered inspection of their illegal construction and the concrete swale shown on the top of the more than 2:1 illegally steep slope.



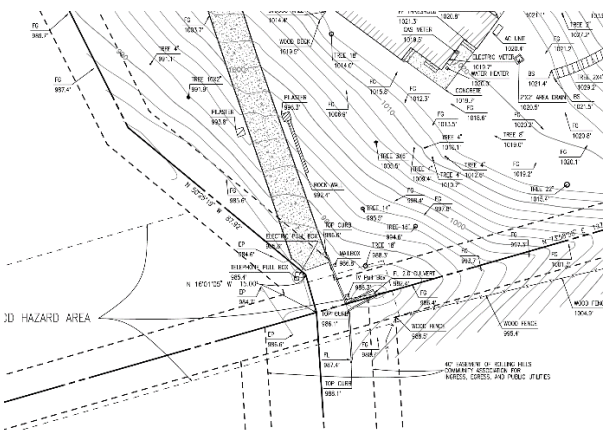
We were told by our landscape architect that the concrete swale you see below was the location of the property line. From this old satellite photo of the two properties, you can clearly see the concrete swale and how all the upslope landscape is of a piece and obviously maintained by 26 Cinchring. Thus, the assumption that the swale was the property line, instead of the easement line, was not unfounded.



The last survey, shown below, shows the locations of the trimmed acacias to be within the easements above the swale.



Separately from the above considerations, I question the proposed construction of the accessory unit. I am not a geotechnical expert, but I am the homeowner of a recent Rolling Hills approved extensive remodeling project. I recall the structural engineering that went into the addition of the balconies along the front of our house. Not only were three attractively designed and placed site walls required to bring the grade up so that the balconies would be no more than 3 feet above grade, but there were also more than 50 caissons dug down to bedrock to provide addition structural integrity to the design. This also allowed us to curve the new driveway in towards the house, avoiding the idiotic diagonal cutoff of the old driveway entrance because of the property line, as shown on this pre-construction survey.



That this was their intention all along you can see here with steel posts stored onsite long before you approved the original plans.



Same Metal Post



Original Post Pre-Fire

Post Shown in Current Construction

That this was untrue is seen below, showing the existing house covered with a blue tarp, and thereafter, the steel posts projecting through and above said same original roof.



The extensive excavation and unpermitted basement construction work is seen below.



All this is saying to you, the City of Rolling Hills Planning Commission, be on extreme alert, so that you will not be hoodwinked once again by the Nakamuras. In fact, with the new Planning Director, Meredith Elguira, we are not off to a good start at all. She issued on December 3, 2019 a "Notice of Addition, Major Remodel, and Demolition of Walls at 24 Cinchring" on an over-the-counter administrative basis which, I would point out, pretends to remodel a building that no longer exists, with plans that, according to our expert architect, have essentially not changed since the last go around, and which remain, still at this point conceptual, and fail to address the deficiencies noted previously in Resolution 1221, which found that, "The Applicant's unpermitted construction of a higher than approved structure constitutes a Building Code violation. Within three months of this Resolution, the Applicants shall renew all construction permits through the Los Angeles County Building and Safety Department for this project and commence demolition of the illegal construction. Staff is directed to require the Applicants to bring the height of the residence into compliance with the plan, which was previously approved... The highest ridgeline of the house shall not be higher than 917.25 ft. in elevation, as shown on the approved plans." [Emphasis added] It is our contention that the City of Rolling Hills cannot simply abandon enforcement of its own duly composed binding Resolutions.


We submitted our strenuous objections to this December 3, 2019 Notice, but to no avail, since we were the only ones protesting her administrative approval. The original structure, which is the basis for this administratively approved request to remodel, is long gone, having been replaced by the current as-built illegal structure, which cannot serve as the point of departure for remodeling a no longer extant building, as conceived of by the Planning Director. The Nakamuras had ample time to file a protest against Resolution 1221, something they never pursued. They seem to have preferred to wait out the clock and the changing of the guard. This appears to have worked out very much in their favor, given what we believe to be an unwarranted and egregious decision made by the Planning Director.

Finally, there can be no legitimate protest from the Nakamuras that they have been waiting a long time to complete the construction of their project, since the fault for the delays rests entirely upon them. They purchased the property in 2000

and have never apparently lived there. They failed to use the 2-year moratorium for reconstruction after the 2009 Nature Preserve fire. They intentionally built illegally and got caught. After much ado and many meeting with you, the Planning Commission, and later the City Council, Resolution 1221 was passed. Rather than following the requirements of the Resolution, they chose to wait until its deadlines had run out, and they could renew again the very same efforts as before, except now with a City staff that appears to have no institutional memory of their previous machinations.


I offer you my apologies for a perhaps long-winded account of our take on this situation, but I hope you can understand that this has been going on for 7 years and 5 lawsuits, with over a quarter million in legal expenses that we have already incurred. In support of our contention of multiple demonstrations of deception and malfeasance on the part of the Nakamuras, I would invite you to peruse, in the attached Appendix, the chronology of events marking this long, sad history of their bad behavior.






Sincerely,



The image shows two handwritten signatures in blue ink. The first signature on the left is cursive and appears to read 'E. Brunner'. The second signature on the right is more stylized, consisting of a vertical line with a horizontal crossbar and a small 'K' shape at the end, likely representing 'N. Korzennik'.


Elliott Brunner, MD & Nourit Korzennik, PhD
26 Cinchring Rd
ehb8@cox.net

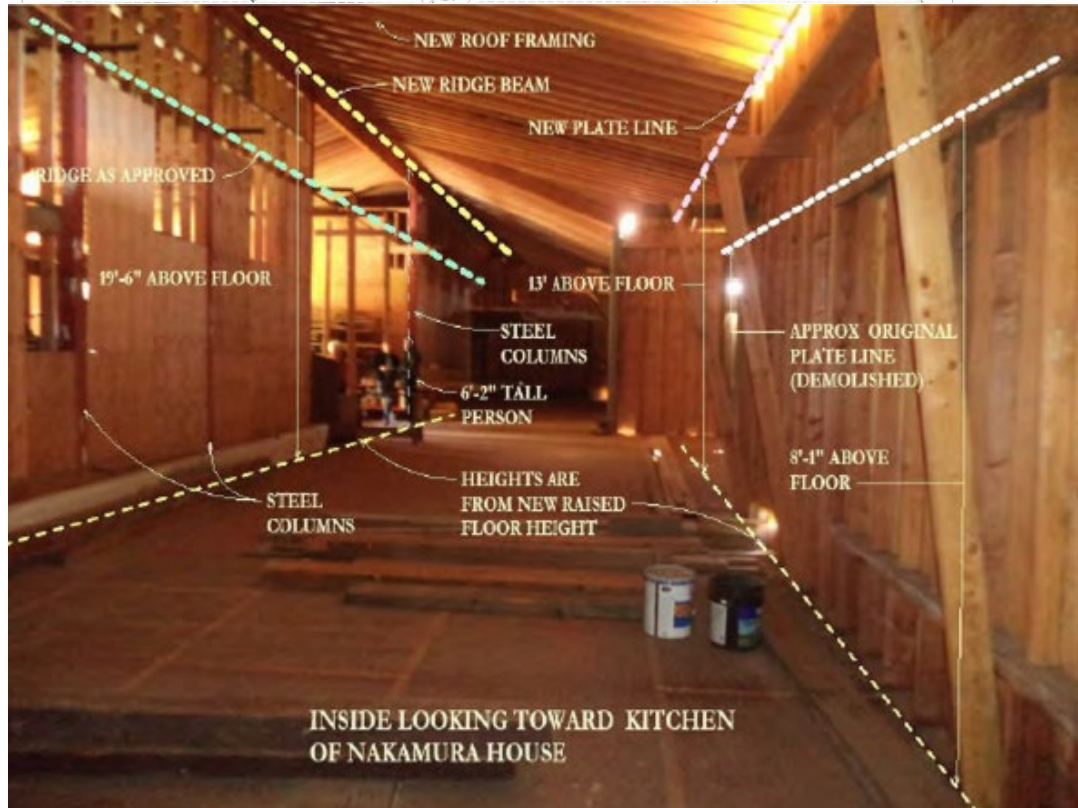
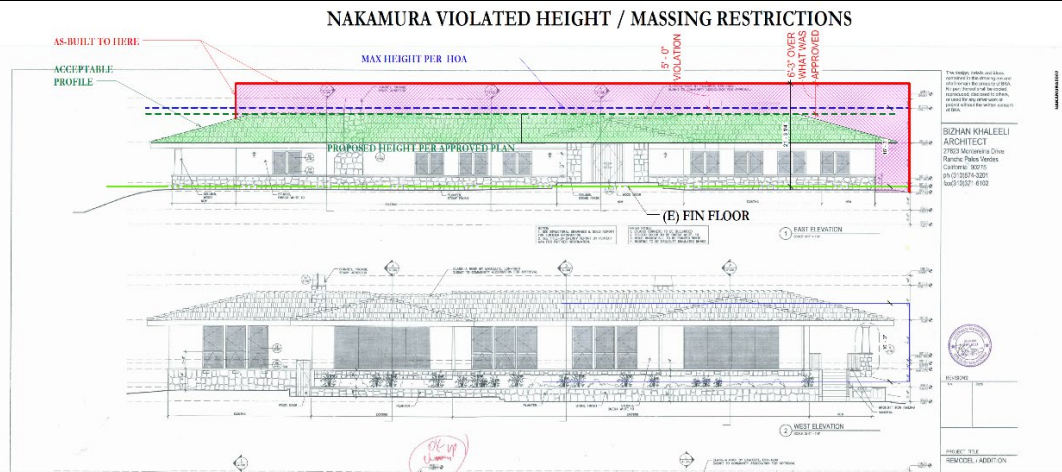
Appendix – NAKAMURA CHRONOLOGY

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| 06-26-2000 | Nakamuras purchased 24 Cinchring, Rolling Hills. |
| 08-27-2009 | Wildfire made 24 Cinchring uninhabitable. Nakamuras have not lived at 24 Cinchring since – if they ever did. |
| 04-11-2013 | Architect Khaleeli plans are approved by the City for 24 Cinchring. |
| 06-26-2013 | The Dr. Brunner and Dr. Korzennik family trust acquired 26 Cinchring. |
| 05-08-2014 | Architect Khaleeli plans are stamped at the Los Angeles County Building and Safety Department. |
| 06-23-2014 | Permit BL 1211050053 issued by LAC DPW to “CONVERT 675SF GAR INTO KITCHEN; 850SF ADDITION OF MSTR BATH, EXPAND LIVING RM/ENTRY; NEW ROOF; C/O 3 DOORS/15 WINDOWS.” This is only the second (of two) building permits on file at the County. The first is BL 1307110091 (07/12/2013) to “DEMO “SOME” INTERIOR WALLS AND FLOORS.” |
| July 2014 | Nakamuras, acting as general contractor, started excavation of footings as per the hidden, unpermitted K Nishiya plans. |
| 08-07-2014 | Pre-construction meeting for 24 Cinchring (Sam Takei was the "contractor" but Mrs. Nakamura's brother was not a licensed contractor); City, HOA, and County advised regarding construction requisites and that any changes or modifications that vary from the approved plans must be brought to attention of staff of all agencies. |
| 12-03-2014 |  |
| 03-27-2015 | LAC DPW Inspector Chris Oberle signed off on 6 steel posts about 30 feet in height with 10-foot-deep footings. These were not on the approved plans. |
| June 2015 | Contractor Lucas Bros/Dan Martinez was hired by the owner-builder Nakamura (they refused to sign a written contract). The City approved plans were concealed from him. Instead, he was given the K Nishiya plans and led to believe that the Nakamuras were going to get these plans approved by the City and RHCA. |

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| 06-11-2015 |  | |
| 06-17-2015 | City staff received report of very tall beams. County inspector Oberle, realizing the deception, emailed the Nakamuras advising that the "roof is too high." Foundation, basement, framing work continued through the summer. | |
| Summer 2015 |   | |
| Fall 2015 |   | |
| 09-25-2015 | Alleged "spitting incident" occurred between Mrs. Nakamura and Dr. Korzennik wherein Mrs. Nakamura demanded Dr. Korzennik stop taking pictures from Dr. Korzennik's property of their illegal, unpermitted construction at 24 Cinchring. | |
| 09-29-2015 | RHCA posted a STOP WORK: "Framing not per plan." RHCA 9-29-15 letter to Nakamuras stated, "STOP WORK ORDER: PLATE HEIGHTS/RIDGE HEIGHT EXCESSIVE. RESPOND BY 10-15-2015." Work continued per photographs. | |
| 10-06-2015 | County of Los Angeles posted a STOP ALL WORK order. Work continued per photographs. | |
| 10-08-2015 | Mrs. Nakamura filed L.A.S.C. Case No. YS027815 (TRO) for "civil harassment" (so-called "spitting incident" and for Dr. Korzennik taking photographs of their unapproved construction from 26 Cinchring which noted the building code violations at 24 Cinchring done by the Nakamuras. | |

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| 10-15-2015 | Kathryn Bishop, Architectural Inspector of the RHCA, sent a letter explaining that the only work the Association will approve is a temporary roof, tarping only. Work continued, adding rafters, plywood sheeting, and paper per photographs. |
| 11-17-2015 |  |
| 12-17-2015 | Kathryn Bishop, Architectural Inspector of the RHCA, issued a STOP WORK ORDER. "I made a visual inspection/work completed does not comply with plans submitted. Unapproved spacing & underlayment material." |
| 01-08-2016 | <p>1/8/16</p>  |
| 01-19-2016 | Kathryn Bishop, Architectural Inspector of the RHCA, noted regarding the STOP WORK ORDER: "Your non-compliance with the October 26, 2015 temporary winterization permit IS NOT ACCEPTABLE and MUST BE REMEDIATED." |
| 01-26-2016 | The City of Rolling Hills Planning Director, Yolanta Schwartz, wrote in a letter to the Nakamuras, "A construction violation exists, a stop work order is in effect, no work is to be conducted... temporary winterization must be removed by April 1, 2016 and revised plans must be submitted no later than April 1, 2016." |
| 04-22-2016 | Dr. Korzennik filed L.A.S.C. Case No. YC071272 (Dept. B) for injunctive relief against Nakamuras to build according to approved plans. |
| 12-16-2016 | TRO Trial in Department J before Hon. Mark Arnold. Mrs. Nakamura's TRO was denied for lack of evidence to support a restraining order. TRO dissolved. |
| 02-27-2017 | Dr. Korzennik's expert architect, pursuant to a notice for inspection, photographed 24 Cinchring for the injunction case. |

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| 04-17-2017 | Finley Tree & Landscaping cleared out dead brush and trimmed Acacia tree branches (Lolli popping) to reduce fire hazard. |
| | |
| 06-27-2017 | The second survey by Steve Opdahl showed that part of the Nakamura driveway and a substantial portion of the hedge that lines that driveway is on our property. |
| | |
| 07-19-2017 | Nakamuras filed L.A.S.C. Case No. YC072196 against Dr. Korzennik & Dr. Brunner for alleged trespass and damage to landscaping caused by clearing out dead brush per Rolling Hills ordinance to reduce fire hazards. |
| | |
| 09-05-2017 | Our architectural expert, Mr. DiBiasi, a licensed drone operator, obtained aerial views of massing and height of the unpermitted construction at 24 Cinchring to present to City of Rolling Hills planning commission. |
| | |
| 09-17-2017 | Planning Commission Hearing: The Nakamuras were unable to explain why the approved plans were not followed and the structure was over the height on the approved plans; they were only willing to lower the height by 1 foot. The 26 Cinchring expert architect explained that 24 Cinchring is 5 feet over the approved plans. This was achieved by raising the foundation and plate heights. The Nakamuras never provided the approved plans to their contractor, Dan Martinez. |
| | |
| 10-17-2017 | Planning Commission field trip: The Nakamura's third architect Berger explained that following approved plans wasn't done because Nakamuras wanted a loft. The Planning Commission ordered the Nakamuras to build per approved plans of April 11, 2013 and staff to draft a resolution to that effect. |
| | |
| 12-19-2017 | The Rolling Hills Planning Commission (Brad Chelf, Chair, and Commissioners Cardenas, Cooley, Kirkpatrick, and Seaburn), after hearing from a new Nakamura consultant, Arthur Rigg, as well as Mitzi Nakamura and Mr. Nakamura, voted 5-0 to require 24 Cinchring be built pursuant to the April 11, 2013 approved plans and denied the Nakamuras' final appeal to allow them to move forward with their non-conforming construction in Resolution 2017-21 in Zoning Case #932 (Nakamura). |
| | |
| 01-08-2018 | The Rolling Hills City Council voted 3-2 to review the Planning Commission's denial of the Nakamura application for modification of the 2013 approved plans. |
| | |
| 01-31-2018 | The Rolling Hills City Council held a field trip inspection of 24 and 26 Cinchring. |
| | |
| 02-05-2018 | <p>Rebuttal of our expert architect, Vincent DiBiasi regarding 24 Cinchring construction:</p>  |




The difference in new vs old plate height is 13' minus 8'1" or almost 5'; the highest point at 19'6" could accommodate 3 6'6" humans stacked vertically. Cutting the ridge height down 3' would still leave it 2' higher than what was approved. Adding in the 10' height of the full-length basement (not even on the Nishiya plans) gives a total interior structure height of 23'. With the thickness of the floors and roof, the structure would reach the 25 ft height limit for building in RAS-2, although this is as measured from the outside.


02-12-2018



The City Council denied the Nakamura appeal and denied their request for a variance to allow modification to the 2013 Approved Plans, ordering staff that a Resolution be prepared which became Resolution 1221.

02-26-2018

City Resolution No. 1221 was adopted (Mayor Black – no, Councilmembers Dieringer, Mirsch, Pieper and Wilson – yes), finding that the Nakamuras' unpermitted modifications to the 2013 approved plans for 24 Cinchring were not compliant with or consistent with goals and policies of City's general plan to conform with low profile, ranch style architectural, and ensure buildings maintain and preserve views; that the proposed modifications were not harmonious in scale and mass with the site and

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| | natural terrain and surrounding residences; the Nakamuras were required to bring the height of 24 Cinchring into compliance with the 2013 approved plan within 12 months and begin construction within 6 months. |
| 03-27-2018 | Injunction case L.A.S.C. Case No. YC071272 was settled at mediation, given that the Resolution No. 1221 issued by City of Rolling Hills, ordered what the plaintiffs had been seeking. The Nakamuras signed a stipulation that they were not going to build according to the approved plans and, as a result, they must wait 1 year to submit a new application or seek an extension of construction from the City. |
| 07-12-2018 | The Nakamuras filed a motion to amend the trespass case to include the alleged "spitting incident" of September 25, 2015 that was part of the subject of the 12-16-15 first TRO hearing, which was denied by Judge Arnold. The motion was granted to allow the filing of the first amended complaint and the August 22, 2018 trial date was vacated. |
| 12-06-2018 | Demurrer sustained to the first amended complaint as to the so-called "spitting incident" of September 25, 2015, which was the purpose of filing the first amended complaint. |
| 12-10-2018 | The Nakamuras claimed they came to pick up mail at 24 Cinchring and that Dr. Korzennik blocked them from leaving. |
| 12-13-2018 | The Nakamuras filed a second TRO L.A.S.C. Case No. 18TRO01023 claiming they feared for their personal safety and alleged that Dr. Korzennik had been harassing them for 3 years, "On September 25, 2015 Nourit Korzennik directly spat in my wife's face and took numerous photographs and videos of my wife while trespassing on our property." They further asserted that Dr. Korzennik flew drones, took pictures, threw PVC pipes onto 24 Cinchring, blocked their driveway with construction equipment and a portable toilet; chopped down trees and hedges on their property, and tampered with their water line. |
| 01-26-2019 | TRO case trial continued due to lack of service on Dr. Korzennik. |
| 01-31-2019 | TRO continued due to pre-paid vacation plans of Dr. Korzennik and agreement of counsel given their respective schedules. |
| 03-12-2019 | Letter from the RHCA regarding the construction fence at 24 Cinchring. |
| 03-13-2019 | Trial of 2nd TRO filed by Nakamuras, L.A.S.C. Case No. 18TRO01023 abandoned. |
| 03-17-2019 | <div>3/17/19</div>  |
| 05-1-2019 | Trial of YC0272196 "Trespass case" in Department B continued. |

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| 08-15-2019 | Letter from Yolanta in response to Dr Korzennik's emails. |
| | |
| 09-12-2019 | The Nakamuras filed a complaint with the Los Angeles County Department of Building and Safety alleging that our new water main installation was not to code and falsely accusing us of "stealing" 33,750 gallons of their water and vandalizing their water main. Although our contractor had indeed neglected to get the proper permit for the water main, this was rectified, and the final permit approved. The material used was per code and the other accusations were blatantly false. |
| | |
| 09-17-19 | Planning Commission received oral update from staff regarding "proposal and development process for a project at 24 Cinchring." |
| | |
| October 2019 | <p>Photographs taken documenting the new silhouette flags placed at 24 Cinchring:</p>  |
| | |
| 10-23-2019 | Meeting with Yolanta, the retiring Planning Director, and Meredith, her replacement. |
| | |
| 12-03-2019 | Official Notice from the City of Rolling Hills regarding construction at 24 Cinchring. Should two or more neighbors complain, only then would a Planning Commission review be scheduled. |
| | |
| 12-16-2019 | We filed our objection letter with the City of Rolling Hills to the planned modifications at 24 Cinchring. |
| | |
| 03-09-2020 | Photograph taken from the Nature Preserve trails: |

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| 07-16-2020 | RHCA Board Meeting noted Active Architectural Violations where 24 Cinchring is listed as “New Residence Not Per Plan” and noted “Stop Work Order in Effect – AC Comm Required Modifications.” | |
| 10-09-2020 | Grading permit 2010090001 for “GRADING FOR NEW 650SF DET GARAGE W/750SF ATT REC ROOM” issued at LAC DPW. | |
| 10-25-2020 | We filed a lawsuit against the City of Rolling Hills and the Nakamuras for Petition of Writ of Mandate, Violation of Government Code (Breach of Mandatory Duty), Nuisance Damages, and Declaratory Relief. | |
| 10-28-2020 | Construction materials seen delivered to 24 Cinchring. | |
| 11-06-2020 | Concrete trucks seen pulling into the Nakamura property. | |
| 11-25-2020 | Lomita sheriff, a female officer by the name of Lopez (police car 17-643), came to our door to say that the neighbors were complaining about our security camera. Dr Korzennik spoke with her and afterwards with the Lomita Station duty chief, a male officer by the name of Apostle. | |
| 01-05-2021 | Mandatory Settlement Conference in tree case. | |
| 01-15-2021 | Mediation conference in our lawsuit against the City of Rolling Hills and the Nakamuras for Petition of Writ of Mandate and Violation of Government Code (Breach of Mandatory Duty), Nuisance Damages, and Declaratory Relief. | |
| 03-16-2021 | <div data-bbox="412 1617 649 1749" data-label="Image">  </div> <div data-bbox="685 1648 1476 1682" data-label="Text"> <p>(Right click enable content if present and choose full screen multimedia)</p> </div> <p>Shown here are the Nakamuras taking pictures of me driving up my driveway. Why is this interesting? If the shoe were on the other foot, i.e. if it were us taking pictures of them, you can be certain that we would be getting a visit from the police, or a new Temporary Restraining Order in the mail shortly. How do I know? Because this has happened repeatedly in the past.</p> | |
| Pending | We will be filing an appeal for a Writ of Mandate in the above case. | |

THE HALL LAW CORPORATION

ATTORNEYS

Larry Hall

Becky M. Tucker
LITIGATION ASSISTANT

April 29, 2021

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FAX 760.398.4455

WWW.LARRYHALLLAW.COM

VIA E-MAIL: YCORONEL@CITYOFRH.NET AND HAND DELIVERY:

City of Rolling Hills City Council
2 Portuguese Bend Road
Rolling Hills, CA 90274
c/o Yohana Coronel

Re: Appeal of Resolution 2021-04 Approving Variance, Conditional Use Permit and Site Plan Review for Property Located at 24 Cinchring Road

Dear City of Rolling Hills City Council,

We represent the owners of property located at 26 Cinchring Road ("Appellants"), Dr. Elliot H. Brunner and Dr. Nourit H. Korzennik, individually and as co-trustees of the Elliott H. Brunner and Nourit H. Korzennik Revocable Trust dated July 8, 2009 as Amended and Restated on March 6, 2012, a California Trust (collectively, "Appellants"), who are appealing the City of Rolling Hill ("City") Planning Commission's adoption of Resolution 2021-04, which approves a Variance, Conditional Use Permit and Site Plan Review ("Project") for the adjacent property located at 24 Cinchring Road ("Property"). Our \$1,500 check is being hand delivered.

This letter lays out the basis for Appellants' appeal and incorporates by reference the points made orally by Appellants at the March 30, 2021 Planning Commission hearing. The owners of the Property have spent the last twelve years blatantly subverting the City's rules and regulations, ignoring stop work orders, and building a structure that conforms to no approved plans. Indeed, the Property's illegal improvements are the subject of litigation (a copy of the Complaint is attached hereto as Exhibit A and the points raised therein are incorporated to this appeal by reference.

The Property owners are now asking the City Council to reward their bad behavior through a post-hoc approval. Please don't allow this subversion of the rule of law to continue. **We respectfully request that the City Council grant this appeal and overturn the Planning Commission's approval of the Project.**

First, we note a procedural objection to approval of the Project, which constituted an error and abuse of discretion. The City was not authorized to deem the Project application complete, let

alone approve the Project. City Municipal Code Section 17.30.010.A.3 provides, “any and all illegal conditions on the subject property must be remedied before an application is deemed complete.” The existing structure on the Property does not conform to the Municipal Code requirements, or any previous City approval, including Planning Commission Resolution No. 2009-06 (Exhibit B), which was approved on June 25, 2009 and authorizes a mixed-use structure on the Property, or the 2013 administrative approvals, which were approved on April 11, 2013 and authorized renovations of the main residence on the Property.¹ Thus, the existing structure itself constitutes an illegal condition that must be remedied prior to any hearing on the Project.

The Property’s illegal status is demonstrated by the numerous Stop Work Orders filed against the Property. It is our understanding that Stop Work Orders were posted on the Property on July 7, 2015, September 29, 2015, October 6, 2015 and January 26, 2016, citing to illegal conditions and requiring revised plans.² It is our understanding that each of these Stop Work Orders were ignored by the Property owner, and the illegal conditions remain on the Property. The illegal status is also documented in City Council Resolution No. 1221 (Exhibit C), which denied approval of a mixed-use structure at the Property in 2018.

Resolution No. 1221 states that the existing unpermitted construction of a higher than approved structure constitutes a Building Code Violation. (See Resolution No. 1221, Section 9.) Due to the unpermitted construction that currently exists on the Property, it was a violation of Municipal Code Section 17.30.010.A.3 to accept the Project application in light of the ongoing violations, and the City abused its discretion by deeming the application complete and the Planning Commission abused its discretion in approving the Project. Thus, the City Council must reverse the Planning Commission’s decision and grant this appeal and the City should not deem any application for the Project complete until the illegal conditions are remedied.

Further, the Planning Commission erred and abused its discretion when it superseded the City Council’s mandates of Resolution No. 1221, which require that the existing illegal structure on the Property be brought into compliance with plans approved by Resolution 2009-06 within a set timeframe. (Resolution No. 1221, Section 9.) Resolution No. 1221 provided sole discretion to the City Council to revise the remediation timeline. (Resolution No. 1221, Section 9.) Resolution No. 1221 also states that, “the actions to bring [the Property] into compliance with the previously approved plans are of great importance and are necessary to promote the health, safety and general welfare of the residents of the City.” (Resolution No. 1221, Section 10.) The Planning Commission does not have authority per Resolution No. 1221 to terminate the mandatory requirements of Resolution No. 1221.

¹ Note that on December 30, 2020, City staff administratively approved an application for the remodel of the main residence on the Property. This approval was also illegal as it did not comply with City Municipal Code Section 17.30.010.A.3 for the same reasons described in this letter.

² We have filed a Public Records Act Request with the City to obtain all documentation related to the Property, however, we have not received the requested records.

The required findings cannot be made pursuant to City Municipal Code Section 17.38.050 related to Variances, Section 17.42.050 related to Conditional Use Permits, and Section 17.46.050 related to Site Plan Review. There is no basis for the City Planning Commission's finding 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. The Property is an average residential lot in the City, similar to many of the homes along Cinchring Road. The Variance is not 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. Indeed, any hardship that may exist, though none exists, is entirely of the Property owners' making. Had the owners constructed the plans that were previously approved by the City, the claimed hardship would likely not exist. A self-inflicted hardship is not a valid grounds to grant a Variance, and granting a Variance for a self-inflicted hardship is certainly not within the spirit or intent of the City's Variance regulations.

Further, the Planning Commission erred in making the findings for a Variance because the Project will be materially injurious to properties or improvements in the vicinity, including Appellants' property. The Variance will grant special privilege to the Property owners at the expense of Appellants, who will lose views and the character of the neighborhood will be compromised.

Similarly, the granting of the Conditional Use Permit will be materially detrimental to these adjacent uses, building or structures, including Appellants' property. The granting of the Conditional Use Permit does not comply with all applicable development standards of the applicable zoning district, which is demonstrated by the need for a Variance. The Project is not harmonious in scale and mass with the Property, the natural terrain and surrounding residences contrary to the findings required for the Site Plan Review. The Project is not sensitive and is detrimental to the convenient and safe movement of pedestrians and vehicle.

Finally, the Project does not qualify for a Categorical Exemption under the California Environmental Quality Act ("CEQA") as it will result in a significant effect as a result of unusual circumstances.

For the reasons we describe in this letter, we urge the City Council to deny the Project and approve Appellants' appeal.

Sincerely,



Larry Hall

LH:wp

Enclosures as noted above

cc: Meredith Elguira: melguira@cityofrh.net

EXHIBIT A

Laurence C. Hall (State Bar No.053681)
THE HALL LAW CORPORATION

1 H. Korzennik Revocable Trust dated July 8, 2009 as Amended and Restated on March 6, 2012, a
2 California Trust (hereinafter the “Trust.”). Since March 28, 2013, the Trust has been the owner of the
3 real property located at 26 Cinchring, Rolling Hills, California, which is a 4,076 square foot, five-
4 bedroom, 3.5 bath single family residential home (“the Property”). The Property is at the end of a
5 remote, hard to find cul-de-sac. Dr. Brunner and Dr. Korzennik, in their individual capacities, reside at
6 the Property. Plaintiffs and Petitioners have resided at the Property since the summer of 2016. A
7 centerpiece of the design of the Property is the floor to ceiling wide panoramic windows across the front
8 of the residence with a spectacular view looking down the hill towards Palos Verdes’ iconic coastline
9 (the “View”). Petitioners and Plaintiffs, individually and as co-trustees of the Trust, will collectively be
10 referred to as Plaintiffs hereinafter, except in the First Cause of Action, where collectively they will be
11 referred to as Petitioners.

12 2. Respondent and Defendant, the City of Rolling Hills, (“The City” or “Respondents”), is a
13 public entity and incorporated city under the laws of California, located in the County of Los Angeles.

14 3. Defendants, Toshiko Nakamura and Takashi Nakamura, (“Defendants Nakamura”), are
15 married and own the property downslope from the Property at 24 Cinchring, Rolling Hills (“24
16 Cinchring”) situated directly in the View and is also at the end of the remote cul-de-sac. In 2009, a
17 wildfire seriously damaged the Defendants Nakamura’s home, 24 Cinchring. Defendants Nakamura
18 reside in Los Angeles County, California.

19 4. Plaintiffs are ignorant of the true names or capacities, whether individual, corporate,
20 associate or otherwise, of the Respondents and Defendants named herein as DOES 1 through 50,
21 inclusive, and therefore sue said Respondents and Defendants, and each of them, by said fictitious
22 names. Plaintiffs will amend this Petition and Complaint to show their true names and capacities when
23 the information has been ascertained. Plaintiffs are informed and believe, and thereon allege, that each
24 of the Respondents and Defendants designated herein as “DOE” is jointly, severally, and concurrently
25 legally responsible in some manner for the events and happenings herein referred to and negligently or
26 otherwise, wrongfully caused damages to Plaintiffs and responsible and liable for the causes of action
27 alleged herein.

28 5. At all times relevant herein, Respondents and Defendants and DOES 1 through 50 were

1 the agents of each other, and in doing the things alleged herein, each Respondent and Defendant and
2 DOES 1 through 50 was acting within the course and scope of its agency and was subject to and under
3 the supervision of its co-Respondents and co-Defendants.

4 6. At all times mentioned herein, each of the named Respondents, Defendants and DOES 1
5 through 50, inclusive, is subject to the jurisdiction of this court.

6 **GENERAL FACTS**

7 7. Plaintiffs are informed and believe that in 2007, the City ministerially approved an 850-foot
8 addition to 24 Cinchring.

9 8. On June 25, 2009, the City adopted Resolution 2009-06 approving a Site Plan
10 Review, a Conditional Use Permit, and a Variance to permit construction of a detached mixed-use
11 structure to contain a garage and a recreation room at 24 Cinchring ("2009 Approved Plans"). Section
12 11.E of Resolution 2009-06 provides that the, "mixed-use structure shall not exceed 1,400 square feet as
13 measured from the outside walls, and may contain a not to exceed 650 square foot garage and not to
14 exceed 750 square foot recreation room. The mixed-use structure may not exceed 14 feet in height."

15 9. On July 19, 2011, the City adopted Resolution 2011-08 granting an extension of the
16 2009 Approved Plans, which were authorized by Resolution 2009-06. Based on those resolutions, the
17 2009 Approved Plans approving the mixed-use structure set forth in Resolution 2009-06 were set to
18 expire within four years of the effective date of Resolution 2009-06.

19 10. After years of delay following the 2009 fire destroying many parts of 24 Cinchring,
20 during which time it was a fire risk and eyesore to the neighboring homes with weeds and untended
21 trees, plants and shrubs, Defendants Nakamura submitted plans for their major remodel and rebuild of
22 24 Cinchring for a new main house structure ("the Structure") designed by architect Bijan Khaleeli,
23 which the City administratively approved on April 11, 2013("2013 Approved Plans").

24 11. Plaintiffs are informed and believe that on July 12, 2013, Defendants Nakamura were
25 granted demolition permits for 24 Cinchring and that those permits were consistent with the 2009
26 Approved Plans and the 2013 Approved Plans.

27 12. Plaintiffs are informed and believe that on June 23, 2014, Defendants Nakamura were
28 granted grading and building permits for 24 Cinchring and that those permits were consistent with the

1 2009 Approved Plans and the 2013 Approved Plans.

2 13. Plaintiffs are informed and believe and thereon allege that on August 17, 2014 there was
3 a required Pre-Construction Meeting attended by The City's Yolanta Schwartz, Planning Director, The
4 Rolling Hills Community Association's ("The Association") Kathryn Bishop, the Los Angeles County's
5 Chris Oberle, Defendants Nakamura, their adult daughter, Mitzi Nakamura, Mrs. Nakamura's brother,
6 Sam Takei, posing as a "contractor" (Mr. Takei has no such license in California), as well as the
7 Defendants Nakamura's structural engineer, Kunihiro Nishiya. Defendants Nakamura and their agents
8 were all advised on August 17, 2014 by The City, The County of Los Angeles ("The County") and The
9 Association that any deviations and modifications of the 2013 Approved Plans had to be first approved
10 by The City, The County and The Association. Further, Defendants Nakamura were admonished that the
11 2013 Approved Plans must be on site at all times for the contractors working for the Defendants
12 Nakamura and the inspectors from The City, The County and The Association. Thereafter, Defendants
13 Nakamura began their major remodel of 24 Cinchring and hiring unknown workers.

14 14. The Defendants Nakamura ignored these mandatory requirements and thereafter began
15 construction on 24 Cinchring, materially deviating from the 2013 Approved Plans in direct
16 contravention of the August 17, 2014 warnings, mandates, including not making available the 2013
17 Approved Plans.

18 15. On June 17, 2015, The City's staff received a report of very tall beams protruding far
19 above the approved roof line. The County inspector, Chris Oberle, emailed the Defendants Nakamura
20 stating that the "roof was too high." This information was ignored and the foundation, basement, and
21 framing work at 24 Cinchring was done in violation of the 2013 Approved Plans. On or about July 16,
22 2015, the Defendants Nakamura hired an unsuspecting, but experienced, well-regarded general
23 contractor, Lucas Brothers Construction Inc. ("Lucas") who had done many projects in The City.
24 Defendants Nakamura refused to enter into a written contract with Lucas, insisting they would only pay
25 on a week to week basis, which they failed to do. Further and most importantly, Defendants Nakamura
26 refused to provide Lucas with the 2013 Approved Plans and kept same concealed from Lucas. There
27 was never any approved and stamped plans on site, according to the testimony of the principal of Lucas,
28 Dan Martinez, despite his many requests for same.

1 16. Defendants Nakamura stripped off the entire building envelope down to its foundation
2 demanding that Lucas save the nails and fasteners from the old, demolished structure for reuse.
3 Defendants Nakamura also began digging out the unapproved and concealed major basement living area
4 and rooms. As illegally constructed, 24 Cinchring has a large mezzanine and an even larger basement
5 that includes bedrooms, bathrooms and other living areas – all hidden /blocked/concealed by Defendants
6 Nakamuras from inspection and any viewing whatsoever by The City, The County and The Association.
7 These hidden additions were never shown on the 2013 Approved Plans and were designed to increase
8 Defendants Nakamura’s livable square footage and to escape any potential property tax assessment for
9 these areas.

10 17. Defendants Nakamura demanded that Lucas raise the roof and the ridge height be
11 elevated to accommodate the hidden additions, all of which added up to five (5) additional feet beyond
12 the height allowed by the 2009 Approved Plans and 2013 Approved Plans, and add columns of
13 structural steel beams that also were never on the 2009 Approved Plans and the 2013 Approved Plans.

14 18. On September 29, 2015, the Association posted a STOP WORK order, saying “framing
15 not per plan.” The Association letter to the Defendants Nakamura instructed them to respond by
16 October 15, 2015. The Defendants Nakamura ignored the STOP WORK order and work on the structure
17 continued.

18 19. On July 7, 2015 The County posted a STOP ALL WORK order. The Defendants Nakamura
19 ignored the STOP WORK order and work continued on 24 Cinchring.

20 20. On October 6, 2015, The County posted another STOP ALL WORK order. The
21 Defendants Nakamura ignored the STOP WORK order and work continued on 24 Cinchring.

22 21. On October 15, 2015, Kathryn Bishop, the Architectural Inspector of the Association
23 stated in a letter to the Defendants Nakamura that the only work that the Association would approve
24 going forward would be a temporary roof consisting of tarping only. The Defendants Nakamura ignored
25 this information, and work continued with the addition of rafters, plywood sheeting, and roofing paper.

26 22. On December 17, 2015, the Association’s Kathryn Bishop reiterated in writing the STOP
27 ALL WORK order stating, “I made a visual inspection / work completed does not comply with plans
28 submitted. Unapproved spacing & underlayment material.” The Defendants Nakamuras ignored same.

1 23. On January 19, 2016, the Association's Kathryn Bishop stated: "Your non-compliance
2 with the October 26, 2015 temporary winterization permit IS NOT ACCEPTABLE and MUST BE
3 REMEDIATED." The Defendants Nakamura ignored same.

4 24. On January 26, 2016, Yolanta Schwartz, Planning Director of the City, informed the
5 Defendants Nakamura in writing that, "A construction violation exists, a stop work order is in effect, no
6 work is to be conducted, and temporary winterization must be removed by April 1, 2016, and revised
7 plans must be submitted no later than April 1, 2016." The Defendants Nakamura ignored the City's
8 Schwartz' notice and proceeded with work.

9 25. Despite the incessant warnings and repeated STOP ALL WORK orders, Plaintiffs are
10 informed and believe that the City has not initiated nuisance abatement proceedings pursuant to Chapter
11 8.24 of the Rolling Hills Municipal Code.

12 26. On April 22, 2016, Plaintiffs filed Los Angeles County Superior Court Case Number
13 YC071272 ("Injunction Case") against the Defendants Nakamura for injunctive relief asking the court to
14 order the Defendants Nakamura to build 24 Cinchring pursuant to the 2013 Approved Plans.

15 27. On September 1, 2017, Defendants Nakamura filed an application with The City for a
16 modification to allow the roof line two feet higher than the 2013 Approved Plans and changing the roof
17 type from hip to Dutch gable "which provides for less 'see through' or open areas resulting in a more
18 massive look of the structure." (Resolution 1221, §2, Exhibit 1) (Zoning Case 932) This amounted to a
19 request to legalize after-the-fact the non-conforming structures Defendants Nakamura constructed at 24
20 Cinchring. Defendants Nakamura in their application never explained why the 2013 Approved Plans
21 weren't followed; Defendants Nakamura only sought modifications of the 2013 Approved Plans to
22 allow their illegal structure at 24 Cinchring which they intentionally constructed to violate the 2013
23 Approved Plans, and the City, County and Association codes, regulations, policies and procedures
24 which exist for every other homeowner and contractor, but ignored by them.

25 28. In response to the Defendants Nakamura's September 1, 2017 application for
26 modification, on September 19, 2017 the City of Rolling Hills Planning Commission held a duly noticed
27 public hearing, and considered Defendant Nakamura's September 1, 2017 request.

1 29. On September 17, 2017 at a City of Rolling Hills Planning Commission hearing, the
2 Defendants Nakamura were unable to explain why the 2013 Approved Plans were not followed and why
3 the main house structure they were building on 24 Cinchring was over the height specified on the 2013
4 Approved Plans. Expert architectural analysis revealed that the main house structure that the Defendants
5 Nakamura built was 5 feet over the 2013 Approved Plans proposed ridge line. This illegal main house
6 structure was accomplished at the direction of Defendants Nakamura by demanding that Lucas raise the
7 foundation and plate heights under threat of non-payment for labor and materials by Defendants
8 Nakamura. It was revealed at this Planning Commission hearing that the Defendants Nakamura never
9 provided contractor, Lucas, with the 2013 Approved Plans, illegally substituting instead their own
10 unapproved plans drawn as directed by their structural engineer, Kunihiro Nishiya, and telling contractor
11 Lucas that The City's Yolanta Schwartz had consented.

12 30. On October 17, 2017, the City of Rolling Hills Planning Commission traveled to 24
13 Cinchring for an inspection. At that inspection, the Defendants Nakamura's third architect stated that the
14 2103 Approved Plans were not followed because the Defendants Nakamura wanted a loft/mezzanine.
15 Defendants Nakamura's architect, Bizhan Khaleeli testified at his August 23, 2017 deposition in the
16 Injunction Case that his plans had not been followed, testifying: "When I went out there, I did not
17 recognize any resemblance between what I had designed and what was on the site." (Khaleeli
18 deposition, August 23, 2017, page 60, lines 13-15).

19 31. On December 19, 2017, the Rolling Hills Planning Commission, after hearing from a new
20 Defendants Nakamura consultant, Allan Rigg, in addition to Mitzi Nakamura and Mr. Nakamura, voted
21 5 to 0 to require 24 Cinchring to be built pursuant to the 2013 Approved Plans and denied the
22 Defendants Nakamuras' request to allow their non-conforming construction. The Rolling Hills Planning
23 Commission ordered the Defendants Nakamuras to build according to the 2013 Approved
24 Plans and for staff to draft a resolution to that effect.

25 32. The Defendants Nakamura appealed that decision to the Rolling Hills City Council.

26 33. On January 8, 2018, the Rolling Hills City Council took jurisdiction of the Defendants
27 Nakamuras' application pursuant to Chapter 17.54 of the Rolling Hills Municipal Code. (Resolution
28 1221, §4, Exhibit 1)

1 34. Following an analysis, inspections of 24 Cinchring, and a full hearing with the City
2 Council listening to Defendants Nakamura and their expert, as well as their lawyer, on February 12,
3 2018, the City Council denied the Defendants Nakamuras' appeal thus rejecting their request to legalize
4 after-the-fact the non-conforming structure at 24 Cinchring, and ordered staff that a Resolution be
5 prepared, which became Resolution 1221 (Exhibit 1).

6 35. On February 26, 2018, the City Council passed Resolution 1221, making the following
7 findings:

- 8 a. The proposed modifications were not compliant with or consistent with the goals and
9 policies of the City's 'General Plan to conform with the City's existing low -profile,
10 ranch style architecture and ensure buildings maintain and preserve viewscales. (Section
11 7)
- 12 b. ***The proposed modifications did not preserve viewscales from adjacent residences.***
13 (Section 7)
- 14 c. The proposed modifications were not harmonious in scale and mass with the site and
15 natural terrain and surrounding residences. (Section 7)
- 16 d. The Defendants Nakamura offered no relevant justification for increasing the height as
17 now proposed, rendering the proposed home incompatible with the site and surrounding
18 properties. (Section 7)
- 19 e. The proposed modifications were visible from the street and to neighbors and ***did*** not
20 preserve viewscales ***from an adjacent residence.*** (Section 7)
- 21 f. The 919.23-foot Dutch Gable roof had an unnecessarily higher and bulkier profile than
22 the previously approved project with a 917.25-foot ridge height. (Section 7)
- 23 g. The proposed modifications increased the slope from 3:12 to 4:12 increasing the mass of
24 the structure. (Section 7)
- 25 h. The unpermitted construction of a higher than approved structure constitutes a Building
26 Code Violation. (Section 9)
- 27 i. ***The actions to bring 24 Cinchring into compliance with the previously approved plans***
28 ***are of great importance and are necessary to promote the health, safety and general***

1 **welfare of the residents of the City.** (emphasis added.) (Section 10)

2 36. Resolution 1221, Section 9 provides:

3 The Applicant's unpermitted construction of a higher than approved structure constitutes a
4 Building Code violation. ***Staff is directed to require the Applicants to bring the height of the residence***
5 ***into compliance with the plan, which was previously approved.*** Therefore, the Applicants shall
6 undertake the following actions:

7 A. Within three months of this Resolution, the Applicants shall renew all construction
8 permits through the Los Angeles County Building and Safety Department for this project
9 and commence demolition of the illegal construction.

10 B. Within six months of this Resolution, the Applicants shall commence the construction
11 of the project, including the previously approved roofline, in compliance with the
12 approved plans and commence grading activity for the previously approved detached
13 garage/recreation room and access thereto per the specifications outlined in
14 Resolution No. 2009-06.

15 a. C. Within eight months of this Resolution, the Applicants ***shall*** obtain a building permit
16 for the construction of the previously approved detached garage/recreation room and
17 access thereto per the specification outlined in Resolution No. 2009-06.

18 D. Within twelve months of this Resolution, the entire project ***shall*** be substantially completed
19 per the specifications outlined in Resolution No. 2009-06 and per the approved development plan
20 stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014,
21 including the construction of the driveway to the
22 garage. At that time, the construction fence shall be removed from the premises
23 together with any unnecessary and unused construction materials, green waste, or
24 other debris.

25 E. Within fifteen months of this Resolution, the entire project shall be completed. Prior
26 to receiving a final inspection or a certificate of occupancy from the Los Angeles
27 County Building and Safety Department both structures (residence and the mixed use)
28 and the driveway shall be completed and fully functional.

1 F. The highest ridgeline of the house ***shall not*** be higher than 917.25 ft. in elevation, as
2 shown on the approved plans. This specified height of the ridgeline includes the finished
3 root: not merely the sheeting of the roof. Prior to placing the finished material on the
4 roof, the ridgeline shall be certified by a certified civil or structural engineer, acceptable
5 to City staff. Prior to obtaining final inspection or a certificate of occupancy, certification
6 of the ridge height of the residence. prepared by a certified civil or structural engineer,
7 acceptable to City staff, ***shall*** be submitted to City staff and the Los Angeles County
8 Building and Safety Department to confirm or deny whether the completed project is in
9 compliance with the approved plans. Applicants ***shall*** also be in compliance with all
10 conditions of Resolution No. 2009-06.

11 G. ***At the City Council's discretion***, it may grant a time extension at each benchmark in the
12 timeline of actions specified in this Section if the Applicants file an application, including the
13 corresponding fees, with City staff before the date of the required action as specified in this
14 Section and the City Council finds that that the denial of the extension would constitute an undue
15 hardship upon the Applicants and that the approval of the extension would not be materially
16 detrimental to the health, safety, and general welfare of the public. (Emphasis added)

17 37. Resolution 1221, Section 3 incorporates Condition AN of Resolution 2009-06, which
18 provides:

19 Notwithstanding Sections 17.46.020 and 17.46.070 of the Rolling Hills Municipal Code, ***any***
20 ***modification to this project or the property***, which would constitute additional structural development,
21 grading or additional excavation of dirt and any modification including, but not limited to retaining
22 walls, drainage devices, pad elevation, pool construction ***and any other deviation from the approved***
23 ***plans, shall require the filing of a new application for approval by the Planning Commission.***
24 (emphases added)

25 38. Resolution 1221 never challenged by the Defendants Nakamura, nor has it been
26 rescinded or modified by the City Council. Resolution 1221 is a final order that is binding on the
27 Defendants Nakamura and the City. Rolling Hills Municipal Code Section 17.54.015(F) provides, “The
28 decision of the Council, supported by findings, shall be set forth in a resolution. A copy of the decision

1 shall be sent to the applicant. The action of the Council shall be final and conclusive.” Rolling Hills
2 Municipal Code Section 17.54.060 (D) further provides that, “The action of the City Council to approve,
3 conditionally approve, or deny an application shall be final and conclusive.”

4 39. Article XI, § 7 of the California Constitution provides that “A county or City may make
5 and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in
6 conflict with general laws.”

7 40. On March 27, 2018, Plaintiffs agreed to dismiss the Injunction Case, with prejudice, in
8 exchange for Defendants Nakamura agreeing to abandon the 2013 Approved Plans to redevelop 24
9 Cinchring (“2018 Settlement”). After Resolution 1221 was issued, there was nothing further at that time
10 to ask from the Superior Court. Plaintiffs relied on the City to enforce Resolution 1221.

11 41. Defendants Nakamura failed to comply with, and the City failed to enforce, any of the
12 mandated requirements set forth in Resolution 1221.

13 42. Defendants Nakamuras’ incomplete and non-permitted structure remains with an illegal
14 roof that continues to impede the View in violation of the City’s binding Resolution 1221. No permits
15 have been granted to legalize the non-permitted structure that was constructed by Defendants Nakamura.

16 43. Plaintiffs discovered in late 2019 that the Nakamuras had submitted “new” plans to
17 remodel the home on 24 Cinchring (“2019 Plans”), which violate Resolution 1221.

18 44. Plaintiffs’ consulting expert architect went to The City’s offices and reviewed the 2019
19 Plans. Plaintiff’s expert architect determined that the 2019 Plans were for all intents and purposes in all
20 material respects the same plans resoundingly rejected and disapproved by the City Council’s
21 Resolution 1221. The 2019 Plans maintain a 920.25-foot height, three feet over the maximum limit set
22 in Resolutions 1221 and 2009-06.

23 45. Plaintiffs are informed and believe and thereon allege that City staff ignored and without
24 consideration or reference to Resolution 1221 evaluated the 2019 Plans and determined that they
25 qualified for administrative Zone Clearance Review. Thereafter, The City began the process of
26 approving the 2019 Plans “over the counter” seeking to avoid review by the Planning Commission as
27 required by Resolution 1221.

28 46. Plaintiffs are informed and believe that the City accepted the application for the 2019

1 Plans for the residential remodel without first requiring remediation of illegal structures pursuant to
2 Rolling Hills Municipal Code Section 17.30.010.A.3, which requires, “***any and all illegal conditions on***
3 ***the subject property must be remedied before an application is deemed complete.***” (emphasis added)
4 Rolling Hills Municipal Code Section 17.30.010.A.1 requires that, “[a]n application shall be required
5 ***for all actions governed by the provisions of [Title 17 of the Rolling Hills Municipal Code].***”
6 (emphasis added)

7 47. On December 3, 2019, the City mailed a letter (“Notice of Submission”) to Plaintiffs who
8 are informed and believe it was sent to other neighbors within 1000 feet of 24 Cinchring. This letter
9 notified Plaintiffs that the Defendants Nakamura had applied to build and remodel the structure on 24
10 Cinchring in violation of Resolution 1221 and all of its findings, and advised that Plaintiffs had until
11 December 17, 2019 to submit objections. The Notice of Submission references the 2019 Plans
12 submitted by the Defendants Nakamura which Plaintiffs’ architect advised maintains the existing
13 structure located at 24 Cinchring, three feet in excess of the maximum set forth in Resolutions 2009-06
14 and 1221.

15 48. Plaintiffs objected to Defendant Nakamuras’ application on December 16, 2019, sending
16 written objections to The City on that date. Plaintiffs are informed and believe that no other nearby
17 neighbors objected because 24 Cinchring is not directly in their viewscape and other nearby neighbors
18 feared retaliation by Defendants Nakamura.

19 49. Plaintiffs are informed and believe that on December 30, 2020, City staff administratively
20 approved the application for the residential remodel shown on the 2019 Plans (“2020 Administrative
21 Approval”).

22 50. Plaintiffs are informed and believe that the Defendant Nakamura have recently submitted
23 an application for a Conditional Use Permit for a mixed-use structure consisting of a two-car garage and
24 recreation room (“2020 Pending Plans”).

25 51. Plaintiffs are informed and believe that The City is waiting for the Defendant Nakamuras
26 to submit further more detailed plans relating to the detached garage and recreation room. Plaintiffs are
27 informed and believe that once those more detailed plans are submitted, The City will approve the 2019
28 Plans for 24 Cinchring and permits will be issued.

1 52. Plaintiffs are informed and believe that structures exist at 24 Cinchring that were not
2 permitted, but the City treated such structures as having permits and therefore are violative of the
3 requirement for Variance, Conditional Use Permit, and/or Site Plan Review set forth in Rolling Hills
4 Municipal Code Chapters 17.38, 17.42, and 17.46, respectively.

5 **FIRST CAUSE OF ACTION**

6 **WRIT OF MANDATE (CIV. CODE OF PRO § 1085)**

7 **AGAINST RESPONDENT THE CITY AND DOES 1 THROUGH 20**

8 53. Petitioners re-allege each paragraph set forth above (§§ 1 through 52), as though fully set
9 forth herein as to Respondent City of Rolling Hills and DOES 1 through 20, inclusive, and each of them,
10 who will be collectively referred to as Respondents in this cause of action.

11 54. Respondents have a mandatory, clear, present, and ministerial duty to enforce its own
12 ordinances.

13 55. Rolling Hills Municipal Code Section 17.30.010.A.1 requires that *all* actions required by
14 Title 17 of the Rolling Hills Municipal Code must file an application pursuant to Chapter 17.30 of the
15 Rolling Hills Municipal Code. Rolling Hills Municipal Code Section 17.30.010.A.3 provides that
16 Respondents *must* require remediation of any illegal conditions on a property before deeming any
17 application complete for that property. Respondents have no discretion under Section 17.30.010 of the
18 Rolling Hills Municipal Code to allow processing of applications for properties with illegal structures.
19 Therefore, Respondents have a ministerial duty to process applications pursuant to Chapter 19.30 of the
20 Rolling Hills Municipal Code, which requires rejection of any application for a property with illegal
21 structures.

22 56. The 2020 Administrative Approval that approved the 2019 Plans constituted an action
23 under Title 17 of the Rolling Hills Municipal Code and thus requires compliance with Chapter 17.30 of
24 the Rolling Hills Municipal Code.

25 57. The structure on 24 Cinchring Road that exceeds the height permitted by the 2009
26 Approved Plans and the 2013 Approved Plans constitutes an illegal condition.

27 58. Respondents were well aware of the illegal conditions on 24 Cinchring, as evidenced by
28 the numerous STOP ALL WORK orders posted against 24 Cinchring and adoption of Resolution 1221,

1 which describes the illegal conditions and establishes a schedule to remediate them. Despite this
2 knowledge, Respondents not only deemed the application for the 2019 Plans complete, but they
3 approved the application, in direct violation of Rolling Hills Municipal Code Chapter 17.30.

4 59. Therefore, Respondents violated Chapter 17.30 of the Rolling Hills Municipal Code by
5 processing the application for the 2019 Plans and the approving the 2020 Administrative Approval, and
6 have failed to enforce their mandatory, ministerial duties thereunder.

7 60. Further, Rolling Hills Municipal Code Chapters 17.38, 17.42, and 17.46 require
8 discretionary approval for Variances, Conditional Use Permits, and Site Plan Reviews, respectively.

9 61. The current structure on 24 Cinchring Road does not comply with the development
10 standards of the Rolling Hills Municipal Code or Resolution 1221, and thus requires approval of a
11 Variance, Conditional Use Permit, and/or Site Plan Review.

12 62. Respondents have permitted the illegal structure to remain on 24 Cinchring without
13 requiring a Variance, Conditional Use Permit, and/or Site Plan Review.

14 63. Therefore, Respondents have violated Rolling Hills Municipal Code Chapters 17.38,
15 17.42, and/or 17.46, and have failed to enforce their mandatory, ministerial duties thereunder.

16 64. Respondents have violated Resolution 1221 because that resolution concludes that 24
17 Cinchring “as built” and currently constructed is inconsistent with its “General Plan goals” of “low-
18 profile, ranch style architecture”; that it has an “unnecessarily higher and bulkier profile”; and it does
19 not “maintain and preserve the viewscales from adjacent residences,” most particularly from
20 Petitioners’ Property. (Resolution 1221)

21 65. Resolution 1221 sets forth a strict schedule for demolition and reconstruction of 24
22 Cinchring to bring it in compliance with the 2009 Approved Plans, and provides the City Council with
23 the sole discretion to modify such schedule. Resolution 1221 specifically directs City staff to require
24 that Defendants Nakamura bring the height in compliance with the 2009 Approved Plans. Therefore,
25 City staff has a ministerial duty to enforce the abatement schedule set in Section 9 of Resolution 1221.

26 66. Respondents are in violation of Section 9 of Resolution 1221 as City staff have not
27 enforced the abatement schedule set forth therein. By May 26, 2019, Respondents were to require
28 demolition and reconstruction of 24 Cinchring according to the 2009 Approved Plans. Petitioners are

1 informed and believe that none of the requirements of Section 9 of Resolution 1221 have been carried
2 out.

3 67. City staff have a duty to enforce Section 3 of Resolution 1221 and require that any
4 modification to the project that was approved by Resolution 2009-06 or any modification to 24
5 Cinchring Road be approved by the Planning Commission.

6 68. Respondents have violated Section 3 of Resolution 1221 because, Petitioners are
7 informed and believe that, Respondents have approved the 2019 Plans and intend to approve the 2020
8 Pending Plans without Planning Commission approval. Notwithstanding Petitioners' objections to the
9 2019 Plans and 2020 Pending Plans, Respondents have advised Petitioners that Respondents intend to
10 issue permits concerning modifications to 24 Cinchring "over the counter" by a clerk without the
11 authority to do so and without approval by the Planning Commission.

12 69. Resolution 1221 is final. The City Planning Commission and any City staff must ensure
13 the City Council's directives under Resolution 1221 are carried out, and may not rescind or modify
14 Resolution 1221. Rolling Hills Municipal Code Section 17.54.015(F) provides *that*, "The decision of
15 the Council, supported by findings, shall be set forth in full in a resolution. A copy of the decision shall
16 be sent to the applicant. The action of Council shall be *final and conclusive*." (Emphasis added)
17 Rolling Hills Municipal Code Section 17.54.060.D further provides, "The action of the City Council to
18 approve, conditionally approve, or deny an application shall be final and conclusive."

19 70. Further, Respondents may not rescind or modify Resolution 1221 because Petitioners
20 have foreseeably and determinately relied on enforcement of Resolution 1221 when they agreed to
21 dismiss, with prejudice, the Injunction Case per the 2018 Settlement Agreement. Respondents were
22 aware of Petitioners' opposition to the height and design of 24 Cinchring Road, even referring to their
23 loss of viewscape in Resolution 1221. Respondents were specifically made aware of the 2018
24 Settlement Agreement in a letter sent by Defendants Nakamura on April 12, 2018, if not before. The
25 structure on 24 Cinchring is illegal and was required to be demolished in 2019 and reconstructed
26 according to the 2009 Approved Plans. Respondents are required to conduct a Site Plan Review under
27 Chapter 17.46 of the Rolling Hills Municipal Code. Petitioners have appealed to Respondents to
28 enforce their own resolutions and ordinances, demanding that Resolutions 1221 and 2009-06 be

1 enforced, that the 2019 Plans and the 2020 Pending Plans be denied, and that any new plans be denied
2 that exceed the height approved by Resolution 2009-06 as violative of the specific findings of
3 Resolution 1221 and Respondents' ordinances. Despite Petitioners repeated demands, Respondents
4 refuse. Respondents, through their assistant city attorney, advised Petitioners that they do not have any
5 means of appealing Respondents' decisions to approve the Defendants Nakamuras' 2019 Plans and issue
6 permits, notwithstanding that, Petitioners are informed and believe, the 2019 Plans maintain a ridge
7 height that the Respondents have already deemed to violate their own ordinances.

8 71. Therefore, Respondents have violated Resolution 1221, and have failed to enforce their
9 mandatory, ministerial duties thereunder.

10 72. Petitioners are persons beneficially interested in Respondents' enforcement of t[he
11 Rolling Hills Municipal Code and Resolutions 1221 and 2009-06. Resolution 1221 is meant to
12 specifically protect Petitioners' interest in their viewscape as evidenced by their specific mention in
13 Section 7. The Property has been uniquely adversely impacted by Defendants Nakamuras' refusal to
14 comply with Respondents' ordinances and Resolutions 1221 and 2009-06, causing the diminution in
15 value of the Property and the loss of use and enjoyment of their property, including their viewscape
16 which has been materially impacted by the Defendants Nakamuras' offending and illegal structure at 24
17 Cinchring.

18 73. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law,
19 other than the relief sought in this Petition. Petitioners have participated in all public proceedings
20 related to 24 Cinchring since the purchase of their property to the extent permitted by law. At this time,
21 Petitioners can only request that a writ of mandate order Respondents to comply with the Rolling Hills
22 Municipal Code and Resolutions 1221 and 2009-06, to reclaim their viewscape that Respondents have
23 determined that Petitioners are entitled to in Resolution 1221. Petitioners are informed and believe that
24 The City will be issuing permits for construction of 24 Cinchring in violation of Rolling Hills Municipal
25 Code and Resolutions 1221 and 2009-06. Based on Respondents' information to Petitioners, there is no
26 mechanism or procedure under Respondents' ordinances to enjoin such conduct. Damages would be
27 inadequate, as well as unobtainable.

28 74. Accordingly, a writ of mandate should be issued enjoining, rescinding or revoking any

1 and all permits granted to Defendants Nakamura because 1) they violate Rolling Hills Municipal Code
2 Chapter 17.30, 17.38, 17.42, and/or 17.46, and 2) Resolution 1221 expressly prohibits the ridge height
3 of 917.25; and mandates that any new plans for 24 Cinchring must be submitted to the Planning
4 Commission for review and approval, not approved “over the counter.” A writ should be issued
5 ordering Respondents to enforce the Rolling Hills Municipal Code and Resolutions 1221 and 2009-06
6 and its ordinances, and compel Defendants Nakamuras to remove all illegal structures from 24
7 Cinchring.

8 75. Respondents have also abused their discretion by failing to enforce their own ordinances.

9 76. Violation of Respondents’ zoning and building requirements is a per se public nuisance
10 per Section 17.04.050 of the Rolling Hills Municipal Code, which provides:

11 Any violation of this title, or of any condition of any permit, approval or other entitlement
12 granted under this title, shall constitute a misdemeanor which, upon conviction, shall be punishable by a
13 fine of no more than one thousand dollars, by imprisonment in the County jail for a term no longer than
14 six months, or by both such fine and imprisonment. Each separate day, or portion thereof, during which
15 any violation of this title occurs or continues to occur shall constitute a separate offense which, upon
16 conviction, shall be punishable as provided in this section. A violation of this title shall constitute a
17 public nuisance.

18 77. Section 8.24.030 of the Rolling Hills Municipal Code provides:

19 Whenever the City Manager determines that a nuisance exists upon any property, place or area
20 within the boundaries of the City, the City Manager *may* notify in writing the owner or person in
21 possession of the property, place or area to abate the nuisance within fifteen days from the date of the
22 notice. (emphasis added)

23 78. Although the initiation of nuisance abatement proceedings under Chapter 8.24 of the
24 Rolling Hills Municipal Code is discretionary, the City Manager has abused discretion by failing to
25 enforce the City’s nuisance ordinance despite being well aware that 24 Cinchring is in violation of
26 Respondents’ zoning and building requirements and the approved plans.

27 79. Petitioners are persons beneficially interested in Respondent’s enforcement of their own
28 ordinances (Chapter 8.24 of the Rolling Hills Municipal Code). The Property has been uniquely

1 adversely impacted by Respondents refusal to enforce Chapter 8.24 of the Rolling Hills Municipal Code,
2 causing the diminution in value of the Property and the loss of use and enjoyment of the Property
3 including their viewscape which has been materially impacted by the Defendants Nakamuras' offending
4 and illegal structure at 24 Cinchring. Chapter 8.24 of the Rolling Hills Municipal Code is meant to
5 specifically protect Petitioners' interest.

6 80. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law,
7 other than the relief sought in this Petition. At this time, Petitioners can only request that a writ of
8 mandate order Respondents to enforce Chapter 8.24 of the Rolling Hills Municipal Code, to reclaim
9 their viewscape that Respondents have determined that Petitioners are entitled to in Resolution 1221.
10 Damages would be inadequate, as well as unobtainable.

11 81. Accordingly, a writ of mandate should be issued ordering Respondents to exercise their
12 discretion and enforce Chapter 8.24 of the Rolling Hills Municipal Code to initiate nuisance abatement
13 proceedings against 24 Chinchring, which qualifies as a per se public nuisance according to
14 Respondents' own ordinances (i.e., Section 17.04.050 of the Rolling Hills Municipal Code).

15 82. Petitioners seek attorney's fees pursuant to Code of Civil Procedure §1021.5, as this
16 Petition confers a significant benefit on the public by requiring The City to enforce their own codes,
17 regulations, ordinances and resolutions.

18 **SECOND CAUSE OF ACTION**

19 **VIOLATION OF MANDATORY DUTIES (GOVERNMENT CODE §815.6)**

20 **AGAINST DEFENDANTS THE CITY AND DOES 1 THROUGH 20**

21 83. Plaintiffs re-allege each paragraph set forth above(¶¶1 through 84) as though fully set
22 forth herein as to Defendant The City and DOES 1 through 20, inclusive, and each of them, who will be
23 collectively referred to as Defendants in this cause of action.

24 84. Defendants had/have mandatory duties imposed by Resolution 2009-06 and Resolution
25 1221, in addition to City of Rolling Hills Ordinances, which Respondents have breached. (Government
26 Code §815.6.)

27 85. Defendants have failed to carry out its mandatory duties, thereby breaching all such
28 duties, by not enforcing Resolution 2009-06 and Resolution 1221 that the highest ridgeline of the

1 Defendants Nakamura house shall not be higher than 917.25 in elevation, by approving plans that
2 violate these mandatory ridge heights.

3 86. Defendants have failed to conduct the required Site Plan Review for the 24 Cinchring
4 “new” plans because the structure that is on that property is illegal, and Defendants Nakamura seek to
5 demolish and/or remodel an illegal structure. The City is required to conduct a Site Plan Review under
6 Chapter 17.46 of the City of Rolling Hills Ordinances, and Section 17.16.050. Compliance with the site
7 plan review process is mandatory for The City.

8 87. Defendants, unless enjoined or restrained, will continue to engage in the conduct herein
9 alleged, breaching its duties. As a direct and proximate result of the ongoing and continuing conduct of
10 Defendants, Plaintiffs will be greatly and irreparably harmed, and thus are entitled to a temporary
11 restraining order, and preliminary and injunctive relief.

12 88. Plaintiffs seek attorney’s fees pursuant to Code of Civil Procedure §1021.5, as this
13 Petition confers a significant benefit on the public by requiring The City to enforce its own codes,
14 regulations, ordinances and Resolutions.

15 **THIRD CAUSE OF ACTION**

16 **EQUITABLE ESTOPPEL**

17 **AGAINST DEFENDANTS THE CITY AND DOES 1 THROUGH 20**

18 89. Plaintiffs re-allege each paragraph set forth above (¶¶1 through 90) as though fully set
19 forth herein as to Defendant The City and DOES 1 through 20, inclusive, and each of them, who will be
20 collectively referred to as Defendants in this cause of action.

21 90. Defendants are equitably estopped from deviating from its properly determined
22 Resolution 2009-06 and Resolution 1221, and ordinances, including the Site Plan Review under Chapter
23 17.46 of the City of Rolling Hills Ordinances, and Section 17.16.050.

24 91. Defendants Nakamuras illegally constructed a structure at 24 Cinchring, without
25 approved plans or permits, violating stop orders. Over the course of years, Plaintiffs expended their own
26 time and money and appealed to the City to enforce its own ordinances and codes and not only stop the
27 illegal construction but require the Nakamuras from building a structure with an excessive ridge height
28 and extensive mass that violates the City ordinances and codes. After extensive hearings, site

1 inspections and analysis, first the Planning Commission agreed, and ordered the illegal structure be
2 demolished and/or ridge height lowered at least 3 feet. On appeal, the City Council approved the
3 Planning Commission decision, ordering the same. The City, therefore, made decisions in 2018 that
4 Plaintiffs have relied upon. Without any legal or factual basis, Defendants are disregarding its own
5 decisions and Resolutions, codes and ordinances which will result in an illegal structure to be built at 24
6 Cinchring that materially interferes with Plaintiffs' viewscape and exceeds all legal ridge heights and
7 mass of structures as determined in Resolution No. 1221.

8 92. Defendants conduct is a cause of Plaintiffs' harm.

9 93. Defendants, unless enjoined or restrained, will continue to engage in the conduct herein
10 alleged, breaching its duties. As a direct and proximate result of the ongoing and continuing conduct of
11 Defendants, Plaintiffs will be greatly and irreparably harmed, and thus are entitled to a temporary
12 restraining order, and preliminary and injunctive relief.

13 94. Accordingly, Defendants are equitably estopped from not enforcing Resolution 1221 and
14 requiring the Defendants Nakamuras to lower the ridge height of the roof at 24 Cinchring, and that
15 Defendant the City is equitably estopped to issue any permits that violate said Resolutions and any
16 permits issued be rescinded.

17 95. Plaintiffs seek attorney's fees pursuant to Code of Civil Procedure §1021.5, as this
18 Petition confers a significant benefit on the public by requiring The City to enforce its own codes,
19 regulations, ordinances and Resolutions.

20 **FOURTH CAUSE OF ACTION**

21 **PRIVATE NUISANCE – INJUNCTIVE RELIEF**

22 **AGAINST DEFENDANTS NAKAMURA AND DOES 21 THROUGH 50)**

23 96. Plaintiffs re-allege each paragraph set forth above (¶¶ 1 through 97) as though fully set
24 forth herein as to Defendants Nakamuras and DOES 21 through 50, inclusive, and each of them, who
25 will be collectively referred to as Defendants Nakamura in this cause of action.

26 97. At all times mentioned, and since 2009, Defendants Nakamura have occupied, used
27 and/or maintained their property at 24 Cinchring in such a manner that the illegal structure they have
28 built has a height that violates City of Rolling Hills ordinances and zoning laws, and Resolutions 1221

1 and 2009-06. The structure is illegal, and a nuisance as determined in Resolution No. 1221.

2 98. Defendants Nakamura have refused to modify or remove the structure on the property at
3 24 Cinchring notwithstanding Resolution 1221 and the City's determination that such structure was
4 illegal and compliance with Resolution 1221 by the Defendants Nakamuras was necessary and
5 important to "promote the health, safety, and general welfare of the residents of the City, and therefore,
6 the City Council resolves that said actions shall be made within the time frame specified in Section 9 of
7 this Resolution." (Resolution 1221, §10, Exhibit 1.)

8 99. Defendants Nakamura's use and maintenance of their property constitutes a nuisance
9 within the meaning of Civil Code §3479 because it is an illegal structure, which Defendants Nakamuras
10 have maintained as a nuisance and illegal structure, and it materially impacts Plaintiffs' viewscape of the
11 Property as determined in Resolution No. 1221, interferes with the use and enjoyment of the Property
12 and has caused a diminution in its value and has been an eyesore, appearing in the midst of the View as
13 an ugly 3 story reddish brown barn, since 2018 with dead plants, shrubs, trees, no maintenance,
14 unfinished surfaces, unsightly ugly dirt as well as being a fire hazard in a remote area, surrounded by
15 fuel for fire in an area previously the subject of fire.

16 100. Plaintiffs have repeatedly given notice to the Defendants Nakamura to remove or modify
17 the nuisance of their property at 24 Cinchring. Defendants Nakamura have refused and continue to
18 refuse to abate the nuisance.

19 101. Defendants, unless enjoined or restrained, will continue to engage in the conduct herein
20 alleged, breaching its duties. As a direct and proximate result of the ongoing and continuing conduct of
21 Defendants, Plaintiffs will be greatly and irreparably harmed, and thus are entitled to a temporary
22 restraining order, and preliminary and injunctive relief. Plaintiffs s have no plain, speedy, or adequate
23 remedy at law, and injunctive relief is expressly authorized by Code of Civil Procedure §§526 and 731.

24 102. Unless Defendants Nakamura are enjoined from continuing their course of conduct,
25 Plaintiffs will suffer irreparable injury in that the usefulness, peaceful, quiet enjoyment of their property
26 and economic value of the Property will be substantially diminished and Plaintiffs will be deprived of
27 the comfortable use and enjoyment of their property including the View.

28 ///

FIFTH CAUSE OF ACTION
PRIVATE NUISANCE – DAMAGES

AGAINST DEFENDANTS NAKAMURA AND DOES 21 THROUGH 50)

103. Plaintiffs re-allege each paragraph set forth above (¶¶ 1 through 104) as though fully set forth herein as to Defendants Nakamuras and DOES 21 through 50, inclusive, and each of them, who will be collectively referred to as Defendants Nakamura in this cause of action.

104. At all times mentioned, and since 2018, Defendants Nakamura have owned, weekly, if not daily visited, used and/or maintained their property at 24 Cinchring in such a manner that the illegal structure they have built has a height that violates City of Rolling Hills ordinances and zoning laws, and Resolutions 1221 and 2009-06. The structure is illegal and a nuisance.

105. Defendants Nakamura have steadfastly refused and have failed to comply with Resolution 1221 which mandated that the illegal structure be corrected or demolished with certain dates for those deadlines in 2018 and 2019. The structure remains illegal and a nuisance.

106. Defendants Nakamura have refused to modify, remove or demolish the Structure on the property at 24 Cinchring notwithstanding Resolution 1221 and the City's determination that such Structure was illegal and the City's order that compliance with Resolution 1221 by the Defendants Nakamuras was necessary and important to "promote the health, safety, and general welfare of the residents of the City, and therefore, the City Council resolves that said actions shall be made within the time frame specified in Section 9 of this Resolution." (Resolution 1221, §10, Exhibit 1.)

107. Defendants Nakamuras use and maintenance of their property constitutes a nuisance within the meaning of Civil Code §3479 because it is an illegal structure, which Defendants Nakamuras have maintained as a nuisance and illegal structure, and it materially impacts Plaintiffs viewscape of the Property as determined in Resolution No. 1221; interferes with the use and enjoyment of the Property; and has caused a diminution in the Property's value.

108. Plaintiffs have repeatedly given notice to the Defendants Nakamura to remove, demolish or modify the nuisance of their property at 24 Cinchring. Defendants Nakamura have refused and continue to refuse to abate the nuisance.

109. As a proximate result of the nuisance created by the Defendants Nakamuras, Plaintiffs

1 have been damaged in the use and enjoyment of the Property in an amount of in excess of the
2 jurisdictional amount of this court, according to proof at the time of trial. As a further proximate result
3 of the nuisance created by the Defendants Nakamuras, Plaintiffs have been damaged in the diminution
4 of the market value of their property, according to proof at the time of trial.

5 110. In maintaining the nuisance, Defendants Nakamura, and each of them, are acting with full
6 knowledge of the consequences and damage being caused to Plaintiffs and the Property, and their
7 conduct is willful, oppressive and malicious and entitles Plaintiffs to punitive damages.

8 **SIXTH CAUSE OF ACTION**

9 **DECLARATORY RELIEF**

10 **AGAINST DEFENDANTS THE CITY, THE NAKAMURAS AND DOES 1 THROUGH 50**

11 111. Plaintiffs re-allege each paragraph set forth above (¶¶ 1 through 112) as though fully set
12 forth herein, as to Defendant The City, the Defendants Nakamuras and DOES 1 through 50, inclusive,
13 and each of them. Defendants The City and DOES 1 through 20 will be referred to as The City in this
14 case of action. The Defendants Nakamura and DOES 21 through 50 will be referred to as Defendants
15 Nakamura in this cause of action.

16 112. An actual controversy has arisen and now exists between the Plaintiffs, The City and
17 Defendants Nakamura concerning their respective rights and duties. Plaintiffs contend that The City has
18 failed to enforce Resolutions 1221 and 2009-06 among other ordinances, codes and regulations
19 (including Chapter 17.46, et seq.), allowing Defendants Nakamura to maintain an illegal structure, and
20 illegally maintain a roof that violates The City ordinances, codes, regulations and Resolutions 1221 and
21 2009-06, and to maintain the structure that interferes with Plaintiffs' right to a viewscape, and approving
22 plans which will lead to the issuance of permits to allow Defendants Nakamuras to maintain and
23 construct an illegal structure.

24 113. The City maintains that it can ignore its own Resolutions, ordinances and codes and
25 allow a city clerk, without the review and approval of the City of Rolling Hills Planning Commission, to
26 conduct a site review plan (Chapter 17.46), and issue the Defendants Nakamura a permit to allow them
27 to maintain the height of their structure in excess of the maximum height requirements set forth in
28 Resolutions 2009-06 and 1221, and therefore, in violation of those Resolutions and the ordinances,

1 codes and regulations upon which each were issued.

2 114. Plaintiffs desire a judicial determination of their rights and a declaration that Chapter
3 17.46 and Resolution 1221 is valid and binding on the Defendants Nakamura and The City, The City
4 enforce Resolution 1221, Chapter 17.46 and its ordinances, codes and regulations, forthwith and compel
5 the Defendants Nakamuras to lower the ridge height of the roof at 24 Cinchring, and The City is
6 enjoined and equitably estopped to issue any permits that violate said Resolutions and any permits
7 issued be rescinded.

8 115. Plaintiffs seek attorney's fees pursuant to Code of Civil Procedure §1021.5, as this
9 Petition confers a significant benefit on the public by requiring The City to enforce its own codes,
10 regulations, ordinances and Resolutions.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs and Petitioners respectfully pray for relief as follows:

13
14 **On the First Cause of Action As to Respondent The City and DOES 1 through 20:**

- 15 1. Issuance of a writ of mandate, effective immediately, ordering the Respondent City of Rolling
16 Hills and DOES 1 through 20 to:
- 17 a. Enforce Resolution 2009-06, Resolution 1221, its ordinances, codes and regulations,
18 including but not limited to Chapters 8.24, 17.30, 17.38, 17.42, and 17.46.
 - 19 b. Take all necessary actions to require Defendants Nakamura to comply with Resolution
20 2009-06 and Resolution 1221, including reducing the ridge height of the structure on 24
21 Cinching and lower that height by three feet.
 - 22 c. Rescind or revoke any construction permits for 24 Cinchring granted to Defendants
23 Nakamuras during 2019 and 2020 as *void ab initio*.
 - 24 d. To take all necessary actions to require Defendants Nakamuras to remediate all illegal
25 conditions before submitting an application for any permits for 24 Cinchring.
 - 26 e. Award attorney's fees pursuant to Code of Civil Procedure §1021.5.

27 **On the Second and Third Causes of Action as to The City and DOES 1 through 20:**

- 28 2. Issuance of temporary, preliminary and permanent injunction, enjoining and equitably estopping

1 Defendants the City of Rolling Hills and DOES 1 through 20 from approving any new plans
2 submitted by Defendants Nakamura regarding 24 Cinchring in violation of Resolution 2009-06,
3 Resolution 1221, its ordinances, codes and regulations, including but not limited to Chapter
4 14.76.

- 5 3. Enjoin, equitably estopping The City and DOES 1 through 20, any approval of plans or issuance
6 of construction permits for 24 Cinchring granted to Defendants Nakamuras as *void ab initio*.
7 4. Award attorney's fees pursuant to Code of Civil Procedure §1021.5.

8
9 **On the Fourth Cause of Action as to Defendants Nakamura and DOES 21 through 50:**

- 10 5. Issuance of temporary, preliminary and permanent injunction, enjoining the nuisance.
11 6. For punitive damages, according to proof.

12
13 **On the Fifth Cause of Action as to Defendants Nakamura and DOES 21 through 50:**

- 14 7. For general and special damages, according to proof.
15 8. Punitive damages, according to proof.

16
17 **On the Sixth Cause of Action For Declaratory Relief as to All Defendants:**

- 18 9. For a declaration that Defendant the City of Rolling Hills and DOES 1 through 21 enforce its
19 ordinances and resolutions, including but not limited to Resolution 2009-06 and Resolution 1121
20 and Chapter 17.46.
21 10. For declaration that Defendant the City of Rolling Hills and DOES 1 through 20 compel the
22 Defendants Nakamura to comply with Resolution 1221 and reduce the ridge height of the
23 structure, or demolish the structure.
24 11. For a declaration that any construction permits issued to the Defendants Nakamuras in 2019 and
25 2020 by Defendants the City of Rolling Hills and DOES 1 through 20 be voided in violation of
26 Resolution 1221, and the City's codes, ordinances and regulations.
27 12. Award attorney's fees pursuant to Code of Civil Procedure §1021.5.

28 ///

On all causes of action:


13. For costs of suit herein incurred.

14. Prejudgment interest where allowed under the laws of California; and

15. For such other and further relief as the court may deem proper.

Dated: April 26, 2021

THE HALL LAW CORPORATION



BY: _____
Laurence C. Hall
Attorneys for the Petitioners and Plaintiffs

EXHIBIT “1”

RESOLUTION NO. 1221

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR REMODEL OF A SINGLE-FAMILY RESIDENCE AT 24 CINCHRING ROAD (LOT 18-3-CH) IN ZONING CASE NO. 932 (NAKAMURA).

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Mr. and Mrs. Takashi Nakamura (collectively referred to as "Applicants") with respect to real property located at 24 Cinchring Road, (Lot 18-3-CH), Rolling Hills, requesting modifications to a previously approved addition and major remodel to a single-family residence in order to alter the roof type thereon and to deviate from the approved ridge height elevation of the residence by two feet (hereinafter collectively referred to as "proposed Modifications.") The construction of the addition/remodel of the single-family residence is substantially completed and the current ridge height elevation is 3-feet above the previously approved height. The Applicants now propose to lower the ridge height elevation by one foot and to replace the previously approved hip roof with a proposed Dutch gable roof.

Section 2. In 2007, the City ministerially approved an 850 ft. addition to the residence. In 2009, Applicants sought to grade, build a mixed use structure containing a garage and recreation room, build a wall along the mixed use structure, and widen the driveway. This application was approved by Resolution No. 2009-06. On July 12, 2013, Applicants obtained a demolition permit for interior work in the residence. The Los Angeles County Building and Safety Department approved Applicants' development plan dated stamped May 8, 2014 for construction of improvement to the residence. On June 23, 2014, the City issued Applicants a building permit and construction commenced thereafter. In the summer of 2015, the City received inquiries from residents questioning whether the residence in construction was being built higher than allowed by the approved plans. In the fall of 2015, officials with the City and the Los Angeles County Building and Safety Department inspected the property and determined that the height of the residence (at 920.25 ft.) was noncompliant with the approved plans (which reflected a ridge height elevation of 917.25 ft.). On October 5, 2015, a notice of violation was issued to Applicants to stop all work until receipt of appropriate approvals. As of October 17, 2015, work was continuing on Applicants' property. In order to bring the structure into compliance, the Applicants were given two options to avoid a code enforcement proceeding: either lower the roofline to the originally approved 917.25 ft. or apply to the Planning Commission for a modification to allow the height of the structure to remain at 920.25 ft. On September 1, 2017, the Applicants filed for a Site Plan Review for modifications to lower the roofline to 919.25 ft. (two feet higher than approved). The modification request also calls for changing out the roof type from a hip roof to a Dutch gable roof, which provides for less "see through" or open areas resulting in a more massive look of the structure.

Section 3. Condition "AN" of Resolution No. 2009-06 requires a Site Plan Review by the Planning Commission for modifications to the approved project:

"Notwithstanding Sections 17.46.020 and 17.46.070 of the Rolling Hills Municipal Code, any modification to this project or the property, which would constitute additional structural development, grading or additional excavation of dirt and any modification including, but not limited to retaining walls, drainage devices, pad elevation, pool construction and any other deviation from the approved plans, shall require the filing of a new application for approval by the Planning Commission." (Bold emphasis added.)

Consequently, the modification application was scheduled for review by the Planning Commission. The Planning Commission's consideration of the application for the proposed Modifications was conducted at duly noticed public hearings on September 19, 2017 and October 17, 2017. The minutes from the September 19, 2017 hearing reflect that the Planning Commission considered that the higher roof was built as a temporary roof due to winterization of the building, that the built roof looks different from those in the City, and that a neighbor felt that the house was built in its view. The Planning Commission also conducted a duly noticed public

field trip visit to the site on October 17, 2017. The Planning Commission denied the request at its regular December 19, 2017 meeting.

Section 4. Following the Planning Commission's denial of Zoning Case No. 932, the City Council took jurisdiction of the application at its January 8, 2018 meeting. All materials, documents, and information provided to the Planning Commission by the Applicants and their neighbors at 26 Cinchring Road were included with the staff report to the City Council for its January 8, 2018 meeting. Pursuant to Section 17.54.015 of the Rolling Hills Municipal Code, a review hearing for cases taken under jurisdiction by the City Council shall be conducted *de novo*.

Section 5. On January 30, 2018, the City Council held a duly noticed public field trip visit to the site to observe the project, reviewed and considered the staff report and the Applicants' request, took brief public testimony, and put other information on the record. The minutes reflect that the City Council considered comment from adjacent property neighbors that they used to have a view of the canyon and Palos Verdes Land Conservancy and that the proposed Modifications would obstruct their view further. The City Council continued the public field trip visit to its regularly scheduled meeting on February 12, 2018. The Applicants and their representatives were in attendance at both the hearings.

At the February 12, 2018 duly noticed public hearing, the City Council heard evidence presented by all persons interested in the application for the proposed Modifications and by members of the City staff. The staff report reflects that the ridge height of the original house was 916.86 ft.; the ridge height in the approved plans was 917.25 ft.; and the ridge height in the proposed plans is 919.25 ft. The City Council reviewed, analyzed, and studied the application for the proposed Modifications, the evidence presented at the January 30, 2018 public field trip visit, and the evidence presented at the February 12, 2018 public hearing, including submissions by Architect for Residents at 26 Cinchring Road, Vincent P. DiBiasi, and by Representative for Applicants, Allen Rigg. While Mr. DiBiasi contends that the massing of the proposed Modifications would be more significant than the approved plans, Mr. Rigg suggests that the mass is "nearly identical" in the front and "less" in the rear without providing any computation as compared to the approved plans. While no empirical data was presented to the City Council, based on the image of an overlay of the structure as-built, proposed, and approved, the structure overall appears to have more mass.

Section 6. The City Council finds that the project qualifies as a Class 3 Exemption [California Environmental Quality Act (CEQA) Guidelines, Section 15303] and is therefore categorically exempt from environmental review under the CEQA.

Section 7. Having considered the evidence, the City Council makes the following findings of fact:

- A. The proposed Modifications are not compliant or consistent with the goals and policies of the City's general plan. Goal 1 and Goal 2 of the City's General Plan relating to its Land Use Element set forth policies requiring that development conform with the City's existing low-profile, ranch style architecture and ensure the siting of buildings maintain and preserve views and adjacent structures through the site review process. The proposed Modifications do not conform with the City's goal of maintaining low-profile, California ranch style homes because the proposed ridge height elevation and roof type would add visual massing and bulk to the previously approved single-family residence. Furthermore, the proposed Modifications do not preserve views from adjacent residences. The 919.25 ft. Dutch gable roof has an unnecessarily higher and bulkier profile than the previously approved project with a 917.25 ft. hip roof. The proposed Modifications to increase the slope from 3:12 to 4:12 would also increase the mass of the structure. The previously approved plan is consistent with the General Plan goals.
- B. The proposed Modifications are not harmonious in scale and mass with the site and the natural terrain and surrounding residences. The proposed Modifications do not conform with the City's goal of maintaining low-profile, ranch style homes because the proposed ridge height elevation and roof type would add visual massing and bulk to the previously approved single-family residence. Additionally, the maximum height for the mixed-use structure as established in Resolution 2009-06 was 14 ft.: "The roofline of the structure will not exceed 14 feet." The height of the mixed use

structure was determined at that time to be compatible with the surrounding neighborhood and suitable for a ranch-style single-family home. The plan for the mixed use structure relied on the approved plans for the residential structure; both plans were consistent with each other and in harmony with the low-profile, ranch style homes in the City. The Applicants offer no relevant justification for increasing the height as now proposed, rendering the proposed home incompatible with the site and surrounding properties. The proposed Modifications would also be visible from the street and to neighbors and do not preserve views from an adjacent residence. The 919.25 ft. Dutch gable roof has an unnecessarily higher and bulkier profile than the previously approved 917.25 ft. hip roof. The proposed Modifications to increase the slope from 3:12 to 4:12 would also increase the mass of the structure.

Section 8. Based upon the foregoing findings, the City Council hereby denies the application in Zoning Case No. 932 for height and roof modification of a previously approved project. The previously approved project is shown on an approved development plan stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014.

Section 9. The Applicant's unpermitted construction of a higher than approved structure constitutes a Building Code violation. Staff is directed to require the Applicants to bring the height of the residence into compliance with the plan, which was previously approved. Therefore, the Applicants shall undertake the following actions:

- A. Within three months of this Resolution, the Applicants shall renew all construction permits through the Los Angeles County Building and Safety Department for this project and commence demolition of the illegal construction.
- B. Within six months of this Resolution, the Applicants shall commence the construction of the project, including the previously approved roofline, in compliance with the approved plans and commence grading activity for the previously approved detached garage/recreation room and access thereto per the specifications outlined in Resolution No. 2009-06.
- C. Within eight months of this Resolution, the Applicants shall obtain a building permit for the construction of the previously approved detached garage/recreation room and access thereto per the specification outlined in Resolution No. 2009-06.
- D. Within twelve months of this Resolution, the entire project shall be substantially completed per the specifications outlined in Resolution No. 2009-06 and per the approved development plan stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014, including the construction of the driveway to the garage. At that time, the construction fence shall be removed from the premises together with any unnecessary and unused construction materials, green waste, or other debris.
- E. Within fifteen months of this Resolution, the entire project shall be completed. Prior to receiving a final inspection or a certificate of occupancy from the Los Angeles County Building and Safety Department both structures (residence and the mixed use) and the driveway shall be completed and fully functional.
- F. The highest ridgeline of the house shall not be higher than 917.25 ft. in elevation, as shown on the approved plans. This specified height of the ridgeline includes the finished roof, not merely the sheeting of the roof. Prior to placing the finished material on the roof, the ridgeline shall be certified by a certified civil or structural engineer, acceptable to City staff. Prior to obtaining final inspection or a certificate of occupancy, certification of the ridge height of the residence, prepared by a certified civil or structural engineer, acceptable to City staff, shall be submitted to City staff and the Los Angeles County Building and Safety Department to confirm or deny whether the completed project is in compliance with the approved plans. Applicants shall also be in compliance with all conditions of Resolution No. 2009-06.
- G. At the City Council's discretion, it may grant a time extension at each benchmark in the timeline of actions specified in this Section if the Applicants file an application, including the corresponding fees, with City staff before the date of the required action

as specified in this Section and the City Council finds that that the denial of the extension would constitute an undue hardship upon the Applicants and that the approval of the extension would not be materially detrimental to the health, safety, and general welfare of the public.

Section 10. The City Council further finds that the actions to bring the Applicants' property into compliance with the previously approved plan as specified in Section 10 of this Resolution are of great importance and are necessary to promote the health, safety, and general welfare of the residents of the City, and therefore, the City Council resolves that said actions shall be made within the time frame specified in Section 9 of this Resolution.

Section 11. The City or the Los Angeles County Building and Safety Department staff may require that a construction fence be erected for the duration of the construction of this project. Such fence shall not be located in any easement or cross over any trails or natural drainage courses and shall be removed immediately upon substantial completion of the project, or as otherwise required by said staff.

Section 12. Prior to commencing the actions specified in Section 9 of this Resolution, the Applicants shall execute and record an Affidavit of Acceptance of all conditions of this Resolution in the Los Angeles County Registrar-Recorder/County Clerk's Office.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF FEBRUARY 2018.


JAMES BLACK, M.D., MAYOR

ATTEST:


YVETTE HALL, 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. 1221 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS
DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF
TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR
REMODEL OF A SINGLE-FAMILY RESIDENCE AT 24 CINCHRING ROAD
(LOT 18-3-CH), IN ZONING CASE NO. 932, (NAKAMURA).

was approved and adopted at a regular meeting of the City Council on February 26, 2018 by the
following roll call vote:

AYES: Councilmembers Dieringer, Mirsch, Pieper and Wilson.

NOES: Mayor Black

ABSENT: None.

ABSTAIN: None.

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

Administrative Offices.




YVETTE HALL, CITY CLERK

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VERIFICATION

I, Dr. Elliott H. Brunner, individually and as co-trustee of the Trust, am a Plaintiff and Petitioner in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 26, 2021.



Dr. Elliot H. Bruner

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VERIFICATION

I, Dr. Nourit H. Korzennik, individually and as co-trustee of the Trust, am a Plaintiff and Petitioner in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 26 2021.



Dr. Nourit H. Korzennik

EXHIBIT B

RESOLUTION NO. 2009-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW FOR GRADING AND CONSTRUCTION OF A DETACHED MIXED-USE STRUCTURE TO CONTAIN A GARAGE AND A RECREATION ROOM; A CONDITIONAL USE PERMIT FOR THE DETACHED STRUCTURE AND A VARIANCE TO LOCATE THE MIXED-USE STRUCTURE PARTIALLY IN THE FRONT YARD AREA AND FOR A WALL ALONG THE DRIVEWAY AND BEHIND THE PROPOSED STRUCTURE THAT EXCEED THE MAXIMUM PERMITTED ON A LOT DEVELOPED WITH A SINGLE FAMILY RESIDENCE., IN ZONING CASE NO. 769 AT 24 CINCHRING ROAD, (LOT 18-3-CH), (NAKAMURA). PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

Section 1. An application was duly filed by Mr. and Mrs. Takashi Nakamura with respect to real property located at 24 Cinchring Road (Lot 18-3-CH), Rolling Hills, requesting a Site Plan Review for grading of 390 cubic yards of cut and 390 cubic yards of fill and construction of a 1,400 square foot mixed use structure to contain a 650 square foot garage and 750 square foot recreation room, to be located on a separate building pad from the residence and partially located in front of the leading edge of the residence; to widen the driveway to 20 feet, which requires a not to exceed 4 foot high by 140 feet long wall on the down slope of the driveway; and for a 6 foot high by 64 foot long wall along the mixed use structure. The walls require a Variance.

Section 2. The Planning Commission conducted duly noticed public hearings to consider the application on March 17, April 21 and May 19, 2009, and at field trip on April 7, and May 12, 2009. The applicants were notified of the public hearings in writing by first class mail. 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 applicants and their representative were in attendance at the hearings.

During the proceedings the Planning Commission expressed concerns regarding the size of the structure, the crowding of the proposed project with a future stable and inadequate staking of the proposed project including the limits of grading. The applicants revised their project twice and staked it twice, the latest revision to the satisfaction of the Planning Commission.

Section 3. The property is currently developed with a 3,746 square foot residence, 600 square foot garage, 632 square foot swimming pool and 140 square feet of porches. The existing attached garage is planned to be converted to living area.

Section 4. In March 2007, the Planning Commission adopted Resolution 2007-03 approving a Site Plan Review for grading of 288 cubic yards of cut and 288 cubic yards of fill and construction of 1,525 square feet of additions, which included a 600 square foot new attached garage, a portion of which was to be built semi-subterranean. The Commission also approved the applicant's request to replace an existing 632 square foot swimming pool with a 350 square foot lap pool.

The Rolling Hills Architectural Committee subsequently reviewed the project. Although RHCA approved the residential addition portion of the project, it did not approve the garage as proposed, due to its out-of-grade configuration and the departure of such design from traditional ranch style architecture. In order to proceed with the project, which involved converting the existing attached garage to living quarters, it was necessary for the applicant to redesign the garage.

In April 2008, the Planning Commission adopted Resolution 2008-4 approving a revised application for a Site Plan Review, Conditional Use Permit and Variances. This approval authorized a total amount of grading of 325 cubic yards of cut and 325 cubic yards of fill for the construction of an 840 square foot detached garage. At that time the widening of the driveway was not proposed.

Following this approval, the applicants again revised the project with respect to the accessory garage and in February 2009 submitted new applications for an 800 square foot recreation room attached to an 840 square foot garage in a single mixed-use accessory structure. In addition, in anticipation of Fire Department requirements, the applicant proposed to widen the existing main driveway to 20 feet. Since this submission, the application has been further revised.

Section 5. The Planning Commission finds that the project qualifies as a Class 1 Exemption [State CEQA Guidelines, Section 15301(e)] and is therefore categorically exempt from environmental review under the California Environmental Quality Act.

Section 6. There exists a 50-foot Flood Hazard Area along the southern property line and a 40-foot Flood Hazard Area along the northern property line of subject property. Any construction or grading in these Flood Hazard Areas must be reviewed and approved by the L.A. County Public Works Department.

Section 7. Section 17.46.030 requires a development plan to be submitted for site plan review and approval before any development requiring a grading permit or any building or structure may be constructed or any expansion, addition, alteration or repair to existing buildings may be made which involve changes to grading or an increase to the size of the building or structure by at least 1,000 square feet and has the effect of increasing the size of the building by more than twenty-five percent (25%) in any thirty-six (36) month period. With respect to the Site Plan Review application requesting grading in the amount of 390 cubic yards of cut and 390 cubic yards of fill dirt for project, the Planning Commission makes the following findings of fact:

A. The proposed development is compatible with the General Plan, the Zoning Ordinance and surrounding uses because the proposed structures comply with the General

Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures. The project conforms to Zoning Code setbacks, lot coverage requirements, disturbed area requirements and all other development standards. The grading for construction of the detached garage and recreation room on a 73,947 square foot net lot would not create an overcrowded or overbuilt condition.

B. The project substantially preserves the natural and undeveloped state of the lot. The proposed structure will be constructed on mostly existing building pad, except that the access to the mixed-use structure necessitates grading. Slight grading is also required for the future stable. The project is of sufficient distance from nearby residences so that the structure will not impact the view or privacy of surrounding neighbors, and will permit the owners to enjoy their property without deleterious infringement on the rights of surrounding property owners. The grading is minimal and is in an area that was previously used as a stable and access thereto. Due to the requirements for a wider driveway to the structure than was required to a stable, the main driveway needs to be graded.

C. The proposed development, as conditioned, is harmonious in scale and mass with the site. The proposed project is located out of sight of the street and will be visible to one neighbor, and is consistent with the scale of the neighborhood when compared to properties in the vicinity. The site was previously disturbed and only a minimal additional disturbance (about 2.6%) will result from the proposed project.

D. The development plan substantially preserves the natural and undeveloped state of the lot and the new detached structure will not cause the lot to look overdeveloped. Significant portions of the lot will be left undeveloped so as to maintain open space. Adequate area exists on the flat portion of the pad to construct a stable and corral in the future.

E. The proposed development is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles because the proposed project will not change the existing circulation pattern and will utilize the existing driveways approach, with the main driveway being widened to accommodate emergency vehicles.

F. The project is exempt from the requirements of the California Environmental Quality Act.

Section 8. Section 17.16.210(A)(6) of the Rolling Hills Municipal Code permits approval of a mixed-use structure under certain conditions, provided the Planning Commission approves a Conditional Use Permit. The applicant is requesting to convert the existing 600 square foot garage to living space and to construct a new 650 square foot detached garage with 750 square foot recreation room on a lower building pad. With respect to this request for a Conditional Use Permit, the Planning Commission finds as follows:

A. The granting of a Conditional Use Permit for construction of the mixed use structure would be consistent with the purposes and objectives of the Zoning Ordinance and General Plan because the use is consistent with similar uses in the community and is a permitted use with a CUP. The area proposed for such structure is already level and will be located where a previous stable was located, and such use will not change the existing

configuration of structures on the lot. Adequate area remains on the property to construct a stable and corral in the future.

B. The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the detached structure will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures because the proposed use will be on a lower pad than the residence and is of sufficient distance from nearby residences so that the structure will not impact the view or privacy of surrounding neighbors. Due to the existing development, location and configuration of the residence, the applicants are limited in where a garage could be constructed. The current garage is located in the view corridor and therefore they would like to convert the area to living space to take advantage of the view. Due to the location of the existing driveway, it is impossible to construct a garage on the other side of the residence, away from the view. The applicants applied for construction of an attached garage, which was six feet below the residence, however, the RHCA Architectural Committee found it to be in conflict with ranch style architecture. The Planning Commission considered all of these conditions and circumstances before recommending approval of the detached garage, which also includes a recreation room.

C. The project is harmonious in scale and mass with the site, the natural terrain, and surrounding residences because the detached mixed-use structure will comply with the low profile residential development pattern of the community and a stable structure already existed previously on this pad. The roofline of the structure will not exceed 14 feet.

D. The proposed conditional use complies with all applicable development standards of the zone district as approved by this Resolution, because it is a permitted use under the Municipal Code.

E. The proposed conditional use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities because the project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

F. The proposed conditional use observes the spirit and intent of Title 17 of the Zoning Code because there is a requirement that any residence must have at a minimum a 2-car garage and there is adequate area set aside on the property for a future stable and corral.

Section 9. Section 17.12.250 requires that the front yard be unoccupied and unobstructed. The applicants request to locate the detached mixed use structure partially in front of the leading edge of the residence, which is considered the front yard area. With respect to this request for a Variance, the Planning Commission finds as follows:

A. 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 or class of use in the same zone because the lot is unique in that it is a landlocked lot, taking access over another property, does not front on any street and the setbacks were determined when the residence was constructed. The existence of two Flood Hazard Areas on the property, one along the front -50 feet in depth and one along the rear 40- feet in depth dictated the determination of setbacks. The location of the garage with the recreation room is

desired so as to preserve nearly all of the existing open space of the property unaffected, and afford for a future stable and corral.

B. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question. The location of the building pad and the development pattern of the remaining structures on site, especially the driveways and front yard area dictate that the proposed garage with the accessory use be located slightly in the front yard area. By placing the proposed structure in the proposed location would be least disruptive to the remaining of the lot and structures, would be located on an already graded pad and would allow open space to remain between the structure and the future stable.

C. The granting of the Variance will 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 because the proposed development will not be visible to neighbors and will permit the owners to enjoy their property without deleterious infringement on the rights of surrounding property owners.

Section 10. Section 17.16.150 allows up to 3-foot walls along driveways in the setbacks and not to exceed 5-foot walls elsewhere on the property. In order to widen the driveway to accommodate emergency vehicles, the applicants must construct a 4-foot wall along the driveway. A not to exceed 6-foot wall behind the proposed mixed-use structure is also proposed. With respect to request for a Variance, the Planning Commission finds as follows:

A. There are exceptional and extraordinary circumstances and conditions applicable to this property that do not apply generally to other properties or class of uses in the same zone because the lot is unique in that it is a landlocked lot, taking access over another property, does not front on any street and the driveway is narrow and does not meet current standards. In order to widen the driveway the construction of the wall is required.

B. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, but which is denied to the property in question. Strict application of the Zoning Ordinance would deprive the property owner of the right and benefits enjoyed by similarly situated properties in the same zone. They would not be able to add to their residence or built the new detached garage/recreation room. The widening of the driveway is required to meet the Fire Department requirements. And in order to widen the driveway a wall must be constructed. This property was developed with disregards to the location of the driveway. The Variance will permit the development of the property in a manner consistent with surrounding properties and the higher than allowed wall will follow the line of the current driveway.

C. The granting of the Variance would not be materially detrimental to the public welfare or injurious to the properties or improvements in such vicinity and zone in which the property is located. Development of the wall would allow the remaining portion of the lot to remain undeveloped would minimize grading and would meet the Fire Department's requirements for access and fire protection. The wall will be screened from adjacent

properties and will not impair views. The structural lot coverage and the total impervious lot coverage are within the requirements of the City.

D. In granting of the Variance the spirit and intent of the Zoning Ordinance will be observed in that the proposed wall will allow the driveway to be widened to meet Fire Department's access requirement. A suitable stable and corral area exists on the site. The Planning Commission found that due to the requirement from the Fire Department to widen the driveway there exists a hardship to developing this lot in any other manner.

Section 11. Based upon the foregoing findings of this Resolution, the Planning Commission hereby approves the Site Plan Review, Conditional Use Permit and Variances in Zoning Case No. 769 to permit grading and construction of a new 1,400 square foot mixed use structure to contain a garage and a recreation room and construction of a wall along the driveway and behind the structure that exceed maximum permitted subject to the following conditions:

A. The Site Plan, CUP and Variances approvals shall expire within two years from the effective date of approval if work has not commenced as defined in Section 17.46.080 of the Zoning Ordinance, unless otherwise extended pursuant to the requirements of this section.

B. It is declared and made a condition of the approval, that if any conditions thereof are violated, this approval shall be suspended and the privileges granted thereunder shall lapse; provided that the applicants have been given written notice to cease such violation, the opportunity for a hearing has been provided, and if requested, has been held, and thereafter the applicant fails to correct the violation within a period of thirty (30) days from the date of the City's determination.

C. All requirements of the Building and Construction Codes, the Zoning Ordinance, and of the zone in which the subject property is located must be complied with unless otherwise set forth in this approval, or shown otherwise on an approved plan. This shall include, but not be limited to, the requirements of the Lighting Ordinance, Roof Covering Ordinance, Undergrounding of Utilities Ordinance, recycling and others.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file dated May 14, 2009, except as otherwise provided in these conditions.

E. The mixed-use structure shall not exceed 1,400 square feet as measured from the outside walls, and may contain a not to exceed 650 square foot garage and not to exceed 750 square foot recreation room. The mixed-use structure may not exceed 14 feet in height, and be further subject to the following conditions:

- a. Vehicular access to the mixed-use structure shall not occur within an easement or within twenty-five feet of the side or rear lot line. The vehicular access, past the main residential access, shall be a minimum of 13 feet wide with roughened surface for equestrian passage, and a not to exceed 3 foot retaining wall and a 3 foot railing or three-rail fence along the south side of the driveway, as approved in Zoning Case No. 751.

- b. That portion of the structure designed or intended to be used for a garage, shall be separated by an interior common wall from the portion of the structure used as a recreational use. The interior common wall shall be constructed in the same manner as found in attached townhouse construction. No access from the interior of the portion used for a garage to the interior of the portion used for the other use shall be permitted;
- c. There shall be no sleeping quarters, temporary occupancy or full kitchen /cooking facilities or equipment in any portion of the detached mixed-use structure. However, the following may be allowed in the recreation room: a sink, microwave, hot plate and under a counter refrigerator.
- d. Where the garage or the recreation room as specified on the approved plan is converted to another use, or if the proportions of any approved use is changed without required approvals, the permit granting the mixed use structure may be revoked, pursuant to Chapter 17.58, and the structure shall be removed at the cost of the property owner.

F. Widening of the main driveway is allowed, but shall not exceed 20 feet in width. The wall, which will be constructed along the western portion of the main driveway, shall not exceed 4 feet in height at any one point, and 140 ft. long. If required by the Building and Safety Department, a rail or other type of fence, to be approved by the RHCA Architectural Committee, may be constructed on top of the retaining wall for safety of cars and pedestrians. In addition to County Building and Safety, access to the project shall be reviewed and approved by the Fire Department.

No portion of the driveway, fencing or grading may encroach onto the adjacent property.

G. There shall be a minimum of 8'3" distance from the outer edge of the recreation room to the top of the slope, for safe passage to the area of a future stable and corral. The retaining wall behind the structure shall not exceed 6 feet in height and 64 feet in length.

H. There shall be a minimum of 25-foot back up area from the garage portion of the mixed-use structure, and a not to exceed 3-foot wall along the limits of the back up area.

I. All utility lines serving the mixed-use structure and the residence shall be placed underground.

J. Structural lot coverage shall not exceed 8,257 square feet or 11.0% in conformance with lot coverage limitations of the Zoning Ordinance.

K. Total lot coverage of structures and paved areas shall not exceed 18,767 square feet or 25.5% in conformance with lot coverage limitations of the Zoning Ordinance.

L. The disturbed area of the lot shall not exceed 28,050 square feet or 37.9% in

conformance with 40% maximum lot disturbance limitations.

M. Residential building pad coverage on the 15,520 square foot building pad shall not exceed 6,105 square feet or 39.3%. The coverage on the 4,950 square foot garage/stable building pad shall not exceed 1,850 square feet or 37.4%, which includes the future stable.

N. Grading for this project shall not exceed 390 cubic yards of cut and 390 cubic yards of fill and shall be balanced on site.

O. The property on which the project is located shall contain a set aside area to provide an area meeting all standards for a stable, corral with access thereto as is shown on the approved plan dated May 16, 2009.

P. 50% of the demolition and construction materials shall be recycled/diverted. Prior to granting a final inspection, verification to be submitted to staff regarding the amount of recycled/diverted material and where it was taken on forms provided by the City. The hauling company shall obtain a hauling permit and pay the applicable fees.

Q. Perimeter easements shall remain free and clear of any improvements including, but not be limited to, fences-including construction fences, grading (both cut and fill), landscaping, irrigation and drainage devices, play equipment, parked vehicles, building materials, debris and equipment, except that the Rolling Hills Community Association may approve certain encroachments.

R. Throughout the construction process the easterly property line along the driveway shall be staked and no construction or grading shall take place beyond the property line.

S. No irrigation or drainage device may be located on a property in such a manner as to contribute to erosion or in any way adversely affect easements, natural drainage course or a trail. Drainage for this project shall be approved by the Building and Safety Department.

T. All graded areas shall be landscaped. Landscaping shall be designed using native plants, shrubs and trees. Any new trees and shrubs planned to be planted in conjunction with this project shall, at maturity, not be higher than the ridge height of the mixed-use structure. No plants shall be planted, which would result in a hedge like screen.

U. Landscaping shall include water efficient irrigation, that incorporates a low gallonage irrigation system, utilizes automatic controllers, incorporates an irrigation design using "hydrozones," considers slope factors and climate conditions in design, and utilizes means to reduce water waste resulting from runoff and overspray.

V. There exists a 50-foot Flood Hazard Area along the southern property line and a 40-foot Flood Hazard Area along the northern property line on subject property. No

construction, grading or any other activity may take place in these Flood Hazard Areas unless approved by the Building and Safety Department and other appropriate agencies. There shall be no dumping of debris, trees or any other matters into the canyons and flood hazard areas.

W. 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.

X. During construction, conformance with local ordinances and engineering practices so that people or property are not exposed to landslides, mudflows, erosion, or land subsidence shall be required.

Y. During construction, conformance with the air quality management district requirements, stormwater 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.

Z. During construction, the Erosion Control Plan containing the elements set forth in the 2008 County of Los Angeles Uniform Building Code shall be followed to minimize erosion and to protect slopes and channels to control stormwater pollution, if required by the County of Los Angeles Public Works Department.

AA. During and after construction, all parking shall take place on the project site and, if necessary, any overflow parking shall take place within nearby roadway easements, without blocking access to and over the common driveway to the residences adjacent thereto.

AB. The property owners shall be responsible for keeping the common access roadway in good condition during the entire construction process and shall, at their sole expense, make necessary repairs to the common access roadway should any damage occur during construction of their project.

AC. 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.

AD. If an above ground drainage design is utilized, it shall be designed in such a manner as not to cross over any equestrian trails. Any drainage system shall not discharge water onto a trail, shall incorporate earth tone colors, including in the design of the dissipater and be screened from any trail and neighbors views to the maximum extent practicable, without impairing the function of the drain system.

AE. The property owners shall be required to conform with the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of stormwater drainage facilities.

AF. The property owners shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) related to solid waste.

AG. The project shall be reviewed and approved by the Rolling Hills Community Association Architectural Review Committee prior to the issuance of any permits.

AH. The working drawings submitted to the County Department of Building and Safety for plan check review shall conform to the development plan described in Condition D.

AI. Prior to issuance of building permits, the applicants shall execute and record an Affidavit of Acceptance of all conditions of this approval, or the approval shall not be effective.

AJ. All conditions of this approval, which apply, must be complied with prior to the issuance of a building permit from the Building and Safety Department.

AK. Prior to submittal of final plans to the Building Department for issuance of grading and/or building permits, the plans for the project shall be submitted to staff for verification that the final plans are in compliance with the plans approved by the Planning Commission

AL. The conditions of approval enumerated in this Resolution shall be printed on the front sheet of the development plans and shall be available at the site at all times.

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

AN. Notwithstanding Sections 17.46.020 and 17.46.070 of the Rolling Hills Municipal Code, any modification to this project or to the property, which would constitute additional structural development, grading or additional excavation of dirt and any modification including, but not be limited to retaining walls, drainage devices, pad elevation, pool construction and any other deviation from the approved plans, shall require the filing of a new application for approval by the Planning Commission.

AO. 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.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF JUNE 2009.


RICHARD HENKE, CHAIRMAN

ATTEST: ,


HEIDI LUCE, INTERIM DEPUTY CITY CLERK

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

I certify that the foregoing Resolution No. 2009-06 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW FOR GRADING AND CONSTRUCTION OF A DETACHED MIXED-USE STRUCTURE TO CONTAIN A GARAGE AND A RECREATION ROOM; A CONDITIONAL USE PERMIT FOR THE DETACHED STRUCTURE AND A VARIANCE TO LOCATE THE MIXED-USE STRUCTURE PARTIALLY IN THE FRONT YARD AREA AND FOR A WALL ALONG THE DRIVEWAY AND BEHIND THE PROPOSED STRUCTURE THAT EXCEED THE MAXIMUM PERMITTED ON A LOT DEVELOPED WITH A SINGLE FAMILY RESIDENCE., IN ZONING CASE NO. 769 AT 24 CINCHRING ROAD, (LOT 18-3-CH), (NAKAMURA). PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

was approved and adopted at an adjourned regular meeting of the Planning Commission on June 25, 2009 by the following roll call vote:

AYES: Commissioners DeRoy, Pieper, Smith and Chairman Henke.


NOES: None.

ABSENT: Witte (recused).

ABSTAIN: None.

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

Administrative Offices.



DEPUTY CITY CLERK

EXHIBIT C

RESOLUTION NO. 1221

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR REMODEL OF A SINGLE-FAMILY RESIDENCE AT 24 CINCHRING ROAD (LOT 18-3-CH) IN ZONING CASE NO. 932 (NAKAMURA).

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Mr. and Mrs. Takashi Nakamura (collectively referred to as “Applicants”) with respect to real property located at 24 Cinchring Road, (Lot 18-3-CH), Rolling Hills, requesting modifications to a previously approved addition and major remodel to a single-family residence in order to alter the roof type thereon and to deviate from the approved ridge height elevation of the residence by two feet (hereinafter collectively referred to as “proposed Modifications.”) The construction of the addition/remodel of the single-family residence is substantially completed and the current ridge height elevation is 3-feet above the previously approved height. The Applicants now propose to lower the ridge height elevation by one foot and to replace the previously approved hip roof with a proposed Dutch gable roof.

Section 2. In 2007, the City ministerially approved an 850 ft. addition to the residence. In 2009, Applicants sought to grade, build a mixed use structure containing a garage and recreation room, build a wall along the mixed use structure, and widen the driveway. This application was approved by Resolution No. 2009-06. On July 12, 2013, Applicants obtained a demolition permit for interior work in the residence. The Los Angeles County Building and Safety Department approved Applicants’ development plan dated stamped May 8, 2014 for construction of improvement to the residence. On June 23, 2014, the City issued Applicants a building permit and construction commenced thereafter. In the summer of 2015, the City received inquiries from residents questioning whether the residence in construction was being built higher than allowed by the approved plans. In the fall of 2015, officials with the City and the Los Angeles County Building and Safety Department inspected the property and determined that the height of the residence (at 920.25 ft.) was noncompliant with the approved plans (which reflected a ridge height elevation of 917.25 ft.). On October 5, 2015, a notice of violation was issued to Applicants to stop all work until receipt of appropriate approvals. As of October 17, 2015, work was continuing on Applicants’ property. In order to bring the structure into compliance, the Applicants were given two options to avoid a code enforcement proceeding: either lower the roofline to the originally approved 917.25 ft. or apply to the Planning Commission for a modification to allow the height of the structure to remain at 920.25 ft. On September 1, 2017, the Applicants filed for a Site Plan Review for modifications to lower the roofline to 919.25 ft. (two feet higher than approved). The modification request also calls for changing out the roof type from a hip roof to a Dutch gable roof, which provides for less “see through” or open areas resulting in a more massive look of the structure.

Section 3. Condition “AN” of Resolution No. 2009-06 requires a Site Plan Review by the Planning Commission for modifications to the approved project:

“Notwithstanding Sections 17.46.020 and 17.46.070 of the Rolling Hills Municipal Code, any modification to this project or the property, which would constitute additional structural development, grading or additional excavation of dirt and any modification including, but not limited to retaining walls, drainage devices, pad elevation, pool construction and any other deviation from the approved plans, shall require the filing of a new application for approval by the Planning Commission.” (Bold emphasis added.)

Consequently, the modification application was scheduled for review by the Planning Commission. The Planning Commission’s consideration of the application for the proposed Modifications was conducted at duly noticed public hearings on September 19, 2017 and October 17, 2017. The minutes from the September 19, 2017 hearing reflect that the Planning Commission considered that the higher roof was built as a temporary roof due to winterization of the building, that the built roof looks different from those in the City, and that a neighbor felt that the house was built in its view. The Planning Commission also conducted a duly noticed public

field trip visit to the site on October 17, 2017. The Planning Commission denied the request at its regular December 19, 2017 meeting.

Section 4. Following the Planning Commission's denial of Zoning Case No. 932, the City Council took jurisdiction of the application at its January 8, 2018 meeting. All materials, documents, and information provided to the Planning Commission by the Applicants and their neighbors at 26 Cinchring Road were included with the staff report to the City Council for its January 8, 2018 meeting. Pursuant to Section 17.54.015 of the Rolling Hills Municipal Code, a review hearing for cases taken under jurisdiction by the City Council shall be conducted *de novo*.

Section 5. On January 30, 2018, the City Council held a duly noticed public field trip visit to the site to observe the project, reviewed and considered the staff report and the Applicants' request, took brief public testimony, and put other information on the record. The minutes reflect that the City Council considered comment from adjacent property neighbors that they used to have a view of the canyon and Palos Verdes Land Conservancy and that the proposed Modifications would obstruct their view further. The City Council continued the public field trip visit to its regularly scheduled meeting on February 12, 2018. The Applicants and their representatives were in attendance at both the hearings.

At the February 12, 2018 duly noticed public hearing, the City Council heard evidence presented by all persons interested in the application for the proposed Modifications and by members of the City staff. The staff report reflects that the ridge height of the original house was 916.86 ft.; the ridge height in the approved plans was 917.25 ft.; and the ridge height in the proposed plans is 919.25 ft. The City Council reviewed, analyzed, and studied the application for the proposed Modifications, the evidence presented at the January 30, 2018 public field trip visit, and the evidence presented at the February 12, 2018 public hearing, including submissions by Architect for Residents at 26 Cinchring Road, Vincent P. DiBiasi, and by Representative for Applicants, Allen Rigg. While Mr. DiBiasi contends that the massing of the proposed Modifications would be more significant than the approved plans, Mr. Rigg suggests that the mass is "nearly identical" in the front and "less" in the rear without providing any computation as compared to the approved plans. While no empirical data was presented to the City Council, based on the image of an overlay of the structure as-built, proposed, and approved, the structure overall appears to have more mass.

Section 6. The City Council finds that the project qualifies as a Class 3 Exemption [California Environmental Quality Act (CEQA) Guidelines, Section 15303] and is therefore categorically exempt from environmental review under the CEQA.

Section 7. Having considered the evidence, the City Council makes the following findings of fact:

- A. The proposed Modifications are not compliant or consistent with the goals and policies of the City's general plan. Goal 1 and Goal 2 of the City's General Plan relating to its Land Use Element set forth policies requiring that development conform with the City's existing low-profile, ranch style architecture and ensure the siting of buildings maintain and preserve views and adjacent structures through the site review process. The proposed Modifications do not conform with the City's goal of maintaining low-profile, California ranch style homes because the proposed ridge height elevation and roof type would add visual massing and bulk to the previously approved single-family residence. Furthermore, the proposed Modifications do not preserve views from adjacent residences. The 919.25 ft. Dutch gable roof has an unnecessarily higher and bulkier profile than the previously approved project with a 917.25 ft. hip roof. The proposed Modifications to increase the slope from 3:12 to 4:12 would also increase the mass of the structure. The previously approved plan is consistent with the General Plan goals.
- B. The proposed Modifications are not harmonious in scale and mass with the site and the natural terrain and surrounding residences. The proposed Modifications do not conform with the City's goal of maintaining low-profile, ranch style homes because the proposed ridge height elevation and roof type would add visual massing and bulk to the previously approved single-family residence. Additionally, the maximum height for the mixed-use structure as established in Resolution 2009-06 was 14 ft.: "The roofline of the structure will not exceed 14 feet." The height of the mixed use

structure was determined at that time to be compatible with the surrounding neighborhood and suitable for a ranch-style single-family home. The plan for the mixed use structure relied on the approved plans for the residential structure; both plans were consistent with each other and in harmony with the low-profile, ranch style homes in the City. The Applicants offer no relevant justification for increasing the height as now proposed, rendering the proposed home incompatible with the site and surrounding properties. The proposed Modifications would also be visible from the street and to neighbors and do not preserve views from an adjacent residence. The 919.25 ft. Dutch gable roof has an unnecessarily higher and bulkier profile than the previously approved 917.25 ft. hip roof. The proposed Modifications to increase the slope from 3:12 to 4:12 would also increase the mass of the structure.

Section 8. Based upon the foregoing findings, the City Council hereby denies the application in Zoning Case No. 932 for height and roof modification of a previously approved project. The previously approved project is shown on an approved development plan stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014.

Section 9. The Applicant's unpermitted construction of a higher than approved structure constitutes a Building Code violation. Staff is directed to require the Applicants to bring the height of the residence into compliance with the plan, which was previously approved. Therefore, the Applicants shall undertake the following actions:

- A. Within three months of this Resolution, the Applicants shall renew all construction permits through the Los Angeles County Building and Safety Department for this project and commence demolition of the illegal construction.
- B. Within six months of this Resolution, the Applicants shall commence the construction of the project, including the previously approved roofline, in compliance with the approved plans and commence grading activity for the previously approved detached garage/recreation room and access thereto per the specifications outlined in Resolution No. 2009-06.
- C. Within eight months of this Resolution, the Applicants shall obtain a building permit for the construction of the previously approved detached garage/recreation room and access thereto per the specification outlined in Resolution No. 2009-06.
- D. Within twelve months of this Resolution, the entire project shall be substantially completed per the specifications outlined in Resolution No. 2009-06 and per the approved development plan stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014, including the construction of the driveway to the garage. At that time, the construction fence shall be removed from the premises together with any unnecessary and unused construction materials, green waste, or other debris.
- E. Within fifteen months of this Resolution, the entire project shall be completed. Prior to receiving a final inspection or a certificate of occupancy from the Los Angeles County Building and Safety Department both structures (residence and the mixed use) and the driveway shall be completed and fully functional.
- F. The highest ridgeline of the house shall not be higher than 917.25 ft. in elevation, as shown on the approved plans. This specified height of the ridgeline includes the finished roof, not merely the sheeting of the roof. Prior to placing the finished material on the roof, the ridgeline shall be certified by a certified civil or structural engineer, acceptable to City staff. Prior to obtaining final inspection or a certificate of occupancy, certification of the ridge height of the residence, prepared by a certified civil or structural engineer, acceptable to City staff, shall be submitted to City staff and the Los Angeles County Building and Safety Department to confirm or deny whether the completed project is in compliance with the approved plans. Applicants shall also be in compliance with all conditions of Resolution No. 2009-06.
- G. At the City Council's discretion, it may grant a time extension at each benchmark in the timeline of actions specified in this Section if the Applicants file an application, including the corresponding fees, with City staff before the date of the required action

as specified in this Section and the City Council finds that that the denial of the extension would constitute an undue hardship upon the Applicants and that the approval of the extension would not be materially detrimental to the health, safety, and general welfare of the public.

Section 10. The City Council further finds that the actions to bring the Applicants' property into compliance with the previously approved plan as specified in Section 10 of this Resolution are of great importance and are necessary to promote the health, safety, and general welfare of the residents of the City, and therefore, the City Council resolves that said actions shall be made within the time frame specified in Section 9 of this Resolution.

Section 11. The City or the Los Angeles County Building and Safety Department staff may require that a construction fence be erected for the duration of the construction of this project. Such fence shall not be located in any easement or cross over any trails or natural drainage courses and shall be removed immediately upon substantial completion of the project, or as otherwise required by said staff.

Section 12. Prior to commencing the actions specified in Section 9 of this Resolution, the Applicants shall execute and record an Affidavit of Acceptance of all conditions of this Resolution in the Los Angeles County Registrar-Recorder/County Clerk's Office.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF FEBRUARY 2018.


JAMES BLACK, M.D., MAYOR

ATTEST:


YVETTE HALL, 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. 1221 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS
DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF
TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR
REMODEL OF A SINGLE-FAMILY RESIDENCE AT **24 CINCHRING ROAD**
(LOT 18-3-CH), IN ZONING CASE NO. 932, (NAKAMURA).

was approved and adopted at a regular meeting of the City Council on February 26, 2018 by the
following roll call vote:

AYES: Councilmembers Dieringer, Mirsch, Pieper and Wilson.

NOES: Mayor Black

ABSENT: None.

ABSTAIN: None.

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

Administrative Offices.



YVETTE HALL, CITY CLERK

Clint Patterson
22 Georgeff Road
Rolling Hills, CA 90274

The Honorable Bea Dieringer &
Members of the City Council
2 Portuguese Bend Road
Rolling Hills, CA 90274

Via Hand Delivery

May 26, 2021

Re: 24 Cinchring Ongoing Appeals and Reconstruction Efforts

Dear Mayor Dieringer and Council Members,

It's disappointing to be writing to you again with regards to 24 Cinchring. I am attaching my original letter from February of 2018 – at which point the eyesore and nuisance was already a longstanding problem.

My beliefs concerning the need for consistent enforcement of our standards is the same as it was in 2018. My recollection of the lower profile structure that was there in 2013 is also clear and consistent.

I am unable to grasp how 24 Cinchring remains a blight on our landscape. As I understand it, plans were approved but not followed. Stop work orders were issued but not followed. Hours have been spent by city staff and representatives and who knows how many legal dollars have been spent addressing a problem that stems from one family's unwillingness to follow the rules and do what they said they were going to do.

Mayor Dieringer, you clearly expressed your desire to protect our community from those who pose a threat to our peace and the tranquil atmosphere that Rolling Hills constituents value so highly. I encourage you and the other members of our council to keep in mind that some of the threats we face come from within our city's boundaries.

Please enforce the standards that the original plans conformed to and do not reward the wanton disregard for the process and rules that are in place to protect the atmosphere and cityscape that is so valuable to all of us.

Sincerely,



Clint Patterson

Clint Patterson
22 Georgeff Road
Rolling Hills, CA 90274

February 1, 2018

Dear Mayor Black and Honorable Members of the City Council,

As a fellow resident I would like to express my sincere hope that you will stand by the rules and processes that all home owners in Rolling Hills are expected to follow.

Many hours of City Staff and Legal Council, Planning Commission members and your own time have been consumed in addressing the challenges presented by 24 Cinchring.

As a taxpayer I resent the consumption of limited resources by homeowners, lawyers and others who clearly disrespect the rules and processes that are designed to protect the nature and character of our community.

I was present when Drs. Brunner and Korzennik expressed their excitement and wonder as they took in the views from 26 Cinchring for the first time: spectacular ocean, coast and canyon panoramas. They were forgiving of the forlorn, empty structure at #24 Cinchring because it didn't impact the views from #26 anything close to what we see today: a wider, higher and more massive roof and structure.

We live in an amazing and unique community and we need to protect the things that keep our community attractive, harmonious and consistent. When someone joins us, and commits to the responsibilities associated with owning and contributing to our City, they should not be vulnerable to a flagrant disregard for building and safety regulations.

We see the owners of 24 Cinchring demonstrating a wonton disregard for established rules and processes. This has created a nuisance for the owners of 26 Cinchring and those of us who appreciate the natural landscape and vistas as we walk through our trail system.

In cases like this, only the lawyers really win – please do whatever you can to help your fellow homeowners and residents of Rolling Hills hold onto that which makes our City so unique and wonderful.

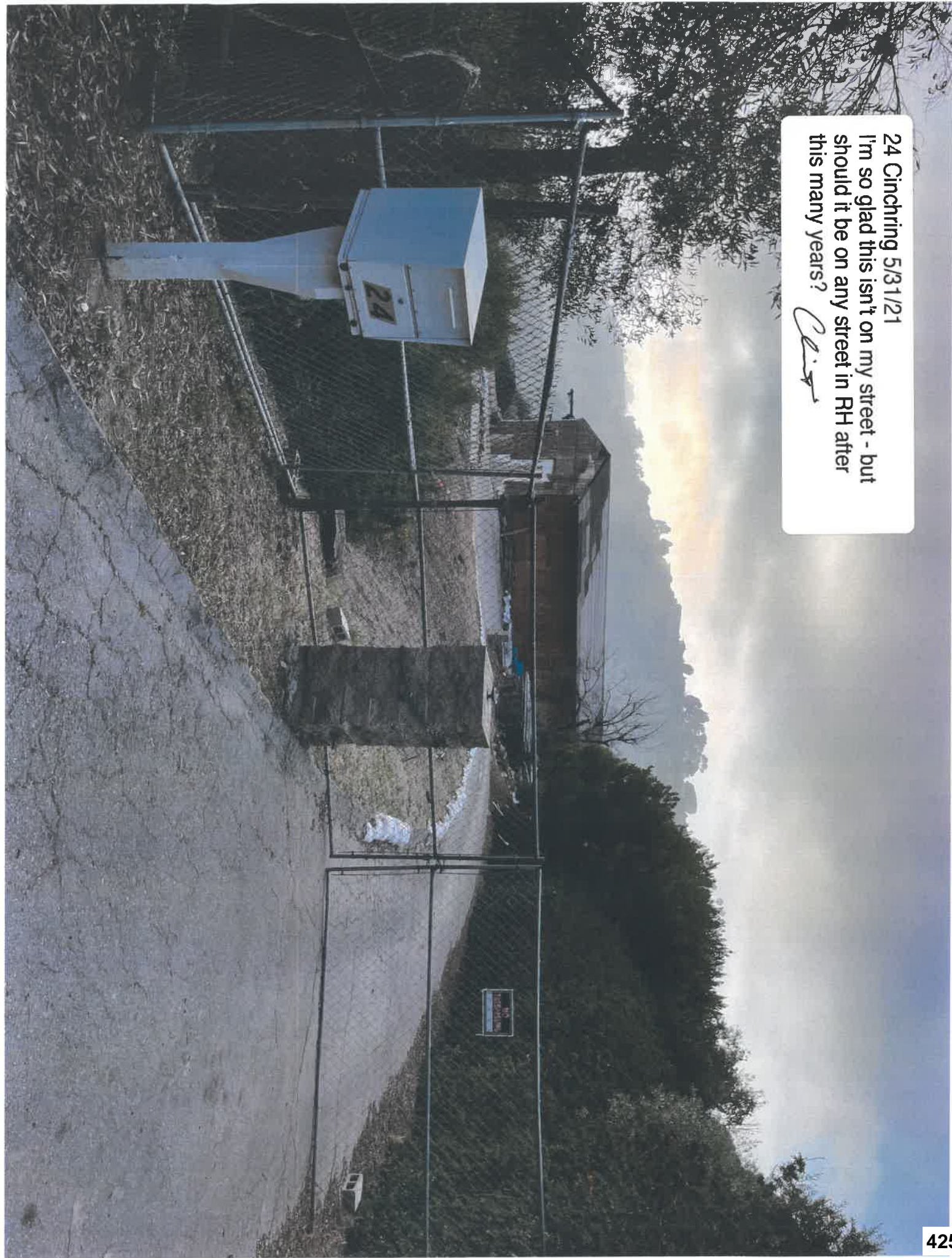
Sincerely,



Clint Patterson
22 Georgeff Road

24 Cinchring 5/31/21
I'm so glad this isn't on my street - but
should it be on any street in RH after
this many years?

Chris



PROPERTY LINE
FLOOD HAZARD LINE
EASEMENT LINE
SETBACK LINE
LIMIT OF GRADING
(E) BUILDING FOOTPRINT
(E) DRAIN LINE
(P) BUILDING ADDITION / REMODEL
(P) RETAINING WALL
(P) DRAINLINE
(P) LANDSCAPING / PLANTER
(P) CONCRETE HARDSCAPE
(P) FLOW LINE
(P) SWALE
(P) KEY
(P) ROUGHENED PATH
(P) DAYLIGHT LINE
(P) 9" / 12" / 18" SQUARE CAPTAIN BASIN
(P) 4" / 6" ATRIUM/AREA DRAINS
EG EXISTING GRADE
EP EDGE OF PAVEMENT
FF FINISHED FLOOR
FG FINISHED GRADE
FS FINISHED SURFACE
GR GRATE
INV INVERT
TBR TO BE REMOVED
TC TOP OF CURB
TF TOP OF FENCE
TP TOP OF PLATE
TW TOP OF WALL

CUT: 390 C.Y.
FILL: 390 C.Y.
OVEREX/RECOMPACTION: 540 C.Y.

ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS WERE
 PLOTTED FROM CITY RECORDS. NO ADDITIONAL GROUND SURVEY OR SUBSURFACE
 RESEARCH HAS BEEN PERFORMED. THE CONTRACTOR SHALL DETERMINE THE
 EXISTENCE AND THE TRUE HORIZONTAL AND VERTICAL LOCATION AND SIZE OF
 ANY UNDERGROUND UTILITIES OR STRUCTURES AND SHALL BE RESPONSIBLE FOR
 PROTECTION, ADJUSTMENT, OR DAMAGE TO ANY PUBLIC OR PRIVATE UTILITIES
 SHOWN OR NOT SHOWN HEREON. THE CONTRACTOR SHALL ALSO BE
 RESPONSIBLE FOR NOTIFYING A U.S./DIA ALERT AT 1-800-222-2600 FOR
 UNDERGROUND UTILITY MARKING AT LEAST 48 HOURS PRIOR TO COMMENCING
 ANY CONSTRUCTION. CONSTRUCTION SHALL NOT COMMENCE PRIOR TO SAID
 UNDERGROUND UTILITY MARKING.

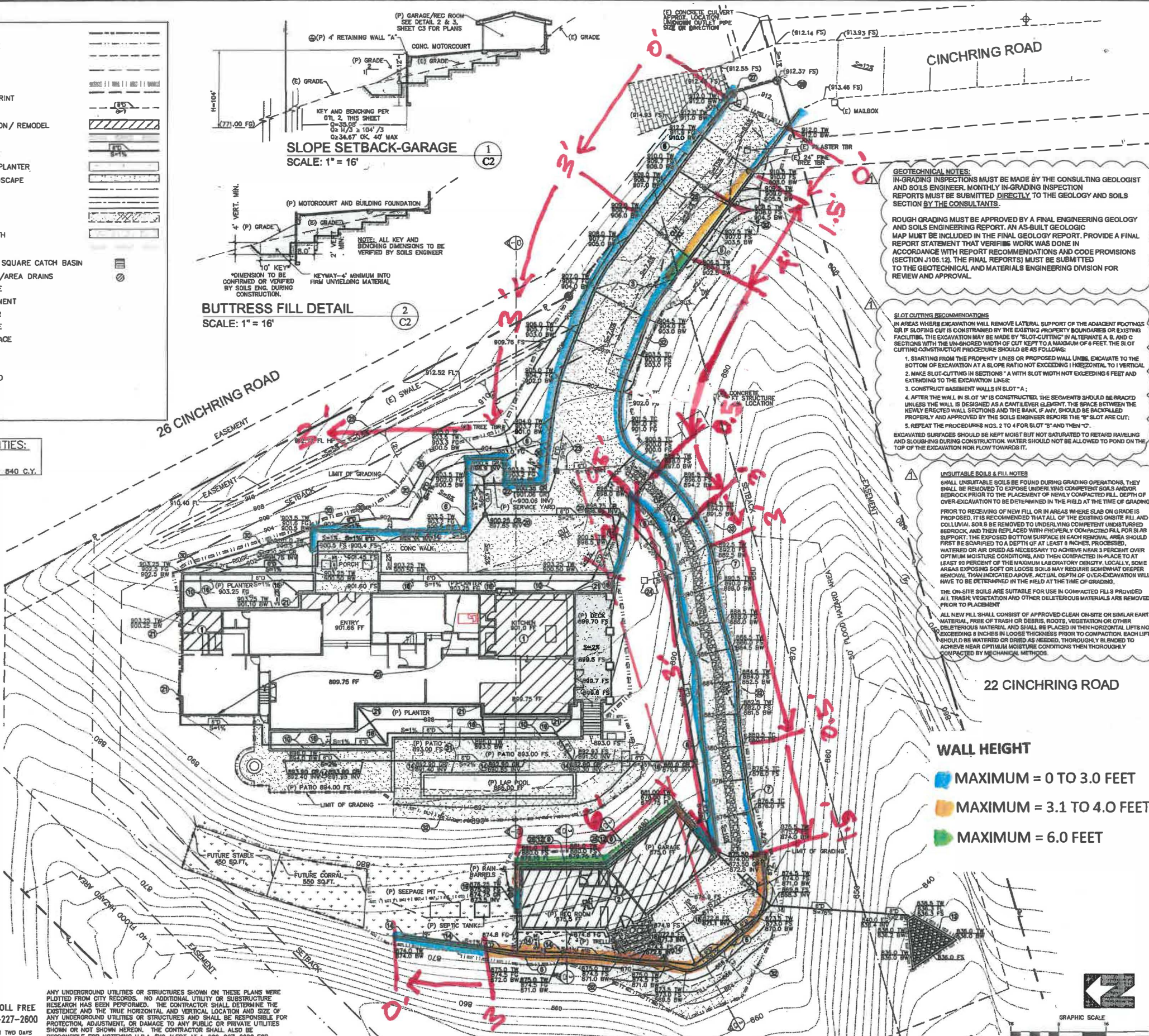


DIGALERT
D...
1-...
AT...

DEAL TOLL FREE
1-800-227-2600

AT LEAST TWO DAYS

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA



1. THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT THE WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND REQUIREMENTS OF THE CITY BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE.
2. THE DESIGN ENGINEER VERIFIES THAT THIS GRADING PLAN WAS PREPARED UNDER HIS SUPERVISION IN ACCORDANCE WITH THE CITY BUILDING CODE. ALL SOILS ENGINEER AND ENGINEERING GEOLOGY RECOMMENDATIONS WERE INCORPORATED IN THE PLAN.
3. THE FIELD ENGINEER AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STATE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STATE SET AT THE DRAINAGE SWALE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
4. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOIL ENGINEER.
5. SUB-DRAIN OUTLETS SHALL BE COMPLETED AT THE BEGINNING OF THE SUB DRAIN CONSTRUCTION AND SURVEY FOR LOCATION. THE AS GRADED PLAN SHALL SHOW ALL SUB DRAIN LOCATIONS AND ELEVATIONS.
6. WHERE SUPPORT OF BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, THE SOIL ENGINEER SHALL SUBMIT DESIGN, LOCATIONS, AND CALCULATIONS TO THE BUILDING OFFICIAL PRIOR TO CONSTRUCTION. THE ENGINEERING GEOLOGIST AND SOIL ENGINEER SHALL INSPECT AND CONTROL THE CONSTRUCTION OF THE BUTTRESSING AND CERTIFY TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.

ALL WORKS SHALL CONFORM TO THE "GREEN BOOK", STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2009 EDITION. STANDARD DETAILS SHALL CONFORM TO STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION, 2006 EDITION.

ENTIRE SITE:
CONSTRUCTION WASTE SHALL BE RECYCLED OR SALVAGED FOR RE-USE PER GREEN BUILDING CODE RESIDENTIAL PLAN REQUIREMENTS 4.408
ALL PVC PIPE TO BE SCHEDULE 40 OR SDR-35, DIAMETER AND SLOPE PER PLAN.
THE SURFACE OF ALL CUT SLOPES MORE THAN 3 FEET IN HEIGHT AND FILL SLOPES MORE THAN 3 FEET IN HEIGHT SHALL BE PROTECTED AGAINST DAMAGE FROM EROSION BY PLANTING WITH GRASS OR GROUND COVER PLANS. LANDSCAPING TO BE PER SEPARATE PLAN.
LIMITS AND DEPTH OF OVER-EX TO BE DETERMINED IN FIELD BY SOILS ENGINEER.

- 1) NEW BUILDING ADDITION / REMODEL PER ARCHITECTURAL PLANS.
- 2) NEW GARAGE AND RECREATION ROOM PER ARCHITECTURAL PLANS.
- 3) CONSTRUCT NEW 20' WIDE CONCRETE DRIVEWAY PER DETAIL 7, SHEET C3. JOIN EXISTING ELEVATION AT STREET
- 4) CONSTRUCT NEW 12' WIDE CONCRETE DRIVEWAY PER DETAIL 8, SHEET C3.
- 5) CONSTRUCT 4' MAX RETAINING WALL "A" PER SEPARATE STRUCTURAL PLANS. SEE DETAIL 7, SHEET C3 FOR SCHEMATIC. TO BE CONSTRUCTED PER SEPARATE PERMIT.
- 6) CONSTRUCT 3' MAX RETAINING WALL "B" PER SEPARATE STRUCTURAL PLANS. SEE DETAIL 7, SHEET C3 FOR SCHEMATIC. TO BE CONSTRUCTED PER SEPARATE PERMIT.
- 7) CONSTRUCT 3' MAX RETAINING WALL "C" PER SEPARATE STRUCTURAL PLANS. SEE DETAIL 8, SHEET C3 FOR SCHEMATIC. TO BE CONSTRUCTED PER SEPARATE PERMIT.
- 8) CONSTRUCT 3' MAX RETAINING WALL "D" PER SEPARATE STRUCTURAL PLANS. SEE DETAIL 8, SHEET C3 FOR SCHEMATIC. TO BE CONSTRUCTED PER SEPARATE PERMIT.
- 9) CONSTRUCT 6' MAX BUILDING RETAINING WALL "E" PER SEPARATE STRUCTURAL PLANS. SEE DETAILS 283, SHT C3 FOR SCHEMATIC. TO BE CONSTRUCTED PER SEPARATE PERMIT.
- 10) CONSTRUCT 3' MAX RETAINING WALL "F" FOR PLANTER AREAS PER SEPARATE STRUCTURAL PLANS. SEE DETAIL 1, SHEET C3 FOR SCHEMATIC. TO BE CONSTRUCTED PER SEPARATE PERMIT.
- 11) CONSTRUCT 24" GARDEN WALL PER SEPARATE STRUCTURAL PLANS.
- 12) CONSTRUCT 18" CONCRETE TRIANGULAR SWALE WITH 3" MIN DEPTH AND MINIMUM LONGITUDINAL SLOPE OF 1%. SEE DETAIL 5, SHEET C3 FOR DETAIL.
- 13) CONSTRUCT EROSION CONTROL OUTFALL STRUCTURE PER DETAIL 6, SHEET C3. 3' MAX RETAINING WALL "C" PER SEPARATE STRUCTURAL PLANS. RIP RAP TO BE EARTH TONED.
- 14) INSTALL 6" BRASS AREA DRAIN AREA DRAIN NDS #9188 (U.N.O). CONNECT TO DRAIN LINE PER PLAN. SEE DETAIL 9, SHEET C3.0.
- 15) NOT USED
- 16) INSTALL 4" ATRUM GRATE NDS #75, FINISH PER ARCHITECT, LOCATION AS SHOWN PER PLAN. CONTRACTOR TO SET ELEVATION AND CONNECT TO NEW UNDERGROUND DRAINAGE SYSTEM PER PLAN. SEE DETAIL 9, SHEET C3.0.
- 17) INSTALL PVC PIPE, SLOPE AND DIAMETER PER PLAN.
- 18) INSTALL 12" x12" NDS CATCH BASIN WITH NDS#1213 GRATE. CONNECT TO UNDERGROUND DRAINAGE SYSTEM. SEE DETAIL 4, SHEET C3.0.
- 19) INSTALL 12" x12" NDS CATCH BASIN WITH NDS#1215 GRATE. CONNECT TO UNDERGROUND DRAINAGE SYSTEM PER PLAN. SEE DETAIL 4, SHEET C3.0.
- 20) INSTALL 18" x 18" NDS CATCH BASIN WITH NDS #1810, CONNECT TO UNDERGROUND DRAINAGE SYSTEM PER PLAN.
- 21) CONNECT DOWNSPOUT, LOCATION PER ARCHITECTURAL PLANS, TO UNDERGROUND DRAINAGE SYSTEM.
- 22) CLEAN EXISTING 18" x 18" CATCH BASIN, REPAIR OR REPLACE WITH NDS BASIN AND NDS #1215 GRATE AS NECESSARY. ADJUST GRATE TO ELEVATION SHOWN ON PLAN.
- 23) EXAMINE EXISTING DRAINAGE DEVICE, CLEAN OR REPLACE AS NECESSARY.
- 24) REMOVE EXISTING DRAINAGE DEVICES.
- 25) EXISTING RESIDENCE: ^
- 26) EXISTING UTILITIES UNDERGROUND, LOCATION AND DEPTH UNKNOWN, PROTECT IN PLACE OR ADJUST AS NEEDED.
- 27) EXISTING UTILITIES, ADJUST BOX TO MATCH GRADE.
- 28) INSTALL 4" PERFORATED PIPE PER STRUCTURAL PLANS. CONNECT TO UNDERGROUND DRAINAGE SYSTEM.
- 29) EXISTING APPROX. 2" ASPHALT BERM. APPROX. LOCATION.
- 30) INSTALL 6" ATRUM GRATE NDS#80, FINISH PER ARCHITECT, LOCATION AS SHOWN PER PLAN. CONTRACTOR TO SET ELEVATION AND CONNECT TO NEW UNDERGROUND DRAINAGE SYSTEM PER PLAN. SEE DETAIL 9, SHEET C3.0.
- 31) EXISTING POOL, TO BE REMOVED. REMOVAL SHALL INCLUDE THE CONCRETE POND BEAMS AND POOL SHELL PER SOILS REPORT. SEE REPORT FOR ADDITIONAL DETAILS.
- 32) FILL SLOPE KEY PER DETAIL 2, THIS SHEET. VERIFY DIMENSIONS WITH SOILS ENGINEER AND EXAMINE IN FIELD.

BOLTON ENGINEERING CORPORATION (BEC) DID NOT PERFORM THE SURVEY OF THIS PROJECT, AND THE EXISTING TOPOGRAPHY, BOUNDARY, AND LINE AND GRADE INFORMATION IS OBTAINED FROM SOURCES OF VARYING RELIABILITY. BEC MAKES NO GUARANTEES OF ANY KIND REGARDING THE LINES, GRADES, OR IMPROVEMENTS SHOWN HEREON. THE CONTRACTOR IS CAUTIONED THAT ONLY FIELD INVESTIGATION CAN REVEAL THE NATURE OF EXISTING CONDITIONS. CALL UNDERGROUND ALERT BEFORE YOU DIG.

ADDRESS: 24 DINWORTH ROAD ROLLING HILLS, CALIFORNIA
LEGAL DESCRIPTION: LOT 3, TRACT #26343
ASSESSOR'S PARCEL NO: 7967-017-012

DENN ENGINEERS FOUND N&T RCE 30702 AT MOST EASTERLY PROPERTY CORNER N&T ELEV. 912.37'.
ADDITIONAL N&T RCE 30702 FOUND AT EASTERLY PROPERTY CORNER ELEV. 914.45'.

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|----|-------|---------------|------------|-----------------|--------------------|---|--|---|---|---|----------------------------|-----|
| C2 | Sheet | Job No. 13336 | Drawn: THM | Elected: AS THW | Date: May 23, 2013 | GRADING AND DRAINAGE PLAN #24 CINCHING ROAD ROLLING HILLS, CA 90274 | TOSHIKO NAKAMURA #24 CINCHING ROAD ROLLING HILLS, CA 90274 |  |  | Bolton Engineering Corp. Civil Engineering and Surveying 25834 Nealon Avenue Suite 210 Lomita, Ca. 90717 Ph: 310-325-5560 Fax: 310-325-5581 | Revisions | By |
| | | | | | | | | | | | 04-02-14 | THM |
| | | | | | | | | | | | FIELD PLAN CHECK REVISIONS | |
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RESOLUTION NO. 1279

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL FOR SITE PLAN REVIEW FOR GRADING AND RETAINING WALLS ABOVE THREE FEET; A CONDITIONAL USE PERMIT FOR A DETACHED MIXED-USE STRUCTURE; VARIANCES TO LOCATE THE MIXED-USE STRUCTURE PARTIALLY IN THE FRONT YARD AREA AND TO ALLOW A WALL UP TO FOUR FEET HIGH ALONG THE DRIVEWAY INTO THE FRONT YARD AND A WALL BEHIND THE PROPOSED MIXED-USE STRUCTURE TO EXCEED FIVE FEET ON A LOT LOCATED AT 24 CINCHRING ROAD (LOT 18-3-CH), ROLLING HILLS, CA, (NAKAMURA). PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. An Appeal Application was duly filed by Dr. Elliot H. Brunner and Dr. Nourit H. Korzennik (“Appellants”), owners of property located at 26 Cinchring Road on April 29, 2021. Appellants are represented by their legal counsel Mr. Larry Hall. Appellants are appealing Resolution 2021-04 approving Variances, Conditional Use Permit and Site Plan Review for property located at 24 Cinchring Road, which is owned by Mr. Takashi and Mrs. Toshiko Nakamura.

Section 2. The City Council conducted duly noticed public hearings to consider the Appeal on June 14, 2021 at its Regular City Council Meeting. Notice of the public hearings were published in the Palos Verdes Peninsula Newspaper on June 3, 2021. Notice of the public hearings were also mailed to all residents within 1000 square feet of 24 Cinchring Road on June 3, 2021. Agendas were posted at City Hall and on the City website on June 11, 2021 at 5 PM. Evidence was presented by persons interested in affecting said proposal and from members of the City staff and the City Council at the public hearing. The Appellants and their representative were in attendance at the public hearings.

Section 3. An application was duly filed by Mr. and Mrs. Takashi Nakamura (“Applicants”) with respect to real property located at 24 Cinchring Road (Lot 18-3-CH), Rolling Hills, requesting a Site Plan Review for grading of 390 cubic yards of cut and 390 cubic yards of fill and for portions of a driveway retaining wall above three feet high, a Conditional Use Permit for construction of a 1,400 square foot mixed use structure to contain a 650 square foot garage and 750 square foot recreation room, and Variances to locate the mixed use structure partially in the front yard area, to construct a four-foot high wall that extends down slope of the driveway into the front yard, and to construct the rear wall of the mixed use structure over the maximum 5-foot high limitation.

Section 4. The Planning Commission conducted duly noticed public hearings to consider the application at its Adjourned Regular Meeting on March 16, 2021 at 7:30 a.m. and at

its Adjourned Regular Meeting on March 30, 2021 at 6:30 p.m. Notice of the public hearings were published in the Palos Verdes Peninsula Newspaper on March 5, 2021 and March 19, 2021 for the March 16, 2021 and March 30, 2021 public hearings, respectively. Notice of the public hearings were also mailed to all residents within 1000 square feet of 24 Cinchring Road on March 4, 2021 and March 18, 2021 for the March 16, 2021 and March 30, 2021 public hearings, respectively. Agendas were posted at City Hall and on the City website on March 12, 2021 at 4 PM and March 26, 2021 at 4 PM for the March 16, 2021 and March 30, 2021 public hearings. Evidence was presented by persons interested in affecting said proposal and from members of the City staff and the Planning Commission at the public hearings. The Applicants and their representative were in attendance at the public hearings.

Section 5. In or around 1976, a 3,746 square foot residence with a 600 square foot attached garage was constructed at 24 Cinchring Road pursuant to architectural plans designed by the architect C. Hovland. The Applicants submitted an application for a major remodel designed by architect Charles Belak-Berger to reconstruct the single-family dwelling within the existing footprint and to construct an 850 square foot addition. On December 3, 2019, Applicants flagged the entire proposed roof line and addition; the City verified the staking conformed with the plans underlying the application. That same day, the City notified in writing by regular mail the owners of property located within one thousand feet of the exterior property line of 24 Cinchring Road of the proposed project. On December 16, 2019, the City received an objection from the property owners of the property located at 26 Cinchring Road. The City did not receive any other objections to the proposed plan. Accordingly, the project qualified for administrative review and did not warrant review by the Planning Commission. On December 30, 2020, City staff administratively approved the application for the residential remodel. With the conversion of the attached two-car garage to living space, Applicants must construct a two-car garage elsewhere on the property.

Section 6. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which exempts minor alterations in the condition of land, including but not limited to grading on land with a slope of less than 10 percent. The grading taking place on the property is on land with a slope of less than 10 percent to account for the mixed use structure and widening of the driveway to 20 feet which requires two walls. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts accessory structures including garages, carports, patios, swimming pools, and fences. The mixed use structure will consist of a three car garage and recreation room and qualifies as new construction of small structures. Further the retaining walls ranging from a few inches up to six feet in height (one wall has two 4-foot high sections totaling approximately 140 linear feet and another is six feet high totaling 64 linear feet) qualify as construction of small structures. These walls are necessary for purposes of construction of the mixed use structure and widening of the driveway.

Section 7. There exists a 50-foot Flood Hazard Area along the southern property line and a 40-foot Flood Hazard Area along the northern property line of subject property. Any construction or grading in these Flood Hazard Areas must be reviewed and approved by the Building and Safety Department and any other appropriate agency.

Section 8. The Rolling Hills Municipal Code requires Site Plan Review for a project that proposes grading pursuant to RHMC Section 17.46.020(A)(1) and walls over three feet high under RHMC Section 17.16.190(F). The project proposes grading of 390 cubic yards of cut and 390 cubic yards of fill and two walls one of which is up to four feet high in two sections totaling approximately 140 feet long and the second of which is six feet high by approximately 64 feet long. The Planning Commission made 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 grading is necessary for the widening of the main driveway to meet Fire Code access requirements and to access the mixed use structure, including garage required by the Municipal Code. The Fire Code requires a 20-foot driveway, clear of any horizontal or vertical obstructions, to accommodate the width and height of a fire truck and its equipment. Grading for the secondary driveway is required to access the required garage that will serve the existing residence. Due to the current topography of the lot, a retaining wall ranging from a few inches high to a maximum of four feet high by approximately 140-feet long will be needed to support and stabilize the proposed cut and fill for the proposed driveways. A six-foot high by approximately 64-foot long wall is also needed to retain the soil behind the mixed use structure but will not be visible from any other property. To minimize grading and maximize preservation of the existing terrain, the proposed mixed-use will be built partially into the hillside in the front yard. The six-foot high by 64-foot long wall will retain the cut portion of the hillside. Variances to locate the mixed use structure partially in the front yard and to construct a section of a four-foot high wall in the front yard and the six-foot high by 64-foot long mixed-use retaining wall above the maximum five feet are the subject of approval in this Resolution.

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 mixed use structure will be located on existing secondary pad where a previous stable was located. Using an existing pad minimizes potential lot disturbance resulting from grading for the proposed mixed-use structure. The pad expansion will be kept to a minimum by not exceeding the required vehicular access requirements. The maximum heights of walls are necessary to stabilize and support the proposed driveways and vehicular access in front of the garage.

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. The proposed project is located out of sight of the street and will be visible to one neighbor, and is consistent with the scale of the neighborhood when compared to properties in the vicinity.

The site is currently developed with a single family residence and the area surrounding the residence has been graded in the past to accommodate a pool and stable that have been demolished. The grading will increase lot disturbance by less than 3%. Disturbance to the existing terrain will be kept at a minimal by not exceeding code requirements. The grading serves the construction of the mixed use structure and related driveways. The proposed mixed use is 1,400 square feet with

a maximum height of 13.5 feet and is located on a lower pad than the primary residence and is tucked into the hillside. The mixed-use is low in profile, and the massing is partially screened by the hillside from the adjacent neighbors. The front façade of the mixed-use structure will be seen from the adjacent land conservancy site and trail but is minimally visible from public view due to being setback from the edge of slope. The walls are necessary to stabilize and support the proposed driveways and vehicular access in front of the garage and will also be screened by landscaping to minimize visual impact and improve aesthetics.

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 site is already developed with a single family residence and has been graded to accommodate a pool and stable that have been demolished. The location of the mixed-use structure minimizes lot disturbance by using an existing pad that previously accommodated a stable and will require minimal grubbing and clearing of the site. The mixed-use structure will be tucked into the hillside to minimize expansion of the secondary building pad and thus, minimize alteration to the existing terrain. In addition, the project will be conditioned to use native vegetation that will blend in with the surrounding area while complying with the Fire Department's Fuel Modification requirements. The walls will be screened by native vegetation to minimize its visual impact.

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 location of the mixed use was previously graded to accommodate a stable and access to the stable. The majority of the grading is required to meet emergency access and access to the required garage. The location of the mixed use structure and required retaining walls have been designed to minimize disturbance to the natural terrain of the site.

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

The location of the mixed use was previously graded to accommodate a stable and access to the stable. The majority of the grading is required to meet emergency access and access to the required garage. The grading will incorporate water catchment systems to minimize impact to the hillside. Majority of the site will remain permeable and undisturbed to allow water to penetrate naturally into the ground. The walls support the location of the mixed use structure and vehicular access to minimize the amount of grading and redirect drainage flow into an existing 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.

The location of the mixed-use structure minimizes lot disturbance by using an existing pad that previously accommodated a stable and will require minimal grubbing and clearing of the site. No mature trees will be eliminated as a result of the project. The project will incorporate

landscaping that has been approved by the Fire Department in conformance with its fire fuel modification standards. The project also incorporates landscaping and planting in front of the retaining walls to minimize their visual impact.

H. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles.

The project will not change the on- and off-site circulation patterns. The location of the mixed use structure uses existing access that previously provided access to a stable. The access will be improved to accommodate vehicular access to the required garage. The primary access to the site will remain in the same location and will be widened to 20 feet to accommodate emergency fire vehicles. The retaining walls will help guide drivers and pedestrians to different uses located on the site.

I. The project conforms to the requirements of the California Environmental Quality Act. The project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which exempts minor alterations in the condition of land, including but not limited to grading on land with a slope of less than 10 percent. The grading taking place on the property is on land with a slope of less than 10 percent to account for the mixed use structure and widening of the driveway to 20 feet which requires two walls. The project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts accessory structures including garages, carports, patios, swimming pools, and fences. The mixed use structure and two walls one, of which has two sections up to 4 feet high totaling 140 feet long and the second of which is a 6 feet high by 64 feet long, similarly qualify as construction of small structures.

Section 9. The Rolling Hills Municipal Code require a Conditional Use Permit for a project a mixed use structure pursuant to RHMC Section 17.16.040(A)(3) subject to certain conditions pursuant to RHMC Section 17.16.210(A)(6). The project proposes to construct a new mixed use structure consisting of a 650 square foot detached garage and 750 square foot recreation room. The Planning Commission made the following findings:

A. That the proposed conditional use (a mixed use structure) is consistent with the General Plan. The mixed use structure consisting of a 650 square foot detached garage and 750 square foot recreation room is consistent with similar uses in the community and is a permitted use with a CUP. Although the mixed use structure requires a variance to allow it in the front yard, the positioning of the mixed use structure will be located where a previous stable was located. Therefore, it will not change the existing configuration of the structures on the lot and will minimize the amount of disturbance on the lot. Further, adequate area remains on the property to construct a stable and corral in the future. Lastly, the proposed structure is tucked into the hillside at a lower pad elevation than the existing residence thus, it is partially screened by the natural terrain of the site and additional landscaping will minimize visual impact from public view.

B. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially

detrimental to these adjacent uses, building or structures. The mixed use structure will be on a lower pad than the residence and is almost 200 feet from nearby residences so that the structure will not impact the privacy of surrounding neighbors. Due to the existing development, location, and configuration of the residence, the Applicants are limited in where a garage could be constructed. Due to the location of the existing driveway, it is impossible to construct a garage on the other side of the residence. In addition, the proposed size and height of the mixed use structure blends in with the scale of the existing development in the neighborhood. The proposed grading required to construct the mixed-use is minimized by locating the structure on a previously graded pad and with existing access to the pad.

C. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed. The mixed use structure is located on the existing secondary building pad, which is at a lower elevation than the primary building pad. Although the secondary pad will need to be expanded to accommodate the required vehicle turning radius in front of the garage, it is the only area that will cause the least disturbance to the natural terrain of the site. Placing the proposed mixed used in another location will result in significant grading of the hillside and will most likely require higher retaining walls to support and stabilize the cut and fill. The current site is already developed with the existing secondary building pad and the existing access which help minimize grading and allow for shorter walls.

D. That the proposed conditional use complies with all applicable development standards of the zone district. The mixed use structure complies with all applicable development standards of the zone district as approved by this Resolution. Although the mixed use structure requires a variance to allow it in the front yard, the positioning of a majority of the mixed use structure will be located where a previous stable was located. Therefore, it will not change the existing configuration of the structures on the lot and will minimize the amount of disturbance on the lot. The proposed location was previously used for a stable and access to the stable. Thus, the project causes minimal impact to the previously disturbed site. Even with the additional grading, the project complies with the code requirement as to disturbance on the lot.

E. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities because the project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

F. That the proposed conditional use observes the spirit and intent of this title. The zoning code requires a minimum of a two-car garage. The construction of the mixed use structure allows the Applicants the ability to meet this requirement. Construction of the mixed use structure in the front yard, allows the Applicants to minimize the amount of grading on the lot. Even with the construction of the mixed use structure, there is sufficient set aside area on the property for a future stable and corral. Allowing the mixed-use would allow the applicant the same rights to amenities enjoyed by other residents in the community.

Section 10. The Rolling Hills Municipal Code requires a Variance for a mixed use structure that projects into the front yard pursuant to RHMC Sections 17.16.210(A)(6) and 17.12.250, for a wall that projects into the front yard pursuant to RHMC Section 17.16.190(F), and for a wall that exceeds five feet in height pursuant to RHMC Section 17.16.190(F). The project

proposes to locate a mixed use structure partially in front yard area, to construct a wall that extends down slope of the driveway into the front yard, and to construct a wall over the maximum 5 foot limitation along the mixed use structure. The Planning Commission made the following findings:

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. The lot is unique in that it is a landlocked lot and takes access over another property. It does not front any street. The existence of two Flood Hazard Areas on the property, one along the front (50 feet in depth) and one along the rear (40 feet in depth) dictate the determination of the setbacks.

The mixed use structure exceeds the leading edge of the house and thus requires a variance. The proposed location of the mixed use is the most viable location in that it will cause the least amount of grading and disturbance on site. The proposed location is where a previous stable was located. The location of the mixed use structure will preserve nearly all of the existing open space of the property and afford space for a future stable and corral. The existing pad has existing access that will be widened to meet vehicular access requirements. Due to the widening of the driveway to accommodate Fire Department access and vehicular access to the garage, retaining walls will be needed to stabilize and support the proposed cut and fill. To accommodate the location of the mixed use structure and widening of the driveway to meet code requirements, one retaining wall requires projection into the front yard while the other retaining wall requires height above 5 feet. The walls be screened with landscaping to minimize visual impact to surrounding properties, the trail, and land conservancy site. The six-foot high walls will be located behind the mixed-use and will not be seen.

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 mixed use structure location is the most viable location because it is currently a graded pad with existing access to the site. The mixed-use location will help preserve the natural terrain of the rest of the site. Relocating the mixed-use at a different location will cause significant grading due to the natural topography of the site and will result in higher retaining walls and could potentially cause drainage flow to change. The current location minimizes the heights of the retaining walls from a few inches to six feet, with the highest points being hidden from view behind the mixed-use structure. The location of the mixed use structure and location and height of the retaining walls are necessary to protect the undeveloped portion of the property while allowing the Applicants to meet code requirements relating to the two-car garage and 20 foot wide driveway.

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 location of the mixed-use structure in the front yard and into the hillside will protect the undeveloped portion of the property and will minimize disturbance on site, which provides benefits to other nearby properties. The retaining walls allow proper access to the mixed use structure and widening of the driveway. The widening of the driveway to allow proper Fire Department access in the event of an emergency which will benefit the site and surrounding sites. The retaining walls will be screened and will not have any adverse impacts to public welfare or

cause injury to the other properties or improvements within the vicinity. The mixed use structure and retaining walls will be constructed according to the Building Code.

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

The granting of relief from the code will allow the applicant to enjoy the same rights enjoyed by other residents in the community. Many of the development in the City have approved mixed-use structures. The garage is required by code to serve the existing residence. In order to construct the mixed-use structure, Fire and Building Code compliant driveways are needed. To meet these code requirements, Applicants must construct a wall that projects into the front yard and a wall that exceeds 5 feet. To minimize visual impact of the walls, Applicants will landscape the front of the walls to help improve aesthetics.

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

The location of the mixed use structure and location of the wall in the front yard and the height of the wall above 5 feet allow Applicants to enjoy the same rights as other residents of the community. The mixed-use structure consisting of a three-car garage and recreation room are amenities that many residents in the community have on their properties. The two-car garage is a required by code. The only viable place to have the garage/mixed-use is the proposed location. The proposed location results in the least disturbance to the site while allowing other required uses (i.e., the stable and corral) to occur in the future. The retaining walls are necessary to build the mixed-use structure and to allow access to emergency responders. The natural topography limit the buildable area on site and the use of the secondary pad allows for minimal disturbance that will preserve the natural terrain of the site.

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 because the project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

G. That the variance request is consistent with the general plan of the City of Rolling Hills.

The mixed-use structure and required retaining walls comply with the vision of the general plan. The mixed use structure and walls preserve the rural character of the City. The mixed-use structure is 1,400 square feet and 13.5 feet in height. The mass and scale of the structure are consistent with the neighborhood character. Being tucked into the hillside on a lower pad provide screening from adjacent properties. The retaining walls are required to allow fire access to the site and vehicular access to the proposed garage. One retaining wall will project into the front yard and ranges from a few inches to 4 feet high. The second retaining wall ranges from a few inches to a maximum six feet high. The highest portions of the mixed-use retaining wall will not be visible because it will be located behind the mixed-use. The visible portions of the walls will be screened with landscaping. The location of the mixed use will cause the least disturbance to the natural terrain thus preserving the natural grade and drainage in the area.

Section 11. Based upon the foregoing findings of Resolution 2021-04, the Planning Commission approved the Site Plan Review for grading of 390 cubic yards of cut and 390 cubic

yards of fill and retaining walls one of which has two sections that are 4 feet high totaling approximately 140 linear feet and the second of which is a 6-foot high by approximately 64 foot long wall, a Conditional Use Permit for construction of a 1,400 square foot mixed use structure to contain a 650 square-foot garage and 750 square-foot recreation room, and Variances to locate the mixed use structure partially in front yard area, to construct a four-foot high wall that extends down slope of the driveway into the front yard, and to construct a retaining wall over the maximum 5-foot limitation as part of the mixed use structure subject to the following conditions:

A. The Site Plan, CUP and Variances approvals shall expire within two years from the effective date of approval if grading or construction has not commenced within two years of the approval as defined in RHMC §§ 17.46.080, 17.42.070, 17.38.070, respectively, unless otherwise extended pursuant to the requirements of those code 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 Applicants 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 RHMC Chapter 17.58.

C. All requirements of the Building Code and the Zoning Ordinance including outdoor lighting requirements, roofing material requirements, stable and corral area set aside requirements and all other requirements of the zone in which the subject property is located must be complied with, unless otherwise set forth in this approval.

D. The project shall be developed and maintained in substantial conformance with the Site Plan on file in the City Planning Department dated March 4, 2021 or as may be further amended and approved by the Los Angeles County Building Department, the City's Community Services and Planning Director, or Planning Commission pursuant to Section 17.38.065, 17.42.065, and 17.46.070.

E. The mixed-use structure shall not exceed 1,400 square feet as measured from the outside walls, and may contain a not to exceed 650 square foot garage and not to exceed 750 square

foot recreation room. The mixed-use structure may not exceed 13.5 feet in height, and is further subject to the following conditions:

- a. Vehicular access to the mixed-use structure shall not occur within an easement or within twenty-five feet of the side or rear lot line. The vehicular access, past the main residential access, shall be a minimum of 12 feet wide with roughened surface for equestrian passage, and a not to exceed 3 foot retaining wall and a 3 foot railing or three-rail fence along the south side of the driveway.
- b. That portion of the structure designed or intended to be used for a garage, shall be separated by an interior common wall from the portion of the structure used as a recreational use. The interior common wall shall be constructed in the same manner as found in attached townhouse construction. No access from the interior of the portion used for a garage to the interior of the portion used for the other use shall be permitted;
- c. For the portion of the structure intended to be used as a garage, there shall be no sleeping quarters, occupancy or tenancy, kitchen or kitchen facilities in any portion of the detached mixed-use structure. However, the following may be allowed in the recreation room: a sink, microwave, hot plate and under a counter refrigerator.
- d. Where the garage or the recreation room as specified on the approved plan is converted to another use, or if the proportions of any approved use is changed without required approvals, the permit granting the mixed use structure may be revoked, pursuant to Chapter 17.58, and the structure shall be removed at the cost of the property owner.
- e. If any conditions of the permit are violated, or if any law, statute or ordinance is violated, the permit may be revoked and the privileges granted by the permit shall lapse, provided that the Applicants have been given written notice to cease such violation and have failed to do so for a period of thirty days, and further provided that the Applicants have been given an opportunity for a hearing.

F. The driveway shall not exceed 20 feet in width. The wall, which will be constructed along the western portion of the main driveway, shall not exceed 4 feet in height at any one point and 140 feet long. The wall, which will be constructed as part of the mixed-use, shall not exceed 6 feet in height at any one point and 64 feet long. If required by the Building and Safety Department, a rail or other type of fence may be constructed on top of the retaining wall for safety of cars and pedestrians. In addition to County Building and Safety, access to the project shall be reviewed and approved by the Fire Department.

G. There shall be a minimum of 8'3" distance from the outer edge of the recreation room to the top of the slope, for safe passage to the area of a future stable and corral. The retaining wall behind the structure shall not exceed 6 feet in height and 64 feet in length.

H. There shall be a minimum of 25-foot back up area from the garage portion of the mixed-use structure.

I. All utility lines serving the mixed-use structure and the residence shall be placed underground.

J. Structural lot coverage shall not exceed 8,257 square feet or 11.0% in conformance with lot coverage limitations of the Zoning Ordinance.

K. Total lot coverage of structures and paved areas shall not exceed 18,767 square feet or 25.5% in conformance with lot coverage limitations of the Zoning Ordinance.

L. The disturbed area of the lot shall not exceed 28,050 square feet or 37.9%, which is in conformance with 40% maximum lot disturbance limitations.

M. Residential building pad coverage on the 15,520 square foot building pad shall not exceed 6,105 square feet or 39.3%. The coverage on the 4,984 square foot garage/stable building pad shall not exceed 1,850 square feet or 37.4%, which includes the future stable.

N. Grading for this project shall not exceed 390 cubic yards of cut and 390 cubic yards of fill and shall be balanced on site.

O. The property on which the project is located shall contain a set aside area to provide an area meeting all standards for a stable, corral with access thereto as is shown on the plan dated March 4, 2021.

P. 65% of the demolition and construction materials shall be recycled/diverted. Prior to granting a final inspection, verification to be submitted to staff regarding the amount of recycled/diverted material and where it was taken on forms provided by the City. The hauling company shall obtain a hauling permit and pay the applicable fees. The applicant shall apply for a Construction and Demolition Debris permit if clearing, grubbing and demolition will take place prior to issuance of the Final Planning Approval.

Q. Throughout the construction process the easterly property line along the driveway shall be staked and no construction or grading shall take place beyond the property line.

R. No irrigation or drainage device may be located on a property in such a manner as to contribute to erosion or in any way adversely affect easements, natural drainage course or a trail. Drainage for this project shall be approved by the Building and Safety Department.

S. All graded areas shall be landscaped. Landscaping shall be designed using native plants, shrubs and trees. Any new trees and shrubs planned to be planted in conjunction with this project shall, at maturity, not be higher than the ridge height of the mixed-use structure. No plants shall be planted, which would result in a hedge like screen.

T. The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC), and shall be submitted to the City prior to obtaining a grading permit. .

U. There exists a 50-foot Flood Hazard Area along the southern property line and a 40-foot Hoed Hazard Area along the northern property line on subject property. No construction,

grading, or any other construction activity may take place in these Flood Hazard Areas unless approved by the Building and Safety Department and other appropriate agencies. There shall be no dumping of debris, trees, or any other flatters into the canyons and flood hazard areas.

V. 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.

W. During construction, activities shall conform with air quality management district requirements, stormwater pollution prevention practices, county and local ordinances, and engineering practices so that people and property are not exposed to undue vehicle trips, noise, dust, objectionable odors, landslides, mudflows, erosion, or land subsidence.

X. During construction, to the extent feasible, all parking shall take place on the project site, but if necessary, any overflow parking may take place within the nearby roadway easements, without blocking access to and over the common driveway to the residences adjacent thereto.

Y. The Applicants shall be responsible for keeping the common access roadway in good condition during the entire construction process and shall, at their sole expense, make necessary repairs to the common access roadway should any damage occur during construction of their project.

Z. During construction, the Applicants 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.

AA. If an above ground drainage design is utilized, it shall be designed in such a manner as not to cross over any equestrian trails. Any drainage system shall not discharge water onto a trail, shall incorporate earth tone colors, including in the design of the dissipater and be screened from any trail and neighbors views to the maximum extent practicable, without impairing the function of the drain system.

BB. 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. Should a red flag warning be declared and if work is to be conducted on the property, the contractor shall have readily available fire distinguisher.

CC. The Applicants shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) requirements related to solid waste, drainage, cisterns, and storm water drainage facilities management and to the City's Low Impact development Ordinance (LID), if applicable. Further the Applicants shall be required to conform to the County Health Department requirements for a septic system.

DD. Prior to finaling of the project an “as graded” and “as constructed” plans and certifications, including certifications of ridgelines of the structures, shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the “as built/as graded” plan and one hardcopy and one electronic copy shall be submitted to the Planning Department prior to issuance of the Final Certificate of Occupancy.

EE. The project shall be reviewed and approved by the Rolling Hills Community Association Architectural Review Committee prior to the issuance of any permits.

FF. The working drawings submitted to the County Department of Building and Safety for plan check review shall conform to the development plan described in Condition D.

GG. Prior to submittal of final plans to the Building Department for issuance of grading and/or building permits, the plans for the project shall be submitted to staff for verification that the final plans are in compliance with the plans approved by the Planning Commission

HH. Prior to the issuance of building or grading permits, Applicant shall execute an Affidavit of Acceptance of all conditions of this permit pursuant to Zoning Ordinance, or the approval shall not be effective. The affidavit shall be recorded together with the Resolution against the Property. Applicants shall be and remain in compliance with all conditions of this permit.

II. Prior to finaling of the project an “as graded” and “as constructed” plans and certifications, including certifications of ridgelines of the structures, shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the “as built/as graded” plan.

JJ. The applicant shall comply with the Requirements of the Fire Department for access, water flow and fire fuel modification prior to issuance of the Building permit.

KK. The conditions of approval enumerated in this Resolution shall be printed on the front sheet of the development plans and shall be available at the site at all times.

LL. Before construction, Applicants shall clear the property of any dead or alive tumbleweed or dead tree, shrub, palm frond or other plant.

MM. Applicants shall remove the temporary construction fence on the site and obtain a permit for a new temporary construction fence pursuant to RHMC Section 17.48.040. Such fence shall not be placed beyond Applicants’ property line.

NN. Throughout the construction process, no construction shall take place beyond the property line.

OO. Applicants shall indemnify, protect, defend, and hold the City, and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus,

and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

PP. Prior to building plan review submittal, applicants shall provide revised plans showing location of stable and corral on the mixed use pad.

Section 12. The Appellants claim that the Planning Commission issued the approval of the mixed-use in error due to post-hoc approval, illegal status of the subject property, mandates of Resolution No. 1221 and adverse impacts to the Appellants’ property.

Section 13. Based upon the foregoing findings of Planning Commission Resolution No. 2021-04 and the lack of evidence supporting the Appellants’ claim, the City Council finds the request to appeal Resolution 2021-04 unsubstantiated, adopts the findings of the Planning Commission in Resolution No. 2021-04, denies the Appeal, and upholds the Planning Commission’s approval of Site Plan Review, Conditional Use Permit and Variances for the mixed use project.

PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF JUNE 2021.

BEA DIERINGER, MAYOR

ATTEST:

JENALY SANDOVAL, CITY CLERK

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) §§

CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 1279 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL FOR SITE PLAN REVIEW FOR GRADING AND RETAINING WALLS ABOVE THREE FEET; A CONDITIONAL USE PERMIT FOR A DETACHED MIXED-USE STRUCTURE; VARIANCES TO LOCATE THE MIXED-USE STRUCTURE PARTIALLY IN THE FRONT YARD AREA AND TO ALLOW A WALL UP TO FOUR FEET HIGH ALONG THE DRIVEWAY INTO THE FRONT YARD AND A WALL BEHIND THE PROPOSED MIXED-USE STRUCTURE TO EXCEED FIVE FEET ON A LOT LOCATED AT 24 CINCHRING ROAD (LOT 18-3-CH), ROLLING HILLS, CA, (NAKAMURA). PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

was approved and adopted at an adjourned regular meeting of the City Council on June 14, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Officer

JANELY SANDOVAL, CITY CLERK

RESOLUTION NO. 2021-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR SITE PLAN REVIEW FOR GRADING AND RETAINING WALLS ABOVE THREE FEET; A CONDITIONAL USE PERMIT FOR A DETACHED MIXED-USE STRUCTURE; VARIANCES TO LOCATE THE MIXED-USE STRUCTURE PARTIALLY IN THE FRONT YARD AREA AND TO ALLOW A WALL UP TO FOUR FEET HIGH ALONG THE DRIVEWAY INTO THE FRONT YARD AND A WALL BEHIND THE PROPOSED MIXED-USE STRUCTURE TO EXCEED FIVE FEET ON A LOT LOCATED AT 24 CINCHRING ROAD (LOT 18-3-CH), ROLLING HILLS, CA, (NAKAMURA). PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. An application was duly filed by Mr. and Mrs. Takashi Nakamura (“Applicants”) with respect to real property located at 24 Cinchring Road (Lot 18-3-CH), Rolling Hills, requesting a Site Plan Review for grading of 390 cubic yards of cut and 390 cubic yards of fill and for portions of a driveway retaining wall above three feet high, a Conditional Use Permit for construction of a 1,400 square foot mixed use structure to contain a 650 square foot garage and 750 square foot recreation room, and Variances to locate the mixed use structure partially in the front yard area, to construct a four-foot high wall that extends down slope of the driveway into the front yard, and to construct the rear wall of the mixed use structure over the maximum 5-foot high limitation.

Section 2. The Planning Commission conducted duly noticed public hearings to consider the application at its Adjourned Regular Meeting on March 16, 2021 at 7:30 a.m. and at its Adjourned Regular Meeting on March 30, 2021 at 6:30 p.m. Notice of the public hearings were published in the Palos Verdes Peninsula Newspaper on March 5, 2021 and March 19, 2021 for the March 16, 2021 and March 30, 2021 public hearings, respectively. Notice of the public hearings were also mailed to all residents within 1000 square feet of 24 Cinchring Road on March 4, 2021 and March 18, 2021 for the March 16, 2021 and March 30, 2021 public hearings, respectively. Agendas were posted at City Hall and on the City website on March 12, 2021 at 4 PM and March 26, 2021 at 4 PM for the March 16, 2021 and March 30, 2021 public hearings. Evidence was presented by persons interested in affecting said proposal and from members of the City staff and the Planning Commission at the public hearings. The Applicants and their representative were in attendance at the public hearings.

Section 3. In or around 1976, a 3,746 square foot residence with a 600 square foot attached garage was constructed at 24 Cinchring Road pursuant to architectural plans designed by the architect C. Hovland. The Applicants submitted an application for a major remodel designed by architect Charles Belak-Berger to reconstruct the single-family dwelling within the existing footprint and to construct an 850 square foot addition. On December 3, 2019, Applicants flagged the entire proposed roof line and addition; the City verified the staking conformed with the plans

underlying the application. That same day, the City notified in writing by regular mail the owners of property located within one thousand feet of the exterior property line of 24 Cinchring Road of the proposed project. On December 16, 2019, the City received an objection from the property owners of the property located at 26 Cinchring Road. The City did not receive any other objections to the proposed plan. Accordingly, the project qualified for administrative review and did not warrant review by the Planning Commission. On December 30, 2020, City staff administratively approved the application for the residential remodel. With the conversion of the attached two-car garage to living space, Applicants must construct a two-car garage elsewhere on the property.

Section 4. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which exempts minor alterations in the condition of land, including but not limited to grading on land with a slope of less than 10 percent. The grading taking place on the property is on land with a slope of less than 10 percent to account for the mixed use structure and widening of the driveway to 20 feet which requires two walls. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts accessory structures including garages, carports, patios, swimming pools, and fences. The mixed use structure will consist of a three car garage and recreation room and qualifies as new construction of small structures. Further the retaining walls ranging from a few inches up to six feet in height (one wall has two 4-foot high sections totaling approximately 140 linear feet and another is six feet high totaling 64 linear feet) qualify as construction of small structures. These walls are necessary for purposes of construction of the mixed use structure and widening of the driveway.

Section 4. There exists a 50-foot Flood Hazard Area along the southern property line and a 40-foot Flood Hazard Area along the northern property line of subject property. Any construction or grading in these Flood Hazard Areas must be reviewed and approved by the Building and Safety Department and any other appropriate agency.

Section 5. The Rolling Hills Municipal Code requires Site Plan Review for a project that proposes grading pursuant to RHMC Section 17.46.020(A)(1) and walls over three feet high under RHMC Section 17.16.190(F). The project proposes grading of 390 cubic yards of cut and 390 cubic yards of fill and two walls one of which is up to four feet high in two sections totaling approximately 140 feet long and the second of which is six feet high by approximately 64 feet long. The Planning Commission 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 grading is necessary for the widening of the main driveway to meet Fire Code access requirements and to access the mixed use structure, including garage required by the Municipal Code. The Fire Code requires a 20-foot driveway, clear of any horizontal or vertical obstructions, to accommodate the width and height of a fire truck and its equipment. Grading for the secondary driveway is required to access the required garage that will serve the existing residence. Due to the current topography of the lot, a retaining wall ranging from a few inches high to a maximum

of four feet high by approximately 140-feet long will be needed to support and stabilize the proposed cut and fill for the proposed driveways. A six-foot high by approximately 64-foot long wall is also needed to retain the soil behind the mixed use structure but will not be visible from any other property. To minimize grading and maximize preservation of the existing terrain, the proposed mixed-use will be built partially into the hillside in the front yard. The six-foot high by 64-foot long wall will retain the cut portion of the hillside. Variances to locate the mixed use structure partially in the front yard and to construct a section of a four-foot high wall in the front yard and the six-foot high by 64-foot long mixed-use retaining wall above the maximum five feet are the subject of approval in this Resolution.

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 mixed use structure will be located on existing secondary pad where a previous stable was located. Using an existing pad minimizes potential lot disturbance resulting from grading for the proposed mixed-use structure. The pad expansion will be kept to a minimum by not exceeding the required vehicular access requirements. The maximum heights of walls are necessary to stabilize and support the proposed driveways and vehicular access in front of the garage.

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. The proposed project is located out of sight of the street and will be visible to one neighbor, and is consistent with the scale of the neighborhood when compared to properties in the vicinity.

The site is currently developed with a single family residence and the area surrounding the residence has been graded in the past to accommodate a pool and stable that have been demolished. The grading will increase lot disturbance by less than 3%. Disturbance to the existing terrain will be kept at a minimal by not exceeding code requirements. The grading serves the construction of the mixed use structure and related driveways. The proposed mixed use is 1,400 square feet with a maximum height of 13.5 feet and is located on a lower pad than the primary residence and is tucked into the hillside. The mixed-use is low in profile, and the massing is partially screened by the hillside from the adjacent neighbors. The front façade of the mixed-use structure will be seen from the adjacent land conservancy site and trail but is minimally visible from public view due to being setback from the edge of slope. The walls are necessary to stabilize and support the proposed driveways and vehicular access in front of the garage and will also be screened by landscaping to minimize visual impact and improve aesthetics.

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 site is already developed with a single family residence and has been graded to accommodate a pool and stable that have been demolished. The location of the mixed-use structure minimizes lot disturbance by using an existing pad that previously accommodated a stable and will require minimal grubbing and clearing of the site. The mixed-use structure will be tucked into the

hillside to minimize expansion of the secondary building pad and thus, minimize alteration to the existing terrain. In addition, the project will be conditioned to use native vegetation that will blend in with the surrounding area while complying with the Fire Department's Fuel Modification requirements. The walls will be screened by native vegetation to minimize its visual impact.

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 location of the mixed use was previously graded to accommodate a stable and access to the stable. The majority of the grading is required to meet emergency access and access to the required garage. The location of the mixed use structure and required retaining walls have been designed to minimize disturbance to the natural terrain of the site.

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

The location of the mixed use was previously graded to accommodate a stable and access to the stable. The majority of the grading is required to meet emergency access and access to the required garage. The grading will incorporate water catchment systems to minimize impact to the hillside. Majority of the site will remain permeable and undisturbed to allow water to penetrate naturally into the ground. The walls support the location of the mixed use structure and vehicular access to minimize the amount of grading and redirect drainage flow into an existing 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.

The location of the mixed-use structure minimizes lot disturbance by using an existing pad that previously accommodated a stable and will require minimal grubbing and clearing of the site. No mature trees will be eliminated as a result of the project. The project will incorporate landscaping that has been approved by the Fire Department in conformance with its fire fuel modification standards. The project also incorporates landscaping and planting in front of the retaining walls to minimize their visual impact.

H. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles.

The project will not change the on- and off-site circulation patterns. The location of the mixed use structure uses existing access that previously provided access to a stable. The access will be improved to accommodate vehicular access to the required garage. The primary access to the site will remain in the same location and will be widened to 20 feet to accommodate emergency fire vehicles. The retaining walls will help guide drivers and pedestrians to different uses located on the site.

I. The project conforms to the requirements of the California Environmental Quality Act. The project has been determined not to have a significant effect on the environment and is

categorically exempt from the provisions of CEQA pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which exempts minor alterations in the condition of land, including but not limited to grading on land with a slope of less than 10 percent. The grading taking place on the property is on land with a slope of less than 10 percent to account for the mixed use structure and widening of the driveway to 20 feet which requires two walls. The project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts accessory structures including garages, carports, patios, swimming pools, and fences. The mixed use structure and two walls one, of which has two sections up to 4 feet high totaling 140 feet long and the second of which is a 6 feet high by 64 feet long, similarly qualify as construction of small structures.

Section 6. The Rolling Hills Municipal Code require a Conditional Use Permit for a project a mixed use structure pursuant to RHMC Section 17.16.040(A)(3) subject to certain conditions pursuant to RHMC Section 17.16.210(A)(6). The project proposes to construct a new mixed use structure consisting of a 650 square foot detached garage and 750 square foot recreation room. The Planning Commission makes the following findings:

A. That the proposed conditional use (a mixed use structure) is consistent with the General Plan. The mixed use structure consisting of a 650 square foot detached garage and 750 square foot recreation room is consistent with similar uses in the community and is a permitted use with a CUP. Although the mixed use structure requires a variance to allow it in the front yard, the positioning of the mixed use structure will be located where a previous stable was located. Therefore, it will not change the existing configuration of the structures on the lot and will minimize the amount of disturbance on the lot. Further, adequate area remains on the property to construct a stable and corral in the future. Lastly, the proposed structure is tucked into the hillside at a lower pad elevation than the existing residence thus, it is partially screened by the natural terrain of the site and additional landscaping will minimize visual impact from public view.

B. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, building or structures. The mixed use structure will be on a lower pad than the residence and is almost 200 feet from nearby residences so that the structure will not impact the privacy of surrounding neighbors. Due to the existing development, location, and configuration of the residence, the Applicants are limited in where a garage could be constructed. Due to the location of the existing driveway, it is impossible to construct a garage on the other side of the residence. In addition, the proposed size and height of the mixed use structure blends in with the scale of the existing development in the neighborhood. The proposed grading required to construct the mixed-use is minimized by locating the structure on a previously graded pad and with existing access to the pad.

C. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed. The mixed use structure is located on the existing secondary building pad, which is at a lower elevation than the primary building pad. Although the secondary pad will need to be expanded to accommodate the required vehicle turning radius in front of the garage, it is the only area that will cause the least disturbance to the natural terrain of the site. Placing the proposed mixed used in another location will result in significant grading of

the hillside and will most likely require higher retaining walls to support and stabilize the cut and fill. The current site is already developed with the existing secondary building pad and the existing access which help minimize grading and allow for shorter walls.

D. That the proposed conditional use complies with all applicable development standards of the zone district. The mixed use structure complies with all applicable development standards of the zone district as approved by this Resolution. Although the mixed use structure requires a variance to allow it in the front yard, the positioning of a majority of the mixed use structure will be located where a previous stable was located. Therefore, it will not change the existing configuration of the structures on the lot and will minimize the amount of disturbance on the lot. The proposed location was previously used for a stable and access to the stable. Thus, the project causes minimal impact to the previously disturbed site. Even with the additional grading, the project complies with the code requirement as to disturbance on the lot.

E. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities because the project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

F. That the proposed conditional use observes the spirit and intent of this title. The zoning code requires a minimum of a two-car garage. The construction of the mixed use structure allows the Applicants the ability to meet this requirement. Construction of the mixed use structure in the front yard, allows the Applicants to minimize the amount of grading on the lot. Even with the construction of the mixed use structure, there is sufficient set aside area on the property for a future stable and corral. Allowing the mixed-use would allow the applicant the same rights to amenities enjoyed by other residents in the community.

Section 7. The Rolling Hills Municipal Code requires a Variance for a mixed use structure that projects into the front yard pursuant to RHMC Sections 17.16.210(A)(6) and 17.12.250, for a wall that projects into the front yard pursuant to RHMC Section 17.16.190(F), and for a wall that exceeds five feet in height pursuant to RHMC Section 17.16.190(F). The project proposes to locate a mixed use structure partially in front yard area, to construct a wall that extends down slope of the driveway into the front yard, and to construct a wall over the maximum 5 foot limitation along the mixed use structure. The Planning Commission makes the following findings:

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. The lot is unique in that it is a landlocked lot and takes access over another property. It does not front any street. The existence of two Flood Hazard Areas on the property, one along the front (50 feet in depth) and one along the rear (40 feet in depth) dictate the determination of the setbacks.

The mixed use structure exceeds the leading edge of the house and thus requires a variance. The proposed location of the mixed use is the most viable location in that it will cause the least amount of grading and disturbance on site. The proposed location is where a previous stable was located. The location of the mixed use structure will preserve nearly all of the existing open space of the property and afford space for a future stable and corral. The existing pad has existing access that will be widened to meet vehicular access requirements. Due to the widening of the driveway

to accommodate Fire Department access and vehicular access to the garage, retaining walls will be needed to stabilize and support the proposed cut and fill. To accommodate the location of the mixed use structure and widening of the driveway to meet code requirements, one retaining wall requires projection into the front yard while the other retaining wall requires height above 5 feet. The walls be screened with landscaping to minimize visual impact to surrounding properties, the trail, and land conservancy site. The six-foot high walls will be located behind the mixed-use and will not be seen.

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 mixed use structure location is the most viable location because it is currently a graded pad with existing access to the site. The mixed-use location will help preserve the natural terrain of the rest of the site. Relocating the mixed-use at a different location will cause significant grading due to the natural topography of the site and will result in higher retaining walls and could potentially cause drainage flow to change. The current location minimizes the heights of the retaining walls from a few inches to six feet, with the highest points being hidden from view behind the mixed-use structure. The location of the mixed use structure and location and height of the retaining walls are necessary to protect the undeveloped portion of the property while allowing the Applicants to meet code requirements relating to the two-car garage and 20 foot wide driveway.

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 location of the mixed-use structure in the front yard and into the hillside will protect the undeveloped portion of the property and will minimize disturbance on site, which provides benefits to other nearby properties. The retaining walls allow proper access to the mixed use structure and widening of the driveway. The widening of the driveway to allow proper Fire Department access in the event of an emergency which will benefit the site and surrounding sites. The retaining walls will be screened and will not have any adverse impacts to public welfare or cause injury to the other properties or improvements within the vicinity. The mixed use structure and retaining walls will be constructed according to the Building Code.

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

The granting of relief from the code will allow the applicant to enjoy the same rights enjoyed by other residents in the community. Many of the development in the City have approved mixed-use structures. The garage is required by code to serve the existing residence. In order to construct the mixed-use structure, Fire and Building Code compliant driveways are needed. To meet these code requirements, Applicants must construct a wall that projects into the front yard and a wall that exceeds 5 feet. To minimize visual impact of the walls, Applicants will landscape the front of the walls to help improve aesthetics.

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

The location of the mixed use structure and location of the wall in the front yard and the height of the wall above 5 feet allow Applicants to enjoy the same rights as other residents of the

community. The mixed-use structure consisting of a three-car garage and recreation room are amenities that many residents in the community have on their properties. The two-car garage is a required by code. The only viable place to have the garage/mixed-use is the proposed location. The proposed location results in the least disturbance to the site while allowing other required uses (i.e., the stable and corral) to occur in the future. The retaining walls are necessary to build the mixed-use structure and to allow access to emergency responders. The natural topography limit the buildable area on site and the use of the secondary pad allows for minimal disturbance that will preserve the natural terrain of the site.

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 because the project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

G. That the variance request is consistent with the general plan of the City of Rolling Hills.

The mixed-use structure and required retaining walls comply with the vision of the general plan. The mixed use structure and walls preserve the rural character of the City. The mixed-use structure is 1,400 square feet and 13.5 feet in height. The mass and scale of the structure are consistent with the neighborhood character. Being tucked into the hillside on a lower pad provide screening from adjacent properties. The retaining walls are required to allow fire access to the site and vehicular access to the proposed garage. One retaining wall will project into the front yard and ranges from a few inches to 4 feet high. The second retaining wall ranges from a few inches to a maximum six feet high. The highest portions of the mixed-use retaining wall will not be visible because it will be located behind the mixed-use. The visible portions of the walls will be screened with landscaping. The location of the mixed use will cause the least disturbance to the natural terrain thus preserving the natural grade and drainage in the area.

Section 8. Based upon the foregoing findings of this Resolution, the Planning Commission hereby approves the Site Plan Review for grading of 390 cubic yards of cut and 390 cubic yards of fill and retaining walls one of which has two sections that are 4 feet high totaling approximately 140 linear feet and the second of which is a 6-foot high by approximately 64 foot long wall, a Conditional Use Permit for construction of a 1,400 square foot mixed use structure to contain a 650 square-foot garage and 750 square-foot recreation room, and Variances to locate the mixed use structure partially in front yard area, to construct a four-foot high wall that extends down slope of the driveway into the front yard, and to construct a retaining wall over the maximum 5-foot limitation as part of the mixed use structure subject to the following conditions:

A. The Site Plan, CUP and Variances approvals shall expire within two years from the effective date of approval if grading or construction has not commenced within two years of the approval as defined in RHMC §§ 17.46.080, 17.42.070, 17.38.070, respectively, unless otherwise extended pursuant to the requirements of those code 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 RHMC Chapter 17.58.

C. All requirements of the Building Code and the Zoning Ordinance including outdoor lighting requirements, roofing material requirements, stable and corral area set aside requirements and all other requirements of the zone in which the subject property is located must be complied with, unless otherwise set forth in this approval.

D. The project shall be developed and maintained in substantial conformance with the Site Plan on file in the City Planning Department dated March 4, 2021 or as may be further amended and approved by the Los Angeles County Building Department, the City's Community Services and Planning Director, or Planning Commission pursuant to Section 17.38.065, 17.42.065, and 17.46.070.

E. The mixed-use structure shall not exceed 1,400 square feet as measured from the outside walls, and may contain a not to exceed 650 square foot garage and not to exceed 750 square foot recreation room. The mixed-use structure may not exceed 13.5 feet in height, and is further subject to the following conditions:

- a. Vehicular access to the mixed-use structure shall not occur within an easement or within twenty-five feet of the side or rear lot line. The vehicular access, past the main residential access, shall be a minimum of 12 feet wide with roughened surface for equestrian passage, and a not to exceed 3 foot retaining wall and a 3 foot railing or three-rail fence along the south side of the driveway.
- b. That portion of the structure designed or intended to be used for a garage, shall be separated by an interior common wall from the portion of the structure used as a recreational use. The interior common wall shall be constructed in the same manner as found in attached townhouse construction. No access from the interior of the portion used for a garage to the interior of the portion used for the other use shall be permitted;

- c. For the portion of the structure intended to be used as a garage, there shall be no sleeping quarters, occupancy or tenancy, kitchen or kitchen facilities in any portion of the detached mixed-use structure. However, the following may be allowed in the recreation room: a sink, microwave, hot plate and under a counter refrigerator.
- d. Where the garage or the recreation room as specified on the approved plan is converted to another use, or if the proportions of any approved use is changed without required approvals, the permit granting the mixed use structure may be revoked, pursuant to Chapter 17.58, and the structure shall be removed at the cost of the property owner.
- e. If any conditions of the permit are violated, or if any law, statute or ordinance is violated, the permit may be revoked and the privileges granted by the permit shall lapse, provided that the Applicants have been given written notice to cease such violation and have failed to do so for a period of thirty days, and further provided that the Applicants have been given an opportunity for a hearing.

F. The driveway shall not exceed 20 feet in width. The wall, which will be constructed along the western portion of the main driveway, shall not exceed 4 feet in height at any one point and 140 feet long. The wall, which will be constructed as part of the mixed-use, shall not exceed 6 feet in height at any one point and 64 feet long. If required by the Building and Safety Department, a rail or other type of fence may be constructed on top of the retaining wall for safety of cars and pedestrians. In addition to County Building and Safety, access to the project shall be reviewed and approved by the Fire Department.

G. There shall be a minimum of 8'3" distance from the outer edge of the recreation room to the top of the slope, for safe passage to the area of a future stable and corral. The retaining wall behind the structure shall not exceed 6 feet in height and 64 feet in length.

H. There shall be a minimum of 25-foot back up area from the garage portion of the mixed-use structure.

I. All utility lines serving the mixed-use structure and the residence shall be placed underground.

J. Structural lot coverage shall not exceed 8,257 square feet or 11.0% in conformance with lot coverage limitations of the Zoning Ordinance.

K. Total lot coverage of structures and paved areas shall not exceed 18,767 square feet or 25.5% in conformance with lot coverage limitations of the Zoning Ordinance.

L. The disturbed area of the lot shall not exceed 28,050 square feet or 37.9%, which is in conformance with 40% maximum lot disturbance limitations.

M. Residential building pad coverage on the 15,520 square foot building pad shall not exceed 6,105 square feet or 39.3%. The coverage on the 4,984 square foot garage/stable building pad shall not exceed 1,850 square feet or 37.4%, which includes the future stable.

N. Grading for this project shall not exceed 390 cubic yards of cut and 390 cubic yards of fill and shall be balanced on site.

O. The property on which the project is located shall contain a set aside area to provide an area meeting all standards for a stable, corral with access thereto as is shown on the plan dated March 4, 2021.

P. 65% of the demolition and construction materials shall be recycled/diverted. Prior to granting a final inspection, verification to be submitted to staff regarding the amount of recycled/diverted material and where it was taken on forms provided by the City. The hauling company shall obtain a hauling permit and pay the applicable fees. The applicant shall apply for a Construction and Demolition Debris permit if clearing, grubbing and demolition will take place prior to issuance of the Final Planning Approval.

Q. Throughout the construction process the easterly property line along the driveway shall be staked and no construction or grading shall take place beyond the property line.

R. No irrigation or drainage device may be located on a property in such a manner as to contribute to erosion or in any way adversely affect easements, natural drainage course or a trail. Drainage for this project shall be approved by the Building and Safety Department.

S. All graded areas shall be landscaped. Landscaping shall be designed using native plants, shrubs and trees. Any new trees and shrubs planned to be planted in conjunction with this project shall, at maturity, not be higher than the ridge height of the mixed-use structure. No plants shall be planted, which would result in a hedge like screen.

T. The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC), and shall be submitted to the City prior to obtaining a grading permit. .

U. There exists a 50-foot Flood Hazard Area along the southern property line and a 40-foot Hoed Hazard Area along the northern property line on subject property. No construction, grading, or any other construction activity may take place in these Flood Hazard Areas unless approved by the Building and Safety Department and other appropriate agencies. There shall be no dumping of debris, trees, or any other flatters into the canyons and flood hazard areas.

V. 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.

W. During construction, activities shall conform with air quality management district requirements, stormwater pollution prevention practices, county and local ordinances, and engineering practices so that people and property are not exposed to undue vehicle trips, noise, dust, objectionable odors, landslides, mudflows, erosion, or land subsidence.

X. During construction, to the extent feasible, all parking shall take place on the project site, but if necessary, any overflow parking may take place within the nearby roadway easements, without blocking access to and over the common driveway to the residences adjacent thereto.

Y. The Applicants shall be responsible for keeping the common access roadway in good condition during the entire construction process and shall, at their sole expense, make necessary repairs to the common access roadway should any damage occur during construction of their project.

Z. During construction, the Applicants 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.

AA. If an above ground drainage design is utilized, it shall be designed in such a manner as not to cross over any equestrian trails. Any drainage system shall not discharge water onto a trail, shall incorporate earth tone colors, including in the design of the dissipater and be screened from any trail and neighbors views to the maximum extent practicable, without impairing the function of the drain system.

BB. 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.wrhn.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. Should a red flag warning be declared and if work is to be conducted on the property, the contractor shall have readily available fire extinguisher.

CC. The Applicants shall be required to conform with the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) requirements related to solid waste, drainage, cisterns, and storm water drainage facilities management and to the City's Low Impact development Ordinance (LID), if applicable. Further the Applicants shall be required to conform to the County Health Department requirements for a septic system.

DD. Prior to finaling of the project an "as graded" and "as constructed" plans and certifications, including certifications of ridgelines of the structures, shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan and one hardcopy and one electronic copy shall be submitted to the Planning Department prior to issuance of the Final Certificate of Occupancy.

EE. The project shall be reviewed and approved by the Rolling Hills Community Association Architectural Review Committee prior to the issuance of any permits.

FF. The working drawings submitted to the County Department of Building and Safety for plan check review shall conform to the development plan described in Condition D.

GG. Prior to submittal of final plans to the Building Department for issuance of grading and/or building permits, the plans for the project shall be submitted to staff for verification that the final plans are in compliance with the plans approved by the Planning Commission

HH. Prior to the issuance of building or grading permits, Applicant shall execute an Affidavit of Acceptance of all conditions of this permit pursuant to Zoning Ordinance, or the approval shall not be effective. The affidavit shall be recorded together with the Resolution against the Property. Applicants shall be and remain in compliance with all conditions of this permit.

II. Prior to finaling of the project an “as graded” and “as constructed” plans and certifications, including certifications of ridgelines of the structures, shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the approved plans. In addition, any modifications made to the project during construction, shall be depicted on the “as built/as graded” plan.

JJ. The applicant shall comply with the Requirements of the Fire Department for access, water flow and fire fuel modification prior to issuance of the Building permit.

KK. The conditions of approval enumerated in this Resolution shall be printed on the front sheet of the development plans and shall be available at the site at all times.

LL. Before construction, Applicants shall clear the property of any dead or alive tumbleweed or dead tree, shrub, palm frond or other plant.

MM. Applicants shall remove the temporary construction fence on the site and obtain a permit for a new temporary construction fence pursuant to RHMC Section 17.48.040. Such fence shall not be placed beyond Applicants’ property line.

NN. Throughout the construction process, no construction shall take place beyond the property line.

OO. Applicants shall indemnify, protect, defend, and hold the City, and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by

the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

PP. Prior to building plan review submittal, applicants shall provide revised plans showing location of stable and corral on the mixed use pad.

PASSED, APPROVED AND ADOPTED THIS 30TH DAY OF MARCH 2021.

BRAD CHELF, CHAIRMAN

ATTEST:

ELAINE JENG, ACTING CITY CLERK

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

I certify that the foregoing Resolution No. 2021-04 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR SITE PLAN REVIEW FOR GRADING AND TWO WALLS ABOVE THREE FEET; A CONDITIONAL USE PERMIT FOR A DETACHED MIXED-USE STRUCTURE; VARIANCES TO LOCATE THE MIXED-USE STRUCTURE PARTIALLY IN THE FRONT YARD AREA AND TO ALLOW A WALL ALONG THE DRIVEWAY AND BEHIND THE PROPOSED MIXED-USE STRUCTURE TO EXCEED FIVE FEET ON A LOT LOCATED AT 24 CINCHRING ROAD (LOT 18-3-CH), ROLLING HILLS, CA, (NAKAMURA). PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15303 (NEW CONSTRUCTION).

was approved and adopted at an adjourned regular meeting of the Planning Commission on March 30, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Officer

ACTING CITY CLERK

RESOLUTION NO. 1221

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR REMODEL OF A SINGLE-FAMILY RESIDENCE AT 24 CINCHRING ROAD (LOT 18-3-CH) IN ZONING CASE NO. 932 (NAKAMURA).

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Mr. and Mrs. Takashi Nakamura (collectively referred to as “Applicants”) with respect to real property located at 24 Cinchring Road, (Lot 18-3-CH), Rolling Hills, requesting modifications to a previously approved addition and major remodel to a single-family residence in order to alter the roof type thereon and to deviate from the approved ridge height elevation of the residence by two feet (hereinafter collectively referred to as “proposed Modifications.”) The construction of the addition/remodel of the single-family residence is substantially completed and the current ridge height elevation is 3-feet above the previously approved height. The Applicants now propose to lower the ridge height elevation by one foot and to replace the previously approved hip roof with a proposed Dutch gable roof.

Section 2. In 2007, the City ministerially approved an 850 ft. addition to the residence. In 2009, Applicants sought to grade, build a mixed use structure containing a garage and recreation room, build a wall along the mixed use structure, and widen the driveway. This application was approved by Resolution No. 2009-06. On July 12, 2013, Applicants obtained a demolition permit for interior work in the residence. The Los Angeles County Building and Safety Department approved Applicants’ development plan dated stamped May 8, 2014 for construction of improvement to the residence. On June 23, 2014, the City issued Applicants a building permit and construction commenced thereafter. In the summer of 2015, the City received inquiries from residents questioning whether the residence in construction was being built higher than allowed by the approved plans. In the fall of 2015, officials with the City and the Los Angeles County Building and Safety Department inspected the property and determined that the height of the residence (at 920.25 ft.) was noncompliant with the approved plans (which reflected a ridge height elevation of 917.25 ft.). On October 5, 2015, a notice of violation was issued to Applicants to stop all work until receipt of appropriate approvals. As of October 17, 2015, work was continuing on Applicants’ property. In order to bring the structure into compliance, the Applicants were given two options to avoid a code enforcement proceeding: either lower the roofline to the originally approved 917.25 ft. or apply to the Planning Commission for a modification to allow the height of the structure to remain at 920.25 ft. On September 1, 2017, the Applicants filed for a Site Plan Review for modifications to lower the roofline to 919.25 ft. (two feet higher than approved). The modification request also calls for changing out the roof type from a hip roof to a Dutch gable roof, which provides for less “see through” or open areas resulting in a more massive look of the structure.

Section 3. Condition “AN” of Resolution No. 2009-06 requires a Site Plan Review by the Planning Commission for modifications to the approved project:

“Notwithstanding Sections 17.46.020 and 17.46.070 of the Rolling Hills Municipal Code, any modification to this project or the property, which would constitute additional structural development, grading or additional excavation of dirt and any modification including, but not limited to retaining walls, drainage devices, pad elevation, pool construction and any other deviation from the approved plans, shall require the filing of a new application for approval by the Planning Commission.” (Bold emphasis added.)

Consequently, the modification application was scheduled for review by the Planning Commission. The Planning Commission’s consideration of the application for the proposed Modifications was conducted at duly noticed public hearings on September 19, 2017 and October 17, 2017. The minutes from the September 19, 2017 hearing reflect that the Planning Commission considered that the higher roof was built as a temporary roof due to winterization of the building, that the built roof looks different from those in the City, and that a neighbor felt that the house was built in its view. The Planning Commission also conducted a duly noticed public

field trip visit to the site on October 17, 2017. The Planning Commission denied the request at its regular December 19, 2017 meeting.

Section 4. Following the Planning Commission's denial of Zoning Case No. 932, the City Council took jurisdiction of the application at its January 8, 2018 meeting. All materials, documents, and information provided to the Planning Commission by the Applicants and their neighbors at 26 Cinchring Road were included with the staff report to the City Council for its January 8, 2018 meeting. Pursuant to Section 17.54.015 of the Rolling Hills Municipal Code, a review hearing for cases taken under jurisdiction by the City Council shall be conducted *de novo*.

Section 5. On January 30, 2018, the City Council held a duly noticed public field trip visit to the site to observe the project, reviewed and considered the staff report and the Applicants' request, took brief public testimony, and put other information on the record. The minutes reflect that the City Council considered comment from adjacent property neighbors that they used to have a view of the canyon and Palos Verdes Land Conservancy and that the proposed Modifications would obstruct their view further. The City Council continued the public field trip visit to its regularly scheduled meeting on February 12, 2018. The Applicants and their representatives were in attendance at both the hearings.

At the February 12, 2018 duly noticed public hearing, the City Council heard evidence presented by all persons interested in the application for the proposed Modifications and by members of the City staff. The staff report reflects that the ridge height of the original house was 916.86 ft.; the ridge height in the approved plans was 917.25 ft.; and the ridge height in the proposed plans is 919.25 ft. The City Council reviewed, analyzed, and studied the application for the proposed Modifications, the evidence presented at the January 30, 2018 public field trip visit, and the evidence presented at the February 12, 2018 public hearing, including submissions by Architect for Residents at 26 Cinchring Road, Vincent P. DiBiasi, and by Representative for Applicants, Allen Rigg. While Mr. DiBiasi contends that the massing of the proposed Modifications would be more significant than the approved plans, Mr. Rigg suggests that the mass is "nearly identical" in the front and "less" in the rear without providing any computation as compared to the approved plans. While no empirical data was presented to the City Council, based on the image of an overlay of the structure as-built, proposed, and approved, the structure overall appears to have more mass.

Section 6. The City Council finds that the project qualifies as a Class 3 Exemption [California Environmental Quality Act (CEQA) Guidelines, Section 15303] and is therefore categorically exempt from environmental review under the CEQA.

Section 7. Having considered the evidence, the City Council makes the following findings of fact:

- A. The proposed Modifications are not compliant or consistent with the goals and policies of the City's general plan. Goal 1 and Goal 2 of the City's General Plan relating to its Land Use Element set forth policies requiring that development conform with the City's existing low-profile, ranch style architecture and ensure the siting of buildings maintain and preserve views and adjacent structures through the site review process. The proposed Modifications do not conform with the City's goal of maintaining low-profile, California ranch style homes because the proposed ridge height elevation and roof type would add visual massing and bulk to the previously approved single-family residence. Furthermore, the proposed Modifications do not preserve views from adjacent residences. The 919.25 ft. Dutch gable roof has an unnecessarily higher and bulkier profile than the previously approved project with a 917.25 ft. hip roof. The proposed Modifications to increase the slope from 3:12 to 4:12 would also increase the mass of the structure. The previously approved plan is consistent with the General Plan goals.
- B. The proposed Modifications are not harmonious in scale and mass with the site and the natural terrain and surrounding residences. The proposed Modifications do not conform with the City's goal of maintaining low-profile, ranch style homes because the proposed ridge height elevation and roof type would add visual massing and bulk to the previously approved single-family residence. Additionally, the maximum height for the mixed-use structure as established in Resolution 2009-06 was 14 ft.: "The roofline of the structure will not exceed 14 feet." The height of the mixed use

structure was determined at that time to be compatible with the surrounding neighborhood and suitable for a ranch-style single-family home. The plan for the mixed use structure relied on the approved plans for the residential structure; both plans were consistent with each other and in harmony with the low-profile, ranch style homes in the City. The Applicants offer no relevant justification for increasing the height as now proposed, rendering the proposed home incompatible with the site and surrounding properties. The proposed Modifications would also be visible from the street and to neighbors and do not preserve viewscales from an adjacent residence. The 919.25 ft. Dutch gable roof has an unnecessarily higher and bulkier profile than the previously approved 917.25 ft. hip roof. The proposed Modifications to increase the slope from 3:12 to 4:12 would also increase the mass of the structure.

Section 8. Based upon the foregoing findings, the City Council hereby denies the application in Zoning Case No. 932 for height and roof modification of a previously approved project. The previously approved project is shown on an approved development plan stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014.

Section 9. The Applicant's unpermitted construction of a higher than approved structure constitutes a Building Code violation. Staff is directed to require the Applicants to bring the height of the residence into compliance with the plan, which was previously approved. Therefore, the Applicants shall undertake the following actions:

- A. Within three months of this Resolution, the Applicants shall renew all construction permits through the Los Angeles County Building and Safety Department for this project and commence demolition of the illegal construction.
- B. Within six months of this Resolution, the Applicants shall commence the construction of the project, including the previously approved roofline, in compliance with the approved plans and commence grading activity for the previously approved detached garage/recreation room and access thereto per the specifications outlined in Resolution No. 2009-06.
- C. Within eight months of this Resolution, the Applicants shall obtain a building permit for the construction of the previously approved detached garage/recreation room and access thereto per the specification outlined in Resolution No. 2009-06.
- D. Within twelve months of this Resolution, the entire project shall be substantially completed per the specifications outlined in Resolution No. 2009-06 and per the approved development plan stamp dated at the Los Angeles County Building and Safety Department on May 8, 2014, including the construction of the driveway to the garage. At that time, the construction fence shall be removed from the premises together with any unnecessary and unused construction materials, green waste, or other debris.
- E. Within fifteen months of this Resolution, the entire project shall be completed. Prior to receiving a final inspection or a certificate of occupancy from the Los Angeles County Building and Safety Department both structures (residence and the mixed use) and the driveway shall be completed and fully functional.
- F. The highest ridgeline of the house shall not be higher than 917.25 ft. in elevation, as shown on the approved plans. This specified height of the ridgeline includes the finished roof, not merely the sheeting of the roof. Prior to placing the finished material on the roof, the ridgeline shall be certified by a certified civil or structural engineer, acceptable to City staff. Prior to obtaining final inspection or a certificate of occupancy, certification of the ridge height of the residence, prepared by a certified civil or structural engineer, acceptable to City staff, shall be submitted to City staff and the Los Angeles County Building and Safety Department to confirm or deny whether the completed project is in compliance with the approved plans. Applicants shall also be in compliance with all conditions of Resolution No. 2009-06.
- G. At the City Council's discretion, it may grant a time extension at each benchmark in the timeline of actions specified in this Section if the Applicants file an application, including the corresponding fees, with City staff before the date of the required action

as specified in this Section and the City Council finds that that the denial of the extension would constitute an undue hardship upon the Applicants and that the approval of the extension would not be materially detrimental to the health, safety, and general welfare of the public.

Section 10. The City Council further finds that the actions to bring the Applicants' property into compliance with the previously approved plan as specified in Section 10 of this Resolution are of great importance and are necessary to promote the health, safety, and general welfare of the residents of the City, and therefore, the City Council resolves that said actions shall be made within the time frame specified in Section 9 of this Resolution.

Section 11. The City or the Los Angeles County Building and Safety Department staff may require that a construction fence be erected for the duration of the construction of this project. Such fence shall not be located in any easement or cross over any trails or natural drainage courses and shall be removed immediately upon substantial completion of the project, or as otherwise required by said staff.

Section 12. Prior to commencing the actions specified in Section 9 of this Resolution, the Applicants shall execute and record an Affidavit of Acceptance of all conditions of this Resolution in the Los Angeles County Registrar-Recorder/County Clerk's Office.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF FEBRUARY 2018.



JAMES BLACK, M.D., MAYOR

ATTEST:



YVETTE HALL, 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. 1221 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS
DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF
TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR
REMODEL OF A SINGLE-FAMILY RESIDENCE AT **24 CINCHRING ROAD**
(LOT 18-3-CH), IN ZONING CASE NO. 932, (NAKAMURA).

was approved and adopted at a regular meeting of the City Council on February 26, 2018 by the
following roll call vote:

AYES: Councilmembers Dieringer, Mirsch, Pieper and Wilson.

NOES: Mayor Black

ABSENT: None.

ABSTAIN: None.

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

Administrative Offices.



YVETTE HALL, CITY CLERK



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JANELY SANDOVAL, CITY CLERK

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: RECEIVE AN UPDATE REGARDING A PENINSULA CITIES JOINT LETTER EXPRESSING CONCERNS REGARDING SPECIAL DIRECTIVE POLICIES IMPACTING PUBLIC SAFETY AND PROVIDE DIRECTION TO STAFF.

DATE: June 14, 2021

BACKGROUND:

On May 24, 2021, the City Council directed Mayor Pro Tem Jim Black to sign the Peninsula joint letter on Concerns Regarding Special Directive Policies Impacting Public Safety. Staff reported that at the time of the City Council's directive, the issue was also discussed at other Peninsula Cities. In light of this, at the May 24, 2021 meeting, the City Council also directed staff to report on the participation of other Peninsula Cities on the matter, before the letter is signed.

DISCUSSION:

Staff corresponded with the three other three Peninsula Cities and Palos Verdes Estates and Rancho Palos Verdes will sign or have signed the joint letter as presented on May 24, 2021. Rolling Hills Estates may not move forward with the joint letter, but this has not been confirmed by Rolling Hills Estates staff. Palos Verdes Estates and Rancho Palos Verdes have expressed that they like to move forward with the joint letter without Rolling Hills Estates.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends that the City Council continue participation in the joint letter with the cities of Palos Verdes Estates and Rancho Palos Verdes.

ATTACHMENTS:

[Three PV Peninsula Cities_Gascon Policy Concerns.docx](#)



June 15, 2021

Via Email

The Honorable George Gascón
Los Angeles County District Attorney's Office
211 West Temple Street, Suite 1200
Los Angeles, CA 90012

SUBJECT: Concerns Regarding Special Directive Policies Impacting Public Safety

Dear District Attorney Gascón:

The cities of Rancho Palos Verdes, Palos Verdes Estates, and Rolling Hills are writing to you today to express our concerns regarding your Special Directive policies which are negatively impacting public safety. The District Attorney's Office has a legal and ethical responsibility to execute laws enacted by voters and the Legislature, to prevent and prosecute crime, and protect the general public. Your unilaterally-issued Special Directives undermine the legislative and ballot process and risk the safety of the general public.

One of the major concerns of our communities is that criminals believe they can commit certain crimes with impunity under your Special Directives. When deterrence is undermined, people and businesses are threatened, and their ability to operate and live within a secure environment is compromised. Moreover, it hinders our public safety programs with local law enforcement. We ask that you consider the impact of your policies on the fate of residents, workers, and businesses.

The cities of Rancho Palos Verdes, Palos Verdes Estates, and Rolling Hills value and place the highest priority on public safety, with an emphasis on deterring crime and crime prevention. The issuance of numerous Special Directives and two subsequent amendments raised a red flag as these directives pose a serious threat to the well-being and safety of the residents of Los Angeles County and the residents of the Palos Verdes Peninsula. These directives included the following:

- Special Directive 20-06 eliminates cash bail for any misdemeanor, non-serious felony, or non-violent felony offense.
- Special Directive 20-07 declines or dismisses several misdemeanor charges, including trespassing, disturbing the peace, criminal threats, drug and paraphernalia possession, under the influence of controlled substance, public intoxication, and resisting arrest.

District Attorney Gascón
Page 2

- Special Directive 20-08 eliminates several sentence enhancements, including the Three Strikes Law, gang enhancements, and violations of bail.

The Special Directives listed undermine the legislative and ballot initiative process and risk the safety of the general public. It is of the utmost importance for our cities that policies which aim to restructure or amend prosecutorial directives are consistent with state law and issued with reasonable intent and priority to enhance public safety to protect the general public and victims' rights. It is imperative the District Attorney's Office uphold its duties and responsibilities to appropriately prosecute criminals, based on the evidence presented and consistent with state law.

We are supportive of policies that protect public safety through mental health and social services, but these Special Directives instead undermine the ability for crime deterrence and prevention.

The cities of Rancho Palos Verdes, Palos Verdes Estates, and Rolling Hills demand that the Los Angeles County District Attorney's Office uphold the laws of the state, whether they were established by the state Legislature or the voters, and demand no Special Directives be issued which contradict these laws.

Sincerely,

Eric Alegria
Mayor, City of Rancho Palos Verdes

Michael Kemps
Mayor, City of Palos Verdes Estates

James Black, M.D
Mayor Pro Tem, City of Rolling Hills

cc: L.A. County Board of Supervisors
Jeff Kiernan, League of California Cities
Marcel Rodarte, California Contract Cities Association
Jacki Bacharach, South Bay Cities Council of Governments
Rancho Palos Verdes City Council and City Manager
Palos Verdes Estates City Council and City Manager
Rolling Hills City Council and City Manager
Captain James Powers, Lomita Station, L.A. County Sheriff's Department
Chief Tony Best, Palos Verdes Estates Police Department
Association of Deputy District Attorneys



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.B

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ALAN PALERMO, PROJECT MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: REVIEW OVERALL PROJECT COST ESTIMATES AT 65% DESIGN PROGRESS FOR TWO LAYOUT OPTIONS FOR THE CITY HALL ADA IMPROVEMENTS PROJECT AND PROVIDE DIRECTION TO STAFF.

DATE: June 14, 2021

BACKGROUND:

In December 2019, the City released a Request For Proposal for Architectural and Engineering Design Services to prepare ADA Improvement Plans for the Rolling Hills City Hall, excluding building exterior path of travel.

At the January 27, 2020 City Council Meeting, City Council considered and approved a Professional Services Agreement with Pacific Architecture and Engineering, Inc. to prepare Improvement Plans (ADA and Space Planning).

A kick off meeting with Pacific Architecture and Engineering, Inc. was held February 27, 2020.

At the May 26, 2020 City Council Meeting, City Council received a presentation from staff on the options developed to bring the restrooms up to date and comply with ADA and related codes.

At the July 13, 2020 City Council Meeting, City Council received a presentation from staff with additional information to the two preferred options including opinions of probable costs of construction. At this July 13, 2021 City Council Meeting, City Council voted to move forward with the more economic Option 2 which kept the restrooms in the same location. Option 1 and Option 2 layouts presented at the July 13, 2020 City Council meeting are attached to this report.

Pacific Architecture and Engineering, Inc. has submitted the 65% plans for City review on March 9, 2021. This submittal incorporated the restroom option selected at the July 13, 2020 City Council Meeting. The City has reviewed the 65% plans with comments. Before City review comments are returned to Pacific Architecture and Engineering, Inc. to further develop the plans to 90% design, Councilmember Jeff Piper noted that the City considered the options with the cost estimate capturing the cost to improve the restrooms and not the overall project. Councilmember Pieper recommended that the City Council revisit the restroom options. In response to Councilmember Pieper's suggestion, at

the April 12, 2021 meeting, the City Council directed staff to provide a comprehensive project cost estimate for restroom layout Options 1 and 2.

DISCUSSION:

In July 2020, staff was directed to develop layout Option 2 to design completion. In March 2021, design development of Option 2 reached 65%. In response to the City Council's directive from the April 12, 2021 meeting, Pacific Architecture and Engineering Inc. was authorized to use budget dedicated for design of Option 2 to prepare comprehensive project cost estimates for both restroom options/layouts. To do so, Option 1 needed to be developed to the 65% level to have a project cost estimate that can be compared to the project cost estimate of Option 2.

Pacific Architecture and Engineering Inc. estimated that at 65% design completion, the overall project cost for implementing Option 2 is approximately \$784,390. At 65% design completion, the overall project cost for implementing Option 1 is approximately \$952,810. The cost difference between the two options is approximately \$168,420.

Pacific Architecture and Engineering Inc. estimated that at 10% design completion, the cost estimate to implement restroom improvements only for Option 2 was \$268,660. At 10% design completion, the cost estimate to implement restroom improvements only for Option 1 was \$671,420. The cost difference between the two restroom improvement options was \$402,760.

FISCAL IMPACT:

The cost of implementing the City Hall ADA improvement project is recommended to be budgeted in the Capital Improvement Program for FY 2021-2022.

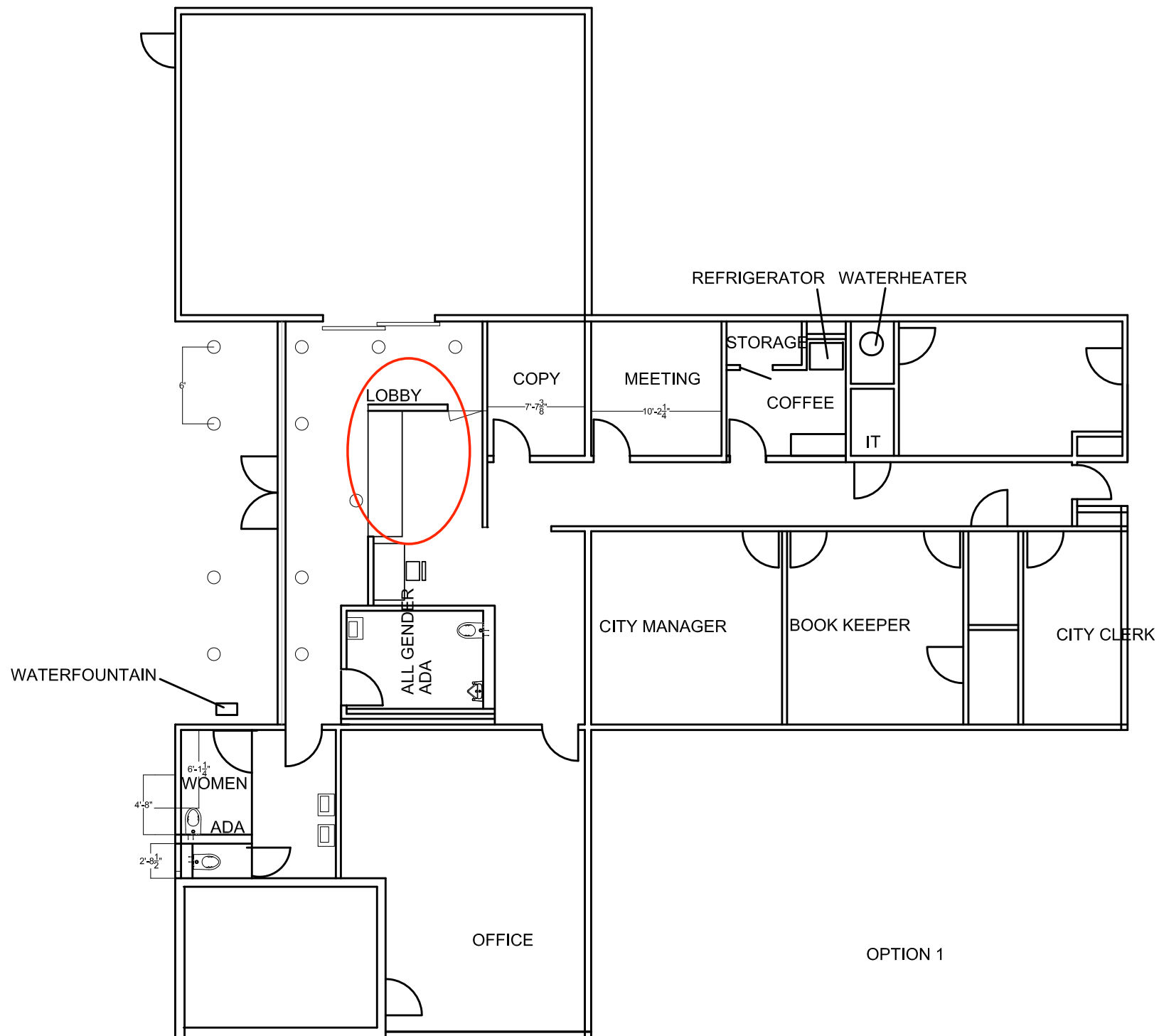
Depending on the City Council's direction after reviewing the additional cost estimates, additional budget may be needed for Pacific Architecture and Engineering Inc. to complete the design development to 100% and prepare construction documents.

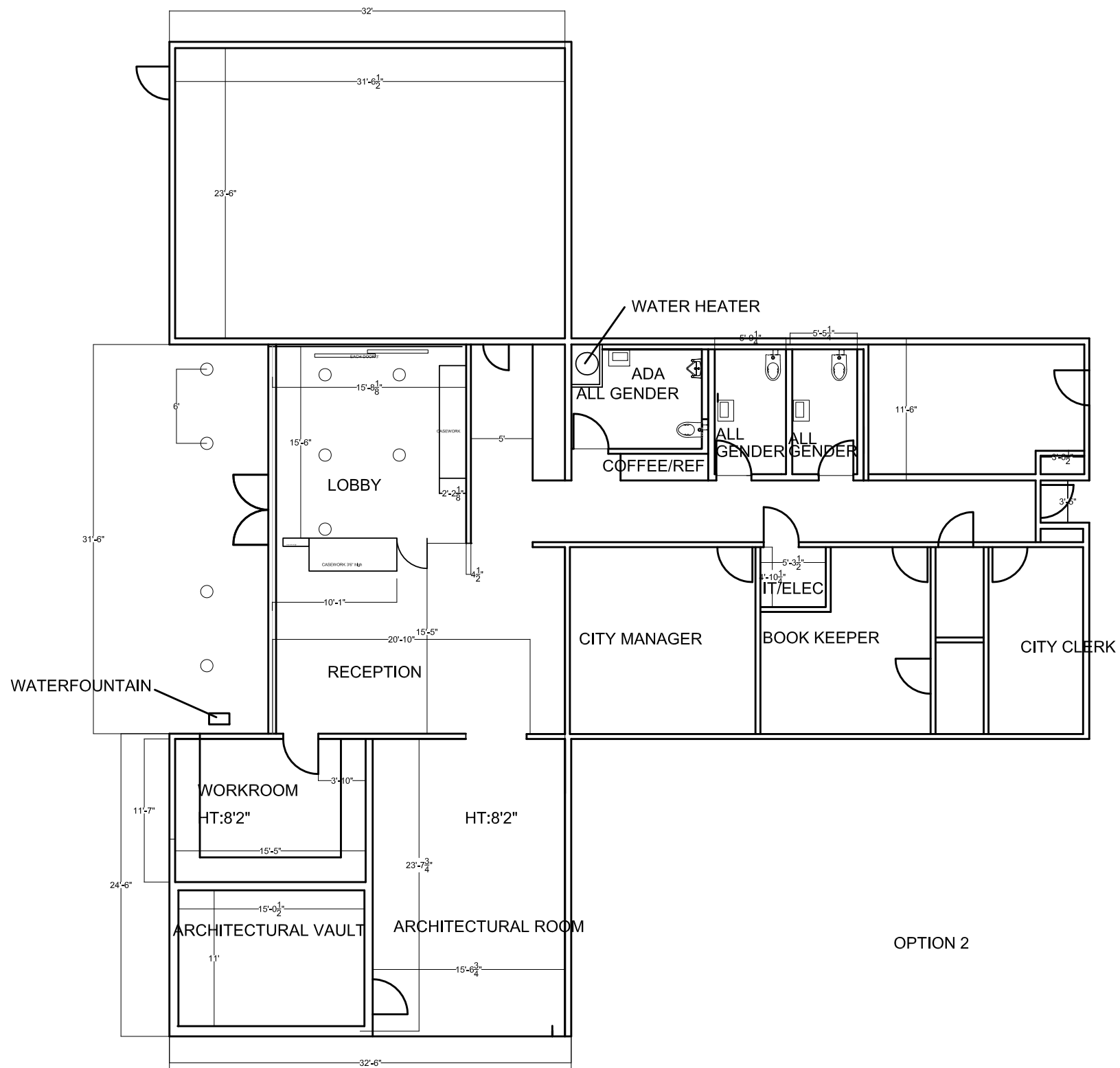
RECOMMENDATION:

Review additional data for the project and provide direction to staff.

ATTACHMENTS:

[rolling hills city hall _option1_202006008 Layout1 \(1\).pdf](#)
[rolling hills city hall _option2_202006008d Layout1 \(1\).pdf](#)
[20210519_city hall renovation cost estimate_two options.pdf](#)
[20200509_rollinghills_costestimate10.pdf](#)





ROLLING HILLS CITY HALL RENOVATIONS
2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA

TWO OPTIONS COMPARISON

May 17, 2021

PREPARED BY

FOR

PACIFIC ARCHITECTURE & ENGINEERING, INC.



Rev 0



PACIFIC ARCH & ENG, INC.

OFFICE: 424-3301721

DATE: 05/17/21
NO: 20-06
REV: 1

PROJECT: ROLLING HILLS CITY HALL RENOVATIONS
2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA

OWNER: CITY OF ROLLING HILLS

CLIENT: CITY OF ROLLING HILLS

DESIGN TEAM: PACIFIC ARCHITECTURE & ENGINEERING. INC.
ARCHITECTURAL: PACIFIC ARCH & ENG 310-405-3878
STRUCTURAL: TBD
MECHANICAL: TBD
ELECTRICAL: TBD

ESTIMATING TEAM:
ARCH/STRUCT: RW
PLUMBING: RW
ELECTRICAL: RW
CHECKED BY: JF

ESTIMATE LEVEL: TWO OPTIONS COMPARISON

ESTIMATE TYPE: OPINION OF COST

PLAN DATE: 2021-05-06, 14 PAGES

SPEC DATE: NONE

PROJECT TYPE: ADA & NON-ADA UPGRADES

PROJECT SCOPE:
THE CITY OF ROLLING HILLS IS MODERNIZING THEIR CITY HALL BUILDING WITH ADA UPGRADES IN THE RESTROOMS FOR OPTIONS 1 & 2 AND ADDITIONAL NON-ADA UPGRADES IN OTHER AREAS OF THE FACILITY IN OPTION 1 ONLY.

ESTIMATE BASIS:
THIS COST ESTIMATE IS DEFINED AS AN "OPINION OF COST" MEANING THAT THE COSTS REFLECTED IN THE ESTIMATE ARE THE CONSIDERED OPINION OF THE ESTIMATOR BASED ON THE CURRENT COSTS OF MATERIAL AND LABOR, UPON INFORMATION AVAILABLE IN PUBLISHED REFERENCE SOURCES, HISTORICAL COST DATA, CLIENT OR VENDOR PROVIDED COST DATA AND THE PERSONAL EXPERIENCE OF THE ESTIMATOR. THE FINAL COST OF THE PROJECT MAY VARY FROM THE ESTIMATOR'S "OPINION OF COST" BASED ON FACTORS BEYOND THE CONTROL OF THE ESTIMATOR SUCH AS, BUT NOT LIMITED TO, THE NUMBER OF GENERAL CONTRACTORS AND/OR SUBCONTRACTORS PARTICIPATING IN THE BID PROCESS; SUDDEN CHANGES IN NATIONAL AND LOCAL MARKET CONDITIONS; THE NATIONAL AND LOCAL ECONOMY; AND DECISIONS MADE BY THE CLIENT.



COMPETITIVE BIDDING:

THE PRICES IN THIS ESTIMATE ARE BASED ON COMPETITIVE BIDDING. COMPETITIVE BIDDING IS RECEIVING RESPONSIVE BIDS FROM AT LEAST FIVE OR MORE GENERAL CONTRACTORS AND THREE OR MORE RESPONSIVE BIDS FROM MAJOR SUBCONTRACTORS OR TRADES. MAJOR SUBCONTRACTORS ARE CONCRETE, MASONRY, STRUCTURAL STEEL, FRAMING, ROOFING, MECHANICAL, PLUMBING AND ELECTRICAL SUBCONTRACTORS AND ANY OTHER MAJOR COMPONENTS OF THE PROJECT.

WITHOUT COMPETITIVE BIDDING, CONTRACTOR BIDS CAN AND HAVE RANGED FROM 25% TO 100% AND MORE OVER THE PRICES IN THIS ESTIMATE, DEPENDING ON THE SIZE OF THE JOB. WITH COMPETITIVE BIDDING, CONTRACTOR BIDS CAN RANGE AS LOW AS 25% BELOW THE PRICES IN THIS ESTIMATE BASED ON CURRENT MARKET CONDITIONS.

ESCALATION:

ESCALATION IS BASED ON 3.5% PER YEAR AND CARRIED FROM THE ESTIMATE DATE TO THE MID-POINT OF CONSTRUCTION. ONE MAJOR FACTOR IN ESCALATION IS INFLATION AND WE MAY BE IN A PERIOD WITH THE POTENTIAL FOR EXTREME INFLATIONARY PRESSURES. THERE ARE TOO MANY VARIABLES TO DETERMINE HOW ESCALATION WILL IMPACT ANY SPECIFIC PROJECT. THERE MAY ONLY BE NEGLIGIBLE IMPACT OR IT MAY BE GREATER THAN PREDICTED.

WAGE RATES:

THIS OPINION OF COST IS BASED ON MARKET WAGE-RATES & CONDITIONS AND CURRENTLY APPLICABLE PREVAILING WAGES IN LOS ANGELES COUNTY.

WORK SCOPE CHANGES:

THE USER IS CAUTIONED THAT SIGNIFICANT CHANGES IN THE SCOPE OF THE PROJECT, OR ALTERATIONS TO THE PROJECT DOCUMENTS AFTER COMPLETION OF THIS OPINION OF COST ESTIMATE CAN CAUSE MAJOR COST CHANGES. IN THIS CIRCUMSTANCE, TEAM SHOULD BE NOTIFIED AND AN APPROPRIATE ADJUSTMENT MADE TO THIS OPINION OF COST ESTIMATE.

PHASES: NONE

PRORATES:

| AREA SF: | GSF |
|---------------------|-----|
| ADA AREAS | 0 |
| NON-ADA AREAS | 0 |
| TOTAL BUILDING AREA | 0 |

| | |
|---------------------|-------|
| GENERAL CONDITIONS: | 25.0% |
| DESIGN CONTINGENCY: | 25.0% |
| ESCALATION: | 6.0% |
| INSURANCE & BONDS: | 1.2% |
| OVERHEAD & PROFIT: | 25.0% |

| | | | |
|--|----------|-------------|-------------|
| ESCALATION: | | | |
| ESCALATION (9 MONTHS TO MPC AT 3.5% P/A) | | | |
| ESCALATION PER YEAR: 6.0% | | | |
| ESTIMATE DATE: | 05/17/21 | | |
| START DATE: | 01/15/22 | CONST. LEN: | 6.0 MONTHS |
| FINISH DATE: | 07/15/22 | MID-POINT: | 12.0 MONTHS |



PACIFIC ARCH & ENG, INC.

OFFICE: 424-3301721

DATE: 05/17/21

NO: 20-06

REV: 1

SUPPLIER PROVIDED QUOTES & OTHER CONTACTS:

NONE

GENERAL EXCLUSIONS (UNLESS OTHERWISE NOTED):

1. ARCHITECTURAL FEES, ENGINEERING FEES & OTHER SOFT COSTS.
2. THE COST OF LAND & EASEMENT ACQUISITION.
3. ASSESSMENTS, TAXES, FINANCE, LEGAL & DEVELOPMENT CHARGES.
4. COMPRESSION OF SCHEDULE & PREMIUM OR SHIFT WORK.
5. RESTRICTIONS ON THE CONTRACTOR'S WORKING HOURS.
6. BUILDER'S RISK, PROJECT WRAP-UP & OTHER OWNER PROVIDED INSURANCE PROGRAMS.
7. SUSTAINABLE DESIGN & LEED REQUIREMENTS.
8. HAZARDOUS MATERIAL HANDLING, DISPOSAL & ABATEMENT.
9. ENVIRONMENTAL IMPACT MITIGATION.
10. OWNER SUPPLIED & INSTALLED FURNITURE, FIXTURES & EQUIPMENT.
11. LOOSE FURNITURE & EQUIPMENT EXCEPT AS SPECIFICALLY IDENTIFIED.

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
LOCATION: **ROLLING HILLS, CALIFORNIA**
CLIENT: **CITY OF ROLLING HILLS**
DESCRIPTION: **PROJECT SUMMARY**

JOB NO: **20-06**
PREPARED BY: **RW**
CHECKED BY: **JFH**
ESTIMATE DATE: **05/17/21**
REV: **0**

TWO OPTIONS COMPARISON

| TAB | DESCRIPTION | ADJ SF | UNIT | COST | TOTAL |
|-----|---|--------------|-------------|---------------------|---------------------|
| | PROJECT SUMMARY | | | | |
| | OPT 1 - OFFICES, PUBLIC AREAS & RESTROOMS | 3,100 | SF | \$307.36 | \$ 952,810 |
| | OPT 2 - OFFICES, PUBLIC AREAS & RESTROOMS | 2,590 | SF | \$302.85 | \$ 784,390 |
| | DELTA | | | | \$ 168,420 |
| | | | | | |
| | SPECULATIVE BID RANGE FORECAST BASED ON CURRENT MARKET CONDITIONS AND GENERAL CONTRACTOR BIDDER PARTICIPATION LEVELS | | | | |
| | | | % | OPTION 1 | OPTION 2 |
| | 1 - 2 GC BIDDERS | | 100% | \$ 1,905,620 | \$ 1,568,780 |
| | 2 - 3 GC BIDDERS | | 75% | \$ 1,667,420 | \$ 1,372,690 |
| | 3 - 4 GC BIDDERS | | 50% | \$ 1,429,220 | \$ 1,176,590 |
| | 4 - 5 GC BIDDERS | | 25% | \$ 1,191,020 | \$ 980,490 |
| | 5 - 6 GC BIDDERS | | 0% | \$ 952,810 | \$ 784,390 |
| | 6 - 7 GC BIDDERS | | -5% | \$ 905,170 | \$ 745,180 |
| | 7 - 8 GC BIDDERS | | -10% | \$ 857,530 | \$ 705,960 |
| | 8 - 9 GC BIDDERS | | -15% | \$ 809,890 | \$ 666,740 |
| | 10 + GC BIDDERS | | -20% | \$ 762,250 | \$ 627,520 |
| | NOTE: THE BASIC CONCEPT IS THAT HISTORICALLY WITH FEWER GC BIDDERS PRICES WILL GENERALLY RISE AND WITH MORE GC BIDDERS PRICES WILL GENERALLY FALL. | | | | |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **3,100**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|---|----------|-------|-----------------|-------------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | OPTION 1 | | | | |
| 1.10 | GENERAL CONDITIONS INCLUDED IN PRORATES | | | - | NONE |
| 2.10 | SITWORK | | 5.1% | 8.55 | 26,500 |
| 2.20 | DEMOLITION | | 5.7% | 9.57 | 29,670 |
| 3.10 | CONCRETE | | 4.8% | 8.04 | 24,910 |
| 6.10 | CARPENTRY | | 11.3% | 18.98 | 58,850 |
| 8.10 | DOORS & WINDOWS | | 12.7% | 21.37 | 66,250 |
| 9.10 | FINISHES | | 16.4% | 27.55 | 85,420 |
| 9.50 | TILE | | 4.6% | 7.72 | 23,930 |
| 10.10 | SPECIALTIES | | 1.6% | 2.72 | 8,430 |
| 15.10 | PLUMBING | | 7.1% | 11.94 | 37,000 |
| 15.20 | FIRE PROTECTION | | 0.9% | 1.50 | 4,650 |
| 15.30 | HVAC | | 11.9% | 20.00 | 62,000 |
| 16.10 | ELECTRICAL | | 17.9% | 30.00 | 93,000 |
| | TOTAL DIRECT COST | | | \$167.94 | \$ 520,610 |
| | PRORATES | | | | |
| | GENERAL CONDITIONS | 20.0% | | | 104,130 |
| | DESIGN CONTINGENCY | 25.0% | | | 130,160 |
| | ESCALATION | 6.0% | | | 31,240 |
| | SUBTOTAL | | | \$253.59 | \$ 786,140 |
| | CONTRACTOR BURDENS | | | | |
| | BONDS | 1.2% | | | 9,440 |
| | OVERHEAD & PROFIT | 20.0% | | | 157,230 |
| | OPTION 1 - TOTAL PROJECT COSTS | | | \$307.36 | \$ 952,810 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **3,100**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|---|-------------------------------------|----------------------------------|---|--|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 1.10 | GENERAL CONDITIONS See Prorates Above. | | | 0.00 | - |
| | SUBTOTAL 1.10 | \$0.00 | SF | | NONE |
| 2.10 | SITework Reroute (e) Sewer Line, 4" Restore Landscaping & Hardscape (Allowance) | 165 1 | LF LS | 100.00 10,000.00 | 16,500 10,000 - |
| | SUBTOTAL 2.10 | \$8.55 | SF | | 26,500 |
| 2.20 | DEMOLITION Mass Demolition Areas (Per SF Allowance) Power & Data Trench, 18"w Demo for New Restroom Concrete Demo Flooring Only (Per SF Allowance) Haul & Disposal Fees (Allowance) Sawcutting (Allowance) | 250 41 224 2,976 1 1 | SF LF SF SF LS LS | 10.00 50.00 10.00 5.00 5,500.00 2,500.00 | 2,500 2,050 2,240 14,880 5,500 2,500 - |
| | SUBTOTAL 2.20 | \$9.57 | SF | | 29,670 |
| 3.10 | CONCRETE New Restroom Sloping Concrete & Substrate Float & Level Previous Restroom Floor Concrete Curb, 6" Power & Data Trench, 18"w Misc. Concrete Work (Allowance) | 224 70 96 41 1 | SF SF LF LF LS | 35.00 10.00 65.00 125.00 5,000.00 | 7,840 700 6,240 5,130 5,000 - |
| | SUBTOTAL 3.10 | \$8.04 | SF | | 24,910 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **3,100**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|--|----------------|-----------|----------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 6.10 | CARPENTRY | | | | |
| | Rough Carpentry | | | | |
| | Wood Framed Walls, 2x4 x 134 lf | 1,340 | SF | 20.00 | 26,800 |
| | Wood Framed Furr Walls, 2x4 x 54 lf | 540 | SF | 20.00 | 10,800 |
| | Reframe (e) Door Openings | 14 | EA | 500.00 | 7,000 |
| | Finish Carpentry | | | | |
| | Lobby Reception Desk | 10 | LF | 650.00 | 6,500 |
| | Misc. Finish Carpentry (Per SF Allowance) | 3,100 | SF | 2.50 | 7,750 |
| | | | | | - |
| | SUBTOTAL 6.10 | \$18.98 | SF | | 58,850 |
| 8.10 | DOORS & WINDOWS | | | | |
| | Doors, Frames & Std Hardware | | | | |
| | New Interior Doors, SC Wood, 3'x7' | 9 | EA | 3,250.00 | 29,250 |
| | New Exterior Doors, SC Wood, 3'x7' | 4 | EA | 3,250.00 | 13,000 |
| | New Exterior Doors, SC Wood, 6'x7' | 1 | PR | 6,000.00 | 6,000 |
| | Includes Frames & Standard Hardware | | | | |
| | Additional Hardware | | | | |
| | Panic Hardware | 5 | EA | 1,500.00 | 7,500 |
| | Self Closers | 14 | EA | 750.00 | 10,500 |
| | | | | | - |
| | SUBTOTAL 8.10 | \$21.37 | SF | | 66,250 |
| 9.10 | FINISHES | | | | |
| | Wall Finishes | | | | |
| | Stucco, Exterior, 3 Coats | 1 | LS | 5,000.00 | 5,000 |
| | Gypboard, Walls, Type X, 5/8" | 3,220 | SF | 5.00 | 16,100 |
| | Insulation/Sound Batts | 1,880 | SF | 2.50 | 4,700 |
| | Misc. Patch & Repair (Per SF Allowance) | 3,100 | SF | 2.50 | 7,750 |
| | Walls include gypboard, sound batts & paint. | | | | |
| | Flooring | | | | |
| | Carpet Tiles | 2,536 | SF | 10.00 | 25,360 |
| | Vinyl Base, 4" | 670 | LF | 7.50 | 5,030 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **3,100**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|--|----------------|-----------|----------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | Ceilings | | | | |
| | Acoustic Ceiling Tile, 2x4 | 1,060 | SF | 7.50 | 7,950 |
| | Gypboard, Ceilings, Type X, 5/8" | 230 | SF | 5.00 | 1,150 |
| | Painting | | | | |
| | Painting, Walls, 3 Coats | 3,220 | SF | 2.50 | 8,050 |
| | Painting, Ceilings, 3 Coats | 230 | SF | 2.50 | 580 |
| | Paint/Stain Doors | 15 | EA | 150.00 | 2,250 |
| | Misc. Additional Painting (Allowance) | 1 | LS | 1,500.00 | 1,500 |
| | | | | | - |
| | SUBTOTAL 9.10 | \$27.55 | SF | | 85,420 |
| 9.50 | TILE | | | | |
| | Restrooms | | | | |
| | Ceramic Tile, Floor | 224 | SF | 25.00 | 5,600 |
| | Ceramic Tile, Wainscot, 4' | 336 | SF | 30.00 | 10,080 |
| | Lobby | | | | |
| | Ceramic Tile, Floor | 216 | SF | 25.00 | 5,400 |
| | Ceramic Tile, Base | 95 | LF | 30.00 | 2,850 |
| | | | | | - |
| | SUBTOTAL 9.50 | \$7.72 | SF | | 23,930 |
| 10.10 | SPECIALTIES | | | | |
| | Toilet Partitions & Accessories | | | | |
| | Toilet Partition, ADA | 1 | EA | 1,500.00 | 1,500 |
| | Toilet Partition, Door & Panel | 1 | EA | 500.00 | 500 |
| | Coat Hooks | 3 | EA | 75.00 | 230 |
| | Grab Bar Sets | 2 | EA | 350.00 | 700 |
| | Mirrors | 3 | EA | 120.00 | 360 |
| | Paper Towel Dispenser & Waste Combo | 2 | EA | 750.00 | 1,500 |
| | Seat Cover Dispensers | 3 | EA | 75.00 | 230 |
| | Soap Dispensers | 3 | EA | 75.00 | 230 |
| | Toilet Paper Dispensers | 3 | EA | 75.00 | 230 |
| | General Building Specialties | | | | |
| | Corner Guards | 8 | EA | 75.00 | 600 |
| | Markerboards, 6'x4' | 1 | EA | 600.00 | 600 |
| | TV Wall Mounting Bracket | 1 | EA | 750.00 | 750 |
| | Misc. General Building Specialties (Allowance) | 1 | LS | 1,000.00 | 1,000 |
| | | | | | - |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **3,100**

REV 0

| TWO OPTIONS COMPARISION | | | | | |
|-------------------------|----------------|----------|------|------|-------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | | | | | |
| | SUBTOTAL 10.10 | \$2.72 | SF | | 8,430 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **3,100**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|--|----------------|-----------|----------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 15.10 | PLUMBING | | | | |
| | Toilets | 3 | EA | 2,500.00 | 7,500 |
| | Urinals | 1 | EA | 1,500.00 | 1,500 |
| | Lavatories | 3 | EA | 1,000.00 | 3,000 |
| | Plumbing Rough-Ins | 7 | EA | 3,500.00 | 24,500 |
| | Sterilization & Testing | 1 | LS | 1,000.00 | 500 |
| | | | | | - |
| | SUBTOTAL 15.10 | \$11.94 | SF | | 37,000 |
| 15.20 | FIRE PROTECTION | | | | |
| | Adjust Sprinkler Heads (Per SF Allowance) | 3,100 | SF | 1.50 | 4,650 |
| | | | | | - |
| | SUBTOTAL 15.20 | \$1.50 | SF | | 4,650 |
| 15.30 | HVAC | | | | |
| | Reconfigure Existing HVAC (Per SF Allowance) | 3,100 | SF | 20.00 | 62,000 |
| | | | | | - |
| | SUBTOTAL 15.30 | \$20.00 | SF | | 62,000 |
| 16.10 | ELECTRICAL | | | | |
| | Reconfigure Existing Electrical (Per SF Allowance) | 3,100 | SF | 30.00 | 93,000 |
| | | | | | - |
| | SUBTOTAL 16.10 | \$30.00 | SF | | 93,000 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **2,590**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|---|----------|-------|-----------------|-------------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | OPTION 2 | | | | |
| 1.10 | GENERAL CONDITIONS INCLUDED IN PRORATES | | | - | NONE |
| 2.10 | SITWORK | | 0.0% | - | NONE |
| 2.20 | DEMOLITION | | 6.1% | 9.33 | 24,170 |
| 3.10 | CONCRETE | | 5.1% | 7.83 | 20,290 |
| 6.10 | CARPENTRY | | 12.4% | 19.15 | 49,600 |
| 8.10 | DOORS & WINDOWS | | 11.7% | 18.07 | 46,800 |
| 9.10 | FINISHES | | 16.5% | 25.31 | 65,560 |
| 9.50 | TILE | | 4.2% | 6.51 | 16,870 |
| 10.10 | SPECIALTIES | | 1.2% | 1.83 | 4,730 |
| 15.10 | PLUMBING | | 9.3% | 14.29 | 37,000 |
| 15.20 | FIRE PROTECTION | | 1.0% | 1.50 | 3,890 |
| 15.30 | HVAC | | 13.0% | 20.00 | 51,800 |
| 16.10 | ELECTRICAL | | 19.5% | 30.00 | 77,700 |
| | TOTAL DIRECT COST | | | \$153.83 | \$ 398,410 |
| | PRORATES | | | | |
| | GENERAL CONDITIONS | 25.0% | | | 99,610 |
| | DESIGN CONTINGENCY | 25.0% | | | 99,610 |
| | ESCALATION | 6.0% | | | 23,910 |
| | SUBTOTAL | | | \$239.98 | \$ 621,540 |
| | CONTRACTOR BURDENS | | | | |
| | BONDS | 1.2% | | | 7,460 |
| | OVERHEAD & PROFIT | 25.0% | | | 155,390 |
| | OPTION 2 - TOTAL PROJECT COSTS | | | \$302.85 | \$ 784,390 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **2,590**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|---|-------------------------------------|----------------------------------|---|--|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 1.10 | GENERAL CONDITIONS See Prorates Above. | | | 0.00 | - - |
| | SUBTOTAL 1.10 | \$0.00 | SF | | NONE |
| 2.10 | SITEWORK None | | | | - - |
| | SUBTOTAL 2.10 | \$0.00 | SF | | NONE |
| 2.20 | DEMOLITION Mass Demolition Areas (Per SF Allowance) Power & Data Trench, 18"w Demo for New Restroom Concrete Demo Flooring Only (Per SF Allowance) Haul & Disposal Fees (Allowance) Sawcutting (Allowance) | 250 41 260 2,264 1 1 | SF LF SF SF LS LS | 10.00 50.00 10.00 5.00 4,700.00 1,000.00 | 2,500 2,050 2,600 11,320 4,700 1,000 - |
| | SUBTOTAL 2.20 | \$9.33 | SF | | 24,170 |
| 3.10 | CONCRETE New Restroom Sloping Concrete & Substrate Concrete Curb, 6" Power & Data Trench, 18"w Misc. Concrete Work (Allowance) | 186 110 41 1 | SF LF LF LS | 35.00 65.00 125.00 1,500.00 | 6,510 7,150 5,130 1,500 - |
| | SUBTOTAL 3.10 | \$7.83 | SF | | 20,290 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **2,590**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|--|----------------|-----------|----------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 6.10 | CARPENTRY | | | | |
| | Rough Carpentry | | | | |
| | Wood Framed Walls, 2x4 x 80 lf | 800 | SF | 20.00 | 16,000 |
| | Wood Framed Furr Walls, 2x4 x 38 lf | 380 | SF | 20.00 | 7,600 |
| | Finish Carpentry | | | | |
| | Lobby Reception Desk | 9 | LF | 650.00 | 5,850 |
| | Coffee Break, Base Cab | 9 | LF | 450.00 | 4,050 |
| | Coffee Break, Wall Cab | 9 | LF | 350.00 | 3,150 |
| | Misc. Finish Carpentry (Per SF Allowance) | 2,590 | SF | 5.00 | 12,950 |
| | | | | | - |
| | SUBTOTAL 6.10 | \$19.15 | SF | | 49,600 |
| 8.10 | DOORS & WINDOWS | | | | |
| | New Interior Doors, SC Wood, 3'x7' | 13 | EA | 3,600.00 | 46,800 |
| | Includes Frames & Standard Hardware | | | | - |
| | SUBTOTAL 8.10 | \$18.07 | SF | | 46,800 |
| 9.10 | FINISHES | | | | |
| | Wall Finishes | | | | |
| | Stucco, Exterior, 3 Coats | 1 | LS | 5,000.00 | 5,000 |
| | Gypboard, Type X, 5/8" | 1,980 | SF | 5.00 | 9,900 |
| | Insulation/Sound Batts | 1,180 | SF | 2.50 | 2,950 |
| | Misc. Patch & Repair (Per SF Allowance) | 2,590 | SF | 2.50 | 6,480 |
| | Walls include gypboard, sound batts & paint. | | | | |
| | Flooring | | | | |
| | Carpet Tiles | 2,264 | SF | 10.00 | 22,640 |
| | Vinyl Base, 4" | 530 | LF | 7.50 | 3,980 |
| | Ceilings | | | | |
| | Suspended/Framed' Gypboard Ceiling | 242 | SF | 20.00 | 4,840 |
| | Gypboard, Ceilings, Type X, 5/8" | 242 | SF | 2.50 | 610 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
LOCATION: **ROLLING HILLS, CALIFORNIA**
CLIENT: **CITY OF ROLLING HILLS**
DESCRIPTION: **OPTION 2 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
PREPARED BY: **RW**
CHECKED BY: **JFH**
ESTIMATE DATE: **05/17/21**
ADJUSTED GSF: **2,590**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|--|----------------|-----------|----------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | Painting | | | | |
| | Painting, Walls, 3 Coats | 1,980 | SF | 2.50 | 4,950 |
| | Painting, Ceilings, 3 Coats | 242 | SF | 2.50 | 610 |
| | Paint/Stain Doors | 13 | EA | 200.00 | 2,600 |
| | Misc. Additional Painting (Allowance) | 1 | LS | 1,000.00 | 1,000 |
| | | | | | - |
| | SUBTOTAL 9.10 | \$25.31 | SF | | 65,560 |
| 9.50 | TILE | | | | |
| | Restrooms | | | | |
| | Ceramic Tile, Floor | 190 | SF | 25.00 | 4,750 |
| | Ceramic Tile, Wainscot, 4' | 404 | SF | 30.00 | 12,120 |
| | | | | | - |
| | SUBTOTAL 9.50 | \$6.51 | SF | | 16,870 |
| 10.10 | SPECIALTIES | | | | |
| | Toilet Accessories | | | | |
| | Coat Hooks | 3 | EA | 75.00 | 230 |
| | Grab Bar Sets | 2 | EA | 350.00 | 700 |
| | Mirrors | 3 | EA | 120.00 | 360 |
| | Paper Towel Dispenser & Waste Combo | 3 | EA | 750.00 | 2,250 |
| | Seat Cover Dispensers | 3 | EA | 75.00 | 230 |
| | Soap Dispensers | 3 | EA | 75.00 | 230 |
| | Toilet Paper Dispensers | 3 | EA | 75.00 | 230 |
| | General Building Specialties | | | | |
| | Misc. General Building Specialties (Allowance) | 1 | LS | 500.00 | 500 |
| | | | | | - |
| | SUBTOTAL 10.10 | \$1.83 | SF | | 4,730 |
| 15.10 | PLUMBING | | | | |
| | Toilets | 3 | EA | 2,500.00 | 7,500 |
| | Urinals | 1 | EA | 1,500.00 | 1,500 |
| | Lavatories | 3 | EA | 1,000.00 | 3,000 |
| | Plumbing Rough-Ins | 7 | EA | 3,500.00 | 24,500 |
| | Sterilization & Testing | 1 | LS | 500.00 | 500 |
| | | | | | - |
| | SUBTOTAL 15.10 | \$14.29 | SF | | 37,000 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - OFFICES, PUBLIC AREAS & RESTROOMS**

JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/17/21**
 ADJUSTED GSF: **2,590**

REV 0

| TWO OPTIONS COMPARISON | | | | | |
|------------------------|---|----------------|-----------|-------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 15.20 | FIRE PROTECTION Adjust Sprinkler Heads (Per SF Allowance) | 2,590 | SF | 1.50 | 3,890 - |
| | SUBTOTAL 15.20 | \$1.50 | SF | | 3,890 |
| 15.30 | HVAC Reconfigure Existing HVAC (Per SF Allowance) | 2,590 | SF | 20.00 | 51,800 - |
| | SUBTOTAL 15.30 | \$20.00 | SF | | 51,800 |
| 16.10 | ELECTRICAL Reconfigure Existing Electrical (Per SF Allowance) | 2,590 | SF | 30.00 | 77,700 - |
| | SUBTOTAL 16.10 | \$30.00 | SF | | 77,700 |



**ROLLING HILLS CITY HALL RENOVATIONS
2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA**

10% SCHEMATIC DESIGN COST ESTIMATE

May 9, 2020

**RHWCC JOB NUMBER:
20-06**

PREPARED BY

**PACIFIC ARCHITECTURE & ENGINEERING, INC.
HERMOSA BEACH, CA**



Rev 0



PACIFIC ARCH & ENG, INC.
2447 PACIFIC COAST HIGHWAY, SUITE 218
HERMOSA BEACH, CA 90254

OFFICE: 310-698-8711

DATE: 05/09/20
RHW NO: 20-06
REV: 0

PROJECT: ROLLING HILLS CITY HALL RENOVATIONS
2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIFORNIA

OWNER: CITY OF ROLLING HILLS

CLIENT: CITY OF ROLLING HILLS

DESIGN TEAM: PACIFIC ARCHITECTURE & ENGINEERING. INC.

ARCHITECTURAL: PACIFIC ARCH & ENG
STRUCTURAL: TBD
MECHANICAL: TBD
ELECTRICAL: TBD

ESTIMATING TEAM:

ARCH/STRUCT: RW
PLUMBING: RW
ELECTRICAL: RW
CHECKED BY: JFH

ESTIMATE LEVEL: 10% SCHEMATIC DESIGN COST ESTIMATE

ESTIMATE TYPE: OPINION OF COST

PLAN DATE: 2020-05-06, 3 PAGES

SPEC DATE: NONE

PROJECT TYPE: ADA & NON-ADA UPGRADES

PROJECT SCOPE:

THE CITY OF ROLLING HILLS IS MODERNIZING THEIR CITY HALL BUILDING WITH ADA UPGRADES

ESTIMATE BASIS:

THIS COST ESTIMATE IS DEFINED AS AN "OPINION OF COST" MEANING THAT THE COSTS REFLECTED IN THE ESTIMATE ARE THE CONSIDERED OPINION OF THE ESTIMATOR BASED ON THE CURRENT COSTS OF MATERIAL AND LABOR, UPON INFORMATION AVAILABLE IN PUBLISHED REFERENCE SOURCES, HISTORICAL COST DATA, CLIENT OR VENDOR PROVIDED COST DATA AND THE PERSONAL EXPERIENCE OF THE ESTIMATOR. THE FINAL COST OF THE PROJECT MAY VARY FROM THE ESTIMATOR'S "OPINION OF COST" BASED ON FACTORS BEYOND THE CONTROL OF THE ESTIMATOR SUCH AS, BUT NOT LIMITED TO, THE NUMBER OF GENERAL CONTRACTORS AND/OR SUBCONTRACTORS PARTICIPATING IN THE BID PROCESS; SUDDEN CHANGES IN NATIONAL AND LOCAL MARKET CONDITIONS; THE NATIONAL AND LOCAL ECONOMY; AND DECISIONS MADE BY THE CLIENT.



PACIFIC ARCH & ENG, INC.
2447 PACIFIC COAST HIGHWAY, SUITE 218
HERMOSA BEACH, CA 90254

OFFICE: 310-698-8711

DATE: 05/09/20
RHW NO: 20-06
REV: 0

COMPETITIVE BIDDING:

THE PRICES IN THIS ESTIMATE ARE BASED ON COMPETITIVE BIDDING. COMPETITIVE BIDDING IS RECEIVING RESPONSIVE BIDS FROM AT LEAST FIVE OR MORE GENERAL CONTRACTORS AND THREE OR MORE RESPONSIVE BIDS FROM MAJOR SUBCONTRACTORS OR TRADES. MAJOR SUBCONTRACTORS ARE CONCRETE, MASONRY, STRUCTURAL STEEL, FRAMING, ROOFING, MECHANICAL, PLUMBING AND ELECTRICAL SUBCONTRACTORS AND ANY OTHER MAJOR COMPONENTS OF THE PROJECT.

WITHOUT COMPETITIVE BIDDING, CONTRACTOR BIDS CAN AND HAVE RANGED FROM 25% TO 100% AND MORE OVER THE PRICES IN THIS ESTIMATE, DEPENDING ON THE SIZE OF THE JOB. WITH COMPETITIVE BIDDING, CONTRACTOR BIDS CAN RANGE AS LOW AS 25% BELOW THE PRICES IN THIS ESTIMATE BASED ON CURRENT MARKET CONDITIONS.

ESCALATION:

ESCALATION IS BASED ON 3.5% PER YEAR AND CARRIED FROM THE ESTIMATE DATE TO THE MID-POINT OF CONSTRUCTION. ONE MAJOR FACTOR IN ESCALATION IS INFLATION AND WE MAY BE IN A PERIOD WITH THE POTENTIAL FOR EXTREME INFLATIONARY PRESSURES. THERE ARE TOO MANY VARIABLES TO DETERMINE HOW ESCALATION WILL IMPACT ANY SPECIFIC PROJECT. THERE MAY ONLY BE NEGLIGIBLE IMPACT OR IT MAY BE GREATER THAN PREDICTED.

WAGE RATES:

THIS OPINION OF COST IS BASED ON MARKET WAGE-RATES & CONDITIONS AND CURRENTLY APPLICABLE PREVAILING WAGES IN LOS ANGELES COUNTY.

WORK SCOPE CHANGES:

THE USER IS CAUTIONED THAT SIGNIFICANT CHANGES IN THE SCOPE OF THE PROJECT, OR ALTERATIONS TO THE PROJECT DOCUMENTS AFTER COMPLETION OF THIS OPINION OF COST ESTIMATE CAN CAUSE MAJOR COST CHANGES. IN THIS CIRCUMSTANCE, RHWCC SHOULD BE NOTIFIED AND AN APPROPRIATE ADJUSTMENT MADE TO THIS OPINION OF COST ESTIMATE.

PHASES: NONE

PRORATES:

| | | AREA SF: | GSF |
|---------------------|-------|---------------------|-----|
| GENERAL CONDITIONS: | 25.0% | ADA AREAS | 0 |
| DESIGN CONTINGENCY: | 35.0% | NON-ADA AREAS | 0 |
| ESCALATION: | 2.1% | | |
| INSURANCE & BONDS: | 1.2% | | |
| OVERHEAD & PROFIT: | 25.0% | TOTAL BUILDING AREA | 0 |

ESCALATION:
ESCALATION (9 MONTHS TO MPC AT 3.5% P/A)
ESCALATION PER YEAR: 3.5%
ESTIMATE DATE: 05/09/20
START DATE: 09/01/20 CONST. LEN: 6.0 MONTHS
FINISH DATE: 03/01/21 MID-POINT: 7.0 MONTHS



PACIFIC ARCH & ENG, INC.
2447 PACIFIC COAST HIGHWAY, SUITE 218
HERMOSA BEACH, CA 90254

OFFICE: 310-698-8711

| | |
|---------|----------|
| DATE: | 05/09/20 |
| RHW NO: | 20-06 |
| REV: | 0 |

SUPPLIER PROVIDED QUOTES & OTHER CONTACTS:

NONE

GENERAL EXCLUSIONS (UNLESS OTHERWISE NOTED):

1. ARCHITECTURAL FEES, ENGINEERING FEES & OTHER SOFT COSTS.
2. THE COST OF LAND & EASEMENT ACQUISITION.
3. ASSESSMENTS, TAXES, FINANCE, LEGAL & DEVELOPMENT CHARGES.
4. COMPRESSION OF SCHEDULE & PREMIUM OR SHIFT WORK.
5. RESTRICTIONS ON THE CONTRACTOR'S WORKING HOURS.
6. BUILDER'S RISK, PROJECT WRAP-UP & OTHER OWNER PROVIDED INSURANCE PROGRAMS.
7. SUSTAINABLE DESIGN & LEED REQUIREMENTS.
8. HAZARDOUS MATERIAL HANDLING, DISPOSAL & ABATEMENT.
9. ENVIRONMENTAL IMPACT MITIGATION.
10. OWNER SUPPLIED & INSTALLED FURNITURE, FIXTURES & EQUIPMENT.
11. LOOSE FURNITURE & EQUIPMENT EXCEPT AS SPECIFICALLY IDENTIFIED.

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **PROJECT SUMMARY**

RHWCC JOB NO: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 REV: **0**

10% SCHEMATIC DESIGN COST ESTIMATE

| TAB | DESCRIPTION | ADJ SF | UNIT | COST | TOTAL |
|-----|---|--------------|-------------|---------------------|-------------------|
| | PROJECT SUMMARY | | | | |
| | OPTION 1 - RESTROOMS & RECONFIGURATION | 1,390 | SF | \$483.04 | \$ 671,420 |
| | OPTION 2 - RESTROOMS | 260 | SF | \$1,033.31 | \$ 268,660 |
| | | | | | |
| | SPECULATIVE BID RANGE FORECAST BASED ON CURRENT MARKET CONDITIONS AND GENERAL CONTRACTOR BIDDER PARTICIPATION LEVELS | | | | |
| | | | % | OPTION 1 | OPTION 2 |
| | 1 - 2 GC BIDDERS | | 100% | \$ 1,342,840 | \$ 537,320 |
| | 2 - 3 GC BIDDERS | | 75% | \$ 1,174,990 | \$ 470,160 |
| | 3 - 4 GC BIDDERS | | 50% | \$ 1,007,130 | \$ 402,990 |
| | 4 - 5 GC BIDDERS | | 25% | \$ 839,280 | \$ 335,830 |
| | 5 - 6 GC BIDDERS | | 0% | \$ 671,420 | \$ 268,660 |
| | 6 - 7 GC BIDDERS | | -5% | \$ 637,850 | \$ 255,230 |
| | 7 - 8 GC BIDDERS | | -10% | \$ 604,280 | \$ 241,800 |
| | 8 - 9 GC BIDDERS | | -15% | \$ 570,710 | \$ 228,370 |
| | 10 + GC BIDDERS | | -20% | \$ 537,140 | \$ 214,930 |
| | NOTE: THE BASIC CONCEPT IS THAT HISTORICALLY WITH FEWER GC BIDDERS PRICES WILL GENERALLY RISE AND WITH MORE GC BIDDERS PRICES WILL GENERALLY FALL. | | | | |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
LOCATION: **ROLLING HILLS, CALIFORNIA**
CLIENT: **CITY OF ROLLING HILLS**
DESCRIPTION: **OPTION 1 - RESTROOMS & MISC. AREAS**

RHWCC JOB NO.: **20-06**
PREPARED BY: **RW**
CHECKED BY: **JFH**
ESTIMATE DATE: **05/09/20**
ADJUSTED GSF: **1,390**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|---|-----------------|-------------|-----------------|-------------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | OPTION 1 | | | | |
| 1.10 | GENERAL CONDITIONS INCLUDED IN PRORATES | | | - | NONE |
| 2.10 | SITWORK | | 7.1% | 17.99 | 25,000 |
| 2.20 | DEMOLITION | | 8.2% | 20.86 | 28,990 |
| 3.10 | CONCRETE | | 5.5% | 13.95 | 19,390 |
| 6.10 | CARPENTRY | | 7.5% | 19.05 | 26,480 |
| 8.10 | DOORS & WINDOWS | | 10.9% | 27.68 | 38,480 |
| 9.10 | FINISHES | | 18.8% | 47.68 | 66,280 |
| 9.50 | TILE | | 4.4% | 11.28 | 15,680 |
| 10.10 | SPECIALTIES | | 2.4% | 6.06 | 8,430 |
| 15.10 | PLUMBING | | 10.5% | 26.62 | 37,000 |
| 15.20 | FIRE PROTECTION | | 1.0% | 2.50 | 3,480 |
| 15.30 | HVAC | | 9.9% | 25.00 | 34,750 |
| 16.10 | ELECTRICAL | | 13.8% | 35.00 | 48,650 |
| | TOTAL DIRECT COST | | | \$253.68 | \$ 352,610 |
| | PRORATES | | | | |
| | GENERAL CONDITIONS | 20.0% | | | 70,530 |
| | DESIGN CONTINGENCY | 35.0% | | | 123,420 |
| | ESCALATION | 2.1% | | | 7,410 |
| | SUBTOTAL | | | \$398.54 | \$ 553,970 |
| | CONTRACTOR BURDENS | | | | |
| | BONDS | 1.2% | | | 6,650 |
| | OVERHEAD & PROFIT | 20.0% | | | 110,800 |
| | OPTION 1 - TOTAL PROJECT COSTS | | | \$483.04 | \$ 671,420 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - RESTROOMS & MISC. AREAS**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **1,390**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|------------------------------------|--|-------------------------------|----------------------------|--|---|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 1.10 | GENERAL CONDITIONS See Prorates Above. | | | 0.00 | - |
| | SUBTOTAL 1.10 | \$0.00 | SF | | NONE |
| 2.10 | SITework Sewer Line, 4" Restore Landscaping & Hardscape (Allowance) | 150 1 | LF LS | 100.00 10,000.00 | 15,000 10,000 - |
| | SUBTOTAL 2.10 | \$17.99 | SF | | 25,000 |
| 2.20 | DEMOLITION Mass Demolition Areas (Per SF Allowance) Demo for New Restroom Concrete Demo Flooring Only (Per SF Allowance) Haul & Disposal Fees (Allowance) Sawcutting (Allowance) | 1,200 224 190 1 1 | SF SF SF LS LS | 15.00 10.00 5.00 5,300.00 2,500.00 | 18,000 2,240 950 5,300 2,500 - |
| | SUBTOTAL 2.20 | \$20.86 | SF | | 28,990 |
| 3.10 | CONCRETE New Restroom Sloping Concrete & Substrate Float & Level Previous Restroom Floor Concrete Curb, 6" Misc. Concrete Work (Allowance) | 224 70 90 1 | SF SF LF LS | 35.00 10.00 65.00 5,000.00 | 7,840 700 5,850 5,000 - |
| | SUBTOTAL 3.10 | \$13.95 | SF | | 19,390 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - RESTROOMS & MISC. AREAS**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **1,390**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|------------------------------------|--|----------------|-----------|----------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 6.10 | CARPENTRY | | | | |
| | Rough Carpentry | | | | |
| | Wood Framed Walls, 2x4 | 1,250 | SF | 10.00 | 12,500 |
| | Wood Framed Walls, 2x8 | 200 | SF | 12.50 | 2,500 |
| | Reframe (e) Door Openings | 6 | EA | 500.00 | 3,000 |
| | Finish Carpentry | | | | |
| | Lobby Reception Desk, 10 lf | 1 | EA | 5,000.00 | 5,000 |
| | Misc. Finish Carpentry (Per SF Allowance) | 1,390 | SF | 2.50 | 3,480 |
| | | | | | - |
| | SUBTOTAL 6.10 | \$19.05 | SF | | 26,480 |
| 8.10 | DOORS & WINDOWS | | | | |
| | New Interior Doors, SC Wood, 3'x7' | 13 | EA | 2,960.00 | 38,480 |
| | Includes Frames & Standard Hardware | | | | - |
| | | | | | - |
| | SUBTOTAL 8.10 | \$27.68 | SF | | 38,480 |
| 9.10 | FINISHES | | | | |
| | Wall Finishes | | | | |
| | New Walls, 2x4 x 125 lf | 1,250 | SF | 20.00 | 25,000 |
| | New Walls, 2x8 x 20 lf | 200 | SF | 25.00 | 5,000 |
| | Misc. Patch & Repair (Per SF Allowance) | 1,390 | SF | 2.50 | 3,480 |
| | Walls include gypboard, sound batts & paint. | | | | |
| | Flooring | | | | |
| | Resilient Flooring | 570 | SF | 10.00 | 5,700 |
| | Carpet Tiles | 110 | SF | 10.00 | 1,100 |
| | Lobby Brick (Remove & Replace) | 380 | SF | 20.00 | 7,600 |
| | Vinyl Base, 4" | 410 | LF | 7.50 | 3,080 |
| | Ceilings | | | | |
| | Acoustic Ceiling Tile, 2x4 | 1,060 | SF | 7.50 | 7,950 |
| | Suspended Gypboard Ceiling | 224 | SF | 15.00 | 3,360 |
| | Paint Gypboard Ceiling | 224 | SF | 2.50 | 560 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
LOCATION: **ROLLING HILLS, CALIFORNIA**
CLIENT: **CITY OF ROLLING HILLS**
DESCRIPTION: **OPTION 1 - RESTROOMS & MISC. AREAS**

RHWCC JOB NO.: **20-06**
PREPARED BY: **RW**
CHECKED BY: **JFH**
ESTIMATE DATE: **05/09/20**
ADJUSTED GSF: **1,390**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|--|-----------------|-------------|-------------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | Additional Painting | | | | |
| | Paint/Stain Doors | 13 | EA | 150.00 | 1,950 |
| | Misc. Additional Painting (Allowance) | 1 | LS | 1,500.00 | 1,500 |
| | | | | | - |
| | SUBTOTAL 9.10 | \$47.68 | SF | | 66,280 |
| 9.50 | TILE | | | | |
| | Ceramic Tile, Floor | 224 | SF | 25.00 | 5,600 |
| | Ceramic Tile, Wainscot, 4' | 336 | SF | 30.00 | 10,080 |
| | | | | | - |
| | SUBTOTAL 9.50 | \$11.28 | SF | | 15,680 |
| 10.10 | SPECIALTIES | | | | |
| | Toilet Partitions & Accessories | | | | |
| | Toilet Partition, ADA | 1 | EA | 1,500.00 | 1,500 |
| | Toilet Partition, Door & Panel | 1 | EA | 500.00 | 500 |
| | Coat Hooks | 3 | EA | 75.00 | 230 |
| | Grab Bar Sets | 2 | EA | 350.00 | 700 |
| | Mirrors | 3 | EA | 120.00 | 360 |
| | Paper Towel Dispenser & Waste Combo | 2 | EA | 750.00 | 1,500 |
| | Seat Cover Dispensers | 3 | EA | 75.00 | 230 |
| | Soap Dispensers | 3 | EA | 75.00 | 230 |
| | Toilet Paper Dispensers | 3 | EA | 75.00 | 230 |
| | General Building Specialties | | | | |
| | Corner Guards | 8 | EA | 75.00 | 600 |
| | Markerboards, 6'x4' | 1 | EA | 600.00 | 600 |
| | TV Wall Mounting Bracket | 1 | EA | 750.00 | 750 |
| | Misc. General Building Specialties (Allowance) | 1 | LS | 1,000.00 | 1,000 |
| | | | | | - |
| | SUBTOTAL 10.10 | \$6.06 | SF | | 8,430 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 1 - RESTROOMS & MISC. AREAS**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **1,390**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|--|-----------------|-------------|-------------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 15.10 | PLUMBING | | | | |
| | Toilets | 3 | EA | 2,500.00 | 7,500 |
| | Urinals | 1 | EA | 1,500.00 | 1,500 |
| | Lavatories | 3 | EA | 1,000.00 | 3,000 |
| | Plumbing Rough-Ins | 7 | EA | 3,500.00 | 24,500 |
| | Sterilization & Testing | 1 | LS | 1,000.00 | 500 |
| | | | | | - |
| | SUBTOTAL 15.10 | \$26.62 | SF | | 37,000 |
| 15.20 | FIRE PROTECTION | | | | |
| | Adjust Sprinkler Heads (Per SF Allowance) | 1,390 | SF | 2.50 | 3,480 |
| | | | | | - |
| | SUBTOTAL 15.20 | \$2.50 | SF | | 3,480 |
| 15.30 | HVAC | | | | |
| | Reconfigure Existing HVAC (Per SF Allowance) | 1,390 | SF | 25.00 | 34,750 |
| | | | | | - |
| | SUBTOTAL 15.30 | \$25.00 | SF | | 34,750 |
| 16.10 | ELECTRICAL | | | | |
| | Reconfigure Existing Electrical (Per SF Allowance) | 1,390 | SF | 35.00 | 48,650 |
| | | | | | - |
| | SUBTOTAL 16.10 | \$35.00 | SF | | 48,650 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - RESTROOMS ONLY**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **260**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|---|-----------------|-------------|-------------------|-------------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| | OPTION 2 | | | | |
| 1.10 | GENERAL CONDITIONS INCLUDED IN PRORATES | | | - | NONE |
| 2.10 | SITEWORK | | 0.0% | - | NONE |
| 2.20 | DEMOLITION | | 7.0% | 35.38 | 9,200 |
| 3.10 | CONCRETE | | 11.9% | 60.04 | 15,610 |
| 6.10 | CARPENTRY | | 4.6% | 23.46 | 6,100 |
| 8.10 | DOORS & WINDOWS | | 6.8% | 34.15 | 8,880 |
| 9.10 | FINISHES | | 12.3% | 62.23 | 16,180 |
| 9.50 | TILE | | 13.2% | 66.81 | 17,370 |
| 10.10 | SPECIALTIES | | 3.6% | 18.19 | 4,730 |
| 15.10 | PLUMBING | | 28.2% | 142.31 | 37,000 |
| 15.20 | FIRE PROTECTION | | 0.5% | 2.50 | 650 |
| 15.30 | HVAC | | 4.9% | 25.00 | 6,500 |
| 16.10 | ELECTRICAL | | 6.9% | 35.00 | 9,100 |
| | TOTAL DIRECT COST | | | \$505.08 | \$ 131,320 |
| | PRORATES | | | | |
| | GENERAL CONDITIONS | 25.0% | | | 32,830 |
| | DESIGN CONTINGENCY | 35.0% | | | 45,970 |
| | ESCALATION | 2.1% | | | 2,760 |
| | SUBTOTAL | | | \$818.77 | \$ 212,880 |
| | CONTRACTOR BURDENS | | | | |
| | BONDS | 1.2% | | | 2,560 |
| | OVERHEAD & PROFIT | 25.0% | | | 53,220 |
| | OPTION 2 - TOTAL PROJECT COSTS | | | \$1,033.31 | \$ 268,660 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - RESTROOMS ONLY**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **260**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|------------------------------------|---|----------------------|----------------------|--|---|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 1.10 | GENERAL CONDITIONS See Prorates Above. | | | 0.00 | - - |
| | SUBTOTAL 1.10 | \$0.00 | SF | | NONE |
| 2.10 | SITework None | | | | - - |
| | SUBTOTAL 2.10 | \$0.00 | SF | | NONE |
| 2.20 | DEMOLITION Mass Demolition Areas (Per SF Allowance) Demo for New Restroom Concrete Haul & Disposal Fees (Allowance) Sawcutting (Allowance) | 260 260 1 1 | SF SF LS LS | 15.00 10.00 1,700.00 1,000.00 | 3,900 2,600 1,700 1,000 - |
| | SUBTOTAL 2.20 | \$35.38 | SF | | 9,200 |
| 3.10 | CONCRETE New Restroom Sloping Concrete & Substrate Concrete Curb, 6" Misc. Concrete Work (Allowance) | 210 104 1 | SF LF LS | 35.00 65.00 1,500.00 | 7,350 6,760 1,500 - |
| | SUBTOTAL 3.10 | \$60.04 | SF | | 15,610 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - RESTROOMS ONLY**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **260**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|--|-----------------|-------------|-------------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 6.10 | CARPENTRY | | | | |
| | Rough Carpentry | | | | |
| | Wood Framed Walls, 2x4 | 120 | SF | 10.00 | 1,200 |
| | Wood Framed Walls, Dbl 2x4 | 340 | SF | 12.50 | 4,250 |
| | Finish Carpentry | | | | |
| | Misc. Finish Carpentry (Per SF Allowance) | 260 | SF | 2.50 | 650 |
| | | | | | - |
| | SUBTOTAL 6.10 | \$23.46 | SF | | 6,100 |
| 8.10 | DOORS & WINDOWS | | | | |
| | New Interior Doors, SC Wood, 3'x7' | 3 | EA | 2,960.00 | 8,880 |
| | Includes Frames & Standard Hardware | | | | - |
| | SUBTOTAL 8.10 | \$34.15 | SF | | 8,880 |
| 9.10 | FINISHES | | | | |
| | Wall Finishes | | | | |
| | New Walls, 2x4 x 12 lf | 120 | SF | 20.00 | 2,400 |
| | New Walls, Dbl 2x4 x 34 lf | 340 | SF | 25.00 | 8,500 |
| | Misc. Patch & Repair (Per SF Allowance) | 260 | SF | 2.50 | 650 |
| | Walls include gypboard, sound batts & paint. | | | | |
| | Ceilings | | | | |
| | Suspended Gypboard Ceiling | 210 | SF | 15.00 | 3,150 |
| | Paint Gypboard Ceiling | 210 | SF | 2.50 | 530 |
| | Additional Painting | | | | |
| | Paint/Stain Doors | 3 | EA | 150.00 | 450 |
| | Misc. Additional Painting (Allowance) | 1 | LS | 500.00 | 500 |
| | | | | | - |
| | SUBTOTAL 9.10 | \$62.23 | SF | | 16,180 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - RESTROOMS ONLY**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **260**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|--|-----------------|-------------|-------------|---------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 9.50 | TILE | | | | |
| | Ceramic Tile, Floor | 210 | SF | 25.00 | 5,250 |
| | Ceramic Tile, Wainscot, 4' | 404 | SF | 30.00 | 12,120 |
| | | | | | - |
| | SUBTOTAL 9.50 | \$66.81 | SF | | 17,370 |
| 10.10 | SPECIALTIES | | | | |
| | Toilet Accessories | | | | |
| | Coat Hooks | 3 | EA | 75.00 | 230 |
| | Grab Bar Sets | 2 | EA | 350.00 | 700 |
| | Mirrors | 3 | EA | 120.00 | 360 |
| | Paper Towel Dispenser & Waste Combo | 3 | EA | 750.00 | 2,250 |
| | Seat Cover Dispensers | 3 | EA | 75.00 | 230 |
| | Soap Dispensers | 3 | EA | 75.00 | 230 |
| | Toilet Paper Dispensers | 3 | EA | 75.00 | 230 |
| | | | | | |
| | General Building Specialties | | | | |
| | Misc. General Building Specialties (Allowance) | 1 | LS | 500.00 | 500 |
| | | | | | - |
| | SUBTOTAL 10.10 | \$18.19 | SF | | 4,730 |
| 15.10 | PLUMBING | | | | |
| | Toilets | 3 | EA | 2,500.00 | 7,500 |
| | Urinals | 1 | EA | 1,500.00 | 1,500 |
| | Lavatories | 3 | EA | 1,000.00 | 3,000 |
| | Plumbing Rough-Ins | 7 | EA | 3,500.00 | 24,500 |
| | Sterilization & Testing | 1 | LS | 500.00 | 500 |
| | | | | | - |
| | SUBTOTAL 15.10 | \$142.31 | SF | | 37,000 |
| 15.20 | FIRE PROTECTION | | | | |
| | Adjust Sprinkler Heads (Per SF Allowance) | 260 | SF | 2.50 | 650 |
| | | | | | - |
| | SUBTOTAL 15.20 | \$2.50 | SF | | 650 |

PROJECT: **ROLLING HILLS CITY HALL RENOVATIONS**
 LOCATION: **ROLLING HILLS, CALIFORNIA**
 CLIENT: **CITY OF ROLLING HILLS**
 DESCRIPTION: **OPTION 2 - RESTROOMS ONLY**

RHWCC JOB NO.: **20-06**
 PREPARED BY: **RW**
 CHECKED BY: **JFH**
 ESTIMATE DATE: **05/09/20**
 ADJUSTED GSF: **260**

REV 0

| 10% SCHEMATIC DESIGN COST ESTIMATE | | | | | |
|---|---|-----------------|-------------|-------------|-------------------|
| ITEM # | DESCRIPTION | QUANTITY | UNIT | COST | TOTAL |
| 15.30 | HVAC Reconfigure Existing HVAC (Per SF Allowance) | 260 | SF | 25.00 | 6,500 - |
| | SUBTOTAL 15.30 | \$25.00 | SF | | 6,500 |
| 16.10 | ELECTRICAL Reconfigure Existing Electrical (Per SF Allowance) | 260 | SF | 35.00 | 9,100 - |
| | SUBTOTAL 16.10 | \$35.00 | SF | | 9,100 |



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.C

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ALAN PALERMO, PROJECT MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: CONSIDER AND APPROVE A PROPOSAL FROM PACIFIC ARCHITECTURE AND ENGINEERING FOR THE DESIGN OF THE EMERGENCY POWER SOLUTION TO REPLACE THE NON-WORKING EMERGENCY STANDBY GENERATOR.

DATE: June 14, 2021

BACKGROUND:

The current emergency standby generator is outdated and no longer functioning properly. Over the past few years City staff has enlisted several maintenance firms to service the existing generator. The existing emergency standby generator is at the end of its life cycle and the City is looking to replace the existing equipment with a new emergency standby generator. Repair activities for the current generator was presented to the City Council on October 26, 2020. Based on the information provided, the City Council directed staff to seek professional expertise to assist staff with unit replacement.

At the January 11, 2021 City Council meeting, City Council approved an amended agreement with Pacific Architecture and Engineering Inc. to assess the existing standby generator for the City Hall campus, provide a report on their findings, and discuss options to replace the existing non-working standby generator. The draft of the Standby Generator Assessment Report was delivered to the City on April 21, 2021. Pacific Architecture and Engineering, Inc. met with City staff on April 30, 2021 to review and discuss the report and findings. The Final Report was updated and submitted to the City on May 5, 2021 and City Staff presented to City Council on May 10, 2021. In summary, The report identified the parameters and constraints for the replacement standby generator/system Based on review of the prior 12 months electric bills, determined the existing 75 kw could be replaced with an equivalent sized system that would sufficient for the current building loads (City Hall and Rolling Hills Community Association (RHCA) Building). The existing structure housing the generator does not comply with current code requirements for clearances and has water intrusion with water collecting in the fuel moat with the potential infiltrate into the electrical system and cause damage. This building would need to be removed, replaced, or repaired for repurposing. The report provided 3 Options for consideration and an interim solution: Option 1a: Proposes a new 75 kw Diesel Generator, new code compliant structure, and possible new electrical components at an estimated total cost of \$240,000. This option would replace the existing facilities in their entirety to comply with all current codes, and would require permitting through AQMD. Option 1b: Proposes a new 75 kw Diesel Generator and possible

new electrical components at an estimated total cost of \$150,000. This option would place new generator outside and would comply with all current codes, and would require permitting through AQMD. The existing structure could be demolished or repurposed. Cost of removing the existing structure or repurposing (storage?) is not included in the cost estimate. Option 2: Proposes a Solar PV System with backup battery/storage for use in an emergency at an estimated total cost of \$225,000 (final cost dependent on the size of the PV system and backup storage/battery). No AQMD permits are required and the Solar PV system would reduce the amount of the electric bill for City Hall and the RHCA building. Interim Solution: Implementation of any of the options stated above will take a minimum of 12 months to design, permit and construct. In the interim, the City could elect to lease a portable generator at a cost of approximately \$1,900 per month. This interim solution would also require improvements to install a connection switch/disconnect for the portable generator to connect to the building electrical system. This improvement has an estimated cost of \$20,000. Proposed Immediate Actions: The existing generator is not functional, it is recommended to remove this generator and either demolish/remove the existing building or fill in the fuel most to prevent the possibility of further water intrusion/collection and the potential for water intrusion into the electrical system.

City Council raised numerous questions about the report during the May 10, 2021 meeting and moved to continue this item to a future meeting pending responses to questions raised. Pacific Architecture and Engineering Inc. provided responses to the list of questions generated. The questions and responses were reviewed and discussed at the May 24, 2021 City Council meeting. At the May 24, 2021 meeting City Council directed staff to: 1) Pursue the Solar Option to replace the existing Emergency Standby Generator, and; 2) Consider leasing portable generator to provide emergency standby power until the Solar option is designed and installed, and; 3) Verify the portable generator could connect to the existing Automatic Transfer Switch (ATS), and; 4) Remove the existing non-functioning emergency standby generator, and; 5) Repair the water intrusion problem at the existing generator structure repaired.

DISCUSSION:

Pacific Architecture and Engineering Inc. prepared the Emergency Standby Generator assessment report and has performed significant research in working with the City on the existing emergency standby generator and the City Hall ADA improvements.

Staff requested a proposal from Pacific Architecture and Engineering Inc. to provide the design services required to address the direction provided by City Council and outlined in items 1 through 5 in the last paragraph in the background section for approximately \$59,000. The proposal from Pacific Architecture and Engineering Inc. is attached to this staff report.

FISCAL IMPACT:

The design fee of \$59,000 is recommended to be included in the Fiscal Year 2021-2022 budget.

RECOMMENDATION:

Staff recommends that the City Council approve Pacific Architecture and Engineering Inc.'s proposal to design the solar power solution.

ATTACHMENTS:

[210210604_Rolling Hills Solar.pdf](#)



PACIFIC ARCHITECTURE AND ENGINEERING, INC.(PAC)
730 ARIZONA AVE, SANTA MONICA CA 90401
(424)330-1721

June 4, 2021

SUBJECT: PROPOSAL for Solar Panel Installation and Generator Structure Upgrades

Pacific Architecture and Engineering, Inc., is pleased to submit this proposal for additional work for the City of Rolling Hills.

Scope of Work:

The Scope of Work includes bid documents for the installation of a photo voltaic system per the Generator Assessment Report dated April 19, 2021. The structure that houses the current generator also requires upgrade and removal of moat and generator. This structure also has extensive water intrusion, and the waterproofing requires replacement and detailing by a Waterproofing Consultant. The new solar panels will also require waterproofing details at penetrations at the connections and penetrations and may require a replacement roof. The Solar Panel connections shall also require a structural engineer to calculate the loads and connections. Scope of work includes plans, specifications and cost estimate.

FEES:

| Rolling Hills Solar Panel Installation | | | |
|--|--|--|--------------|
| | | | |
| DESIGN DEVELOPMENT & COST ESTIMATE | | | \$ 10,316.48 |
| CONSTRUCTION DOCUMENTS & COST ESTIMATE | | | \$ 34,640.64 |
| PERMITTING | | | \$ 3,461.66 |
| CONSTRUCTION ADMINISTRATION | | | \$ 9,478.64 |
| Reimbursable | | | \$ 1,000.00 |
| GRAND TOTAL | | | \$58,897.42 |

SCOPE OF WORK TASKS:

Generator Structure

The structure housing the generator has failing waterproofing and needs to be replaced, a waterproofing consultant will detail this condition to replace the waterproofing. Determine best way to eliminate moat and prepare Construction Documents.

Roofing

Specification of new roof and waterproofing details for penetrations through roof membrane for Solar Photovoltaic System.

Solar

Electrical infrastructure for Solar Photovoltaic System.

Provide Calculations for new solar system inverters and equipment.

Determine with City exact configuration of solar panel and prepare layout of location of solar panels

Solar Equipment

Locate and obtain approval from city for location of solar equipment
Leave room for future battery back up.

Fence around Solar Equipment

Solar equipment will need to be fenced as it is high voltage

Temporary Power

Examine if ATS is in use currently, and discuss with city further decisions for temporary power via a rented generator.

Solar Panel Structural Load

Calculate structural load of solar panels and detail connection to building

Remove Generator

Include removal of current generator in demo plans

Cost Estimate

Include cost estimate in each phase

*City shall provide survey of surrounding area of building showing grading of area determined by civil engineer.

We appreciate the opportunity to offer this proposal. If you have any questions please contact me for any further information you may need at (310)405-3878 or jun@pacific-ae.com

Sincerely,



Jun Fujita Hall, RA, LEED AP BD & C, Lic# C 30954
Principal Project Manager, Pacific Architecture and Engineering, Inc.
310-405-3878
jun@pacific-ae.com

| DESIGN DEVELOPMENT & COST ESTIMATE | | | |
|------------------------------------|-----------|----|--------------|
| Project Manager | \$ 171.00 | 14 | \$ 2,394.00 |
| Senior Engineer II | \$ 147.90 | 16 | \$ 2,366.40 |
| Designer II | \$ 137.33 | 16 | \$ 2,197.28 |
| Senior Engineer III | \$ 164.22 | 0 | \$ - |
| Designer III | \$ 127.50 | 16 | \$ 2,040.00 |
| Engineer II | \$ 107.10 | 0 | \$ - |
| Designer I | \$ 86.70 | 0 | \$ - |
| Engineer I | \$ 76.50 | 0 | \$ - |
| Engineering Aide | \$ 56.10 | 0 | \$ - |
| Landscape Architect VII | \$ 137.38 | 0 | \$ - |
| Project Manager Landscape VII | \$ 82.43 | 0 | \$ - |
| Landscape Drafter VII | \$ 71.44 | 0 | \$ - |
| Sr Principal Engineer IV | \$ 236.29 | 0 | \$ - |
| Sr Engineer IV | \$ 186.83 | 0 | \$ - |
| Sr Project Manager IV | \$ 164.85 | 8 | \$ 1,318.80 |
| Sr Designer IV | \$ 153.86 | 0 | \$ - |
| Project Engineer IV | \$ 148.37 | 0 | \$ - |
| Project Drafter IV | \$ 137.38 | 0 | \$ - |
| Engineer | \$ 131.88 | 0 | \$ - |
| Drafter IV | \$ 131.88 | 0 | \$ - |
| Clerical IV | \$ 60.45 | 0 | \$ - |
| Engineer Project Manager V | \$ 186.83 | 0 | \$ - |
| Engineer V | \$ 153.86 | 0 | \$ - |
| Designer V | \$ 126.39 | 0 | \$ - |
| Drafter V | \$ 93.42 | 0 | \$ - |
| Engineer VI | \$ 208.81 | 0 | \$ - |
| Engineer PM VI | \$ 181.34 | 0 | \$ - |
| Engineer VI | \$ 137.38 | 0 | \$ - |
| Designer VI | \$ 120.89 | 0 | \$ - |
| Drafter VI | \$ 98.91 | 0 | \$ - |
| Specialists I | \$ 159.50 | 0 | \$ - |
| Specialists II | \$ 175.00 | 0 | \$ - |
| Specialists III | \$ 158.00 | 0 | \$ - |
| Specialist IV | \$ 187.00 | 0 | \$ - |
| Specialist VI | \$ 184.00 | 0 | \$ - |
| SUBTOTAL | | | \$ 10,316.48 |

| CONSTRUCTION DOCUMENTS & COST ESTIMATE | | | |
|--|-----------|----|--------------|
| | | | |
| Project Manager | \$ 171.00 | 24 | \$ 4,104.00 |
| Senior Engineer II | \$ 147.90 | 8 | \$ 1,183.20 |
| Designer II | \$ 137.33 | 32 | \$ 4,394.56 |
| Senior Engineer III | \$ 164.22 | 0 | \$ - |
| Designer III | \$ 127.50 | 30 | \$ 3,825.00 |
| Engineer II | \$ 107.10 | 0 | \$ - |
| Designer I | \$ 86.70 | 0 | \$ - |
| Engineer I | \$ 76.50 | 0 | \$ - |
| Engineering Aide | \$ 56.10 | 0 | \$ - |
| Landscape Architect VII | \$ 137.38 | 0 | \$ - |
| Project Manager Landscape VII | \$ 82.43 | 0 | \$ - |
| Landscape Drafter VII | \$ 71.44 | 0 | \$ - |
| Sr Principal Engineer IV | \$ 236.29 | 0 | \$ - |
| Sr Engineer IV | \$ 186.83 | 0 | \$ - |
| Sr Project Manager IV | \$ 164.85 | 0 | \$ - |
| Sr Designer IV | \$ 153.86 | 0 | \$ - |
| Project Engineer IV | \$ 148.37 | 0 | \$ - |
| Project Drafter IV | \$ 137.38 | 12 | \$ 1,648.56 |
| Engineer | \$ 131.88 | 0 | \$ - |
| Drafter IV | \$ 131.88 | 0 | \$ - |
| Clerical IV | \$ 60.45 | 0 | \$ - |
| Engineer Project Manager V | \$ 186.83 | 40 | \$ 7,473.20 |
| Engineer V | \$ 153.86 | 42 | \$ 6,462.12 |
| Designer V | \$ 126.39 | 0 | \$ - |
| Drafter V | \$ 93.42 | 0 | \$ - |
| Engineer VI | \$ 208.81 | 0 | \$ - |
| Engineer PM VI | \$ 181.34 | 0 | \$ - |
| Engineer VI | \$ 137.38 | 0 | \$ - |
| Designer VI | \$ 120.89 | 0 | \$ - |
| Drafter VI | \$ 98.91 | 0 | \$ - |
| Specialists I | \$ 159.50 | 0 | \$ - |
| Specialists II | \$ 175.00 | 0 | \$ - |
| Specialists III | \$ 158.00 | 0 | \$ - |
| Specialist IV | \$ 187.00 | 10 | \$ 1,870.00 |
| Specialist VI | \$ 184.00 | 20 | \$ 3,680.00 |
| | | 0 | \$ - |
| | | | \$ - |
| | | | \$ - |
| SUBTOTAL | | | \$ 34,640.64 |

| PERMITTING | | Hours | |
|-------------------------------|-----------|-------|-------------|
| Project Manager | \$ 171.00 | 8 | \$ 1,368.00 |
| Senior Engineer II | \$ 147.90 | 0 | \$ - |
| Designer II | \$ 137.33 | 0 | \$ - |
| Senior Engineer III | \$ 164.22 | 0 | \$ - |
| Designer III | \$ 127.50 | 0 | \$ - |
| Engineer II | \$ 107.10 | 0 | \$ - |
| Designer I | \$ 86.70 | 0 | \$ - |
| Engineer I | \$ 76.50 | 0 | \$ - |
| Engineering Aide | \$ 56.10 | 0 | \$ - |
| Landscape Architect VII | \$ 137.38 | 0 | \$ - |
| Project Manager Landscape VII | \$ 82.43 | 0 | \$ - |
| Landscape Drafter VII | \$ 71.44 | 0 | \$ - |
| Sr Principal Engineer IV | \$ 236.29 | 0 | \$ - |
| Sr Engineer IV | \$ 186.83 | 0 | \$ - |
| Sr Project Manager IV | \$ 164.85 | 0 | \$ - |
| Sr Designer IV | \$ 153.86 | 0 | \$ - |
| Project Engineer IV | \$ 148.37 | 0 | \$ - |
| Project Drafter IV | \$ 137.38 | 6 | \$ 824.28 |
| Engineer | \$ 131.88 | 0 | \$ - |
| Drafter IV | \$ 131.88 | 0 | \$ - |
| Clerical IV | \$ 60.45 | 0 | \$ - |
| Engineer Project Manager V | \$ 186.83 | 0 | \$ - |
| Engineer V | \$ 153.86 | 0 | \$ - |
| Designer V | \$ 126.39 | 0 | \$ - |
| Drafter V | \$ 93.42 | 0 | \$ - |
| Engineer VI | \$ 208.81 | 0 | \$ - |
| Engineer PM VI | \$ 181.34 | 7 | \$ 1,269.38 |
| Engineer VI | \$ 137.38 | 0 | \$ - |
| Designer VI | \$ 120.89 | 0 | \$ - |
| Drafter VI | \$ 98.91 | 0 | \$ - |
| Specialists I | \$ 159.50 | 0 | \$ - |
| Specialists II | \$ 175.00 | 0 | \$ - |
| Specialists III | \$ 158.00 | 0 | \$ - |
| Specialist IV | \$ 187.00 | 0 | \$ - |
| Specialist VI | \$ 184.00 | 0 | \$ - |
| | | | |
| SUBTOTAL | | | \$ 3,461.66 |

| | | | |
|------------------------------------|-----------|----|--------------------|
| CONSTRUCTION ADMINISTRATION | | | |
| Project Manager | \$ 171.00 | 8 | \$ 1,368.00 |
| Senior Engineer II | \$ 147.90 | 0 | \$ - |
| Designer II | \$ 137.33 | 0 | \$ - |
| Senior Engineer III | \$ 164.22 | 0 | \$ - |
| Designer III | \$ 127.50 | 0 | \$ - |
| Engineer II | \$ 107.10 | 0 | \$ - |
| Designer I | \$ 86.70 | 0 | \$ - |
| Engineer I | \$ 76.50 | 0 | \$ - |
| Engineering Aide | \$ 56.10 | 0 | \$ - |
| Landscape Architect VII | \$ 137.38 | 0 | \$ - |
| Project Manager Landscape VII | \$ 82.43 | 0 | \$ - |
| Landscape Drafter VII | \$ 71.44 | 0 | \$ - |
| Sr Principal Engineer IV | \$ 236.29 | 0 | \$ - |
| Sr Engineer IV | \$ 186.83 | 0 | \$ - |
| Sr Project Manager IV | \$ 164.85 | 4 | \$ 659.40 |
| Sr Designer IV | \$ 153.86 | 0 | \$ - |
| Project Engineer IV | \$ 148.37 | 0 | \$ - |
| Project Drafter IV | \$ 137.38 | 0 | \$ - |
| Engineer | \$ 131.88 | 0 | \$ - |
| Drafter IV | \$ 131.88 | 0 | \$ - |
| Clerical IV | \$ 60.45 | 0 | \$ - |
| Engineer Project Manager V | \$ 186.83 | 4 | \$ 747.32 |
| Engineer V | \$ 153.86 | 40 | \$ 6,154.40 |
| Designer V | \$ 126.39 | 0 | \$ - |
| Drafter V | \$ 93.42 | 0 | \$ - |
| Engineer VI | \$ 208.81 | 0 | \$ - |
| Engineer PM VI | \$ 181.34 | 0 | \$ - |
| Engineer VI | \$ 137.38 | 4 | \$ 549.52 |
| Designer VI | \$ 120.89 | 0 | \$ - |
| Drafter VI | \$ 98.91 | 0 | \$ - |
| Specialists I | \$ 159.50 | 0 | \$ - |
| Specialists II | \$ 175.00 | 0 | \$ - |
| Specialists III | \$ 158.00 | 0 | \$ - |
| Specialist IV | \$ 187.00 | 0 | \$ - |
| Specialist VI | \$ 184.00 | 0 | \$ - |
| SUBTOTAL | | | \$ 9,478.64 |

| | | | |
|------------------------------------|-----------|----|-------------|
| CONSTRUCTION ADMINISTRATION | | | |
| Project Manager | \$ 171.00 | 8 | \$ 1,368.00 |
| Senior Engineer II | \$ 147.90 | 0 | \$ - |
| Designer II | \$ 137.33 | 0 | \$ - |
| Senior Engineer III | \$ 164.22 | 0 | \$ - |
| Designer III | \$ 127.50 | 0 | \$ - |
| Engineer II | \$ 107.10 | 0 | \$ - |
| Designer I | \$ 86.70 | 0 | \$ - |
| Engineer I | \$ 76.50 | 0 | \$ - |
| Engineering Aide | \$ 56.10 | 0 | \$ - |
| Landscape Architect VII | \$ 137.38 | 0 | \$ - |
| Project Manager Landscape VII | \$ 82.43 | 0 | \$ - |
| Landscape Drafter VII | \$ 71.44 | 0 | \$ - |
| Sr Principal Engineer IV | \$ 236.29 | 0 | \$ - |
| Sr Engineer IV | \$ 186.83 | 0 | \$ - |
| Sr Project Manager IV | \$ 164.85 | 4 | \$ 659.40 |
| Sr Designer IV | \$ 153.86 | 0 | \$ - |
| Project Engineer IV | \$ 148.37 | 0 | \$ - |
| Project Drafter IV | \$ 137.38 | 0 | \$ - |
| Engineer | \$ 131.88 | 0 | \$ - |
| Drafter IV | \$ 131.88 | 0 | \$ - |
| Clerical IV | \$ 60.45 | 0 | \$ - |
| \$ - | \$ - | 0 | \$ - |
| Engineer Project Manager V | \$ 186.83 | 4 | \$ 747.32 |
| Engineer V | \$ 153.86 | 40 | \$ 6,154.40 |
| Designer V | \$ 126.39 | 0 | \$ - |
| Drafter V | \$ 93.42 | 0 | \$ - |
| Engineer VI | \$ 208.81 | 0 | \$ - |
| Engineer PM VI | \$ 181.34 | 0 | \$ - |
| Engineer VI | \$ 137.38 | 4 | \$ 549.52 |
| Designer VI | \$ 120.89 | 0 | \$ - |
| Drafter VI | \$ 98.91 | 0 | \$ - |
| Specialists I | \$ 159.50 | 0 | \$ - |
| Specialists II | \$ 175.00 | 0 | \$ - |
| Specialists III | \$ 158.00 | 0 | \$ - |
| Specialist IV | \$ 187.00 | 0 | \$ - |
| Specialist VI | \$ 184.00 | 0 | \$ - |
| SUBTOTAL | | | \$ 9,478.64 |
| | | | |



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: RECEIVE AND FILE A REPORT ON THE FIRE FUEL COMMITTEE MEETING HELD ON JUNE 2, 2021; AND APPROVE THE FIRE FUEL COMMITTEE'S RECOMMENDATION TO FUND AN ANNUAL CANYON MANAGEMENT PROGRAM.

DATE: June 14, 2021

BACKGROUND:

The City Council Fire Fuel Committee met on Wednesday, June 2, 2021 at 6:30pm. Eleven members of the public attended the meeting. The Committee met for two hours and 30 minutes and received documentation and maps that outlined blue line streams within the community, and canyons of highest priority for wildfire risk. The Committee also reviewed approaches to fire fuel management in the canyons from the experts, the Los Angeles County Fire Department. The Committee also discussed staff's recommended program to manage fuel in the canyons, and other options to incentivize fire fuel management activities.

DISCUSSION:

The Committee took the following actions at the June 2, 2021 meeting:

1. Receive and file maps of the canyons except the blue line streams map because Committee member Jim Black noted that the map was "inaccurate". Committee member Black suggested to have the Department of Fish and Wildlife generate a map of the blue line streams in Rolling Hills for Rolling Hills.
2. The Committee recommends that the City Council approve a fire fuel management program in the canyons program comprising of the following elements:
 - City to fund one fire fuel abatement project in the community annually using general fund.
 - The location of the fire fuel abatement project should be pre-determined. Committee member Leah Mirsch supports having the Los Angeles County Fire Department establish the project areas based on their assessment of the highest level of wildfire risk. Committee member Black wanted the City Council to be able to identify project areas.
 - The Los Angeles County Fire Department will assist the City in determining the proper scope of

work for abatement projects annually.

- The City will fund the environmental assessment, and clearance. The City will also fund the abatement work based on a capped allocation set by the City Council, provided that the City's budget can support the expenditure. Budgetary constraints will be evaluated annually and the cap on the allocation can be set annually during the budget workshop.
- Working with the Los Angeles County Fire Department, the City shall notify property owners within the fire fuel abatement project areas and achieve property owners' permission for abatement work. In exchange for the abatement work, property owners must consent to a maintenance period for the initial abatement work funded by the City. If the majority property owners do not provide permission and or consent to the maintenance period, the City will select another location for the fire fuel abatement based on an established list of project areas.

3. The Committee received a report on Storm Hill Park provided by the Los Angeles County Fire Department. The Fire Department conducted site visits and observed that the Storm family established a fire fuel break surrounding the Storm Hill Park. While dense vegetation was observed at the center of the park, the Fire Department recommended that if the City were to fund fire fuel reduction work, the City should focus the limited resources on the surrounding residential structures and work from the structures out towards the park. This would create a fire break for the surrounding structures. The Fire Department also provided their observations that with limited resources, Storm Hill Park is not a priority area to minimize wildfire risks. The areas of the Storm Hill Park adjacent to the Storm properties has a fire break. Additionally, the property owners of the residential structures located adjacent to the Storm Hill Park could conduct more fire fuel management work with guidance from the Fire Department in the upcoming brush clearance inspections.

4. The Committee discussed the concept of additional regulations on vegetation management in the canyons or continue with the voluntary approach. The Committee also considered a cash disbursement incentive program to motivate vegetation management in the canyons. The Committee talked about having the Fire Department conduct an assessment of all properties within Rolling Hills and providing a scope of work to eliminate fire fuel. The Committee did not take formal positions on these discussion items.

5. The Committee scheduled another Fire Fuel Committee meeting for June 16, 2021 at 6:30pm but did not specify agenda items for the meeting.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file report and approve the Fire Fuel Committee's recommendation.

ATTACHMENTS:

[6.2.2021 FF Supplemental AgendaPacket.pdf](#)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 Portuguese Bend Road
Rolling Hills, CA 90274

AGENDA
Special Fire Fuel Management
Committee Meeting

FIRE FUEL MANAGEMENT
COMMITTEE
Wednesday, June 02, 2021

CITY OF ROLLING HILLS
6:30 PM

SUPPLEMENTAL

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

Public Participation: City Hall will be closed to the public until further notice. A live audio of the City Council meeting will be available on the City's website (<http://www.rolling-hills.org/>). The meeting agenda is on the City's website.

Join Zoom Meeting

<https://us02web.zoom.us/j/83444907576?pwd=UHhpMGtIczlZUDhyNmJTVW9tMXJoQT09>

Or dial (669) 900-9128

Meeting ID: 834 4490 7576; Passcode: 906138

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

1. PARTICIPANTS:

James Black, M.D. Mayor Pro Tem

Leah Mirsch, City Councilmember

Elaine Jeng, P.E., City Manager

-

2.

ITEMS FOR DISCUSSION

-

-

2.A. [RECEIVE AND FILE A REPORT ON CALIFORNIA DEPARTMENT OF FISH AND](#)

WILDLIFE'S REQUIREMENTS RELATING TO BLUE LINE STREAMS AND MAPS
SHOWING CANYONS IN THE CITY OF ROLLING HILLS.

RECOMMENDATION: Receive and file.

[Blue Line Streams_Map_20210527.pdf](#)

[Map of fire risks in the canyons.pdf](#)

[SUPPLEMENTAL LOS ANGELES COUNTY FIRE DEPARTMENT.docx](#)

[Supplemental RH CANYONS.pdf](#)

- 2.B. REVIEW THE PROPOSED FIRE FUEL MANAGEMENT IN THE CANYONS PROGRAM AND RECOMMEND TO THE CITY COUNCIL TO ALLOCATE BUDGET ANNUALLY FOR THE PROPOSED PROGRAM.

RECOMMENDATION: Review the proposed program from staff and consider recommending the proposed program to the City Council.

- 2.C. DISCUSS (1) REGULATOR VERSUS VOLUNTARY APPROACH TO FUEL MANAGEMENT IN THE CANYONS; (2) DISCUSS IF THE CITY SHOULD CONSIDER GIVING THE COMMUNITY A FINANCIAL INCENTIVE TO MANAGE FUEL IN THE CANYONS; AND (3) CONSIDER CONDUCTING AN ASSESSMENT OF PROPERTIES THAT PRESENT A HAZARD TO THE COMMUNITY.

RECOMMENDATION: Discuss topics and develop recommendations for City Council consideration.

3.

COMMENTS WILL BE TAKEN BY EMAIL IN REAL TIME - PUBLIC COMMENT WELCOME

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.

4.

ADJOURNMENT

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.: 2.A

Mtg. Date: 06/02/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: RECEIVE AND FILE A REPORT ON CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S REQUIREMENTS RELATING TO BLUE LINE STREAMS AND MAPS SHOWING CANYONS IN THE CITY OF ROLLING HILLS.

DATE: June 02, 2021

BACKGROUND:

At previous City Council Fire Fuel Committee meetings, the Committee discussed environmental concerns specifically to blueline streams when conducting fire fuel abatement work in the canyons. The Committee directed staff to research information relating to locations of blueline streams in the City of Rolling Hills to assist the community in understanding environmental regulations. The Committee also directed staff to provide maps that show the canyons in the City of Rolling Hills.

DISCUSSION:

According to the California Department of Fish and Wildlife (Fish and Wildlife), Rolling Hills, CA is recorded in the Department's Region 5 also known as the South Coast Region. The Department of Fish and Wildlife's main concern reviewing projects that are attempting to remove vegetation is over the amount of vegetation to be removed. When large amounts of vegetation are clear cut (even if it is mostly non-native) it can result in loss of habitat and the potential for increased erosion due to loss of bank stabilizing root structure. In order to minimize effects to wildlife habitat, a good strategy is to stick to the removal of built up brush and selective non-native weed removal. If larger patches of vegetation need to be removed there should be measures to stabilize the bank from erosion for the temporary (i.e., straw wattles) and long term (i.e., seed mix, and native plantings). Other things to think about include potential to impact breeding birds and if the work requires people or equipment to enter a wetted creek.

Fish and Wildlife Code Section 1600 requires notification about projects that may alter any river, stream, or lake. The Lake and Streambed Alteration program is in place to protect sensitive streambed habitats and a Lake and Streambed Alteration Agreement (LSAA) may be required if a project may substantially adversely affect fish and wildlife resources. If a project is determined to potentially

impact a streambed area (has a bed, bank, and/or channel), it is up to the project proponent to submit a notification to Fish and Wildlife through the department's online portal at: <https://epims.wildlife.ca.gov/index.do>.

Based on the Los Angeles County Fire Department's assessment, eleven canyons were prioritized for fire fuel removal. According to the Department, Portuguese Bend Canyon is a big canyon that encompasses Ishibashi Canyon. Forrestal Canyon is another big canyon that encompasses the Klondike Canyon. The smaller areas of big canyons may not show in maps and because of that, there may be confusion when the smaller areas of big canyons are referenced but not found on maps. Per the Committee's request, staff consulted with several sources of mapping and as a part of this report, several maps are provided to locate streams and canyons.

FISCAL IMPACT:

Staff's research of maps of streams and canyons for the City of Rolling Hills is a part of the operational cost for FY2020-2021.

RECOMMENDATION:

If you would like to view the Blue Line Stream Maps go to:

<https://www.arcgis.com/apps/mapviewer/index.html?layers=12b73ea284d54339be1305085881f7b5>

Wake County Government United States Geological Survey (USGS) Blue Line Streams (GIS), using Chrome or Mozilla Browser.

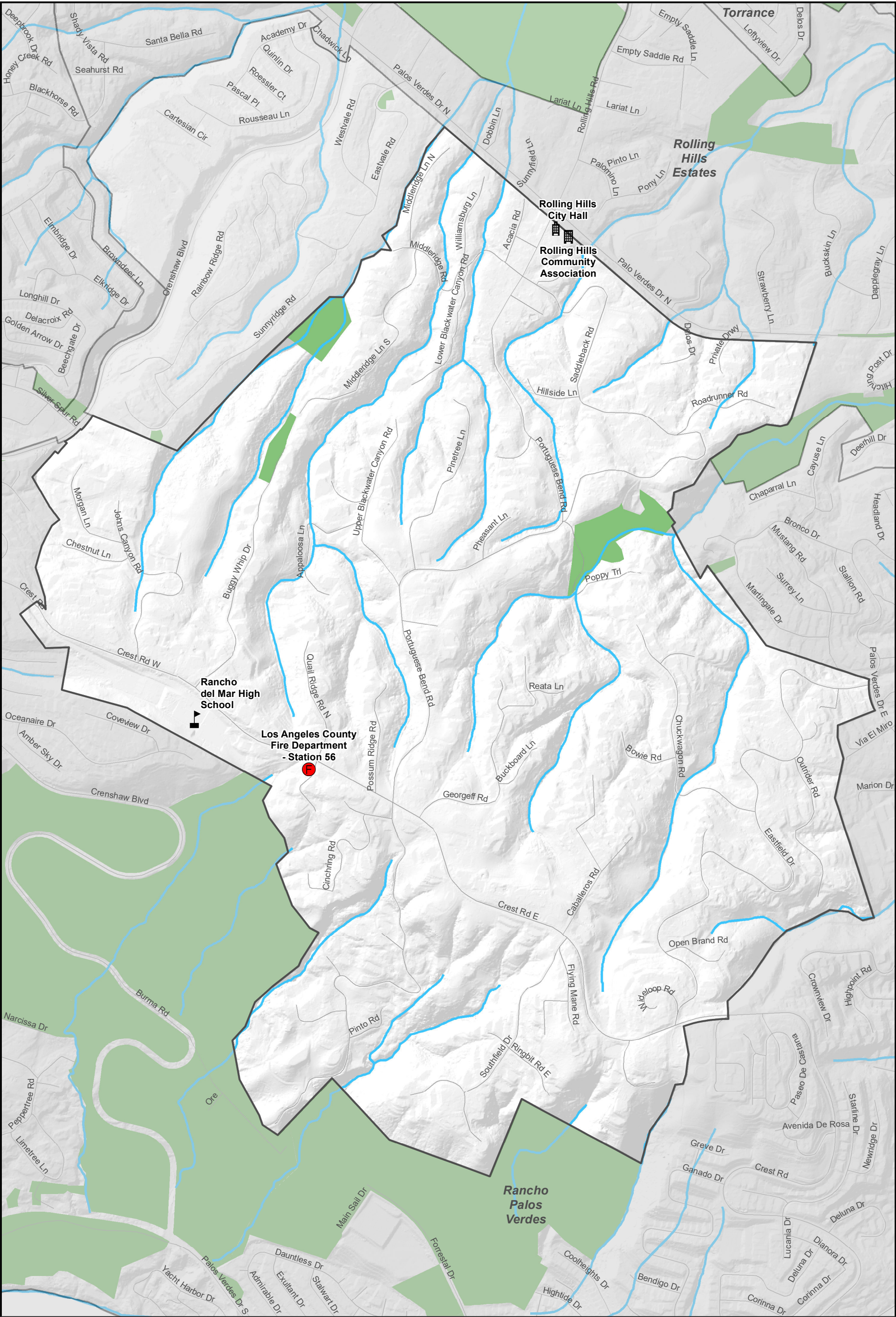
ATTACHMENTS:

[Blue Line Streams_Map_20210527.pdf](#)






[Map of fire risks in the canyons.pdf](#)

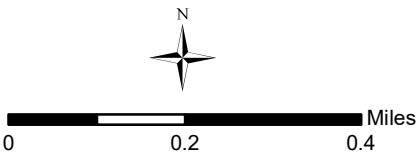
[SUPPLEMENTAL LOS ANGELES COUNTY FIRE DEPARTMENT.docx](#)

[Supplemental RH CANYONS.pdf](#)

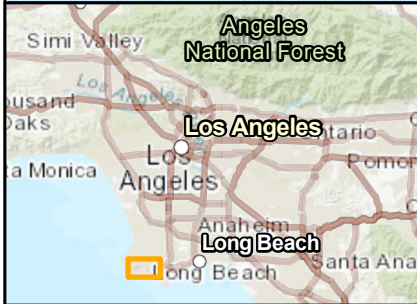
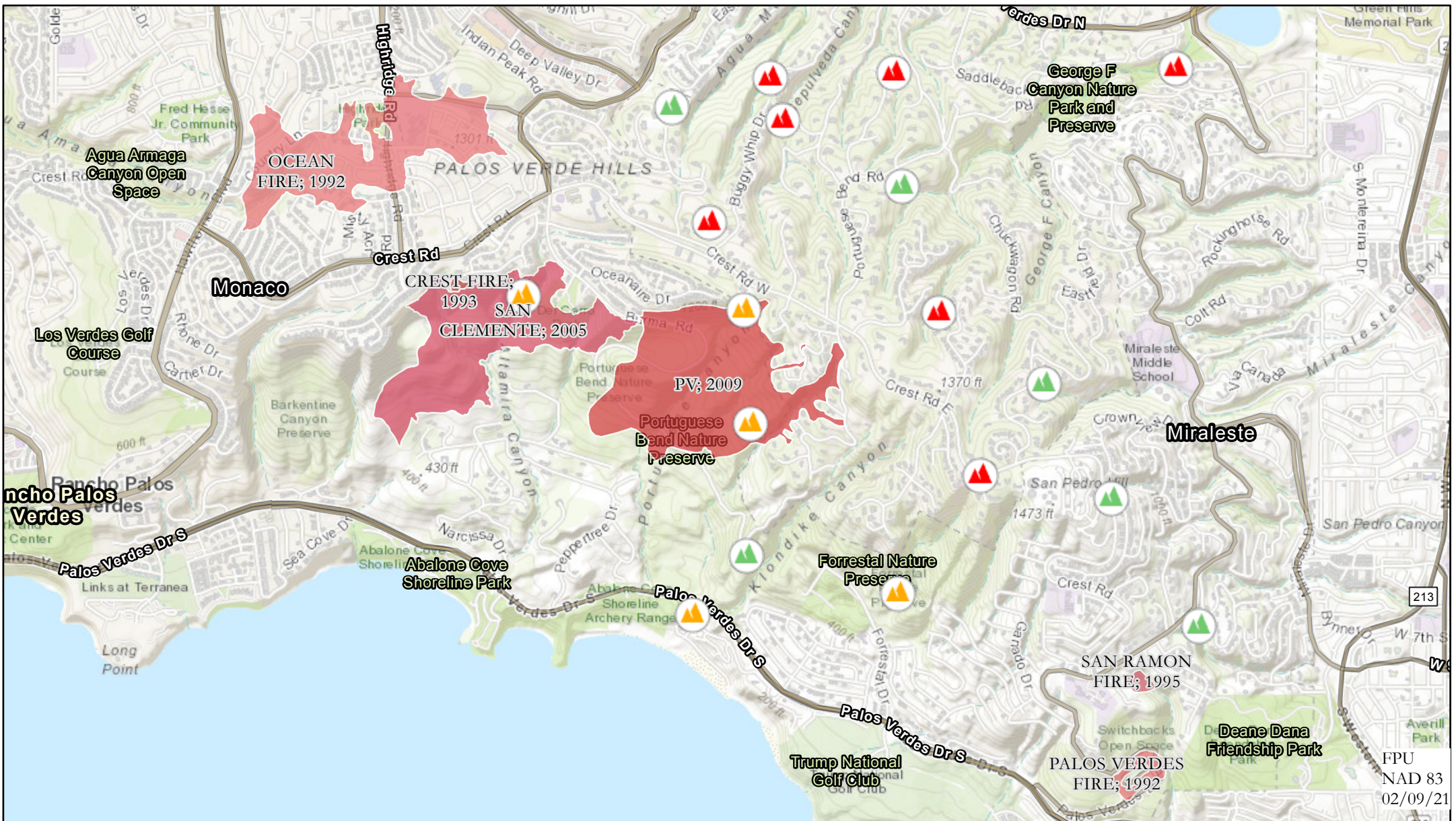


**City of Rolling Hills
Map of Streams**

-  Incorporated Areas
-  Unincorporated Areas
-  Parks and Open Space
-  Streams
-  Roads

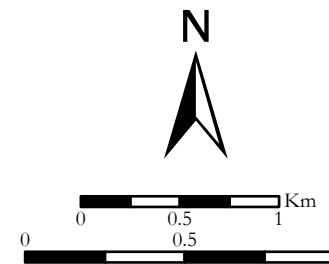


Map created by Christine Lam (CLam@dpw.lacounty.gov)
Los Angeles County Public Works 5/27/2021



Rolling Hills Peninsula: Fire History and Canyons at Risk (1992 to 2020)

Historical Fire Year: 1992 1993 1995 2005 2009
 Potential Fire Risk From: North East South West Other



FPU
 NAD 83
 02/09/21

Supplemental

LOS ANGELES COUNTY FIRE DEPARTMENT PRIORITY CANYON LOCATIONS FOR FIRE FUEL REMOVAL

List provided to April 14, 2021 Community Focus Group
Participants

The Los Angeles County Fire Department conducted site visits in Rolling Hills between December 2020 and February 2021 to identify priority locations to apply the recently awarded CalOES/FEMA Grant for vegetation management in the canyons.

The Fire Department assessed 11 canyons and prioritized canyons based on directional winds. Canyons at risk from wind driven fires originating from the southwest are as follows:

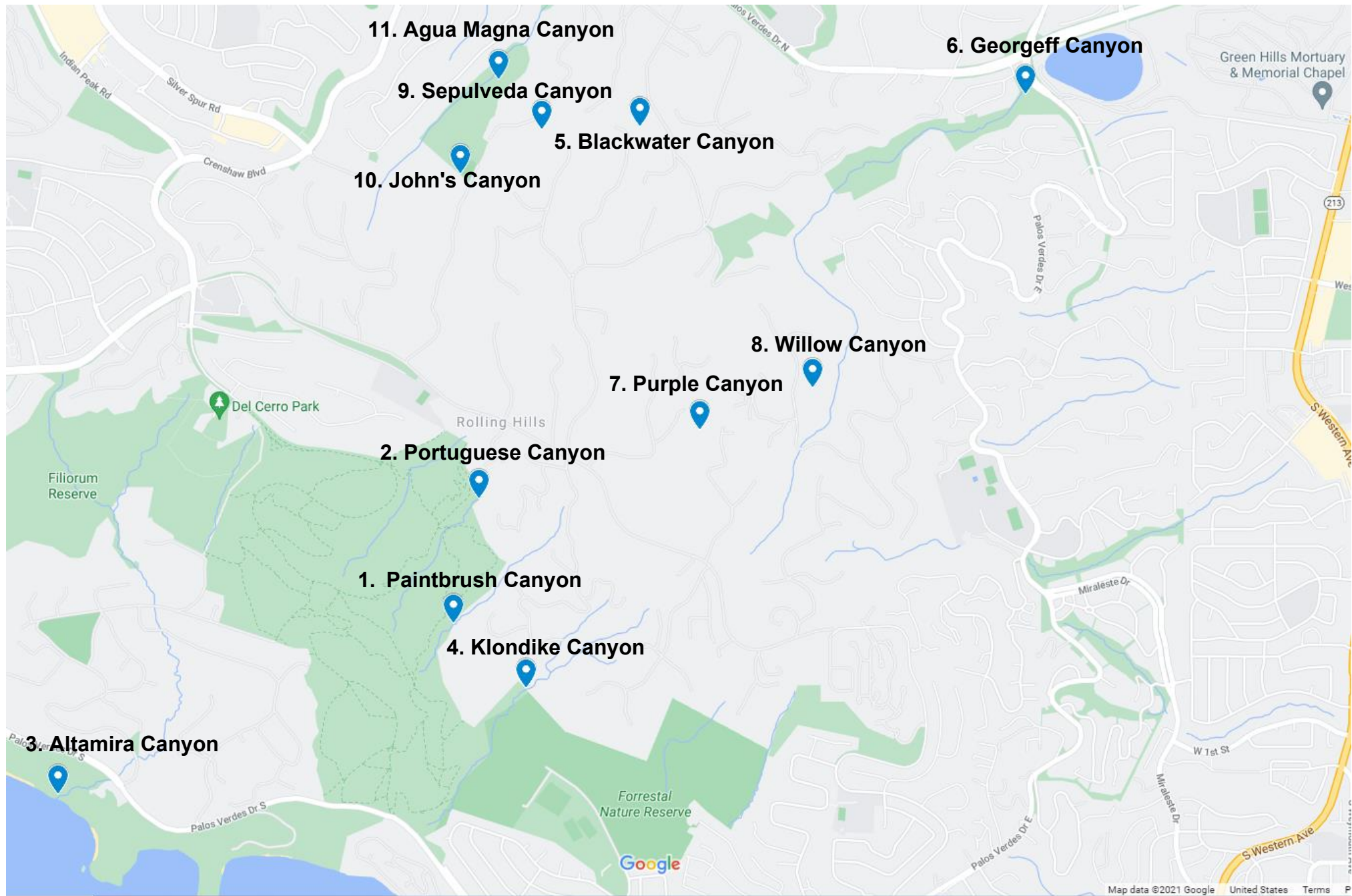
1. Paint Brush Canyon
2. Portuguese Canyon (This canyon encompasses Ishibashi Canyon)
3. Altamira Canyon
4. Klondike Canyon (Klondike Canyon is inside the Forrestal Canyon)

Based on fire history maps, these above listed south facing canyons have the highest risk for a wildfire in the future.

Canyons that would be at risk during northeast winds are as follows:

5. Blackwater Canyon
6. George F. Canyon
7. Purple Canyon
8. Willow Canyon
9. Sepulveda Canyon
10. John's Canyon
11. Agua Magna Canyon

Supplemental City of Rolling Hills Canyons





City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 2.B

Mtg. Date: 06/02/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, CITY MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: REVIEW THE PROPOSED FIRE FUEL MANAGEMENT IN THE CANYONS PROGRAM AND RECOMMEND TO THE CITY COUNCIL TO ALLOCATE BUDGET ANNUALLY FOR THE PROPOSED PROGRAM.

DATE: June 02, 2021

BACKGROUND:

In response to the community's feedback that the amount of fire fuel in the canyons is a major safety concern, the City Council created a standing committee, the Fire Fuel Committee, to tackle the issue. Mayor Pro Tem Jim Black and Councilmember Mirsch were assigned to the committee at the April 26, 2021 meeting and since then the committee held three meetings on May 5, 2021, May 12, 2021 and May 19, 2021. To kick off the committee's charter, Councilmember Mirsch also collected feedback from the community at a focus group held on April 14, 2021.

Over the course of three meetings, the committee discussed a variety of topics, all of which were intended to support the community in managing fire fuel to reduce wildfire risks.

DISCUSSION:

Based on the community's input, the committee's discussions, the City Council's discussion, legal counsel's findings on public benefit, and the recommendations of the subject matter experts - the Los Angeles County Fire Department, staff is proposing the following fire fuel management program to commence in Fiscal Year 2021-2022.

- City to fund one fire fuel abatement project in the community annually using general fund.
- The location of the fire fuel abatement project should be based on the priority areas assessed by the Los Angeles County Fire Department starting with the location or area determined to present the highest level of wildfire risk.
- The Los Angeles County Fire Department will assist the City in determining the proper scope of work for abatement projects annually.
- The City will fund the environmental assessment, and clearance. The City will also fund the abatement work based on a capped allocation set by the City Council, provided that the City's budget can support the expenditure. Budgetary constraints will be evaluated annually and the cap

on the allocation can be set annually during the budget workshop.

- Working with the Los Angeles County Fire Department, the City shall notify property owners within the fire fuel abatement project areas and achieve property owners' permission for abatement work. In exchange for the abatement work, property owners must consent to a maintenance period for the initial abatement work funded by the City. If the majority property owners do not provide permission and or consent to the maintenance period, the City will select another location for fire fuel abatement based on the priority list assessed by the Los Angeles County Fire Department.

The proposal above aims to address the community's desire for action, the appropriate scope of work, the potential environmental impacts to the habitat, and providing an on-going program to tackle an ongoing issue.

FISCAL IMPACT:

The City does not currently have data on the cost of fire fuel abatement in the canyons. The cost may be heavily dependent on the locations of work. But to have a reference point, the Committee can direct staff to inquire with the Palos Verdes Peninsula Land Conservancy the cost to abate fire fuel in the Nature Preserve. That data could be used as a comparable average cost per acre to determine the cap for the annual allocation for fire fuel abatement projects in Rolling Hills. Additionally, the Committee can direct staff to seek relevant data from the Los Angeles County Fire Department for abatement work elsewhere in the County for reference.

RECOMMENDATION:

Review the proposed program from staff and consider recommending the proposed program to the City Council.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 2.C

Mtg. Date: 06/02/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, CITY MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: DISCUSS (1) REGULATOR VERSUS VOLUNTARY APPROACH TO FUEL MANAGEMENT IN THE CANYONS; (2) DISCUSS IF THE CITY SHOULD CONSIDER GIVING THE COMMUNITY A FINANCIAL INCENTIVE TO MANAGE FUEL IN THE CANYONS; AND (3) CONSIDER CONDUCTING AN ASSESSMENT OF PROPERTIES THAT PRESENT A HAZARD TO THE COMMUNITY.

DATE: June 02, 2021

BACKGROUND:

At the May 19, 2021 Fire Fuel Committee meeting, Committee member Leah Mirsch suggested that at the next committee meeting, the committee discuss if the City should consider additional regulations to mandate fire fuel management in the canyons or continue with the current voluntary approach. Committee member Mirsch also suggested that the committee discuss if the City should consider providing a financial incentive to the community to manage fuel in the canyons.

At the May 24, 2021 City Council meeting, Committee member Mirsch asked to add another agenda item to the June 2, 2021 Fire Fuel Committee meeting: discuss evaluating properties that present a hazard to the community.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Discuss topics and develop recommendations for City Council consideration.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.B

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ASHFORD BALL, SENIOR MANAGEMENT ANALYST

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: CONSIDER AND APPROVE PROPOSAL FROM THE PALOS VERDES PENINSULA LAND CONSERVANCY FOR ADDITIONAL FUEL LOAD REDUCTION IN THE NATURE PRESERVE IN THE AREAS ADJACENT TO THE CITY BORDER.

DATE: June 14, 2021

BACKGROUND:

Over the past three years (2019, 2020, and 2021) the city has received services from the Palos Verdes Peninsula Land Conservancy for the removal of vegetation and fuel load reduction. The Palos Verdes Peninsula Land Conservancy (Conservancy) is aware of the fire concerns on the Palos Verdes Peninsula, and have previously provided the city with excellent services.

DISCUSSION:

The Conservancy understands that vegetation exists beyond current fuel mod zones that pose fire threats. Therefore, the Conservancy is offering technical expertise to aid the City and augment city staff in the effort to continue the reduction of fuel load vegetation by targeting the removal of invasive plants such as Acacia and Mustard and other non-native plants.

The proposal attached outlines the potential areas for this extra 2021 work. The areas identified in Portuguese Bend Reserve include the areas abutting and leading into Rolling Hills in Portuguese Canyon. In total, an approximate 7.5 acres are proposed for fuel load reduction in the Preserve. This work can be completed in less than 4 weeks by simultaneously removing Acacia and mowing dry brush, this process will complete the work in a timely manner. For these additional efforts, the Conservancy requests a one-time grant from the city up to \$87,000 for the proposed work outlined herein. The Conservancy understands the city's timing considerations and would be prepared to begin the work as soon as funding is made available.

FISCAL IMPACT:

This expenditure to receive services from the conservancy is new and was not included in the budget. Therefore, if council decides to move forward with this the funds will be pulled from the general fund

reserves to satisfy the services for the price of \$87,000.00

These costs are based on best estimates provided by contractors for the Acacia removal and for mowing as two separate projects. For maximum benefit for fuel load reduction and habitat, both projects are recommended to be completed concurrently.

| Project | Acres | Budget |
|----------------------------------|--------------|-----------------|
| Acacia Cutting and Chipping | ~2 | \$61,000 |
| Mowing and removal of 5-6 Acacia | ~5.5 | \$26,000 |
| One-time Project Total | ~7.5 | \$87,000 |

RECOMMENDATION:

Consider proposal and provide direction to staff.

ATTACHMENTS:

[PVPLC Reducing Fuel Load Project RH 2021.pdf](#)
[Fuel Load Reduction Phases.docx](#)



Proposal to the City of Rolling Hills Fuel Load Reduction in 2021

Submitted by the Palos Verdes Peninsula Land Conservancy

The Palos Verdes Peninsula Land Conservancy (Conservancy) is intimately aware of the fire concerns on the Palos Verdes Peninsula, and continues to discuss measures to reduce fire risk with the four peninsula cities. Conservancy staff members continue to work with City of Rolling Hills staff to implement fuel modification work as required by County Department of Agriculture Weights and Measures as part of landowner responsibilities for fuel modification near adjacent homes as well as measures above and beyond. Additionally, the Conservancy clears over 90 acres of weeds in restoration sites within the Palos Verdes Nature Preserve and clears 30+ miles of trails annually. This weeding approach is very specialized and must be accomplished while complying with the NCCP/HCP implementation guidelines and respecting the natural resources on the preserve. We understand that the city desires to continue to prioritize efforts to reduce fuel load in Preserve areas, and the Conservancy understands that vegetation exists beyond current fuel mod zones that pose fire threats. Therefore, the Conservancy is offering technical expertise to aid the City and augment city staff in the effort to continue reduce fuel load vegetation by targeting the removal of invasive plants such as Acacia and Mustard and other non-native plants, which in turn improves habitat for local wildlife, including the federally threatened coastal California gnatcatcher, the cactus wren, a state species of concern and the federally endangered Palos Verdes Blue Butterfly.

This proposal outlines the potential areas for this extra 2021 work. The areas identified in Portuguese Bend Reserve include the areas abutting and leading into Rolling Hills in Portuguese Canyon. **In total, an approximate 7.5 acres are proposed for fuel load reduction in the Preserve. This work can be completed in less than 4 weeks by simultaneously removing Acacia and mowing dry brush in order to complete this work in a timely manner during fire season. For these additional efforts, the Conservancy requests a one-time grant from the city up to \$87,000 for the proposed work outlined herein.** The Conservancy understands the city's timing considerations and would be prepared to begin the work as soon as funding is made available.

The Conservancy has identified the priority removal of tall Acacia shrubs due to their combustible nature (Acacia shrub contain an estimated 90% dry plant matter and volatile resins) and their prevalence throughout the Preserve and border areas. The locations for the proposed Acacia removal were chosen due to prior fires occurring in those areas, proximity to homes and risk to the community as well as the ecological benefits of invasive plant removal. Fire agencies agree that Acacia is a highly flammable plant and that it should be removed wherever possible. It was included as a high-hazard plant in the L.A. County Fire Department's recently published "Ready! Set! Go!" pamphlet. This proposal also includes the removal of other non-native shrubs and trees

like Chinese Pistache, Myoporum and Ash trees. Mustard when dry, continues to be a high fire risk species. The continued expansion of mowing areas is also included in this proposal.

The Conservancy, as Habitat Managers for the Preserve, has qualified experts on staff with the experience required to oversee the work to be performed and will assure the correct and safe removal of the invasive plants using the best techniques at the most efficient cost. The results of this work will be shared with the City provided at the conclusion of the work performed.

Where possible and with simpler tasks, volunteers will be deployed to augment the work volume and control costs. In ongoing maintenance activities, the Conservancy will create internship and volunteer opportunities for invasive plant management to keep the Acacia from re-invading the areas and to assist in monitoring activities. In this way, additional valuable learning opportunities will be made available to local youth.

As projects are completed and conditions are assessed, restoration in these locations may be appropriate and funding may be pursued, since this proposal does not include replanting in the Acacia removal sites.

Acacia Removal

Approximately 2 acres

This Acacia removal site is situated in the northern portion of Portuguese Bend Reserve along the border with the city of Rolling Hills. A fire occurred at this location in 2009 burning approximately 230 acres. Much of the vegetation was burned, including the non-native Acacia, which has since begun to grow back from stump sprouting and seed germination.

It is recommended that crews enter the area on foot as possible and remove shrubs with chainsaws and lighter equipment can be brought in via the Fire Station Trail or Ishibashi Trail as needed. Trees should be chipped in designated areas and treated to prevent regrowth. Tree stumps will need to be treated to prohibit any regrowth and the site will be monitored for seed germination and removal.

The Acacia throughout this area totals approximately 2 acres. This site is known habitat of the federally threatened coastal California gnatcatcher and the cactus wren, a state species of concern as well as other species of concern.



Acacia Removal Site in Red Polygon

Mowing Area

Approximately 5.5 acres

There is a large stand of invasive mustard in north of Portuguese Canyon that is dry and can be mowed if access is possible. This site is adjacent to historical farmland and were disked in subsequent years, so the loose soils have provided a disturbance regime which is particularly favorable to mustard and non-native grasses and weeds. Approximately 5.5 acres of mustard is at this location. Slopes are very steep and high quality coastal sage scrub habitat is scattered throughout the slope. Careful consideration to not damage native plants and close oversight will be needed. In response to community concern about the vast expanse of dry mustard growth at Portuguese Bend Reserve, the Conservancy will oversee mowing in this area and conduct bird nesting surveys. In addition to the mowing, 5-6 Acacia trees on this southeastern facing slope will be cut and chipped.



Mowing Area in Blue Polygon

Budget

The budget reflects a typical detailed tree and shrub removal project within the preserve with minimal disturbance to native habitat and to the surrounding vegetation, following NCCP/HCP protocols. Careful non-native tree removals proposed in this project, increase the habitat value for the federally threatened coastal California gnatcatcher and cactus wren, a state species of concern, as well as other native species while providing public benefit. These costs reflect the estimated time it would take the contractors to complete the project using hand tools and machinery to either chip tree material or haul plant material offsite, stump treat the cut Acacia to prevent regrowth were needed, and oversight and bird monitoring by Conservancy biologists to assure that best management practices are implemented (ie. minimization and avoidance measures such as nesting bird surveys are required by the NCCP/HCP).

These costs are based on best estimates provided by contractors for the Acacia removal and for mowing as two separate projects. For maximum benefit for fuel load reduction and habitat, both projects are recommended to be completed concurrently.

| Project | Acres | Budget |
|----------------------------------|--------------|-----------------|
| Acacia Cutting and Chipping | ~2 | \$61,000 |
| Mowing and removal of 5-6 Acacia | ~5.5 | \$26,000 |
| One-time Project Total | ~7.5 | \$87,000 |

Other Project Considerations

This project is a worthwhile investment into the long-term benefit of the communities adjacent to the open space and wildlife within. While more costly per acre to implement new, labor-intensive work than annual fuel modification weed whacking efforts, removing Acacia and other non-native trees is a positive, visible impact to the landscape and a one-time project cost to the City in these target areas. This is unlike areas of mustard which, while needed to reduce fire threat, require annual treatment and ongoing maintenance costs. To help ensure that this investment is successful, the Conservancy recommends annual monitoring of areas to prevent regrowth. This project strategy is supported by the Fire Department, which has identified Acacia removal as a priority effort to reduce fire fuel load in the Preserve. This project is also responding to the nearby community requests to respond to nuisance Acacia and mustard near homes on the Preserve border.

Community Partnerships

As part of the Conservancy's collaborative approach, we partner with various organizations to complete projects and provide various benefits to the community. If the timing and logistics are appropriate, we would work with some of our partner organizations to add to the costs savings. We work with the Los Angeles Zoo and Botanical Gardens which accept fresh Acacia greenery for the enhancement of their animal's physical and mental health. We will save many of the straight long branches from the Acacia tree for delineation of trails and to provide ground snags for lizards and insects. We also have a partnership with the local schools that offer woodworking classes for instructional teaching. Lastly, if the material does not contain seeds, we will use the chipped wood as a mulch in fuel modification zones to keep weeds down into the future.

The Conservancy will also engage the local colleges with applicable internships which allow students to gain a better understanding of the natural world, resource management and gain experience to prepare to enter the workforce. Thousands of hours of intern assistance with projects have been logged and counting. By engaging these students who span from across the globe, we are creating a lasting experience and leaving a lasting impression of the great natural habitat that exists on the peninsula.

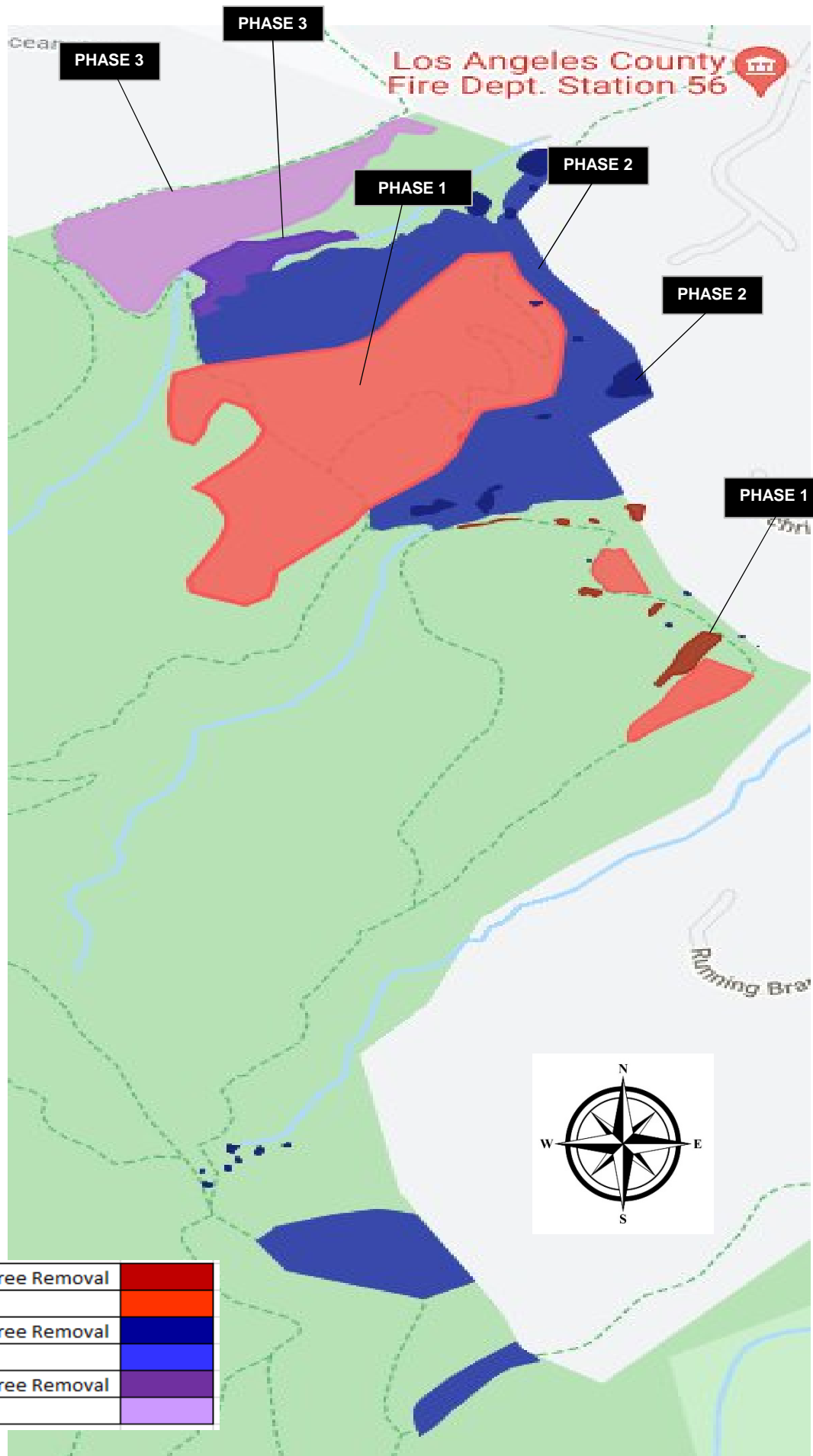
Potential for Restoration and Supplemental Work

As these projects are completed, the cleared land can provide opportunity for habitat restoration and enhancement. A species that is potentially applicable to many of the local habitat types of Palos Verdes, is our local cactus. While no plant is fireproof, there are certain characteristics which make some plants more resistive to fire, such as cactus. Where applicable,

cactus can be planted and maintained until establishment, if supplemental funding is available. Mature cactus holds a mutual relationship with the cactus wren, a state species of concern, since the cacti needles protect young nestlings from predators, providing the best habitat.

To make a larger impact, the Conservancy typically plants mature cactus that is appropriate for immediate nesting, giving us more value per dollar spent. The approximate cost for planting and maintaining a 1 acre cactus restoration project over a 5 year span is approximately \$30,000, and the Conservancy would be pleased to provide a restoration plan for lands along the Rolling Hills border of the Preserve for the benefit of community and wildlife.

Fuel Load Reduction Phases



| | | |
|---------|-------------------------|--------------|
| Phase 1 | Non-Native Tree Removal | Red |
| | Mowing | Orange |
| Phase 2 | Non-Native Tree Removal | Dark Blue |
| | Mowing | Light Blue |
| Phase 3 | Non-Native Tree Removal | Purple |
| | Mowing | Light Purple |



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.C

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, CITY MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: ACCEPT SMALL CITIES ALLOCATION FROM THE AMERICAN RESCUE PLAN ACT (ARPA)

DATE: June 14, 2021

BACKGROUND:

In March 2021, the \$1.9 trillion bill called the American Rescue Plan Act 2021 was enacted that included relief for cities. In May 2021, the US Department of Treasury released guidance on distribution of the funds to non-entitlement cities. These guidelines were issued to assist the California Department of Finance (DOF) in issuing final city-by-city allocations to help the process of distributing non-entitlement city funds.

Based on guidance from the US Department of Treasury, the money will be disbursed in two tranches, half in June 2021 and half in June 2022. Based on DOF's preliminary review, no city exceeds the plan's allocation limit - 75% of a city's most recent budget.

As of June 3, 2021, DOF estimated that the City of Rolling Hills allocation was \$441,363.

DISCUSSION:

The City of Rolling Hills is a non-entitlement unity of local government. Per the US Department of Treasury, non-entitlement units of government (NEUs) are local governments typically serving populations less than 50,000. NEUs include cities, villages, towns, townships, or other types of local governments. NEUs should expect to receive payments through their state governments. State governments will receive a specific allocation of these funds from Treasury for this purpose and are responsible for distributing these funds to NEUs within their state. Award amounts are based on the population of the NEUs.

The state has developed a secure web form for eligible cities and towns to request funding and upload certification documents required by Treasury. Each eligible city and town will receive a unique NEU Recipient Number and password to access the required web form and request funds. The NEU Receipt Number must be retained by the city or town as it will be used for the reporting to Treasury through the lifecycle of the program. DOF will send individual e-mails to the city's contact and City Manager. The portal will be available on June 10, 2021. To request funds, cities must complete the web form, provide

total annual operating budget, accept the award terms and conditions, and comply with Title VI. Request for funds must be submitted no later than 11:59 pm on June 23, 2021.

Recipients may use these funds for the following:

- Respond to the COVID-19 public health emergency and support various activities to decrease the spread of the virus.
- Address negative economic impacts caused by the public health emergency including assistance to households, small businesses, nonprofits, or to provide aid to impacted industries such as tourism, travel, and hospitality.
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
- Provide premium pay to eligible workers or grants to eligible employers of workers who perform essential work during the COVID-19 public health emergency (up to an additional \$13 per hour and not to exceed \$25,000 per worker).
- Invest in water, sewer, and broadband infrastructure.

Of the eligible uses, infrastructure investment is the most applicable use for the City of Rolling Hills. The funds can be used for the construction of the proposed 8" sewer main line along Portuguese Bend Road/Rolling Hills Road or expand the Southbay Fiber Network into the community to provide another broadband choice for residents.

The City Attorney reviewed the award terms and conditions and assurances of compliance with Title VI, Civil Rights Act of 1964 and noted that conditions are typical of requirements for receipt of federal funds.

FISCAL IMPACT:

Should the City Council accept the funds, there will be an offset of \$441,363 to the City's general fund for Fiscal Year 2020-2021.

RECOMMENDATION:

Accept the ARPA allocation and direct staff to file the necessary documents for the acceptance of the funds.

ATTACHMENTS:

[SLFRP-Fact-Sheet-FINAL1-508A.pdf](#)

[2021-10283.pdf](#)

[SLFRPFAQ.pdf](#)

[Award_Terms_and_Conditions.pdf](#)

[Title_VI_Assurances.pdf](#)

[Certification-Form.pdf](#)

FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

May 10, 2021

Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

FUNDING AMOUNTS

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

| Type | Amount (\$ billions) |
|--|-------------------------|
| States & District of Columbia | \$195.3 |
| Counties | \$65.1 |
| Metropolitan Cities | \$45.6 |
| Tribal Governments | \$20.0 |
| Territories | \$4.5 |
| Non-Entitlement Units of Local Government | \$19.5 |

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

USES OF FUNDING

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
 - ✓ Vaccination programs
 - ✓ Medical expenses
 - ✓ Testing
 - ✓ Contact tracing
 - ✓ Isolation or quarantine
 - ✓ PPE purchases
 - ✓ Support for vulnerable populations to access medical or public health services
 - ✓ Public health surveillance (e.g., monitoring for variants)
 - ✓ Enforcement of public health orders
 - ✓ Public communication efforts
 - ✓ Enhancement of healthcare capacity, including alternative care facilities
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
 - ✓ Enhancement of public health data systems
 - ✓ Capital investments in public facilities to meet pandemic operational needs
 - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
 - ✓ Mental health treatment
 - ✓ Substance misuse treatment
 - ✓ Other behavioral health services
 - ✓ Hotlines or warmlines
 - ✓ Crisis intervention
 - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

2. Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

3. Serving the hardest-hit communities and families

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

4. Replacing lost public sector revenue

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

5. Providing premium pay for essential workers

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- | | |
|---|---|
| ✓ Staff at nursing homes, hospitals, and home-care settings | ✓ Truck drivers, transit staff, and warehouse workers |
| ✓ Workers at farms, food production facilities, grocery stores, and restaurants | ✓ Childcare workers, educators, and school staff |
| ✓ Janitors and sanitation workers | ✓ Social service and human services staff |
| ✓ Public health and safety staff | |

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

6. Investing in water and sewer infrastructure

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

7. Investing in broadband infrastructure

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.

DEPARTMENT OF THE TREASURY**31 CFR Part 35****RIN 1505–AC77****Coronavirus State and Local Fiscal Recovery Funds****AGENCY:** Department of the Treasury.**ACTION:** Interim final rule.

SUMMARY: The Secretary of the Treasury (Treasury) is issuing this interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.

DATES: *Effective date:* The provisions in this interim final rule are effective May 17, 2021.

Comment date: Comments must be received on or before July 16, 2021.

ADDRESSES: Please submit comments electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>. Comments can be mailed to the Office of the Undersecretary for Domestic Finance, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220. Because postal mail may be subject to processing delay, it is recommended that comments be submitted electronically. All comments should be captions with “Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule Comments.” Please include your name, organization affiliation, address, email address and telephone number in your comment. Where appropriate, a comment should include a short executive summary.

In general, comments received will be posted on <http://www.regulations.gov> without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Katharine Richards, Senior Advisor, Office of Recovery Programs, Department of the Treasury, (844) 529–9527.

SUPPLEMENTARY INFORMATION:**I. Background Information****A. Overview**

Since the first case of coronavirus disease 2019 (COVID–19) was discovered in the United States in January 2020, the disease has infected

over 32 million and killed over 575,000 Americans.¹ The disease has impacted every part of life: As social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs. In April 2020, the national unemployment rate reached its highest level in over seventy years following the most severe month-over-month decline in employment on record.² As of April 2021, there were still 8.2 million fewer jobs than before the pandemic.³ During this time, a significant share of households have faced food and housing insecurity.⁴ Economic disruptions impaired the flow of credit to households, State and local governments, and businesses of all sizes.⁵ As businesses weathered closures and sharp declines in revenue, many were forced to shut down, especially small businesses.⁶

Amid this once-in-a-century crisis, State, territorial, Tribal, and local governments (State, local, and Tribal governments) have been called on to respond at an immense scale. Governments have faced myriad needs to prevent and address the spread of

COVID–19, including testing, contact tracing, isolation and quarantine, public communications, issuance and enforcement of health orders, expansions to health system capacity like alternative care facilities, and in recent months, a massive nationwide mobilization around vaccinations. Governments also have supported major efforts to prevent COVID–19 spread through safety measures in settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and public facilities. The pandemic’s impacts on behavioral health, including the toll of pandemic-related stress, have increased the need for behavioral health resources.

At the same time, State, local and Tribal governments launched major efforts to address the economic impacts of the pandemic. These efforts have been tailored to the needs of their communities and have included expanded assistance to unemployed workers; food assistance; rent, mortgage, and utility support; cash assistance; internet access programs; expanded services to support individuals experiencing homelessness; support for individuals with disabilities and older adults; and assistance to small businesses facing closures or revenue loss or implementing new safety measures.

In responding to the public health emergency and its negative economic impacts, State, local, and Tribal governments have seen substantial increases in costs to provide these services, often amid substantial declines in revenue due to the economic downturn and changing economic patterns during the pandemic.⁷ Facing these budget challenges, many State, local, and Tribal governments have been forced to make cuts to services or their workforces, or delay critical investments. From February to May of 2020, State, local, and Tribal governments reduced their workforces by more than 1.5 million jobs and, in April of 2021, State, local, and Tribal government employment remained nearly 1.3 million jobs below pre-pandemic levels.⁸ These cuts to State, local, and Tribal government workforces

¹ Centers for Disease Control and Prevention, COVID Data Tracker, <http://www.covid.cdc.gov/covid-data-tracker/#data-tracker-home> (last visited May 8, 2021).

² U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/UNRATE>, May 3, 2021. U.S. Bureau of Labor Statistics, Employment Level [LNU02000000], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNU02000000>, May 3, 2021.

³ U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm [PAYEMS], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/PAYEMS>, May 7, 2021.

⁴ Nirmita Panchal et al., The Implications of COVID–19 for Mental Health and Substance Abuse (Feb. 10, 2021), <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/#:~:text=Older%20adults%20are%20also%20more,prior%20to%20the%20current%20crisis;U.S.CensusBureau,HouseholdPulseSurvey:MeasuringSocialandEconomicImpactsduringtheCoronavirusPandemic,https://www.census.gov/programs-surveys/household-pulse-survey.html> (last visited Apr. 26, 2021); Rebecca T. Leeb et al., Mental Health-Related Emergency Department Visits Among Children Aged <18 Years During the COVID Pandemic—United States, January 1—October 17, 2020, *Morb. Mortal. Wkly. Rep.* 69(45):1675–80 (Nov. 13, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm>.

⁵ Board of Governors of the Federal Reserve System, Monetary Policy Report (June 12, 2020), <https://www.federalreserve.gov/monetarypolicy/2020-06-mpr-summary.htm>.

⁶ Joseph R. Biden, Remarks by President Biden on Helping Small Businesses (Feb. 22, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/22/remarks-by-president-biden-on-helping-small-businesses/>.

⁷ Michael Leachman, House Budget Bill Provides Needed Fiscal Aid for States, Localities, Tribal Nations, and Territories (Feb. 10, 2021), <https://www.cbpp.org/research/state-budget-and-tax/house-budget-bill-provides-needed-fiscal-aid-for-states-localities>.

⁸ U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/CES9092000001> and <https://fred.stlouisfed.org/series/CES9093000001> (last visited May 8, 2021).

come at a time when demand for government services is high, with State, local, and Tribal governments on the frontlines of fighting the pandemic. Furthermore, State, local, and Tribal government austerity measures can hamper overall economic growth, as occurred in the recovery from the Great Recession.⁹

Finally, although the pandemic's impacts have been widespread, both the public health and economic impacts of the pandemic have fallen most severely on communities and populations disadvantaged before it began. Low-income communities, people of color, and Tribal communities have faced higher rates of infection, hospitalization, and death,¹⁰ as well as higher rates of unemployment and lack of basic necessities like food and housing.¹¹ Pre-existing social vulnerabilities magnified the pandemic in these communities, where a reduced ability to work from home and, frequently, denser housing amplified the risk of infection. Higher rates of pre-existing health conditions also may have contributed to more severe COVID-19 health outcomes.¹² Similarly, communities or households facing economic insecurity before the pandemic were less able to weather business closures, job losses, or declines in earnings and were less able to participate in remote work or education due to the inequities in access to reliable and affordable broadband infrastructure.¹³ Finally, though schools in all areas faced challenges, those in high poverty areas had fewer resources to adapt to remote and hybrid learning models.¹⁴ Unfortunately, the pandemic

also has reversed many gains made by communities of color in the prior economic expansion.¹⁵

B. The Statute and Interim Final Rule

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President.¹⁶ Section 9901 of ARPA amended Title VI of the Social Security Act¹⁷ (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds).¹⁸ The Fiscal Recovery Funds are intended to provide support to State, local, and Tribal governments (together, recipients) in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses. The Fiscal Recovery Funds build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF).¹⁹

a lifetime (June 2020), https://webtest.childreainsstitute.net/sites/default/files/documents/COVID-19-and-student-learning-in-the-United-States_FINAL.pdf; Andrew Bacher-Hicks et al., *Inequality in Household Adaptation to Schooling Shocks: Covid-Induced Online Engagement in Real Time*, J. of Public Econ. Vol. 193(C) (July 2020), available at <https://www.nber.org/papers/w27555>.

¹⁵ See, e.g., Tyler Atkinson & Alex Richter, *Pandemic Disproportionately Affects Women, Minority Labor Force Participation*, <https://www.dallasfed.org/research/economics/2020/1110> (last visited May 9, 2021); Jared Bernstein & Janelle Jones, *The Impact of the COVID19 Recession on the Jobs and Incomes of Persons of Color*, https://www.cbpp.org/sites/default/files/atoms/files/6-2-20bud_0.pdf (last visited May 9, 2021).

¹⁶ American Rescue Plan Act of 2021 (ARPA), sec. 9901, Public Law 117–2, codified at 42 U.S.C. 802 *et seq.* The term “state” as used in this **SUPPLEMENTARY INFORMATION** and defined in section 602 of the Act means each of the 50 States and the District of Columbia. The term “territory” as used in this **SUPPLEMENTARY INFORMATION** and defined in section 602 of the Act means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of Northern Mariana Islands, and American Samoa. Tribal government is defined in the Act and the interim final rule to mean “the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the [American Rescue Plan Act] pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).” See section 602(g)(7) of the Social Security Act, as added by the American Rescue Plan Act. On January 29, 2021, the Bureau of Indian Affairs published a current list of 574 Tribal entities. See 86 FR 7554, January 29, 2021. The term “local governments” as used in this **SUPPLEMENTARY INFORMATION** includes metropolitan cities, counties, and nonentitlement units of local government.

¹⁷ 42 U.S.C. 801 *et seq.*

¹⁸ Sections 602, 603 of the Act.

¹⁹ The CRF was established by the section 601 of the Act as added by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116–136, 134 Stat. 281 (2020).

Through the Fiscal Recovery Funds, Congress provided State, local, and Tribal governments with significant resources to respond to the COVID-19 public health emergency and its economic impacts through four categories of eligible uses. Section 602 and section 603 contain the same eligible uses; the primary difference between the two sections is that section 602 establishes a fund for States, territories, and Tribal governments and section 603 establishes a fund for metropolitan cities, nonentitlement units of local government, and counties. Sections 602(c)(1) and 603(c)(1) provide that funds may be used:

(a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

(c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

(d) To make necessary investments in water, sewer, or broadband infrastructure.

In addition, Congress clarified two types of uses which do not fall within these four categories. Sections 602(c)(2)(B) and 603(c)(2) provide that these eligible uses do not include, and thus funds may not be used for, depositing funds into any pension fund. Section 602(c)(2)(A) also provides, for States and territories, that the eligible uses do not include “directly or indirectly offset[ing] a reduction in the net tax revenue of [the] State or territory resulting from a change in law, regulation, or administrative interpretation.”

The ARPA provides a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. First, payments from the Fiscal Recovery Funds help to ensure that State, local, and Tribal governments have the resources needed to continue to take actions to decrease the spread of COVID-19 and bring the pandemic under control. Payments from the Fiscal Recovery Funds may also be used by recipients to provide support for costs incurred in addressing public health and economic challenges resulting from the pandemic, including resources to offer premium pay to essential workers, in recognition of their sacrifices over the

⁹ Tracy Gordon, *State and Local Budgets and the Great Recession*, Brookings Institution (Dec. 31, 2012), <http://www.brookings.edu/articles/state-and-local-budgets-and-the-great-recession>.

¹⁰ Sebastian D. Romano et al., *Trends in Racial and Ethnic Disparities in COVID-19 Hospitalizations, by Region—United States*, March–December 2020, *MMWR Morb Mortal Wkly Rep* 2021, 70:560–565 (Apr. 16, 2021), https://www.cdc.gov/mmwr/volumes/70/wr/mm7015e2.htm?s_cid=mm7015e2_w.

¹¹ Center on Budget and Policy Priorities, *Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships*, <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-housing-and> (last visited May 4, 2021).

¹² Lisa R. Fortuna et al., *Inequity and the Disproportionate Impact of COVID-19 on Communities of Color in the United States: The Need for Trauma-Informed Social Justice Response*, *Psychological Trauma* Vol. 12(5):443–45 (2020), available at <https://psycnet.apa.org/fulltext/2020-37320-001.pdf>.

¹³ Emily Vogles et al., *53% of Americans Say the internet Has Been Essential During the COVID-19 Outbreak* (Apr. 30, 2020), <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>.

¹⁴ Emma Dorn et al., *COVID-19 and student learning in the United States: The hurt could last*

last year. Recipients may also use payments from the Fiscal Recovery Funds to replace State, local, and Tribal government revenue lost due to COVID-19, helping to ensure that governments can continue to provide needed services and avoid cuts or layoffs. Finally, these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color.

Within the eligible use categories outlined in the Fiscal Recovery Funds provisions of ARPA, State, local, and Tribal governments have flexibility to determine how best to use payments from the Fiscal Recovery Funds to meet the needs of their communities and populations. The interim final rule facilitates swift and effective implementation by establishing a framework for determining the types of programs and services that are eligible under the ARPA along with examples of uses that State, local, and Tribal governments may consider. These uses build on eligible expenditures under the CRF, including some expansions in eligible uses to respond to the public health emergency, such as vaccination campaigns. They also reflect changes in the needs of communities, as evidenced by, for example, nationwide data demonstrating disproportionate impacts of the COVID-19 public health emergency on certain populations, geographies, and economic sectors. The interim final rule takes into consideration these disproportionate impacts by recognizing a broad range of eligible uses to help States, local, and Tribal governments support the families, businesses, and communities hardest hit by the COVID-19 public health emergency.

Implementation of the Fiscal Recovery Funds also reflect the importance of public input, transparency, and accountability. Treasury seeks comment on all aspects of the interim final rule and, to better facilitate public comment, has included specific questions throughout this **SUPPLEMENTARY INFORMATION.** Treasury encourages State, local, and Tribal governments in particular to provide feedback and to engage with Treasury regarding issues that may arise regarding all aspects of this interim final rule and Treasury's work in administering the Fiscal Recovery Funds. In addition, the interim final rule establishes certain regular reporting

requirements, including by requiring State, local, and Tribal governments to publish information regarding uses of Fiscal Recovery Funds payments in their local jurisdiction. These reporting requirements reflect the need for transparency and accountability, while recognizing and minimizing the burden, particularly for smaller local governments. Treasury urges State, territorial, Tribal, and local governments to engage their constituents and communities in developing plans to use these payments, given the scale of funding and its potential to catalyze broader economic recovery and rebuilding.

II. Eligible Uses

A. Public Health and Economic Impacts

Sections 602(c)(1)(A) and 603(c)(1)(A) provide significant resources for State, territorial, Tribal governments, and counties, metropolitan cities, and nonentitlement units of local governments (each referred to as a recipient) to meet the wide range of public health and economic impacts of the COVID-19 public health emergency.

These provisions authorize the use of payments from the Fiscal Recovery Funds to respond to the public health emergency with respect to COVID-19 or its negative economic impacts. Section 602 and section 603 also describe several types of uses that would be responsive to the impacts of the COVID-19 public health emergency, including assistance to households, small businesses, and nonprofits and aid to impacted industries, such as tourism, travel, and hospitality.²⁰

Accordingly, to assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID-19 public health emergency. Assessing whether a program or service "responds to" the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.

²⁰ Sections 602(c)(1)(A), 603(c)(1)(A) of the Act.

The interim final rule implements these provisions by identifying a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of the Fiscal Recovery Funds not explicitly listed. The interim final rule also provides flexibility for recipients to use payments from the Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but that fall under the terms of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency or its negative economic impacts. As an example, in determining whether a program or service responds to the negative economic impacts of the COVID-19 public health emergency, the interim final rule provides that payments from the Fiscal Recovery Funds should be designed to address an economic harm resulting from or exacerbated by the public health emergency. Recipients should assess the connection between the negative economic harm and the COVID-19 public health emergency, the nature and extent of that harm, and how the use of this funding would address such harm.

As discussed, the pandemic and the necessary actions taken to control the spread had a severe impact on households and small businesses, including in particular low-income workers and communities and people of color. While eligible uses under sections 602(c)(1)(A) and 603(c)(1)(A) provide flexibility to recipients to identify the most pressing local needs, Treasury encourages recipients to provide assistance to those households, businesses, and non-profits in communities most disproportionately impacted by the pandemic.

1. Responding to COVID-19

On January 21, 2020, the Centers for Disease Control and Prevention (CDC) identified the first case of novel coronavirus in the United States.²¹ By late March, the virus had spread to many States and the first wave was growing rapidly, centered in the northeast.²² This wave brought acute

²¹ Press Release, Centers for Disease Control and Prevention, First Travel-related Case of 2019 Novel Coronavirus Detected in United States (Jan. 21, 2020), <https://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html>.

²² Anne Schuchat et al., Public Health Response to the Initiation and Spread of Pandemic COVID-19 in the United States, February 24–April 21, 2021, *MMWR Morb Mortal Wkly Rep* 2021, 69(18):551–56 (May 8, 2021), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e2.htm>.

strain on health care and public health systems: Hospitals and emergency medical services struggled to manage a major influx of patients; response personnel faced shortages of personal protective equipment; testing for the virus was scarce; and congregate living facilities like nursing homes and prisons saw rapid spread. State, local, and Tribal governments mobilized to support the health care system, issue public health orders to mitigate virus spread, and communicate safety measures to the public. The United States has since faced at least two additional COVID-19 waves that brought many similar challenges: The second in the summer, centered in the south and southwest, and a wave throughout the fall and winter, in which the virus reached a point of uncontrolled spread across the country and over 3,000 people died per day.²³ By early May 2021, the United States has experienced over 32 million confirmed COVID-19 cases and over 575,000 deaths.²⁴

Mitigating the impact of COVID-19, including taking actions to control its spread and support hospitals and health care workers caring for the sick, continues to require a major public health response from State, local and Tribal governments. New or heightened public health needs include COVID-19 testing, major expansions in contact tracing, support for individuals in isolation or quarantine, enforcement of public health orders, new public communication efforts, public health surveillance (e.g., monitoring case trends and genomic sequencing for variants), enhancement to health care capacity through alternative care facilities, and enhancement of public health data systems to meet new demands or scaling needs. State, local, and Tribal governments have also supported major efforts to prevent COVID-19 spread through safety measures at key settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and in other public facilities. This has included implementing infection prevention measures or making ventilation improvements in congregate settings, health care settings, or other key locations.

Other response and adaptation costs include capital investments in public facilities to meet pandemic operational

needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics. In recent months, State, local, and Tribal governments across the country have mobilized to support the national vaccination campaign, resulting in over 250 million doses administered to date.²⁵

The need for public health measures to respond to COVID-19 will continue in the months and potentially years to come. This includes the continuation of the vaccination campaign for the general public and, if vaccinations are approved for children in the future, eventually for youths. This also includes monitoring the spread of COVID-19 variants, understanding the impact of these variants (especially on vaccination efforts), developing approaches to respond to those variants, and monitoring global COVID-19 trends to understand continued risks to the United States. Finally, the long-term health impacts of COVID-19 will continue to require a public health response, including medical services for individuals with “long COVID,” and research to understand how COVID-19 impacts future health needs and raises risks for the millions of Americans who have been infected.

Other areas of public health have also been negatively impacted by the COVID-19 pandemic. For example, in one survey in January 2021, over 40 percent of American adults reported symptoms of depression or anxiety, up from 11 percent in the first half of 2019.²⁶ The proportion of children’s emergency department visits related to mental health has also risen noticeably.²⁷ Similarly, rates of substance misuse and overdose deaths have spiked: Preliminary data from the CDC show a nearly 30 percent increase in drug overdose mortality from September 2019 to September 2020.²⁸ Stay-at-home orders and other pandemic responses may have also reduced the ability of individuals affected by domestic violence to access

services.²⁹ Finally, some preventative public health measures like childhood vaccinations have been deferred and potentially forgone.³⁰

While the pandemic affected communities across the country, it disproportionately impacted some demographic groups and exacerbated health inequities along racial, ethnic, and socioeconomic lines.³¹ The CDC has found that racial and ethnic minorities are at increased risk for infection, hospitalization, and death from COVID-19, with Hispanic or Latino and Native American or Alaska Native patients at highest risk.³²

Similarly, low-income and socially vulnerable communities have seen the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000, as of May 2021.³³ Counties with high social vulnerability, as measured by factors such as poverty and educational attainment, have also fared more poorly than the national average, with 211 deaths per 100,000 as of May 2021.³⁴

²⁹ Megan L. Evans, et al., A Pandemic within a Pandemic—Intimate Partner Violence during Covid-19, *N. Engl. J. Med.* 383:2302–04 (Dec. 10, 2020), available at <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>.

³⁰ Jeanne M. Santoli et al., Effects of the COVID-19 Pandemic on Routine Pediatric Vaccine Ordering and Administration—United States, *Morb. Mortal. Wkly. Rep.* 69(19):591–93 (May 8, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6919e2.htm>; Marisa Langdon-Embry et al., Notes from the Field: Rebound in Routine Childhood Vaccine Administration Following Decline During the COVID-19 Pandemic—New York City, March 1–June 27, 2020, *Morb. Mortal. Wkly. Rep.* 69(30):999–1001 (Jul. 31 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6930a3.htm>.

³¹ Office of the White House, National Strategy for the COVID-19 Response and Pandemic Preparedness (Jan. 21, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-COVID-19-Response-and-Pandemic-Preparedness.pdf>.

³² In a study of 13 states from October to December 2020, the CDC found that Hispanic or Latino and Native American or Alaska Native individuals were 1.7 times more likely to visit an emergency room for COVID-19 than White individuals, and Black individuals were 1.4 times more likely to do so than White individuals. See Romano, *supra* note 10.

³³ Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID-19 Cases and Deaths in the United States, by County-level Population Factors, https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths (last visited May 8, 2021).

³⁴ The CDC’s Social Vulnerability Index includes fifteen variables measuring social vulnerability, including unemployment, poverty, education levels, single-parent households, disability status, non-English speaking households, crowded housing, and transportation access.

Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID-19 Cases

Continued

²³ Centers for Disease Control and Prevention, COVID Data Tracker: Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory, https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases (last visited May 8, 2021).

²⁴ *Id.*

²⁵ Centers for Disease Control and Prevention, COVID Data Tracker: COVID-19 Vaccinations in the United States, <https://covid.cdc.gov/covid-data-tracker/#vaccinations> (last visited May 8, 2021).

²⁶ Panchal, *supra* note 4; Mark E. Czeisler et al., Mental Health, Substance Abuse, and Suicidal Ideation During COVID-19 Pandemic—United States, June 24–30 2020, *Morb. Mortal. Wkly. Rep.* 69(32):1049–57 (Aug. 14, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm>.

²⁷ Leeb, *supra* note 4.

²⁸ Centers for Disease Prevention and Control, National Center for Health Statistics, Provisional Drug Overdose Death Counts, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last visited May 8, 2021).

Over the last year, Native Americans have experienced more than one and a half times the rate of COVID-19 infections, more than triple the rate of hospitalizations, and more than double the death rate compared to White Americans.³⁵ Low-income and minority communities also exhibit higher rates of pre-existing conditions that may contribute to an increased risk of COVID-19 mortality.³⁶

In addition, individuals living in low-income communities may have had more limited ability to socially distance or to self-isolate when ill, resulting in faster spread of the virus, and were over-represented among essential workers, who faced greater risk of exposure.³⁷ Social distancing measures in response to the pandemic may have also exacerbated pre-existing public health challenges. For example, for children living in homes with lead paint, spending substantially more time at home raises the risk of developing elevated blood lead levels, while screenings for elevated blood lead levels declined during the pandemic.³⁸ The combination of these underlying social and health vulnerabilities may have contributed to more severe public health outcomes of the pandemic within these communities, resulting in an exacerbation of pre-existing disparities in health outcomes.³⁹

and Deaths in the United States, by Social Vulnerability Index, https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths (last visited May 8, 2021).

³⁵ Centers for Disease Control and Prevention, Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html> (last visited Apr. 26, 2021).

³⁶ See, e.g., Centers for Disease Control and Prevention, Risk of Severe Illness or Death from COVID-19 (Dec. 10, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/disparities-illness.html> (last visited Apr. 26, 2021).

³⁷ Milena Almagro et al., Racial Disparities in Frontline Workers and Housing Crowding During COVID-19: Evidence from Geolocation Data (Sept. 22, 2020), NYU Stern School of Business (forthcoming), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3695249; Grace McCormack et al., Economic Vulnerability of Households with Essential Workers, *JAMA* 324(4):388–90 (2020), available at <https://jamanetwork.com/journals/jama/fullarticle/2767630>.

³⁸ See, e.g., Joseph G. Courtney et al., Decreases in Young Children Who Received Blood Lead Level Testing During COVID-19—34 Jurisdictions, *January–May 2020*, *Morb. Mort. Wkly. Rep.* 70(5):155–61 (Feb. 5, 2021), <https://www.cdc.gov/mmwr/volumes/70/wr/mm7005a2.htm>; Emily A. Benfer & Lindsay F. Wiley, Health Justice Strategies to Combat COVID-19: Protecting Vulnerable Communities During a Pandemic, *Health Affairs Blog* (Mar. 19, 2020), <https://www.healthaffairs.org/doi/10.1377/hlbg20200319.757883/full/>.

³⁹ See, e.g., Centers for Disease Control and Prevention, *supra* note 34; Benfer & Wiley, *supra*

Eligible Public Health Uses. The Fiscal Recovery Funds provide resources to meet and address these emergent public health needs, including through measures to counter the spread of COVID-19, through the provision of care for those impacted by the virus, and through programs or services that address disparities in public health that have been exacerbated by the pandemic. To facilitate implementation and use of payments from the Fiscal Recovery Funds, the interim final rule identifies a non-exclusive list of eligible uses of funding to respond to the COVID-19 public health emergency. Eligible uses listed under this section build and expand upon permissible expenditures under the CRF, while recognizing the differences between the ARPA and CARES Act, and recognizing that the response to the COVID-19 public health emergency has changed and will continue to change over time. To assess whether additional uses would be eligible under this category, recipients should identify an effect of COVID-19 on public health, including either or both of immediate effects or effects that may manifest over months or years, and assess how the use would respond to or address the identified need.

The interim final rule identifies a non-exclusive list of uses that address the effects of the COVID-19 public health emergency, including:

- *COVID-19 Mitigation and Prevention*. A broad range of services and programming are needed to contain COVID-19. Mitigation and prevention efforts for COVID-19 include vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools;⁴⁰ ventilation improvements in

note 38; Nathaniel M. Lewis et al., Disparities in COVID-19 Incidence, Hospitalizations, and Testing, by Area-Level Deprivation—Utah, March 3–July 9, 2020, *Morb. Mort. Wkly. Rep.* 69(38):1369–73 (Sept. 25, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6938a4.htm>.

⁴⁰ This includes implementing mitigation strategies consistent with the Centers for Disease Control and Prevention's (CDC) Operational

congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses.⁴¹ They also include capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics. These COVID-19 prevention and mitigation programs and services, among others, were eligible expenditures under the CRF and are eligible uses under this category of eligible uses for the Fiscal Recovery Funds.⁴²

- *Medical Expenses*. The COVID-19 public health emergency continues to have devastating effects on public health; the United States continues to average hundreds of deaths per day and the spread of new COVID-19 variants has raised new risks and genomic surveillance needs.⁴³ Moreover, our understanding of the potentially serious and long-term effects of the virus is growing, including the potential for symptoms like shortness of breath to continue for weeks or months, for multi-organ impacts from COVID-19, or for post-intensive care syndrome.⁴⁴ State and local governments may need to continue to provide care and services to address these near- and longer-term needs.⁴⁵

Strategy for K–12 Schools through Phased Prevention, available at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>.

⁴¹ Many of these expenses were also eligible in the CRF. Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under the ARPA, including those not explicitly listed here (e.g., telemedicine costs, costs to facilitate compliance with public health orders, disinfection of public areas, facilitating distance learning, increased solid waste disposal needs related to PPE, paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions), with the following two exceptions: (1) The standard for eligibility of public health and safety payrolls has been updated (see section II.A of this **SUPPLEMENTARY INFORMATION**) and (2) expenses related to the issuance of tax-anticipation notes are no longer an eligible funding use (see discussion of debt service in section II.B of this **SUPPLEMENTARY INFORMATION**).

⁴² Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 FR 4182 (Jan. 15, 2021), available at https://home.treasury.gov/system/files/136/CRF-Guidance-Federal-Register_2021-00827.pdf.

⁴³ Centers for Disease Control and Prevention, *supra* note 24.

⁴⁴ Centers for Disease Control and Prevention, Long-Term Effects (Apr. 8, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects.html> (last visited Apr. 26, 2021).

⁴⁵ Pursuant to 42 CFR 433.51 and 45 CFR 75.306, Fiscal Recovery Funds may not serve as a State or locality's contribution of certain Federal funds.

- *Behavioral Health Care.* In addition, new or enhanced State, local, and Tribal government services may be needed to meet behavioral health needs exacerbated by the pandemic and respond to other public health impacts. These services include mental health treatment, substance misuse treatment, other behavioral health services, hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventative medicine.

- *Public Health and Safety Staff.* Treasury recognizes that responding to the public health and negative economic impacts of the pandemic, including administering the services described above, requires a substantial commitment of State, local, and Tribal government human resources. As a result, the Fiscal Recovery Funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, to the extent that their services are devoted to mitigating or responding to the COVID-19 public health emergency.⁴⁶ Accordingly, the Fiscal Recovery Funds may be used to support the payroll and covered benefits for the portion of the employee's time that is dedicated to responding to the COVID-19 public health emergency. For administrative convenience, the recipient may consider public health and safety employees to be entirely devoted to mitigating or responding to the COVID-19 public health emergency, and therefore fully covered, if the employee, or his or her operating unit or division, is primarily dedicated to responding to the COVID-19 public health emergency. Recipients may consider other presumptions for assessing the extent to which an employee, division, or operating unit is engaged in activities that respond to the COVID-19 public health emergency, provided that the recipient reassesses periodically and maintains records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on

the COVID-19 response. Recipients need not routinely track staff hours.

- *Expenses to Improve the Design and Execution of Health and Public Health Programs.* State, local, and Tribal governments may use payments from the Fiscal Recovery Funds to engage in planning and analysis in order to improve programs addressing the COVID-19 pandemic, including through use of targeted consumer outreach, improvements to data or technology infrastructure, impact evaluations, and data analysis.

- *Eligible Uses to Address Disparities in Public Health Outcomes.* In addition, in recognition of the disproportionate impacts of the COVID-19 pandemic on health outcomes in low-income and Native American communities and the importance of mitigating these effects, the interim final rule identifies a broader range of services and programs that will be presumed to be responding to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services, outlined below, are eligible uses when provided in a Qualified Census Tract (QCT),⁴⁷ to families living in QCTs, or when these services are provided by Tribal governments.⁴⁸ Recipients may also provide these services to other populations, households, or geographic areas that are disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the

⁴⁷ Qualified Census Tracts are a common, readily-accessible, and geographically granular method of identifying communities with a large proportion of low-income residents. Using an existing measure may speed implementation and decrease administrative burden, while identifying areas of need at a highly-localized level.

While QCTs are an effective tool generally, many tribal communities have households with a wide range of income levels due in part to non-tribal member, high income residents living in the community. Mixed income communities, with a significant share of tribal members at the lowest levels of income, are often not included as eligible QCTs yet tribal residents are experiencing disproportionate impacts due to the pandemic. Therefore, including all services provided by Tribal governments is a more effective means of ensuring that disproportionately impacted Tribal members can receive services.

⁴⁸ U.S. Department of Housing and Urban Development (HUD), Qualified Census Tracts and Difficult Development Areas, <https://www.huduser.gov/portal/datasets/qct.html> (last visited Apr. 26, 2021); U.S. Department of the Interior, Bureau of Indian Affairs, Indian Lands of Federally Recognized Tribes of the United States (June 2016), <https://www.bia.gov/sites/bia.gov/files/assets/bia/ots/webteam/pdf/idc1-028635.pdf> (last visited Apr. 26, 2021).

specific populations, households, or geographic areas to be served.

Given the exacerbation of health disparities during the pandemic and the role of pre-existing social vulnerabilities in driving these disparate outcomes, services to address health disparities are presumed to be responsive to the public health impacts of the pandemic. Specifically, recipients may use payments from the Fiscal Recovery Funds to facilitate access to resources that improve health outcomes, including services that connect residents with health care resources and public assistance programs and build healthier environments, such as:

- Funding community health workers to help community members access health services and services to address the social determinants of health;⁴⁹
- Funding public benefits navigators to assist community members with navigating and applying for available Federal, State, and local public benefits or services;
- Housing services to support healthy living environments and neighborhoods conducive to mental and physical wellness;
- Remediation of lead paint or other lead hazards to reduce risk of elevated blood lead levels among children; and
- Evidence-based community violence intervention programs to prevent violence and mitigate the increase in violence during the pandemic.⁵⁰

2. Responding to Negative Economic Impacts

Impacts on Households and Individuals. The public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote

⁴⁹ The social determinants of health are the social and environmental conditions that affect health outcomes, specifically economic stability, health care access, social context, neighborhoods and built environment, and education access. See, e.g., U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion, Healthy People 2030: Social Determinants of Health, <https://health.gov/healthypeople/objectives-and-data/social-determinants-health> (last visited Apr. 26, 2021).

⁵⁰ National Commission on COVID-19 and Criminal Justice, Impact Report: COVID-19 and Crime (Jan. 31, 2021), <https://covid19.counciloncj.org/2021/01/31/impact-report-covid-19-and-crime-3/> (showing a spike in homicide and assaults); Brad Boesrup et al., Alarming Trends in US domestic violence during the COVID-19 pandemic, *Am. J. of Emerg. Med.* 38(12): 2753–55 (Dec. 1, 2020), available at [https://www.ajemjournal.com/article/S0735-6757\(20\)30307-7/fulltext](https://www.ajemjournal.com/article/S0735-6757(20)30307-7/fulltext) (showing a spike in domestic violence).

⁴⁶ In general, if an employee's wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee's covered benefits as an eligible use of Fiscal Recovery Funds. For purposes of the Fiscal Recovery Funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (Federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes).

education, and travel declined precipitously, over 20 million jobs were lost in March and April 2020.⁵¹ Although many have returned to work, as of April 2021, the economy remains 8.2 million jobs below its pre-pandemic peak,⁵² and more than 3 million workers have dropped out of the labor market altogether relative to February 2020.⁵³

Rates of unemployment are particularly severe among workers of color and workers with lower levels of educational attainment; for example, the overall unemployment rate in the United States was 6.1 percent in April 2021, but certain groups saw much higher rates: 9.7 percent for Black workers, 7.9 percent for Hispanic or Latino workers, and 9.3 percent for workers without a high school diploma.⁵⁴ Job losses have also been particularly steep among low wage workers, with these workers remaining furthest from recovery as of the end of 2020.⁵⁵ A severe recession—and its concentrated impact among low-income workers—has amplified food and housing insecurity, with an estimated nearly 17 million adults living in households where there is sometimes or often not enough food to eat and an estimated 10.7 million adults living in households that were not current on rent.⁵⁶ Over the course of the pandemic,

inequities also manifested along gender lines, as schools closed to in-person activities, leaving many working families without child care during the day.⁵⁷ Women of color have been hit especially hard: The labor force participation rate for Black women has fallen by 3.2 percentage points⁵⁸ during the pandemic as compared to 1.0 percentage points for Black men⁵⁹ and 2.0 percentage points for White women.⁶⁰

As the economy recovers, the effects of the pandemic-related recession may continue to impact households, including a risk of longer-term effects on earnings and economic potential. For example, unemployed workers, especially those who have experienced longer periods of unemployment, earn lower wages over the long term once rehired.⁶¹ In addition to the labor market consequences for unemployed workers, recessions can also cause longer-term economic challenges through, among other factors, damaged consumer credit scores⁶² and reduced familial and childhood wellbeing.⁶³

Food, Housing, and Employment Hardships, <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and> (last visited May 8, 2021).

⁵¹ Women have carried a larger share of childcare responsibilities than men during the COVID-19 crisis. See, e.g., Gema Zamarró & Maria J. Prados, Gender differences in couples' division of childcare, work and mental health during COVID-19, *Rev. Econ. Household* 19:11–40 (2021), available at <https://link.springer.com/article/10.1007/s11150-020-09534-7>; Titan Alon et al., The Impact of COVID-19 on Gender Equality, National Bureau of Economic Research Working Paper 26947 (April 2020), available at <https://www.nber.org/papers/w26947>.

⁵² U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, Black or African American Women [LNS11300032], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNS11300032> (last visited May 8, 2021).

⁵³ U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, Black or African American Men [LNS11300031], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNS11300031> (last visited May 8, 2021).

⁵⁴ U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, White Women [LNS11300029], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNS11300029> (last visited May 8, 2021).

⁵⁵ See, e.g., Michael Greenstone & Adam Looney, Unemployment and Earnings Losses: A Look at Long-Term Impacts of the Great Recession on American Workers, Brookings Institution (Nov. 4, 2021), <https://www.brookings.edu/blog/jobs/2011/11/04/unemployment-and-earnings-losses-a-look-at-long-term-impacts-of-the-great-recession-on-american-workers/>.

⁵⁶ Chi Chi Wu, Solving the Credit Conundrum: Helping Consumers' Credit Records Impaired by the Foreclosure Crisis and Great Recession (Dec. 2013), https://www.nclc.org/images/pdf/credit_reports/report-credit-conundrum-2013.pdf.

⁵⁷ Irwin Garfinkel, Sara McLanahan, Christopher Wimer, eds., *Children of the Great Recession*,

These potential long-term economic consequences underscore the continued need for robust policy support.

Impacts on Businesses. The pandemic has also severely impacted many businesses, with small businesses hit especially hard. Small businesses make up nearly half of U.S. private-sector employment⁶⁴ and play a key role in supporting the overall economic recovery as they are responsible for two-thirds of net new jobs.⁶⁵ Since the beginning of the pandemic, however, 400,000 small businesses have closed, with many more at risk.⁶⁶ Sectors with a large share of small business employment have been among those with the most drastic drops in employment.⁶⁷ The negative outlook for small businesses has continued: As of April 2021, approximately 70 percent of small businesses reported that the pandemic has had a moderate or large negative effect on their business, and over a third expect that it will take over 6 months for their business to return to their normal level of operations.⁶⁸

This negative outlook is likely the result of many small businesses having faced periods of closure and having seen declining revenues as customers stayed home.⁶⁹ In general, small businesses can face greater hurdles in accessing credit,⁷⁰ and many small businesses were already financially fragile at the outset of the pandemic.⁷¹ Non-profits, which provide vital services to communities, have similarly faced

Russell Sage Foundation (Aug. 2016), available at <https://www.russellsage.org/publications/children-great-recession>.

⁶⁴ Board of Governors of the Federal Reserve System, *supra* note 5.

⁶⁵ U.S. Small Business Administration, Office of Advocacy, Small Businesses Generate 44 Percent of U.S. Economic Activity (Jan. 30, 2019), <https://advocacy.sba.gov/2019/01/30/small-businesses-generate-44-percent-of-u-s-economic-activity/>.

⁶⁶ Biden, *supra* note 6.

⁶⁷ Daniel Wilmoth, U.S. Small Business Administration Office of Advocacy, The Effects of the COVID-19 Pandemic on Small Businesses, Issue Brief No. 16 (Mar. 2021), available at <https://cdn.advocacy.sba.gov/wp-content/uploads/2021/03/02112318/COVID-19-Impact-On-Small-Business.pdf>.

⁶⁸ U.S. Census Bureau, Small Business Pulse Survey, <https://portal.census.gov/pulse/data/> (last visited May 8, 2021).

⁶⁹ Olivia S. Kim et al., Revenue Collapses and the Consumption of Small Business Owners in the Early Stages of the COVID-19 Pandemic (Nov. 2020), <https://www.nber.org/papers/w28151>.

⁷⁰ See e.g., Board of Governors of the Federal Reserve System, Report to Congress on the Availability of Credit to Small Businesses (Sept. 2017), available at <https://www.federalreserve.gov/publications/2017-september-availability-of-credit-to-small-businesses.htm>.

⁷¹ Alexander W. Bartik et al., The Impact of COVID-19 on small business outcomes and expectations, PNAS 117(30): 17656–66 (July 28, 2020), available at <https://www.pnas.org/content/117/30/17656>.

⁵¹ U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm (PAYEMS), retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/PAYEMS> (last visited May 8, 2021).

⁵² *Id.*

⁵³ U.S. Bureau of Labor Statistics, Civilian Labor Force Level [CLF16OV], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/CLF16OV> (last visited May 8, 2021).

⁵⁴ U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian population by sex and age (May 8 2021), <https://www.bls.gov/news.release/empsit.t01.htm> (last visited May 8, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population by race, Hispanic or Latino ethnicity, sex, and age (May 8, 2021), <https://www.bls.gov/web/empsit/cpseee04.htm> (last visited May 8, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population 25 years and over by educational attainment (May 8, 2021), <https://www.bls.gov/web/empsit/cpseee05.htm> (last visited May 8, 2021).

⁵⁵ Elise Gould & Jori Kandra, Wages grew in 2020 because the bottom fell out of the low-wage labor market, Economic Policy Institute (Feb. 24, 2021), <https://files.epi.org/pdf/219418.pdf>. See also, Michael Dalton et al., The K-Shaped Recovery: Examining the Diverging Fortunes of Workers in the Recovery from the COVID-19 Pandemic using Business and Household Survey Microdata, U.S. Bureau of Labor Statistics Working Paper Series (Feb. 2021), <https://www.bls.gov/osmr/research-papers/2021/pdf/ec210020.pdf>.

⁵⁶ Center on Budget and Policy Priorities, Tracking the COVID-19 Recession's Effects on

economic and financial challenges due to the pandemic.⁷²

Impacts to State, Local, and Tribal Governments. State, local, and Tribal governments have felt substantial fiscal pressures. As noted above, State, local, and Tribal governments have faced significant revenue shortfalls and remain over 1 million jobs below their pre-pandemic staffing levels.⁷³ These reductions in staffing may undermine the ability to deliver services effectively, as well as add to the number of unemployed individuals in their jurisdictions.

Exacerbation of Pre-existing Disparities. The COVID-19 public health emergency may have lasting negative effects on economic outcomes, particularly in exacerbating disparities that existed prior to the pandemic.

The negative economic impacts of the COVID-19 pandemic are particularly pronounced in certain communities and families. Low- and moderate-income jobs make up a substantial portion of both total pandemic job losses,⁷⁴ and jobs that require in-person frontline work, which are exposed to greater risk of contracting COVID-19.⁷⁵ Both factors compound pre-existing vulnerabilities and the likelihood of food, housing, or other financial insecurity in low- and moderate-income families and, given the concentration of low- and moderate-income families within certain communities,⁷⁶ raise a substantial risk that the effects of the COVID-19 public health emergency will be amplified within these communities.

These compounding effect of recessions on concentrated poverty and the long-lasting nature of this effect were observed after the 2007–2009 recession, including a large increase in concentrated poverty with the number of people living in extremely poor

neighborhoods more than doubling by 2010–2014 relative to 2000.⁷⁷ Concentrated poverty has a range of deleterious impacts, including additional burdens on families and reduced economic potential and social cohesion.⁷⁸ Given the disproportionate impact of COVID-19 on low-income households discussed above, there is a risk that the current pandemic-induced recession could further increase concentrated poverty and cause long-term damage to economic prospects in neighborhoods of concentrated poverty.

The negative economic impacts of COVID-19 also include significant impacts to children in disproportionately affected families and include impacts to education, health, and welfare, all of which contribute to long-term economic outcomes.⁷⁹ Many low-income and minority students, who were disproportionately served by remote or hybrid education during the pandemic, lacked the resources to participate fully in remote schooling or live in households without adults available throughout the day to assist with online coursework.⁸⁰ Given these trends, the pandemic may widen educational disparities and worsen outcomes for low-income students,⁸¹ an

⁷⁷ Elizabeth Kneebone & Natalie Holmes, U.S. concentrated poverty in the wake of the Great Recession, Brookings Institution (Mar. 31, 2016), <https://www.brookings.edu/research/u-s-concentrated-poverty-in-the-wake-of-the-great-recession/>.

⁷⁸ David Erickson et al., The Enduring Challenge of Concentrated Poverty in America: Case Studies from Communities Across the U.S. (2008), available at https://www.frbsf.org/community-development/files/cp_fullreport.pdf.

⁷⁹ Educational quality, as early as Kindergarten, has a long-term impact on children's public health and economic outcomes. See, e.g., Tyler W. Watts et al., The Chicago School Readiness Project: Examining the long-term impacts of an early childhood intervention, *PLoS ONE* 13(7) (2018), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0200144>; Opportunity Insights, How Can We Amplify Education as an Engine of Mobility? Using big data to help children get the most from school, <https://opportunityinsights.org/education/> (last visited Apr. 26, 2021); U.S. Department of Health and Human Services (HHS), Office of Disease Prevention and Health Promotion, Early Childhood Development and Education, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/early-childhood-development-and-education> (last visited Apr. 26, 2021).

⁸⁰ See, e.g., Bacher-Hicks, *supra* note 14.

⁸¹ A Department of Education survey found that, as of February 2021, 42 percent of fourth grade students nationwide were offered only remote education, compared to 48 percent of economically disadvantaged students, 54 percent of Black students and 57 percent of Hispanic students. Large districts often disproportionately serve low-income students. See Institute of Education Sciences, Monthly School Survey Dashboard, <https://ies.ed.gov/schoolsurvey/> (last visited Apr. 26, 2021). In summer 2020, a review found that 74 percent of the largest 100 districts chose remote learning only.

effect that would substantially impact their long-term economic outcomes. Increased economic strain or material hardship due to the pandemic could also have a long-term impact on health, educational, and economic outcomes of young children.⁸² Evidence suggests that adverse conditions in early childhood, including exposure to poverty, food insecurity, housing insecurity, or other economic hardships, are particularly impactful.⁸³

The pandemic's disproportionate economic impacts are also seen in Tribal communities across the country—for Tribal governments as well as families and businesses on and off Tribal lands. In the early months of the pandemic, Native American unemployment spiked to 26 percent and, while partially recovered, remains at nearly 11 percent.⁸⁴ Tribal enterprises are a significant source of revenue for Tribal governments to support the provision of government services. These enterprises, notably concentrated in gaming, tourism, and hospitality, frequently closed, significantly reducing both revenues to Tribal governments and employment. As a result, Tribal governments have reduced essential services to their citizens and communities.⁸⁵

Eligible Uses. Sections 602(c)(1)(A) and 603(c)(1)(A) permit use of payments from the Fiscal Recovery Funds to respond to the negative economic impacts of the COVID-19 public health emergency. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. In considering whether a program or service would be

See Education Week, School Districts' Reopening Plans: A Snapshot (Jul. 15, 2020), <https://www.edweek.org/leadership/school-districts-reopening-plans-a-snapshot/2020/07> (last visited May 4, 2021).

⁸² HHS, *supra* note 79.

⁸³ Hirokazu Yoshikawa, Effects of the Global Coronavirus Disease—2019 Pandemic on Early Childhood Development: Short- and Long-Term Risks and Mitigating Program and Policy Actions, *J. of Pediatrics* Vol. 223:188–93 (Aug. 1, 2020), available at [https://www.jpeds.com/article/S0022-3476\(20\)30606-5/abstract](https://www.jpeds.com/article/S0022-3476(20)30606-5/abstract).

⁸⁴ Based on calculations conducted by the Minneapolis Fed's Center for Indian Country Development using Flood et al. (2020)'s Current Population Survey." Sarah Flood, Miriam King, Renae Rodgers, Steven Ruggles and J. Robert Warren. Integrated Public Use Microdata Series, Current Population Survey: Version 8.0 [dataset]. Minneapolis, MN: IPUMS, 2020. <https://doi.org/10.18128/D030.V8.0>; see also Donna Feir & Charles Golding, Native Employment During COVID-19: Hard hit in April but Starting to Rebound? (Aug. 5, 2020), <https://www.minneapolisfed.org/article/2020/native-employment-during-covid-19-hit-hard-in-april-but-starting-to-rebound>.

⁸⁵ Moreno & Sobrepena, *supra* note 73.

⁷² Federal Reserve Bank of San Francisco, Impacts of COVID-19 on Nonprofits in the Western United States (May 2020), <https://www.frbsf.org/community-development/files/impact-of-covid-nonprofits-serving-western-united-states.pdf>.

⁷³ Bureau of Labor Statistics, *supra* note 8; Elijah Moreno & Heather Sobrepena, Tribal entities remain resilient as COVID-19 batters their finances, Federal Reserve Bank of Minneapolis (Nov. 10, 2021), <https://www.minneapolisfed.org/article/2020/tribal-entities-remain-resilient-as-covid-19-batters-their-finances>.

⁷⁴ Kim Parker et al., Economic Fallout from COVID-19 Continues to Hit Lower-Income Americans the Hardest, Pew Research Center (Sept. 24, 2020), <https://www.pewresearch.org/social-trends/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/>; Gould, *supra* note 55.

⁷⁵ See *infra* Section II.B of this Supplementary Information.

⁷⁶ Elizabeth Kneebone, The Changing geography of US poverty, Brookings Institution (Feb. 15, 2017), <https://www.brookings.edu/testimonies/the-changing-geography-of-us-poverty/>.

eligible under this category, the recipient should assess whether, and the extent to which, there has been an economic harm, such as loss of earnings or revenue, that resulted from the COVID-19 public health emergency and whether, and the extent to which, the use would respond or address this harm.⁸⁶ A recipient should first consider whether an economic harm exists and whether this harm was caused or made worse by the COVID-19 public health emergency. While economic impacts may either be immediate or delayed, assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category.

In addition, the eligible use must “respond to” the identified negative economic impact. Responses must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Where there has been a negative economic impact resulting from the public health emergency, States, local, and Tribal governments have broad latitude to choose whether and how to use the Fiscal Recovery Funds to respond to and address the negative economic impact. Sections 602(c)(1)(A) and 603(c)(1)(A) describe several types of uses that would be eligible under this category, including assistance to households, small businesses, and nonprofits and aid to impacted industries such as tourism, travel, and hospitality.

To facilitate implementation and use of payments from the Fiscal Recovery Funds, the interim final rule identifies a non-exclusive list of eligible uses of funding that respond to the negative economic impacts of the public health emergency. Consistent with the discussion above, the eligible uses listed below would respond directly to the economic or financial harms resulting from and/or exacerbated by the public health emergency.

- *Assistance to Unemployed Workers.* This includes assistance to unemployed workers, including services like job training to accelerate rehiring of unemployed workers; these services may extend to workers unemployed due to the pandemic or the resulting recession, or who were already unemployed when the pandemic began

and remain so due to the negative economic impacts of the pandemic.

- *State Unemployment Insurance Trust Funds.* Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund established under section 904 of the Social Security Act (42 U.S.C. 1104) up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. 1321) for the payment of benefits between January 27, 2020 and May 17, 2021, given the close nexus between Unemployment Trust Fund costs, solvency of Unemployment Trust Fund systems, and pandemic economic impacts. Further, Unemployment Trust Fund deposits can decrease fiscal strain on Unemployment Insurance systems impacted by the pandemic. States facing a sharp increase in Unemployment Insurance claims during the pandemic may have drawn down positive Unemployment Trust Fund balances and, after exhausting the balance, required advances to fund continuing obligations to claimants. Because both of these impacts were driven directly by the need for assistance to unemployed workers during the pandemic, replenishing Unemployment Trust Funds up to the pre-pandemic level responds to the pandemic’s negative economic impacts on unemployed workers.

- *Assistance to Households.* Assistance to households or populations facing negative economic impacts due to COVID-19 is also an eligible use. This includes: Food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance (discussed below); emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker’s occupation or level of training. As discussed above, in considering whether a potential use is eligible under this category, a recipient must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative

economic impacts resulting from the pandemic. For example, a cash transfer program may focus on unemployed workers or low- and moderate-income families, which have faced disproportionate economic harms due to the pandemic. Cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering the appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, State, local and Tribal governments may consider and take guidance from the per person amounts previously provided by the Federal Government in response to the COVID-19 crisis. Cash transfers that are grossly in excess of such amounts would be outside the scope of eligible uses under sections 602(c)(1)(A) and 603(c)(1)(A) and could be subject to recoupment. In addition, a recipient could provide survivor’s benefits to surviving family members of COVID-19 victims, or cash assistance to widows, widowers, and dependents of eligible COVID-19 victims.

- *Expenses to Improve Efficacy of Economic Relief Programs.* State, local, and Tribal governments may use payments from the Fiscal Recovery Funds to improve efficacy of programs addressing negative economic impacts, including through use of data analysis, targeted consumer outreach, improvements to data or technology infrastructure, and impact evaluations.

- *Small Businesses and Non-profits.*

As discussed above, small businesses and non-profits faced significant challenges in covering payroll, mortgages or rent, and other operating costs as a result of the public health emergency and measures taken to contain the spread of the virus. State, local, and Tribal governments may provide assistance to small businesses to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency, including:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical

⁸⁶ In some cases, a use may be permissible under another eligible use category even if it falls outside the scope of section (c)(1)(A) of the Act.

plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and

- Technical assistance, counseling, or other services to assist with business planning needs.

As discussed above, these services should respond to the negative economic impacts of COVID-19. Recipients may consider additional criteria to target assistance to businesses in need, including small businesses. Such criteria may include businesses facing financial insecurity, substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. Recipients should consider local economic conditions and business data when establishing such criteria.⁸⁷

- *Rehiring State, Local, and Tribal Government Staff.* State, local, and Tribal governments continue to see pandemic impacts in overall staffing levels: State, local, and Tribal government employment remains more than 1 million jobs lower in April 2021 than prior to the pandemic.⁸⁸ Employment losses decrease a state or local government's ability to effectively administer services. Thus, the interim final rule includes as an eligible use payroll, covered benefits, and other costs associated with rehiring public sector staff, up to the pre-pandemic staffing level of the government.

- *Aid to Impacted Industries.* Sections 602(c)(1)(A) and 603(c)(1)(A) recognize that certain industries, such as tourism, travel, and hospitality, were disproportionately and negatively impacted by the COVID-19 public health emergency. Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the

pandemic on those and similarly impacted industries. For example, aid may include assistance to implement COVID-19 mitigation and infection prevention measures to enable safe resumption of tourism, travel, and hospitality services, for example, improvements to ventilation, physical barriers or partitions, signage to facilitate social distancing, provision of masks or personal protective equipment, or consultation with infection prevention professionals to develop safe reopening plans.

Aid may be considered responsive to the negative economic impacts of the pandemic if it supports businesses, attractions, business districts, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel, and hospitality industries and to business districts that were closed during the COVID-19 public health emergency, as well as aid for a planned expansion or upgrade of tourism, travel, and hospitality facilities delayed due to the pandemic.

When considering providing aid to industries other than tourism, travel, and hospitality, recipients should consider the extent of the economic impact as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, on net, the leisure and hospitality industry has experienced an approximately 24 percent decline in revenue and approximately 17 percent decline in employment nationwide due to the COVID-19 public health emergency.⁸⁹ Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

To facilitate transparency and accountability, the interim final rule requires that State, local, and Tribal governments publicly report assistance provided to private-sector businesses under this eligible use, including

tourism, travel, hospitality, and other impacted industries, and its connection to negative economic impacts of the pandemic. Recipients also should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

As discussed above, economic disparities that existed prior to the COVID-19 public health emergency amplified the impact of the pandemic among low-income and minority groups. These families were more likely to face housing, food, and financial insecurity; are over-represented among low-wage workers; and many have seen their livelihoods deteriorate further during the pandemic and economic contraction. In recognition of the disproportionate negative economic impacts on certain communities and populations, the interim final rule identifies services and programs that will be presumed to be responding to the negative economic impacts of the COVID-19 public health emergency when provided in these communities.

Specifically, Treasury will presume that certain types of services, outlined below, are eligible uses when provided in a QCT, to families and individuals living in QCTs, or when these services are provided by Tribal governments.⁹⁰ Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately impacted communities, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the specific populations, households, or geographic areas to be served. The interim final rule identifies a non-exclusive list of uses that address the disproportionate negative economic effects of the COVID-19 public health emergency, including:

- *Building Stronger Communities through Investments in Housing and Neighborhoods.* The economic impacts of COVID-19 have likely been most acute in lower-income neighborhoods, including concentrated areas of high unemployment, limited economic opportunity, and housing insecurity.⁹¹

⁸⁹ HUD, *supra* note 48.

⁹¹ Stuart M. Butler & Jonathan Grabinsky, Tackling the legacy of persistent urban inequality and concentrated poverty, Brookings Institution (Nov. 16, 2020), <https://www.brookings.edu/blog/up-front/2020/11/16/tackling-the-legacy-of->

⁸⁷ See Federal Reserve Bank of Cleveland, An Uphill Battle: COVID-19's Outsized Toll on Minority-Owned Firms (Oct. 8, 2020), <https://www.clevelandfed.org/newsroom-and-events/publications/community-development-briefs/db-20201008-misera-report.aspx> (discussing the impact of COVID-19 on minority owned businesses).

⁸⁸ U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/CES9092000001> and <https://fred.stlouisfed.org/series/CES9093000001> (last visited May 8, 2021).

⁸⁹ From February 2020 to April 2021, employment in "Leisure and hospitality" has fallen by approximately 17 percent. See U.S. Bureau of Labor Statistics, All Employees, Leisure and Hospitality, retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/USLAH> (last visited May 8, 2021). From 2019Q4 to 2020Q4, gross output (e.g. revenue) in arts, entertainment, recreation, accommodation, and food services has fallen by approximately 24 percent. See Bureau of Economic Analysis, News Release: Gross Domestic Product (Third Estimate), Corporate Profits, and GDP by Industry, Fourth Quarter and Year 2020 (Mar. 25, 2021), Table 17, https://www.bea.gov/sites/default/files/2021-03/gdp4q20_3rd.pdf.

Services in this category alleviate the immediate economic impacts of the COVID-19 pandemic on housing insecurity, while addressing conditions that contributed to poor public health and economic outcomes during the pandemic, namely concentrated areas with limited economic opportunity and inadequate or poor-quality housing.⁹² Eligible services include:

- Services to address homelessness such as supportive housing, and to improve access to stable, affordable housing among unhoused individuals;
- Affordable housing development to increase supply of affordable and high-quality living units; and

- Housing vouchers, residential counseling, or housing navigation assistance to facilitate household moves to neighborhoods with high levels of economic opportunity and mobility for low-income residents, to help residents increase their economic opportunity and reduce concentrated areas of low economic opportunity.⁹³

- *Addressing Educational Disparities.* As outlined above, school closures and the transition to remote education raised particular challenges for lower-income students, potentially exacerbating educational disparities, while increases in economic hardship among families could have long-lasting impacts on children's educational and economic prospects. Services under this prong would enhance educational supports to help mitigate impacts of the pandemic. Eligible services include:

- New, expanded, or enhanced early learning services, including pre-kindergarten, Head Start, or partnerships between pre-kindergarten programs and local education authorities, or administration of those services;

- Providing assistance to high-poverty school districts to advance equitable funding across districts and geographies;

- Evidence-based educational services and practices to address the academic needs of students, including tutoring, summer, afterschool, and other

extended learning and enrichment programs; and

- Evidence-based practices to address the social, emotional, and mental health needs of students;

- *Promoting Healthy Childhood Environments.* Children's economic and family circumstances have a long-term impact on their future economic outcomes.⁹⁴ Increases in economic hardship, material insecurity, and parental stress and behavioral health challenges all raise the risk of long-term harms to today's children due to the pandemic. Eligible services to address this challenge include:

- New or expanded high-quality childcare to provide safe and supportive care for children;

- Home visiting programs to provide structured visits from health, parent educators, and social service professionals to pregnant women or families with young children to offer education and assistance navigating resources for economic support, health needs, or child development; and

- Enhanced services for child welfare-involved families and foster youth to provide support and training on child development, positive parenting, coping skills, or recovery for mental health and substance use challenges.

State, local, and Tribal governments are encouraged to use payments from the Fiscal Recovery Funds to respond to the direct and immediate needs of the pandemic and its negative economic impacts and, in particular, the needs of households and businesses that were disproportionately and negatively impacted by the public health emergency. As highlighted above, low-income communities and workers and people of color have faced more severe health and economic outcomes during the pandemic, with pre-existing social vulnerabilities like low-wage or insecure employment, concentrated neighborhoods with less economic opportunity, and pre-existing health disparities likely contributing to the magnified impact of the pandemic. The Fiscal Recovery Funds provide resources to not only respond to the immediate harms of the pandemic but also to mitigate its longer-term impact in compounding the systemic public health and economic challenges of disproportionately impacted populations. Treasury encourages recipients to consider funding uses that foster a strong, inclusive, and equitable recovery, especially uses with long-term benefits for health and economic outcomes.

Uses Outside the Scope of this Category. Certain uses would not be within the scope of this eligible use category, although may be eligible under other eligible use categories. A general infrastructure project, for example, typically would not be included unless the project responded to a specific pandemic public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact like those described above (e.g., affordable housing in a QCT). The ARPA explicitly includes infrastructure if it is "necessary" and in water, sewer, or broadband. See Section II.D of this **SUPPLEMENTARY INFORMATION**. State, local, and Tribal governments also may use the Fiscal Recovery Funds under sections 602(c)(1)(C) or 603(c)(1)(C) to provide "government services" broadly to the extent of their reduction in revenue. See Section II.C of this **SUPPLEMENTARY INFORMATION**.

This category of eligible uses also would not include contributions to rainy day funds, financial reserves, or similar funds. Resources made available under this eligible use category are intended to help meet pandemic response needs and provide relief for households and businesses facing near- and long-term negative economic impacts. Contributions to rainy day funds and similar financial reserves would not address these needs or respond to the COVID-19 public health emergency but would rather constitute savings for future spending needs. Similarly, this eligible use category would not include payment of interest or principal on outstanding debt instruments, including, for example, short-term revenue or tax anticipation notes, or other debt service costs. As discussed below, payments from the Fiscal Recovery Funds are intended to be used prospectively and the interim final rule precludes use of these funds to cover the costs of debt incurred prior to March 3, 2021. Fees or issuance costs associated with the issuance of new debt would also not be covered using payments from the Fiscal Recovery Funds because such costs would not themselves have been incurred to address the needs of pandemic response or its negative economic impacts. The purpose of the Fiscal Recovery Funds is to provide fiscal relief that will permit State, local, and Tribal governments to continue to respond to the COVID-19 public health emergency.

For the same reasons, this category of eligible uses would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring

persistent-urban-inequality-and-concentrated-poverty/.

⁹² U.S. Department of Health and Human Services (HHS), Office of Disease Prevention and Health Promotion, Quality of Housing, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/quality-of-housing#11> (last visited Apr. 26, 2021).

⁹³ The Opportunity Atlas, <https://www.opportunityatlas.org/> (last visited Apr. 26, 2021); Raj Chetty & Nathaniel Hendren, The Impacts of Neighborhoods on Intergenerational Mobility I: Childhood Exposure Effects, Quarterly J. of Econ. 133(3):1107–162 (2018), available at <https://opportunityinsights.org/paper/neighborhoodsi/>.

⁹⁴ See *supra* notes 52 and 84.

plan in a judicial, administrative, or regulatory proceeding, except to the extent the judgment or settlement requires the provision of services that would respond to the COVID-19 public health emergency. That is, satisfaction of a settlement or judgment would not itself respond to COVID-19 with respect to the public health emergency or its negative economic impacts, unless the settlement requires the provision of services or aid that did directly respond to these needs, as described above.

In addition, as described in Section V.III of this **SUPPLEMENTARY INFORMATION**, Treasury will establish reporting and record keeping requirements for uses within this category, including enhanced reporting requirements for certain types of uses.

Question 1: Are there other types of services or costs that Treasury should consider as eligible uses to respond to the public health impacts of COVID-19? Describe how these respond to the COVID-19 public health emergency.

Question 2: The interim final rule permits coverage of payroll and benefits costs of public health and safety staff primarily dedicated to COVID-19 response, as well as rehiring of public sector staff up to pre-pandemic levels. For how long should these measures remain in place? What other measures or presumptions might Treasury consider to assess the extent to which public sector staff are engaged in COVID-19 response, and therefore reimbursable, in an easily-administrable manner?

Question 3: The interim final rule permits rehiring of public sector staff up to the government's pre-pandemic staffing level, which is measured based on employment as of January 27, 2020. Does this approach adequately measure the pre-pandemic staffing level in a manner that is both accurate and easily administrable? Why or why not?

Question 4: The interim final rule permits deposits to Unemployment Insurance Trust Funds, or using funds to pay back advances, up to the pre-pandemic balance. What, if any, conditions should be considered to ensure that funds repair economic impacts of the pandemic and strengthen unemployment insurance systems?

Question 5: Are there other types of services or costs that Treasury should consider as eligible uses to respond to the negative economic impacts of COVID-19? Describe how these respond to the COVID-19 public health emergency.

Question 6: What other measures, presumptions, or considerations could be used to assess "impacted industries"

affected by the COVID-19 public health emergency?

Question 7: What are the advantages and disadvantages of using Qualified Census Tracts and services provided by Tribal governments to delineate where a broader range of eligible uses are presumed to be responsive to the public health and economic impacts of COVID-19? What other measures might Treasury consider? Are there other populations or geographic areas that were disproportionately impacted by the pandemic that should be explicitly included?

Question 8: Are there other services or costs that Treasury should consider as eligible uses to respond to the disproportionate impacts of COVID-19 on low-income populations and communities? Describe how these respond to the COVID-19 public health emergency or its negative economic impacts, including its exacerbation of pre-existing challenges in these areas.

Question 9: The interim final rule includes eligible uses to support affordable housing and stronger neighborhoods in disproportionately-impacted communities. Discuss the advantages and disadvantages of explicitly including other uses to support affordable housing and stronger neighborhoods, including rehabilitation of blighted properties or demolition of abandoned or vacant properties. In what ways does, or does not, this potential use address public health or economic impacts of the pandemic? What considerations, if any, could support use of Fiscal Recovery Funds in ways that do not result in resident displacement or loss of affordable housing units?

B. Premium Pay

Fiscal Recovery Funds payments may be used by recipients to provide premium pay to eligible workers performing essential work during the COVID-19 public health emergency or to provide grants to third-party employers with eligible workers performing essential work.⁹⁵ These are workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and wellbeing of their communities.

Since the start of the COVID-19 public health emergency in January 2020, essential workers have put their physical wellbeing at risk to meet the daily needs of their communities and to provide care for others. In the course of this work, many essential workers have

contracted or died of COVID-19.⁹⁶ Several examples reflect the severity of the health impacts for essential workers. Meat processing plants became "hotspots" for transmission, with 700 new cases reported at a single plant on a single day in May 2020.⁹⁷ In New York City, 120 employees of the Metropolitan Transit Authority were estimated to have died due to COVID-19 by mid-May 2020, with nearly 4,000 testing positive for the virus.⁹⁸ Furthermore, many essential workers are people of color or low-wage workers.⁹⁹ These workers, in particular, have borne a disproportionate share of the health and economic impacts of the pandemic. Such workers include:

- Staff at nursing homes, hospitals, and home care settings;
- Workers at farms, food production facilities, grocery stores, and restaurants;
- Janitors and sanitation workers;
- Truck drivers, transit staff, and warehouse workers;
- Public health and safety staff;
- Childcare workers, educators, and other school staff; and
- Social service and human services staff.

During the public health emergency, employers' policies on COVID-19-related hazard pay have varied widely, with many essential workers not yet compensated for the heightened risks they have faced and continue to face.¹⁰⁰

⁹⁶ See, e.g., Centers for Disease Control and Prevention, COVID Data Tracker: Cases & Death among Healthcare Personnel, <https://covid.cdc.gov/covid-data-tracker/#health-care-personnel> (last visited May 4, 2021); Centers for Disease Control and Prevention, COVID Data Tracker: Confirmed COVID-19 Cases and Deaths among Staff and Rate per 1,000 Resident-Weeks in Nursing Homes, by Week—United States, <https://covid.cdc.gov/covid-data-tracker/#nursing-home-staff> (last visited May 4, 2021).

⁹⁷ See, e.g., The Lancet, The plight of essential workers during the COVID-19 pandemic, Vol. 395, Issue 10237:1587 (May 23, 2020), available at <https://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2820%2931200-9/fulltext>.

⁹⁸ *Id.*

⁹⁹ Joanna Gaitens et al., Covid-19 and essential workers: A narrative review of health outcomes and moral injury, *Int'l J. of Envtl. Research and Pub. Health* 18(4):1446 (Feb. 4, 2021), available at <https://pubmed.ncbi.nlm.nih.gov/33557075/>; Tiana N. Rogers et al., Racial Disparities in COVID-19 Mortality Among Essential Workers in the United States, *World Med. & Health policy* 12(3):311–27 (Aug. 5, 2020), available at <https://onlinelibrary.wiley.com/doi/full/10.1002/wmh3.358> (finding that vulnerability to coronavirus exposure was increased among non-Hispanic blacks, who disproportionately occupied the top nine essential occupations).

¹⁰⁰ Economic Policy Institute, Only 30% of those working outside their home are receiving hazard pay (June 16, 2020), <https://www.epi.org/press/only-30-of-those-working-outside-their-home-are-receiving-hazard-pay-black-and-hispanic-workers-are-most-concerned-about-bringing-the-coronavirus-home/>.

⁹⁵ Sections 602(c)(1)(B), 603(c)(1)(B) of the Act.

Many of these workers earn lower wages on average and live in socioeconomically vulnerable communities as compared to the general population.¹⁰¹ A recent study found that 25 percent of essential workers were estimated to have low household income, with 13 percent in high-risk households.¹⁰² The low pay of many essential workers makes them less able to cope with the financial consequences of the pandemic or their work-related health risks, including working hours lost due to sickness or disruptions to childcare and other daily routines, or the likelihood of COVID-19 spread in their households or communities. Thus, the threats and costs involved with maintaining the ongoing operation of vital facilities and services have been, and continue to be, borne by those that are often the most vulnerable to the pandemic. The added health risk to essential workers is one prominent way in which the pandemic has amplified pre-existing socioeconomic inequities.

The Fiscal Recovery Funds will help respond to the needs of essential workers by allowing recipients to remunerate essential workers for the elevated health risks they have faced and continue to face during the public health emergency. To ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work, the interim final rule defines essential work as work involving regular in-person interactions or regular physical handling of items that were also handled by others. A worker would not be engaged in essential work and, accordingly may not receive premium pay, for telework performed from a residence.

Sections 602(g)(2) and 603(g)(2) define eligible worker to mean “those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each Governor of a State or territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.”¹⁰³ The rule incorporates this definition and provides a list of industries recognized as essential critical infrastructure sectors.¹⁰⁴ These sectors include healthcare, public health and safety, childcare, education, sanitation, transportation, and food production and services, among others

as noted above. As provided under sections 602(g)(2) and 603(g)(2), the chief executive of each recipient has discretion to add additional sectors to this list, so long as additional sectors are deemed critical to protect the health and well-being of residents.

In providing premium pay to essential workers or grants to eligible employers, a recipient must consider whether the pay or grant would “respond to” to the worker or workers performing essential work. Premium pay or grants provided under this section respond to workers performing essential work if it addresses the heightened risk to workers who must be physically present at a jobsite and, for many of whom, the costs associated with illness were hardest to bear financially. Many of the workers performing critical essential services are low- or moderate-income workers, such as those described above. The ARPA recognizes this by defining premium pay to mean an amount up to \$13 per hour in addition to wages or remuneration the worker otherwise receives and in an aggregate amount not to exceed \$25,000 per eligible worker. To ensure the provision is implemented in a manner that compensates these workers, the interim final rule provides that any premium pay or grants provided using the Fiscal Recovery Funds should prioritize compensation of those lower income eligible workers that perform essential work.

As such, providing premium pay to eligible workers responds to such workers by helping address the disparity between the critical services and risks taken by essential workers and the relatively low compensation they tend to receive in exchange. If premium pay would increase a worker’s total pay above 150 percent of their residing state’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, or their residing county’s average annual wage, as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, whichever is higher, on an annual basis, the State, local, or Tribal government must provide Treasury and make publicly available, whether for themselves or on behalf of a grantee, a written justification of how the premium pay or grant is responsive to workers performing essential worker during the public health emergency.¹⁰⁵

The threshold of 150 percent for requiring additional written justification is based on an analysis of the distribution of labor income for a sample of 20 occupations that generally correspond to the essential workers as defined in the interim final rule.¹⁰⁶ For these occupations, labor income for the vast majority of workers was under 150 percent of average annual labor income across all occupations. Treasury anticipates that the threshold of 150 percent of the annual average wage will be greater than the annual average wage of the vast majority of eligible workers performing essential work. These enhanced reporting requirements help to ensure grants are directed to essential workers in critical infrastructure sectors and responsive to the impacts of the pandemic observed among essential workers, namely the mis-alignment between health risks and compensation. Enhanced reporting also provides transparency to the public. Finally, using a localized measure reflects differences in wages and cost of living across the country, making this standard administrable and reflective of essential worker incomes across a diverse range of geographic areas.

Furthermore, because premium pay is intended to compensate essential workers for heightened risk due to COVID-19, it must be entirely additive to a worker’s regular rate of wages and other remuneration and may not be used to reduce or substitute for a worker’s normal earnings. The definition of premium pay also clarifies that premium pay may be provided retrospectively for work performed at any time since the start of the COVID-19 public health emergency, where those workers have yet to be compensated adequately for work previously performed.¹⁰⁷ Treasury encourages recipients to prioritize providing retrospective premium pay where possible, recognizing that many essential workers have not yet received additional compensation for work conducted over the course of many

of Labor Statistics, May 2020 Metropolitan and Nonmetropolitan Area Estimates listed by county or town, https://www.bls.gov/oes/current/county_links.htm (last visited May 1, 2021).

¹⁰⁶ Treasury performed this analysis with data from the U.S. Census Bureau’s 2019 Annual Social and Economic Supplement. In determining which occupations to include in this analysis, Treasury excluded management and supervisory positions, as such positions may not necessarily involve regular in-person interactions or physical handling of items to the same extent as non-managerial positions.

¹⁰⁷ However, such compensation must be “in addition to” remuneration or wages already received. That is, employers may not reduce such workers’ current pay and use Fiscal Recovery Funds to compensate themselves for premium pay previously provided to the worker.

¹⁰¹ McCormack, *supra* note 37.

¹⁰² *Id.*

¹⁰³ Sections 602(g)(2), 603(g)(2) of the Act.

¹⁰⁴ The list of critical infrastructure sectors provided in the interim final rule is based on the list of essential workers under The Heroes Act, H.R. 6800, 116th Cong. (2020).

¹⁰⁵ County median annual wage is taken to be that of the metropolitan or nonmetropolitan area that includes the county. See U.S. Bureau of Labor Statistics, State Occupational Employment and Wage Estimates, <https://www.bls.gov/oes/current/oesrcst.htm> (last visited May 1, 2021); U.S. Bureau

months. Essential workers who have already earned premium pay for essential work performed during the COVID-19 public health emergency remain eligible for additional payments, and an essential worker may receive both retrospective premium pay for prior work as well as prospective premium pay for current or ongoing work.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided. *See* Section VIII of this **SUPPLEMENTARY INFORMATION**, discussing reporting requirements. In responding to the needs of essential workers, a grant to an employer may provide premium pay to eligible workers performing essential work, as these terms are defined in the interim final rule and discussed above. A grant provided to an employer may also be for essential work performed by eligible workers pursuant to a contract. For example, if a municipality contracts with a third party to perform sanitation work, the third-party contractor could be eligible to receive a grant to provide premium pay for these eligible workers.

Question 10: Are there additional sectors beyond those listed in the interim final rule that should be considered essential critical infrastructure sectors?

Question 11: What, if any, additional criteria should Treasury consider to ensure that premium pay responds to essential workers?

Question 12: What consideration, if any, should be given to the criteria on salary threshold, including measure and level, for requiring written justification?

C. Revenue Loss

Recipients may use payments from the Fiscal Recovery Funds for the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency.¹⁰⁸ Pursuant to sections 602(c)(1)(C) and 603(c)(1)(C) of the Act, a recipient's reduction in revenue is measured relative to the revenue collected in the most recent full fiscal year prior to the emergency.

Many State, local, and Tribal governments are experiencing significant budget shortfalls, which can have a devastating impact on communities. State government tax revenue from major sources were down 4.3 percent in the six months ended September 2020, relative to the same

period 2019.¹⁰⁹ At the local level, nearly 90 percent of cities have reported being less able to meet the fiscal needs of their communities and, on average, cities expect a double-digit decline in general fund revenues in their fiscal year 2021.¹¹⁰ Similarly, surveys of Tribal governments and Tribal enterprises found majorities of respondents reporting substantial cost increases and revenue decreases, with Tribal governments reporting reductions in healthcare, housing, social services, and economic development activities as a result of reduced revenues.¹¹¹ These budget shortfalls are particularly problematic in the current environment, as State, local, and Tribal governments work to mitigate and contain the COVID-19 pandemic and help citizens weather the economic downturn.

Further, State, local, and Tribal government budgets affect the broader economic recovery. During the period following the 2007–2009 recession, State and local government budget pressures led to fiscal austerity that was a significant drag on the overall economic recovery.¹¹² Inflation-adjusted State and local government revenue did not return to the previous peak until 2013,¹¹³ while State, local, and Tribal government employment did not recover to its prior peak for over a decade, until August 2019—just a few months before the COVID-19 public health emergency began.¹¹⁴

¹⁰⁹ Major sources include personal income tax, corporate income tax, sales tax, and property tax. *See* Lucy Dadayan, States Reported Revenue Growth in July–September Quarter, Reflecting Revenue Shifts from the Prior Quarter, State Tax and Econ. Rev. (Q. 3, 2020), available at https://www.urban.org/sites/default/files/publication/103938/state-tax-and-economic-review-2020-q3_0.pdf.

¹¹⁰ National League of Cities, City Fiscal Conditions (2020), available at https://www.nlc.org/wp-content/uploads/2020/08/City_Fiscal_Conditions_2020_FINAL.pdf.

¹¹¹ Surveys conducted by the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis in March, April, and September 2020. *See* Moreno & Sobrepna, *supra* note 73.

¹¹² *See, e.g.,* Fitzpatrick, Haughwout & Setren, Fiscal Drag from the State and Local Sector?, Liberty Street Economics Blog, Federal Reserve Bank of New York (June 27, 2012), <https://www.libertystreeteconomics.newyorkfed.org/2012/06/fiscal-drag-from-the-state-and-local-sector.html>; Jiri Jonas, Great Recession and Fiscal Squeeze at U.S. Subnational Government Level, IMF Working Paper 12/184, (July 2012), available at <https://www.imf.org/external/pubs/ft/wp/2012/wp12184.pdf>; Gordon, *supra* note 9.

¹¹³ State and local government general revenue from own sources, adjusted for inflation using the GDP price index. U.S. Census Bureau, Annual Survey of State Government Finances and U.S. Bureau of Economic Analysis, National Income and Product Accounts.

¹¹⁴ U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001],

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act allow recipients facing budget shortfalls to use payments from the Fiscal Recovery Funds to avoid cuts to government services and, thus, enable State, local, and Tribal governments to continue to provide valuable services and ensure that fiscal austerity measures do not hamper the broader economic recovery. The interim final rule implements these provisions by establishing a definition of “general revenue” for purposes of calculating a loss in revenue and by providing a methodology for calculating revenue lost due to the COVID-19 public health emergency.

General Revenue. The interim final rule adopts a definition of “general revenue” based largely on the components reported under “General Revenue from Own Sources” in the Census Bureau’s Annual Survey of State and Local Government Finances, and for purposes of this interim final rule, helps to ensure that the components of general revenue would be calculated in a consistent manner.¹¹⁵ By relying on a methodology that is both familiar and comprehensive, this approach minimizes burden to recipients and provides consistency in the measurement of general revenue across a diverse set of recipients.

The interim final rule defines the term “general revenue” to include revenues collected by a recipient and generated from its underlying economy and would capture a range of different types of tax revenues, as well as other types of revenue that are available to support government services.¹¹⁶ In calculating revenue, recipients should sum across all revenue streams covered as general revenue. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the overall impact of

retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/CES9092000001> and <https://fred.stlouisfed.org/series/CES9093000001> (last visited Apr. 27, 2021).

¹¹⁵ U.S. Census Bureau, Annual Survey of State and Local Government Finances, <https://www.census.gov/programs-surveys/gov-finances.html> (last visited Apr. 30, 2021).

¹¹⁶ The interim final rule would define tax revenue in a manner consistent with the Census Bureau’s definition of tax revenue, with certain changes (*i.e.*, inclusion of revenue from liquor stores and certain intergovernmental transfers). Current charges are defined as “charges imposed for providing current services or for the sale of products in connection with general government activities.” It includes revenues such as public education institution, public hospital, and toll revenues. Miscellaneous general revenue comprises of all other general revenue of governments from their own sources (*i.e.*, other than liquor store, utility, and insurance trust revenue), including rents, royalties, lottery proceeds, and fines.

¹⁰⁸ ARPA, *supra* note 16.

the COVID-19 public health emergency on a recipient's revenue, rather than relying on financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.¹¹⁷

Consistent with the Census Bureau's definition of "general revenue from own sources," the definition of general revenue in the interim final rule would exclude refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, and agency or private trust transactions. The definition of general revenue also would exclude revenue generated by utilities and insurance trusts. In this way, the definition of general revenue focuses on sources that are generated from economic activity and are available to fund government services, rather than a fund or administrative unit established to account for and control a particular activity.¹¹⁸ For example, public utilities typically require financial support from the State, local, or Tribal government, rather than providing revenue to such government, and any revenue that is generated by public utilities typically is used to support the public utility's continued operation, rather than being used as a source of revenue to support government services generally.

The definition of general revenue would include all revenue from Tribal enterprises, as this revenue is generated from economic activity and is available to fund government services. Tribes are not able to generate revenue through taxes in the same manner as State and local governments and, as a result, Tribal enterprises are critical sources of revenue for Tribal governments that enable Tribal governments to provide a range of services, including elder care, health clinics, wastewater management, and forestry.

Finally, the term "general revenue" includes intergovernmental transfers between State and local governments, but excludes intergovernmental transfers from the Federal Government, including Federal transfers made via a State to a local government pursuant to the CRF or as part of the Fiscal Recovery Funds. States and local governments often share or collect revenue on behalf of one another, which results in

intergovernmental transfers. When attributing revenue to a unit of government, the Census Bureau's methodology considers which unit of government imposes, collects, and retains the revenue and assigns the revenue to the unit of government that meets at least two of those three factors.¹¹⁹ For purposes of measuring loss in general revenue due to the COVID-19 public health emergency and to better allow continued provision of government services, the retention and ability to use the revenue is a more critical factor. Accordingly, and to better measure the funds available for the provision of government services, the definition of general revenue would include intergovernmental transfers from States or local governments other than funds transferred pursuant to ARPA, CRF, or another Federal program. This formulation recognizes the importance of State transfers for local government revenue.¹²⁰

Calculation of Loss. In general, recipients will compute the extent of the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic. This approach measures losses in revenue relative to the most recent fiscal year prior to the COVID-19 public health emergency by using the most recent pre-pandemic fiscal year as the starting point for estimates of revenue growth absent the pandemic. In other words, the counterfactual trend starts with the last full fiscal year prior to the COVID-19 public health emergency and then assumes growth at a constant rate in the subsequent years. Because recipients can estimate the revenue shortfall at multiple points in time throughout the covered period as revenue is collected, this approach accounts for variation across recipients in the timing of pandemic impacts.¹²¹ Although revenue may decline for

reasons unrelated to the COVID-19 public health emergency, to minimize the administrative burden on recipients and taking into consideration the devastating effects of the COVID-19 public health emergency, any diminution in actual revenues relative to the counterfactual pre-pandemic trend would be presumed to have been due to the COVID-19 public health emergency.

For purposes of measuring revenue growth in the counterfactual trend, recipients may use a *growth adjustment* of either 4.1 percent per year or the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher. The option of 4.1 percent represents the average annual growth across all State and local government "General Revenue from Own Sources" in the most recent three years of available data.¹²² This approach provides recipients with a standardized growth adjustment when calculating the counterfactual revenue trend and thus minimizes administrative burden, while not disadvantaging recipients with revenue growth that exceeded the national average prior to the COVID-19 public health emergency by permitting these recipients to use their own revenue growth rate over the preceding three years.

Recipients should calculate the extent of the reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. To calculate the extent of the reduction in revenue at each of these dates, recipients should follow a four-step process:

- **Step 1:** Identify revenues collected in the most recent full fiscal year prior to the public health emergency (*i.e.*, last full fiscal year before January 27, 2020), called the *base year revenue*.
- **Step 2:** Estimate *counterfactual revenue*, which is equal to *base year revenue* * $[(1 + \text{growth adjustment})^{(n/12)}]$, where *n* is the number of months elapsed since the end of the base year to the calculation date, and *growth adjustment* is the greater of 4.1 percent and the recipient's average annual revenue growth in the three full fiscal

¹¹⁹ U.S. Census Bureau, Government Finance and Employment Classification Manual (Dec. 2000), <https://www2.census.gov/govs/class/classfull.pdf>.

¹²⁰ For example, in 2018, state transfers to localities accounted for approximately 27 percent of local revenues. U.S. Census Bureau, Annual Survey of State and Local Government Finances, Table 1 (2018), <https://www.census.gov/data/datasets/2018/econ/local/public-use-datasets.html>.

¹²¹ For example, following the 2007–09 recession, local government property tax collections did not begin to decline until 2011, suggesting that property tax collection declines can lag downturns. See U.S. Bureau of Economic Analysis, Personal current taxes: State and local: Property taxes [S210401A027NBEA], retrieved from Federal Reserve Economic Data, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/graph/?g=r3YI> (last visited Apr. 22, 2021). Estimating the reduction in revenue at points throughout the covered period will allow for this type of lagged effect to be taken into account during the covered period.

¹²² Together with revenue from liquor stores from 2015 to 2018. This estimate does not include any intergovernmental transfers. A recipient using the three-year average to calculate their growth adjustment must be based on the definition of general revenue, including treatment of intergovernmental transfers. 2015–2018 represents the most recent available data. See U.S. Census Bureau, State & Local Government Finance Historical Datasets and Tables (2018), <https://www.census.gov/programs-surveys/gov-finances/data/datasets.html>.

¹¹⁷ Fund-oriented reporting, such as what is used under the Governmental Accounting Standards Board (GASB), focuses on the types of uses and activities funded by the revenue, as opposed to the economic activity from which the revenue is sourced. See Governmental Accounting Standards Series, Statement No. 54 of the Governmental Accounting Standards Board: Fund Balance Reporting and Governmental Fund Type Definitions, No. 287–B (Feb. 2009).

¹¹⁸ *Supra* note 116.

years prior to the COVID-19 public health emergency.

- *Step 3:* Identify *actual revenue*, which equals revenues collected over the past twelve months as of the calculation date.

- *Step 4:* The extent of the reduction in revenue is equal to *counterfactual*

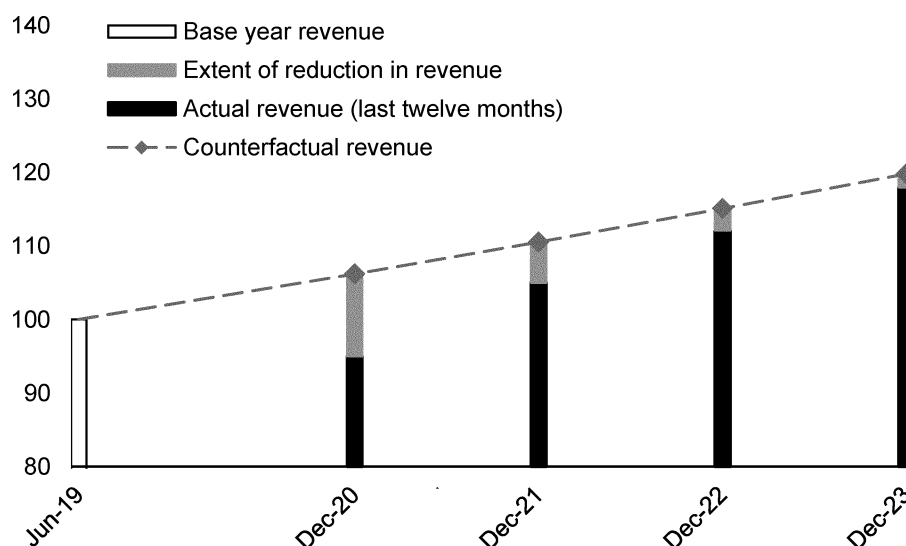
revenue less actual revenue. If actual revenue exceeds counterfactual revenue, the extent of the reduction in revenue is set to zero for that calculation date.

For illustration, consider a hypothetical recipient with *base year revenue* equal to 100. In Step 2, the hypothetical recipient finds that 4.1

percent is greater than the recipient's average annual revenue growth in the three full fiscal years prior to the public health emergency. Furthermore, this recipient's base year ends June 30. In this illustration, *n* (months elapsed) and *counterfactual revenue* would be equal to:

| As of: | 12/31/2020 | 12/31/2021 | 12/31/2022 | 12/31/2023 |
|--------------------------------------|------------|------------|------------|------------|
| <i>n</i> (months elapsed) | 18 | 30 | 42 | 54 |
| <i>Counterfactual revenue:</i> | 106.2 | 110.6 | 115.1 | 119.8 |

The overall methodology for calculating the reduction in revenue is illustrated in the figure below:



Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act provide recipients with broad latitude to use the Fiscal Recovery Funds for the provision of government services. Government services can include, but are not limited to, maintenance or pay-go funded building¹²³ of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services. However, expenses associated with obligations under instruments evidencing financial indebtedness for

borrowed money would not be considered the provision of government services, as these financing expenses do not directly provide services or aid to citizens. Specifically, government services would not include interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or fees or issuance costs associated with the issuance of new debt. For the same reasons, government services would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, except if the judgment or settlement required the provision of government services. That is, satisfaction of a settlement or judgment itself is not a government service, unless the settlement required the provision of government services. In addition, replenishing financial reserves (e.g., rainy day or other reserve funds) would

not be considered provision of a government service, since such expenses do not directly relate to the provision of government services.

Question 13: Are there sources of revenue that either should or should not be included in the interim final rule's measure of "general revenue" for recipients? If so, discuss why these sources either should or should not be included.

Question 14: In the interim final rule, recipients are expected to calculate the reduction in revenue on an aggregate basis. Discuss the advantages and disadvantages of, and any potential concerns with, this approach, including circumstances in which it could be necessary or appropriate to calculate the reduction in revenue by source.

Question 15: Treasury is considering whether to take into account other factors, including actions taken by the recipient as well as the expiration of the COVID-19 public health emergency, in determining whether to presume that revenue losses are "due to" the COVID-

¹²³ Pay-go infrastructure funding refers to the practice of funding capital projects with cash-on-hand from taxes, fees, grants, and other sources, rather than with borrowed sums.

19 public health emergency. Discuss the advantages and disadvantages of this presumption, including when, if ever, during the covered period it would be appropriate to reevaluate the presumption that all losses are attributable to the COVID-19 public health emergency.

Question 16: Do recipients anticipate lagged revenue effects of the public health emergency? If so, when would these lagged effects be expected to occur, and what can Treasury do to support these recipients through its implementation of the program?

Question 17: In the interim final rule, paying interest or principal on government debt is not considered provision of a government service. Discuss the advantages and disadvantages of this approach, including circumstances in which paying interest or principal on government debt could be considered provision of a government service.

D. Investments in Infrastructure

To assist in meeting the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband, the Fiscal Recovery Funds provide funds to State, local, and Tribal governments to make necessary investments in these sectors. The interim final rule outlines eligible uses within each category, allowing for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service. Necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds. Necessary investments include projects that are required to maintain a level of service that, at least, meets applicable health-based standards, taking into account resilience to climate change, or establishes or improves broadband service to unserved or underserved populations to reach an adequate level to permit a household to work or attend school, and that are unlikely to be met with private sources of funds.¹²⁴

It is important that necessary investments in water, sewer, or broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to

ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

To provide public transparency on whether projects are using practices that promote on-time and on-budget delivery, Treasury will seek information from recipients on their workforce plans and practices related to water, sewer, and broadband projects undertaken with Fiscal Recovery Funds. Treasury will provide additional guidance and instructions on the reporting requirements at a later date.

1. Water and Sewer Infrastructure

The ARPA provides funds to State, local, and Tribal governments to make necessary investments in water and sewer infrastructure.¹²⁵ By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health. Understanding that State, local, and Tribal governments have a broad range of water and sewer infrastructure needs, the interim final rule provides these governments with wide latitude to identify investments in water and sewer infrastructure that are of the highest priority for their own communities, which may include projects on privately-owned infrastructure. The interim final rule does this by aligning eligible uses of the Fiscal Recovery Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).¹²⁶

¹²⁵ Sections 602(c)(1)(D), 603(c)(1)(D) of the Act.

¹²⁶ Environmental Protection Agency, Drinking Water State Revolving fund, <https://www.epa.gov/dwsrf> (last visited Apr. 30, 2021); Environmental Protection Agency, Clean Water State Revolving Fund, <https://www.epa.gov/cwsrf> (last visited Apr. 30, 2021).

Established by the 1987 amendments¹²⁷ to the Clean Water Act (CWA),¹²⁸ the CWSRF provides financial assistance for a wide range of water infrastructure projects to improve water quality and address water pollution in a way that enables each State to address and prioritize the needs of their populations. The types of projects eligible for CWSRF assistance include projects to construct, improve, and repair wastewater treatment plants, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, and protect waterbodies from pollution.¹²⁹ Each of the 51 State programs established under the CWSRF have the flexibility to direct funding to their particular environmental needs, and each State may also have its own statutes, rules, and regulations that guide project eligibility.¹³⁰

The DWSRF was modeled on the CWSRF and created as part of the 1996 amendments to the Safe Drinking Water Act (SDWA),¹³¹ with the principal objective of helping public water systems obtain financing for improvements necessary to protect public health and comply with drinking water regulations.¹³² Like the CWSRF,

¹²⁷ Water Quality Act of 1987, Public Law 100-4.

¹²⁸ Federal Water Pollution Control Act as amended, codified at 33 U.S.C. 1251 *et seq.*, common name (Clean Water Act). In 2009, the American Recovery and Reinvestment Act created the Green Project Reserve, which increased the focus on green infrastructure, water and energy efficient, and environmentally innovative projects. Public Law 111-5. The CWA was amended by the Water Resources Reform and Development Act of 2014 to further expand the CWSRF's eligibilities. Public Law 113-121. The CWSRF's eligibilities were further expanded in 2018 by the America's Water Infrastructure Act of 2018, Public Law 115-270.

¹²⁹ See Environmental Protection Agency, The Drinking Water State Revolving Funds: Financing America's Drinking Water, EPA-816-R-00-023 (Nov. 2000), <https://nepis.epa.gov/Exe/ZyPDF.cgi/200024WB.PDF?Dockey=200024WB.PDF>; See also Environmental Protection Agency, *Learn About the Clean Water State Revolving Fund*, <https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf> (last visited Apr. 30, 2021).

¹³⁰ 33 U.S.C. 1383(c). See also Environmental Protection Agency, *Overview of Clean Water State Revolving Fund Eligibilities* (May 2016), https://www.epa.gov/sites/production/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf; Claudia Copeland, *Clean Water Act: A Summary of the Law*, Congressional Research Service (Oct. 18, 2016), <https://fas.org/sgp/crs/misc/RL30030.pdf>; Jonathan L. Ramseur, *Wastewater Infrastructure: Overview, Funding, and Legislative Developments*, Congressional Research Service (May 22, 2018), <https://fas.org/sgp/crs/misc/R44963.pdf>.

¹³¹ 42 U.S.C. 300j-12.

¹³² Environmental Protection Agency, *Drinking Water State Revolving Fund Eligibility Handbook*, (June 2017), https://www.epa.gov/sites/production/files/2017-06/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_version.pdf; Environmental Protection Agency, *Drinking Water*

¹²⁴ Treasury notes that using funds to support or oppose collective bargaining would not be included as part of "necessary investments in water, sewer, or broadband infrastructure."

the DWSRF provides States with the flexibility to meet the needs of their populations.¹³³ The primary use of DWSRF funds is to assist communities in making water infrastructure capital improvements, including the installation and replacement of failing treatment and distribution systems.¹³⁴ In administering these programs, States must give priority to projects that ensure compliance with applicable health and environmental safety requirements; address the most serious risks to human health; and assist systems most in need on a per household basis according to State affordability criteria.¹³⁵

By aligning use of Fiscal Recovery Funds with the categories or types of eligible projects under the existing EPA state revolving fund programs, the interim final rule provides recipients with the flexibility to respond to the needs of their communities while ensuring that investments in water and sewer infrastructure made using Fiscal Recovery Funds are necessary. As discussed above, the CWSRF and DWSRF were designed to provide funding for projects that protect public health and safety by ensuring compliance with wastewater and drinking water health standards.¹³⁶ The need to provide funding through the state revolving funds suggests that these projects are less likely to be addressed with private sources of funding; for example, by remediating failing or inadequate infrastructure, much of which is publicly owned, and by addressing non-point sources of pollution. This approach of aligning with the EPA state revolving fund programs also supports expedited project identification and investment so that needed relief for the people and communities most affected by the pandemic can be deployed expeditiously and have a positive impact on their health and wellbeing as soon as possible. Further, the interim final rule is intended to preserve flexibility for award recipients to direct funding to their own particular needs and priorities and would not preclude recipients from applying their own additional project eligibility criteria.

In addition, responding to the immediate needs of the COVID-19 public health emergency may have diverted both personnel and financial resources from other State, local, and Tribal priorities, including projects to ensure compliance with applicable water health and quality standards and provide safe drinking and usable water.¹³⁷ Through sections 602(c)(1)(D) and 603(c)(1)(D), the ARPA provides resources to address these needs. Moreover, using Fiscal Recovery Funds in accordance with the priorities of the CWA and SWDA to “assist systems most in need on a per household basis according to state affordability criteria” would also have the benefit of providing vulnerable populations with safe drinking water that is critical to their health and, thus, their ability to work and learn.¹³⁸

Recipients may use Fiscal Recovery Funds to invest in a broad range of projects that improve drinking water infrastructure, such as building or upgrading facilities and transmission, distribution, and storage systems, including replacement of lead service lines. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury encourages recipients to consider projects to replace lead service lines.

Fiscal Recovery Funds may also be used to support the consolidation or establishment of drinking water systems. With respect to wastewater infrastructure, recipients may use Fiscal Recovery Funds to construct publicly owned treatment infrastructure, manage and treat stormwater or subsurface drainage water, facilitate water reuse, and secure publicly owned treatment works, among other uses. Finally, consistent with the CWSRF and DWSRF, Fiscal Recovery Funds may be used for cybersecurity needs to protect water or sewer infrastructure, such as developing effective cybersecurity practices and measures at drinking water systems and publicly owned treatment works.

Many of the types of projects eligible under either the CWSRF or DWSRF also

support efforts to address climate change. For example, by taking steps to manage potential sources of pollution and preventing these sources from reaching sources of drinking water, projects eligible under the DWSRF and the ARPA may reduce energy required to treat drinking water. Similarly, projects eligible under the CWSRF include measures to conserve and reuse water or reduce the energy consumption of public water treatment facilities. Treasury encourages recipients to consider green infrastructure investments and projects to improve resilience to the effects of climate change. For example, more frequent and extreme precipitation events combined with construction and development trends have led to increased instances of stormwater runoff, water pollution, and flooding. Green infrastructure projects that support stormwater system resiliency could include rain gardens that provide water storage and filtration benefits, and green streets, where vegetation, soil, and engineered systems are combined to direct and filter rainwater from impervious surfaces. In cases of a natural disaster, recipients may also use Fiscal Recovery Funds to provide relief, such as interconnecting water systems or rehabilitating existing wells during an extended drought.

Question 18: What are the advantages and disadvantages of aligning eligible uses with the eligible project type requirements of the DWSRF and CWSRF? What other water or sewer project categories, if any, should Treasury consider in addition to DWSRF and CWSRF eligible projects? Should Treasury consider a broader general category of water and sewer projects?

Question 19: What additional water and sewer infrastructure categories, if any, should Treasury consider to address and respond to the needs of unserved, underserved, or rural communities? How do these projects differ from DWSRF and CWSRF eligible projects?

Question 20: What new categories of water and sewer infrastructure, if any, should Treasury consider to support State, local, and Tribal governments in mitigating the negative impacts of climate change? Discuss emerging technologies and processes that support resiliency of water and sewer infrastructure. Discuss any challenges faced by States and local governments when pursuing or implementing climate resilient infrastructure projects.

Question 21: Infrastructure projects related to dams and reservoirs are generally not eligible under the CWSRF and DWSRF categories. Should Treasury consider expanding eligible

Infrastructure Needs Survey and Assessment: Sixth Report to Congress (March 2018), https://www.epa.gov/sites/production/files/2018-10/documents/corrected_sixth_drinking_water_infrastructure_needs_survey_and_assessment.pdf.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ 42 U.S.C. 300j–12(b)(3)(A).

¹³⁶ Environmental Protection Agency, Learn About the Clean Water State Revolving Fund, <https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf> (last visited Apr. 30, 2021); 42 U.S.C. 300j–12.

¹³⁷ House Committee on the Budget, State and Local Governments are in Dire Need of Federal Relief (Aug. 19, 2020), <https://budget.house.gov/publications/report/state-and-local-governments-are-dire-need-federal-relief>.

¹³⁸ Environmental Protection Agency, Drinking Water State Revolving Fund (Nov. 2019), https://www.epa.gov/sites/production/files/2019-11/documents/fact_sheet_-_dwsrf_overview_final_0.pdf; Environmental Protection Agency, National Benefits Analysis for Drinking Water Regulations, <https://www.epa.gov/sdwa/national-benefits-analysis-drinking-water-regulations> (last visited Apr. 30, 2020).

infrastructure under the interim final rule to include dam and reservoir projects? Discuss public health, environmental, climate, or equity benefits and costs in expanding the eligibility to include these types of projects.

2. Broadband Infrastructure

The COVID-19 public health emergency has underscored the importance of universally available, high-speed, reliable, and affordable broadband coverage as millions of Americans rely on the internet to participate in, among critical activities, remote school, healthcare, and work. Recognizing the need for such connectivity, the ARPA provides funds to State, territorial, local, and Tribal governments to make necessary investments in broadband infrastructure.

The National Telecommunications and Information Administration (NTIA) highlighted the growing necessity of broadband in daily lives through its analysis of NTIA Internet Use Survey data, noting that Americans turn to broadband internet access service for every facet of daily life including work, study, and healthcare.¹³⁹ With increased use of technology for daily activities and the movement by many businesses and schools to operating remotely during the pandemic, broadband has become even more critical for people across the country to carry out their daily lives.

By at least one measure, however, tens of millions of Americans live in areas where there is no broadband infrastructure that provides download speeds greater than 25 Mbps and upload speeds of 3 Mbps.¹⁴⁰ By contrast, as noted below, many households use upload and download speeds of 100 Mbps to meet their daily needs. Even in areas where broadband infrastructure

exists, broadband access may be out of reach for millions of Americans because it is unaffordable, as the United States has some of the highest broadband prices in the Organisation for Economic Co-operation and Development (OECD).¹⁴¹ There are disparities in availability as well; historically, Americans living in territories and Tribal lands as well as rural areas have disproportionately lacked sufficient broadband infrastructure.¹⁴² Moreover, rapidly growing demand has, and will likely continue to, quickly outpace infrastructure capacity, a phenomenon acknowledged by various states around the country that have set scalability requirements to account for this anticipated growth in demand.¹⁴³

The interim final rule provides that eligible investments in broadband are those that are designed to provide services meeting adequate speeds and are provided to unserved and underserved households and businesses. Understanding that States, territories, localities, and Tribal governments have a wide range of varied broadband infrastructure needs, the interim final rule provides award recipients with flexibility to identify the specific locations within their communities to be served and to otherwise design the project.

Under the interim final rule, eligible projects are expected to be designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps. There may be instances in which it would not be practicable for a project to deliver such service speeds because of the geography, topography, or excessive costs associated with such a project. In these instances, the affected project would be expected to be designed to deliver, upon project completion, service that reliably meets or exceeds 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to

a minimum of 100 Mbps symmetrical for download and upload speeds.¹⁴⁴ In setting these standards, Treasury identified speeds necessary to ensure that broadband infrastructure is sufficient to enable users to generally meet household needs, including the ability to support the simultaneous use of work, education, and health applications, and also sufficiently robust to meet increasing household demands for bandwidth. Treasury also recognizes that different communities and their members may have a broad range of internet needs and that those needs may change over time.

In considering the appropriate speed requirements for eligible projects, Treasury considered estimates of typical households demands during the pandemic. Using the Federal Communication Commission's (FCC) Broadband Speed Guide, for example, a household with two telecommuters and two to three remote learners today are estimated to need 100 Mbps download to work simultaneously.¹⁴⁵ In households with more members, the demands may be greater, and in households with fewer members, the demands may be less.

In considering the appropriate speed requirements for eligible projects, Treasury also considered data usage patterns and how bandwidth needs have changed over time for U.S. households and businesses as people's use of technology in their daily lives has evolved. In the few years preceding the pandemic, market research data showed that average upload speeds in the United States surpassed over 10 Mbps in 2017¹⁴⁶ and continued to increase significantly, with the average upload speed as of November, 2019 increasing to 48.41 Mbps,¹⁴⁷ attributable, in part to a shift to using broadband and the internet by individuals and businesses

¹³⁹ See, e.g., <https://www.ntia.gov/blog/2020/more-half-american-households-used-internet-health-related-activities-2019-ntia-data-show>; <https://www.ntia.gov/blog/2020/nearly-third-american-employees-worked-remotely-2019-ntia-data-show>; and generally, <https://www.ntia.gov/data/digital-nation-data-explorer>.

¹⁴⁰ As an example, data from the Federal Communications Commission shows that as of June 2020, 9.07 percent of the U.S. population had no available cable or fiber broadband providers providing greater than 25 Mbps download speeds and 3 Mbps upload speeds. Availability was significantly less for rural versus urban populations, with 35.57 percent of the rural population lacking such access, compared with 2.57 percent of the urban population. Availability was also significantly less for tribal versus non-tribal populations, with 35.93 percent of the tribal population lacking such access, compared with 8.74 of the non-tribal population. Federal Communications Commission, Fixed Broadband Deployment, <https://broadbandmap.fcc.gov/#/> (last visited May 9, 2021).

¹⁴¹ How Do U.S. Internet Costs Compare To The Rest Of The World?, BroadbandSearch Blog Post, available at <https://www.broadbandsearch.net/blog/internet-costs-compared-worldwide>.

¹⁴² See, e.g., Federal Communications Commission, Fourteenth Broadband Deployment Report, available at <https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf>.

¹⁴³ See, e.g., Illinois Department of Commerce & Economic Opportunity, Broadband Grants, h (last visited May 9, 2021), <https://www2.illinois.gov/dceo/ConnectIllinois/Pages/BroadbandGrants.aspx>; Kansas Office of Broadband Development, Broadband Acceleration Grant, <https://www.kansascommerce.gov/wp-content/uploads/2020/11/Broadband-Acceleration-Grant.pdf> (last visited May 9, 2021); New York State Association of Counties, Universal Broadband: Deploying High Speed Internet Access in NYS (Jul. 2017), [https://www.nysac.org/files/BroadbandUpdateReport2017\(1\).pdf](https://www.nysac.org/files/BroadbandUpdateReport2017(1).pdf).

¹⁴⁴ This scalability threshold is consistent with scalability requirements used in other jurisdictions. *Id.*

¹⁴⁵ Federal Communications Commission, Broadband Speed Guide, <https://www.fcc.gov/consumers/guides/broadband-speed-guide> (last visited Apr. 30, 2021).

¹⁴⁶ Letter from Lisa R. Youngers, President and CEO of Fiber Broadband Association to FCC, WC Docket No. 19-126 (filed Jan. 3, 2020), including an Appendix with research from RVA LLC, *Data Review Of The Importance of Upload Speeds* (Jan. 2020), and Ookla speed test data, available at <https://ecfsapi.fcc.gov/file/101030085118517/FCC%20RDOF%20Jan%203%20Ex%20Parte.pdf>. Additional information on historic growth in data usage is provided in Schools, Health & Libraries Broadband Coalition, *Common Sense Solutions for Closing the Digital Divide*, Apr. 29, 2021.

¹⁴⁷ *Id.* See also United States's Mobile and Broadband internet Speeds—Speedtest Global Index, available at <https://www.speedtest.net/global-index/united-states#fixed>.

to create and share content using video sharing, video conferencing, and other applications.¹⁴⁸

The increasing use of data accelerated markedly during the pandemic as households across the country became increasingly reliant on tools and applications that require greater internet capacity, both to download data but also to upload data. Sending information became as important as receiving it. A video consultation with a healthcare provider or participation by a child in a live classroom with a teacher and fellow students requires video to be sent and received simultaneously.¹⁴⁹ As an example, some video conferencing technology platforms indicate that download and upload speeds should be roughly equal to support two-way, interactive video meetings.¹⁵⁰ For both work and school, client materials or completed school assignments, which may be in the form of PDF files, videos, or graphic files, also need to be shared with others. This is often done by uploading materials to a collaboration site, and the upload speed available to a user can have a significant impact on the time it takes for the content to be shared with others.¹⁵¹ These activities require significant capacity from home internet connections to both download and upload data, especially when there are multiple individuals in one household engaging in these activities simultaneously.

This need for increased broadband capacity during the pandemic was reflected in increased usage patterns seen over the last year. As OpenVault noted in recent advisories, the pandemic significantly increased the amount of data users consume. Among data users observed by OpenVault, per-subscriber average data usage for the fourth quarter of 2020 was 482.6 gigabytes per month, representing a 40 percent increase over the 344 gigabytes consumed in the fourth quarter of 2019 and a 26 percent increase over the third quarter 2020 average of 383.8

gigabytes.¹⁵² OpenVault also noted significant increases in upstream usage among the data users it observed, with upstream data usage growing 63 percent—from 19 gigabytes to 31 gigabytes—between December, 2019 and December, 2020.¹⁵³ According to an OECD Broadband statistic from June 2020, the largest percentage of U.S. broadband subscribers have services providing speeds between 100 Mbps and 1 Gbps.¹⁵⁴

Jurisdictions and Federal programs are increasingly responding to the growing demands of their communities for both heightened download and upload speeds. For example, Illinois now requires 100 Mbps symmetrical service as the construction standard for its state broadband grant programs. This standard is also consistent with speed levels, particularly download speed levels, prioritized by other Federal programs supporting broadband projects. Bids submitted as part of the FCC in its Rural Digital Opportunity Fund (RDOF), established to support the construction of broadband networks in rural communities across the country, are given priority if they offer faster service, with the service offerings of 100 Mbps download and 20 Mbps upload being included in the “above baseline” performance tier set by the FCC.¹⁵⁵ The Broadband Infrastructure Program (BBIP)¹⁵⁶ of the Department of Commerce, which provides Federal funding to deploy broadband

infrastructure to eligible service areas of the country also prioritizes projects designed to provide broadband service with a download speed of not less than 100 Mbps and an upload speed of not less than 20 Mbps.¹⁵⁷

The 100 Mbps upload and download speeds will support the increased and growing needs of households and businesses. Recognizing that, in some instances, 100 Mbps upload speed may be impracticable due to geographical, topographical, or financial constraints, the interim final rule permits upload speeds of between at least 20 Mbps and 100 Mbps in such instances. To provide for investments that will accommodate technologies requiring symmetry in download and upload speeds, as noted above, eligible projects that are not designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical speeds of 100 Mbps because it would be impracticable to do so should be designed so that they can be scalable to such speeds. Recipients are also encouraged to prioritize investments in fiber optic infrastructure where feasible, as such advanced technology enables the next generation of application solutions for all communities.

Under the interim final rule, eligible projects are expected to focus on locations that are unserved or underserved. The interim final rule treats users as being unserved or underserved if they lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload as households and businesses lacking this level of access are generally not viewed as being able to originate and receive high-quality voice, data, graphics, and video telecommunications. This threshold is consistent with the FCC’s benchmark for an “advanced telecommunications capability.”¹⁵⁸ This threshold is also consistent with thresholds used in other Federal programs to identify eligible areas to be served by programs to improve broadband services. For example, in the FCC’s RDOF program, eligible areas include those without current (or already funded) access to terrestrial broadband service providing 25 Mbps download and 3 Mbps upload speeds.¹⁵⁹ The Department of Commerce’s BBIP also considers households to be “unserved” generally if they lack access to broadband service

¹⁵² OVBI: Covid-19 Drove 15 percent Increase in Broadband Traffic in 2020, OpenVault, Quarterly Advisory, (Feb. 10, 2021), available at <https://openvault.com/ovbi-covid-19-drove-15-increase-in-broadband-traffic-in-2020>; See OpenVault’s data set incorporates information on usage by subscribers across multiple continents, including North America and Europe. Additional data and detail on increases in the amount of data users consume and the broadband speeds they are using is provided in *OpenVault Broadband Insights Report Q4*, Quarterly Advisory (Feb. 10, 2021), available at <https://openvault.com/complimentary-report-q420/>.

¹⁵³ OVBI Special Report: 202 Upstream Growth Nearly 4X of Pre-Pandemic Years, OpenVault, Quarterly Advisory, (April 1, 2020), available at <https://openvault.com/ovbi-special-report-2020-upstream-growth-rate-nearly-4x-of-pre-pandemic-years/>; Additional data is provided in *OpenVault Broadband Insights Pandemic Impact on Upstream Broadband Usage and Network Capacity*, available at <https://openvault.com/upstream-whitepaper/>.

¹⁵⁴ Organisation for Economic Co-operation and Development, Fixed broadband subscriptions per 100 inhabitants, per speed tiers (June 2020), <https://www.oecd.org/sti/broadband/5.1-FixedBB-SpeedTiers-2020-06.xls> [www.oecd.org/sti/broadband-statistics](https://www.oecd.org/sti/broadband/broadband-statistics).

¹⁵⁵ Rural Digital Opportunity Fund, Report and Order, 35 FCC Rcd 686, 690, para. 9 (2020), available at <https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0>.

¹⁵⁶ The BBIP was authorized by the Consolidated Appropriations Act, 2021, Section 905, Public Law 116–260, 134 Stat. 1182 (Dec. 27, 2020).

¹⁵⁷ Section 905(d)(4) of the Consolidated Appropriations Act, 2021.

¹⁵⁸ *Deployment Report*, *supra* note 142.

¹⁵⁹ Rural Digital Opportunity Fund, *supra* note 156.

¹⁴⁸ *Id.*

¹⁴⁹ One high definition Zoom meeting or class requires approximately 3.8 Mbps/3.0 Mbps (up/down).

¹⁵⁰ See, e.g., Zoom, System Requirements for Windows, macOS, and Linux, https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux#h_d278c327-e03d-4896-b19a-96a8f3c0c69c (last visited May 8, 2021).

¹⁵¹ By one estimate, to upload a one gigabit video file to YouTube would take 15 minutes at an upload speed of 10 Mbps compared with 1 minute, 30 seconds at an upload speed of 100 Mbps, and 30 seconds at an upload speed of 300 Mbps. *Reviews.org*: What is Symmetrical internet? (March 2020).

with a download speed of not less than 25 Mbps download and 3 Mbps upload, among other conditions. In selecting an area to be served by a project, recipients are encouraged to avoid investing in locations that have existing agreements to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload by December 31, 2024, in order to avoid duplication of efforts and resources.

Recipients are also encouraged to consider ways to integrate affordability options into their program design. To meet the immediate needs of unserved and underserved households and businesses, recipients are encouraged to focus on projects that deliver a physical broadband connection by prioritizing projects that achieve last mile-connections. Treasury also encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, non-profits, and co-operatives—providers with less pressure to turn profits and with a commitment to serving entire communities.

Under sections 602(c)(1)(A) and 603(c)(1)(A), assistance to households facing negative economic impacts due to COVID-19 is also an eligible use, including internet access or digital literacy assistance. As discussed above, in considering whether a potential use is eligible under this category, a recipient must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic.

Question 22: What are the advantages and disadvantages of setting minimum symmetrical download and upload speeds of 100 Mbps? What other minimum standards would be appropriate and why?

Question 23: Would setting such a minimum be impractical for particular types of projects? If so, where and on what basis should those projects be identified? How could such a standard be set while also taking into account the practicality of using this standard in particular types of projects? In addition to topography, geography, and financial factors, what other constraints, if any, are relevant to considering whether an investment is impracticable?

Question 24: What are the advantages and disadvantages of setting a minimum level of service at 100 Mbps download and 20 Mbps upload in projects where it is impracticable to set minimum symmetrical download and upload speeds of 100 Mbps? What are the advantages and disadvantages of setting a scalability requirement in these cases? What other minimum standards would be appropriate and why?

Question 25: What are the advantages and disadvantages of focusing these investments on those without access to a wireline connection that reliably delivers 25 Mbps download by 3 Mbps upload? Would another threshold be appropriate and why?

Question 26: What are the advantages and disadvantages of setting any particular threshold for identifying unserved or underserved areas, minimum speed standards or scalability minimum? Are there other standards that should be set (e.g., latency)? If so, why and how? How can such threshold, standards, or minimum be set in a way that balances the public's interest in making sure that reliable broadband services meeting the daily needs of all Americans are available throughout the country with the providing recipients flexibility to meet the varied needs of their communities?

III. Restrictions on Use

As discussed above, recipients have considerable flexibility to use Fiscal Recovery Funds to address the diverse needs of their communities. To ensure that payments from the Fiscal Recovery Funds are used for these congressionally permitted purposes, the ARPA includes two provisions that further define the boundaries of the statute's eligible uses. Section 602(c)(2)(A) of the Act provides that States and territories may not “use the funds . . . to either directly or indirectly offset a reduction in . . . net tax revenue . . . resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax . . . or delays the imposition of any tax or tax increase.” In addition, sections 602(c)(2)(B) and 603(c)(2) prohibit any recipient, including cities, nonentitlement units of government, and counties, from using Fiscal Recovery Funds for deposit into any pension fund. These restrictions support the use of funds for the congressionally permitted purposes described in Section II of this Supplementary Information by providing a backstop against the use of funds for purposes outside of the eligible use categories.

These provisions give force to Congress's clear intent that Fiscal Recovery Funds be spent within the four eligible uses identified in the statute—(1) to respond to the public health emergency and its negative economic impacts, (2) to provide premium pay to essential workers, (3) to provide government services to the extent of eligible governments' revenue losses, and (4) to make necessary water, sewer, and broadband infrastructure investments—and not otherwise. These

four eligible uses reflect Congress's judgment that the Fiscal Recovery Funds should be expended in particular ways that support recovery from the COVID-19 public health emergency. The further restrictions reflect Congress's judgment that tax cuts and pension deposits do not fall within these eligible uses. The interim final rule describes how Treasury will identify when such uses have occurred and how it will recoup funds put toward these impermissible uses and, as discussed in Section VIII of this **SUPPLEMENTARY INFORMATION**, establishes a reporting framework for monitoring the use of Fiscal Recovery Funds for eligible uses.

A. Deposit Into Pension Funds

The statute provides that recipients may not use Fiscal Recovery Funds for “deposit into any pension fund.” For the reasons discussed below, Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both:

1. The payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and
2. the payment occurs outside the recipient's regular timing for making such payments.

Under this interpretation, a “deposit” is distinct from a “payroll contribution,” which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a predetermined percentage of employees' wages and salaries.

As discussed above, eligible uses for premium pay and responding to the negative economic impacts of the COVID-19 public health emergency include hiring and compensating public sector employees. Interpreting the scope of “deposit” to exclude contributions that are part of payroll contributions is more consistent with these eligible uses and would reduce administrative burden for recipients. Accordingly, if an employee's wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee's covered benefits as an eligible use of Fiscal Recovery Funds. For purposes of the Fiscal Recovery Funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans

(Federal and State), workers' compensation insurance, and Federal Insurance Contributions Act taxes (which includes Social Security and Medicare taxes).

Treasury anticipates that this approach to employees' covered benefits will be comprehensive and, for employees whose wage and salary costs are eligible expenses, will allow all covered benefits listed in the previous paragraph to be eligible under the Fiscal Recovery Funds. Treasury expects that this will minimize the administrative burden on recipients by treating all the specified covered benefit types as eligible expenses, for employees whose wage and salary costs are eligible expenses.

Question 27: Beyond a "deposit" and a "payroll contribution," are there other types of payments into a pension fund that Treasury should consider?

B. Offset a Reduction in Net Tax Revenue

For States and territories (recipient governments¹⁶⁰), section 602(c)(2)(A)—the offset provision—prohibits the use of Fiscal Recovery Funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation¹⁶¹ during the covered period. If a State or territory uses Fiscal Recovery Funds to offset a reduction in net tax revenue, the ARPA provides that the State or territory must repay to the Treasury an amount equal to the lesser of (i) the amount of the applicable reduction attributable to the impermissible offset and (ii) the amount received by the State or territory under the ARPA. See Section IV of this **SUPPLEMENTARY INFORMATION**. As discussed below Section IV of this **SUPPLEMENTARY INFORMATION**, a State or territory that chooses to use Fiscal Recovery Funds to offset a reduction in net tax revenue does not forfeit its entire allocation of Fiscal Recovery Funds (unless it misused the full allocation to offset a reduction in net tax revenue) or any non-ARPA funding received.

The interim final rule implements these conditions by establishing a framework for States and territories to determine the cost of changes in law, regulation, or interpretation that reduce tax revenue and to identify and value the sources of funds that will offset—

i.e., cover the cost of—any reduction in net tax revenue resulting from such changes. A recipient government would only be considered to have used Fiscal Recovery Funds to offset a reduction in net tax revenue resulting from changes in law, regulation, or interpretation if, and to the extent that, the recipient government could not identify sufficient funds from sources other than the Fiscal Recovery Funds to offset the reduction in net tax revenue. If sufficient funds from other sources cannot be identified to cover the full cost of the reduction in net tax revenue resulting from changes in law, regulation, or interpretation, the remaining amount not covered by these sources will be considered to have been offset by Fiscal Recovery Funds, in contravention of the offset provision. The interim final rule recognizes three sources of funds that may offset a reduction in net tax revenue other than Fiscal Recovery Funds—organic growth, increases in revenue (*e.g.*, an increase in a tax rate), and certain cuts in spending.

In order to reduce burden, the interim final rule's approach also incorporates the types of information and modeling already used by States and territories in their own fiscal and budgeting processes. By incorporating existing budgeting processes and capabilities, States and territories will be able to assess and evaluate the relationship of tax and budget decisions to uses of the Fiscal Recovery Funds based on information they likely have or can obtain. This approach ensures that recipient governments have the information they need to understand the implications of their decisions regarding the use of the Fiscal Recovery Funds—and, in particular, whether they are using the funds to directly or indirectly offset a reduction in net tax revenue, making them potentially subject to recoupment.

Reporting on both the eligible uses and on a State's or territory's covered tax changes that would reduce tax revenue will enable identification of, and recoupment for, use of Fiscal Recovery Funds to directly offset reductions in tax revenue resulting from tax relief. Moreover, this approach recognizes that, because money is fungible, even if Fiscal Recovery Funds are not explicitly or directly used to cover the costs of changes that reduce net tax revenue, those funds may be used in a manner inconsistent with the statute by indirectly being used to substitute for the State's or territory's funds that would otherwise have been needed to cover the costs of the reduction. By focusing on the cost of changes that reduce net tax revenue—and how a recipient government is

offsetting those reductions in constructing its budget over the covered period—the framework prevents efforts to use Fiscal Recovery Funds to indirectly offset reductions in net tax revenue for which the recipient government has not identified other offsetting sources of funding.

As discussed in greater detail below in this preamble, the framework set forth in the interim final rule establishes a step-by-step process for determining whether, and the extent to which, Fiscal Recovery Funds have been used to offset a reduction in net tax revenue. Based on information reported annually by the recipient government:

- First, each year, each recipient government will identify and value the changes in law, regulation, or interpretation that would result in a reduction in net tax revenue, as it would in the ordinary course of its budgeting process. The sum of these values in the year for which the government is reporting is the amount it needs to "pay for" with sources other than Fiscal Recovery Funds (total value of revenue reducing changes).

- Second, the interim final rule recognizes that it may be difficult to predict how a change would affect net tax revenue in future years and, accordingly, provides that if the total value of the changes in the year for which the recipient government is reporting is below a de minimis level, as discussed below, the recipient government need not identify any sources of funding to pay for revenue reducing changes and will not be subject to recoupment.

- Third, a recipient government will consider the amount of actual tax revenue recorded in the year for which they are reporting. If the recipient government's actual tax revenue is greater than the amount of tax revenue received by the recipient for the fiscal year ending 2019, adjusted annually for inflation, the recipient government will not be considered to have violated the offset provision because there will not have been a reduction in net tax revenue.

- Fourth, if the recipient government's actual tax revenue is less than the amount of tax revenue received by the recipient government for the fiscal year ending 2019, adjusted annually for inflation, in the reporting year the recipient government will identify any sources of funds that have been used to permissibly offset the total value of covered tax changes other than Fiscal Recovery Funds. These are:

- State or territory tax changes that would increase any source of general

¹⁶⁰ In this sub-section, "recipient governments" refers only to States and territories. In other sections, "recipient governments" refers more broadly to eligible governments receiving funding from the Fiscal Recovery Funds.

¹⁶¹ For brevity, referred to as "changes in law, regulation, or interpretation" for the remainder of this preamble.

fund revenue, such as a change that would increase a tax rate; and

- Spending cuts in areas not being replaced by Fiscal Recovery Funds.

The recipient government will calculate the value of revenue reduction remaining after applying these sources of offsetting funding to the total value of revenue reducing changes—that is, how much of the tax change has not been paid for. The recipient government will then compare that value to the difference between the baseline and actual tax revenue. A recipient government will not be required to repay to the Treasury an amount that is greater than the recipient government's actual tax revenue shortfall relative to the baseline (*i.e.*, fiscal year 2019 tax revenue adjusted for inflation). This “revenue reduction cap,” together with Step 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue reductions.

- Finally, if there are any amounts that could be subject to recoupment, Treasury will provide notice to the recipient government of such amounts. This process is discussed in greater detail in Section IV of this

SUPPLEMENTARY INFORMATION.

Together, these steps allow Treasury to identify the amount of reduction in net tax revenue that both is attributable to covered changes and has been directly or indirectly offset with Fiscal Recovery Funds. This process ensures Fiscal Recovery Funds are used in a manner consistent with the statute's defined eligible uses and the offset provision's limitation on these eligible uses, while avoiding undue interference with State and territory decisions regarding tax and spending policies.

The interim final rule also implements a process for recouping Fiscal Recovery Funds that were used to offset reductions in net tax revenue, including the calculation of any amounts that may be subject to recoupment, a process for a recipient government to respond to a notice of recoupment, and clarification regarding amounts excluded from recoupment. See Section IV of this **SUPPLEMENTARY INFORMATION**.

The interim final rule includes several definitions that are applicable to the implementation of the offset provision.

Covered change. The offset provision is triggered by a reduction in net tax revenue resulting from “a change in law, regulation, or administrative interpretation.” A covered change includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute

or rule where the phase-in or taking effect was not prescribed prior to the start of the covered period. Changed administrative interpretations would not include corrections to replace prior inaccurate interpretations; such corrections would instead be treated as changes implementing legislation enacted or regulations issued prior to the covered period; the operative change in those circumstances is the underlying legislation or regulation that occurred prior to the covered period. Moreover, only the changes within the control of the State or territory are considered covered changes. Covered changes do not include a change in rate that is triggered automatically and based on statutory or regulatory criteria in effect prior to the covered period. For example, a state law that sets its earned income tax credit (EITC) at a fixed percentage of the Federal EITC will see its EITC payments automatically increase—and thus its tax revenue reduced—because of the Federal Government's expansion of the EITC in the ARPA.¹⁶² This would not be considered a covered change. In addition, the offset provision applies only to actions for which the change in policy occurs during the covered period; it excludes regulations or other actions that implement a change or law substantively enacted prior to March 3, 2021. Finally, Treasury has determined and previously announced that income tax changes—even those made during the covered period—that simply conform with recent changes in Federal law (including those to conform to recent changes in Federal taxation of unemployment insurance benefits and taxation of loan forgiveness under the Paycheck Protection Program) are permissible under the offset provision.

Baseline. For purposes of measuring a reduction in net tax revenue, the interim final rule measures actual changes in tax revenue relative to a revenue baseline (baseline). The baseline will be calculated as fiscal year 2019 (FY 2019) tax revenue indexed for inflation in each year of the covered period, with inflation calculated using the Bureau of Economic Analysis's Implicit Price Deflator.¹⁶³

FY 2019 was chosen as the starting year for the baseline because it is the last full fiscal year prior to the COVID–

19 public health emergency.¹⁶⁴ This baseline year is consistent with the approach directed by the ARPA in sections 602(c)(1)(C) and 603(c)(1)(C), which identify the “most recent full fiscal year of the [State, territory, or Tribal government] prior to the emergency” as the comparator for measuring revenue loss. U.S. gross domestic product is projected to rebound to pre-pandemic levels in 2021,¹⁶⁵ suggesting that an FY 2019 pre-pandemic baseline is a reasonable comparator for future revenue levels. The FY 2019 baseline revenue will be adjusted annually for inflation to allow for direct comparison of actual tax revenue in each year (reported in nominal terms) to baseline revenue in common units of measurement; without inflation adjustment, each dollar of reported actual tax revenue would be worth less than each dollar of baseline revenue expressed in 2019 terms.

Reporting year. The interim final rule defines “reporting year” as a single year within the covered period, aligned to the current fiscal year of the recipient government during the covered period, for which a recipient government reports the value of covered changes and any sources of offsetting revenue increases (“in-year” value), regardless of when those changes were enacted. For the fiscal years ending in 2021 or 2025 (partial years), the term “reporting year” refers to the portion of the year falling within the covered period. For example, the reporting year for a fiscal year beginning July 2020 and ending June 2021 would be from March 3, 2021 to July 2021.

Tax revenue. The interim final rule's definition of “tax revenue” is based on the Census Bureau's definition of taxes, used for its Annual Survey of State Government Finances.¹⁶⁶ It provides a consistent, well-established definition with which States and territories will be familiar and is consistent with the approach taken in Section II.C of this **SUPPLEMENTARY INFORMATION** describing the implementation of sections 602(c)(1)(C) and 603(c)(1)(C) of the Act, regarding revenue loss. Consistent with the approach described in Section II.C of this **SUPPLEMENTARY INFORMATION**, tax

¹⁶² See, e.g., Tax Policy Center, How do state earned income tax credits work?, <https://www.taxpolicycenter.org/briefing-book/how-do-state-earned-income-tax-credits-work/> (last visited May 9, 2021).

¹⁶³ U.S. Department of Commerce, Bureau of Economic Analysis, GDP Price Deflator, <https://www.bea.gov/data/prices-inflation/gdp-price-deflator> (last visited May 9, 2021).

¹⁶⁴ Using Fiscal Year 2019 is consistent with section 602 as Congress provided for using that baseline for determining the impact of revenue loss affecting the provision of government services. See section 602(c)(1)(C).

¹⁶⁵ Congressional Budget Office, An Overview of the Economic Outlook: 2021 to 2031 (February 1, 2021), available at <https://www.cbo.gov/publication/56965>.

¹⁶⁶ U.S. Census Bureau, Annual Survey of State and Local Government Finances Glossary, <https://www.census.gov/programs-surveys/state/about/glossary.html> (last visited Apr. 30, 2021).

revenue does not include revenue taxed and collected by a different unit of government (e.g., revenue from taxes levied by a local government and transferred to a recipient government).

Framework. The interim final rule provides a step-by-step framework, to be used in each reporting year, to calculate whether the offset provision applies to a State's or territory's use of Fiscal Recovery Funds:

(1) *Covered changes that reduce tax revenue.* For each reporting year, a recipient government will identify and value covered changes that the recipient government predicts will have the effect of reducing tax revenue in a given reporting year, similar to the way it would in the ordinary course of its budgeting process. The value of these covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Further, estimation approaches should not use dynamic methodologies that incorporate the projected effects of macroeconomic growth because macroeconomic growth is accounted for separately in the framework. Relative to these dynamic scoring methodologies, scoring methodologies that do not incorporate projected effects of macroeconomic growth rely on fewer assumptions and thus provide greater consistency among States and territories. Dynamic scoring that incorporates macroeconomic growth may also increase the likelihood of underestimation of the cost of a reduction in tax revenue.

In general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. This approach offers recipient governments the flexibility to determine their reporting methodology based on their existing budget scoring practices and capabilities. In addition, the approach of using the projected value of changes in law that enact fiscal policies to estimate the net effect of such policies is consistent with the way many States

and territories already consider tax changes.¹⁶⁷

(2) *In excess of the de minimis.* The recipient government will next calculate the total value of all covered changes in the reporting year resulting in revenue reductions, identified in Step 1. If the total value of the revenue reductions resulting from these changes is below the de minimis level, the recipient government will be deemed not to have any revenue-reducing changes for the purpose of determining the recognized net reduction. If the total is above the de minimis level, the recipient government must identify sources of in-year revenue to cover the full costs of changes that reduce tax revenue.

The de minimis level is calculated as 1 percent of the reporting year's baseline. Treasury recognizes that, pursuant to their taxing authority, States and territories may make many small changes to alter the composition of their tax revenues or implement other policies with marginal effects on tax revenues. They may also make changes based on projected revenue effects that turn out to differ from actual effects, unintentionally resulting in minor revenue changes that are not fairly described as "resulting from" tax law changes. The de minimis level recognizes the inherent challenges and uncertainties that recipient governments face, and thus allows relatively small reductions in tax revenue without consequence. Treasury determined the 1 percent level by assessing the historical effects of state-level tax policy changes in state EITCs implemented to effect policy goals other than reducing net tax revenues.¹⁶⁸ The 1 percent de minimis level reflects the historical reductions in revenue due to minor changes in state fiscal policies.

(3) *Safe harbor.* The recipient government will then compare the reporting year's actual tax revenue to the baseline. If actual tax revenue is greater than the baseline, Treasury will deem the recipient government not to have any recognized net reduction for the reporting year, and therefore to be in a safe harbor and outside the ambit of the offset provision. This approach is consistent with the ARPA, which contemplates recoupment of Fiscal Recovery Funds only in the event that

such funds are used to offset a reduction in net tax revenue. If net tax revenue has not been reduced, this provision does not apply. In the event that actual tax revenue is above the baseline, the organic revenue growth that has occurred, plus any other revenue-raising changes, by definition must have been enough to offset the in-year costs of the covered changes.

(4) *Consideration of other sources of funding.* Next, the recipient government will identify and calculate the total value of changes that could pay for revenue reduction due to covered changes and sum these items. This amount can be used to pay for up to the total value of revenue-reducing changes in the reporting year. These changes consist of two categories:

(a) *Tax and other increases in revenue.* The recipient government must identify and consider covered changes in policy that the recipient government predicts will have the effect of increasing general revenue in a given reporting year. As when identifying and valuing covered changes that reduce tax revenue, the value of revenue-raising changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, aligned with the recipient government's existing approach for measuring the effects of fiscal policies, and measured relative to a current law baseline, or based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s). Further, and as discussed above, estimation approaches should not use dynamic scoring methodologies that incorporate the effects of macroeconomic growth because growth is accounted for separately under the interim final rule. In general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. This approach offers recipient governments the flexibility to determine their reporting methodology based on their existing budget scoring practices and capabilities.

(b) *Covered spending cuts.* A recipient government also may cut spending in certain areas to pay for covered changes that reduce tax revenue, up to the amount of the recipient government's net reduction in total spending as described below. These changes must be reductions in government outlays not in an area where the recipient government has spent Fiscal Recovery Funds. To better align with existing reporting and accounting, the interim final rule considers the department, agency, or

¹⁶⁷ See, e.g., Megan Randall & Kim Rueben, Tax Policy Center, Sustainable Budgeting in the States: Evidence on State Budget Institutions and Practices (Nov. 2017), available at https://www.taxpolicycenter.org/sites/default/files/publication/149186/sustainable-budgeting-in-the-states_1.pdf.

¹⁶⁸ Data provided by the Urban-Brookings Tax Policy Center for state-level EITC changes for 2004–2017.

authority from which spending has been cut and whether the recipient government has spent Fiscal Recovery Funds on that same department, agency, or authority. This approach was selected to allow recipient governments to report how Fiscal Recovery Funds have been spent using reporting units already incorporated into their budgeting process. If they have not spent Fiscal Recovery Funds in a department, agency, or authority, the full amount of the reduction in spending counts as a covered spending cut, up to the recipient government's net reduction in total spending. If they have, the Fiscal Recovery Funds generally would be deemed to have replaced the amount of spending cut and only reductions in spending above the amount of Fiscal Recovery Funds spent on the department, agency, or authority would count.

To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient government must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). This approach ensures that reported spending cuts actually create fiscal space, rather than simply offsetting other spending increases. A net reduction in total spending is measured as the difference between total spending in each reporting year, excluding Fiscal Recovery Funds spent, relative to total spending for the recipient's fiscal year ending in 2019, adjusted for inflation. Measuring reductions in spending relative to 2019 reflects the fact that the fiscal space created by a spending cut persists so long as spending remains below its original level, even if it does not decline further, relative to the same amount of revenue. Measuring spending cuts from year to year would, by contrast, not recognize any available funds to offset revenue reductions unless spending continued to decline, failing to reflect the actual availability of funds created by a persistent change and limiting the discretion of States and territories. In general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Treasury chose this approach because while many recipient governments may score budget legislation using projections, spending cuts are readily observable using actual values.

This approach—allowing only spending reductions in areas where the recipient government has not spent Fiscal Recovery Funds to be used as an

offset for a reduction in net tax revenue—aims to prevent recipient governments from using Fiscal Recovery Funds to supplant State or territory funding in the eligible use areas, and then use those State or territory funds to offset tax cuts. Such an approach helps ensure that Fiscal Recovery Funds are not used to “indirectly” offset revenue reductions due to covered changes.

In order to help ensure recipient governments use Fiscal Recovery Funds in a manner consistent with the prescribed eligible uses and do not use Fiscal Recovery Funds to indirectly offset a reduction in net tax revenue resulting from a covered change, Treasury will monitor changes in spending throughout the covered period. If, over the course of the covered period, a spending cut is subsequently replaced with Fiscal Recovery Funds and used to indirectly offset a reduction in net tax revenue resulting from a covered change, Treasury may consider such change to be an evasion of the restrictions of the offset provision and seek recoupment of such amounts.

(5) *Identification of amounts subject to recoupment.* If a recipient government (i) reports covered changes that reduce tax revenue (Step 1); (ii) to a degree greater than the de minimis (Step 2); (iii) has experienced a reduction in net tax revenue (Step 3); and (iv) lacks sufficient revenue from other, permissible sources to pay for the entirety of the reduction (Step 4), then the recipient government will be considered to have used Fiscal Recovery Funds to offset a reduction in net tax revenue, up to the amount that revenue has actually declined. That is, the maximum value of reduction in revenue due to covered changes which a recipient government must cover is capped at the difference between the baseline and actual tax revenue.¹⁶⁹ In the event that the baseline is above actual tax revenue and the difference between them is less than the sum of revenue reducing changes that are not paid for with other, permissible sources, organic revenue growth has implicitly offset a portion of the reduction. For example, if a recipient government reduces tax revenue by \$1 billion, makes no other changes, and experiences revenue growth driven by organic economic growth worth \$500 million, it need only pay for the remaining \$500 million with sources other than Fiscal Recovery Funds. The revenue reduction cap implements this

approach for permitting organic revenue growth to cover the cost of tax cuts.

Finally, as discussed further in Section IV of this **SUPPLEMENTARY INFORMATION**, a recipient government may request reconsideration of any amounts identified as subject to recoupment under this framework. This process ensures that all relevant facts and circumstances, including information regarding planned spending cuts and budgeting assumptions, are considered prior to a determination that an amount must be repaid. Amounts subject to recoupment are calculated on an annual basis; amounts recouped in one year cannot be returned if the State or territory subsequently reports an increase in net tax revenue.

To facilitate the implementation of the framework above, and in addition to reporting required on eligible uses, in each year of the reporting period, each State and territory will report to Treasury the following items:

- Actual net tax revenue for the reporting year;
- Each revenue-reducing change made to date during the covered period and the in-year value of each change;
- Each revenue-raising change made to date during the covered period and the in-year value of each change;
- Each covered spending cut made to date during the covered period, the in-year value of each cut, and documentation demonstrating that each spending cut is covered as prescribed under the interim final rule;

Treasury will provide additional guidance and instructions the reporting requirements at a later date.

Question 28: Does the interim final rule's definition of tax revenue accord with existing State and territorial practice and, if not, are there other definitions or elements Treasury should consider? Discuss why or why not.

Question 29: The interim final rule permits certain spending cuts to cover the costs of reductions in tax revenue, including cuts in a department, agency, or authority in which the recipient government is not using Fiscal Recovery Funds. How should Treasury and recipient governments consider the scope of a department, agency, or authority for the use of funds to ensure spending cuts are not being substituted with Fiscal Recovery Funds while also avoiding an overbroad definition of that captures spending that is, in fact, distinct?

Question 30: Discuss the budget scoring methodologies currently used by States and territories. How should the interim final rule take into consideration differences in approaches? Please discuss the use of

¹⁶⁹ This cap is applied in § 35.8(c) of the interim final rule, calculating the amount of funds used in violation of the tax offset provision.

practices including but not limited to macrodynamic scoring, microdynamic scoring, and length of budget windows.

Question 31: If a recipient government has a balanced budget requirement, how will that requirement impact its use of Fiscal Recovery Funds and ability to implement this framework?

Question 32: To implement the framework described above, the interim final rule establishes certain reporting requirements. To what extent do recipient governments already produce this information and on what timeline? Discuss ways that Treasury and recipient governments may better rely on information already produced, while ensuring a consistent application of the framework.

Question 33: Discuss States' and territories' ability to produce the figures and numbers required for reporting under the interim final rule. What additional reporting tools, such as a standardized template, would facilitate States' and territories' ability to complete the reporting required under the interim final rule?

C. Other Restrictions on Use

Payments from the Fiscal Recovery Funds are also subject to pre-existing limitations provided in other Federal statutes and regulations and may not be used as non-Federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For example, payments from the Fiscal Recovery Funds may not be used to satisfy the State share of Medicaid.¹⁷⁰

As provided for in the award terms, payments from the Fiscal Recovery Funds as a general matter will be subject to the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) (the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost.

D. Timeline for Use of Fiscal Recovery Funds

Section 602(c)(1) and section 603(c)(1) require that payments from the Fiscal Recovery Funds be used only to cover costs incurred by the State, territory, Tribal government, or local government by December 31, 2024. Similarly, the CARES Act provided that payments from the CRF be used to cover costs incurred by December 31, 2021.¹⁷¹ The

definition of “incurred” does not have a clear meaning. With respect to the CARES Act, on the understanding that the CRF was intended to be used to meet relatively short-term needs, Treasury interpreted this requirement to mean that, for a cost to be considered to have been incurred, performance of the service or delivery of the goods acquired must occur by December 31, 2021. In contrast, the ARPA, passed at a different stage of the COVID–19 public health emergency, was intended to provide more general fiscal relief over a broader timeline. In addition, the ARPA expressly permits the use of Fiscal Recovery Funds for improvements to water, sewer, and broadband infrastructure, which entail a longer timeframe. In recognition of this, Treasury is interpreting the requirement in section 602 and section 603 that costs be incurred by December 31, 2024, to require only that recipients have obligated the Fiscal Recovery Funds by such date. The interim final rule adopts a definition of “obligation” that is based on the definition used for purposes of the Uniform Guidance, which will allow for uniform administration of this requirement and is a definition with which most recipients will be familiar.

Payments from the Fiscal Recovery Funds are grants provided to recipients to mitigate the fiscal effects of the COVID–19 public health emergency and to respond to the public health emergency, consistent with the eligible uses enumerated in sections 602(c)(1) and 603(c)(1).¹⁷² As such, these funds are intended to provide economic stimulus in areas still recovering from the economic effects of the pandemic. In implementing and interpreting these provisions, including what it means to “respond to” the COVID–19 public health emergency, Treasury takes into consideration pre-pandemic facts and circumstances (e.g., average revenue growth prior to the pandemic) as well as impact of the pandemic that predate the enactment of the ARPA (e.g., replenishing Unemployment Trust balances drawn during the pandemic). While assessing the effects of the COVID–19 public health emergency necessarily takes into consideration the facts and circumstances that predate the ARPA, use of Fiscal Recovery Funds is forward looking.

As discussed above, recipients are permitted to use payments from the Fiscal Recovery Funds to respond to the public health emergency, to respond to workers performing essential work by providing premium pay or providing

grants to eligible employers, and to make necessary investments in water, sewer, or broadband infrastructure, which all relate to prospective uses. In addition, sections 602(c)(1)(C) and 603(c)(1)(C) permit recipients to use Fiscal Recovery Funds for the provision of government services. This clause provides that the amount of funds that may be used for this purpose is measured by reference to the reduction in revenue due to the public health emergency relative to revenues collected in the most recent full fiscal year, but this reference does not relate to the period during which recipients may use the funds, which instead refers to prospective uses, consistent with the other eligible uses.

Although as discussed above the eligible uses of payments from the Fiscal Recovery Funds are all prospective in nature, Treasury considers the beginning of the covered period for purposes of determining compliance with section 602(c)(2)(A) to be the relevant reference point for this purpose. The interim final rule thus permits funds to be used to cover costs incurred beginning on March 3, 2021. This aligns the period for use of Fiscal Recovery Funds with the period during which these funds may not be used to offset reductions in net tax revenue. Permitting Fiscal Recovery Funds to be used to cover costs incurred beginning on this date will also mean that recipients that began incurring costs in the anticipation of enactment of the ARPA and in advance of the issuance of this rule and receipt of payment from the Fiscal Recovery Funds would be able to cover them using these payments.¹⁷³

As set forth in the award terms, the period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with payments from the Fiscal Recovery Funds.

IV. Recoupment Process

Under the ARPA, failure to comply with the restrictions on use contained in sections 602(c) and 603(c) of the Act may result in recoupment of funds.¹⁷⁴ The interim final rule implements these provisions by establishing a process for recoupment.

Identification and Notice of Violations. Failure to comply with the restrictions on use will be identified based on reporting provided by the

¹⁷⁰ See 42 CFR 433.51 and 45 CFR 75.306.

¹⁷¹ Section 1001 of Division N of the Consolidated Appropriations Act, 2021 amended section 601(d)(3) of the Act by extending the end of the covered period for CRF expenditures from December 30, 2020 to December 31, 2021.

¹⁷² Sections 602(a), 603(a), 602(c)(1) and 603(c)(1) of the Act.

¹⁷³ Given the nature of this program, recipients will not be permitted to use funds to cover pre-award costs, i.e., those incurred prior to March 3, 2021.

¹⁷⁴ Sections 602(e) and 603(e) of the Act.

recipient. As discussed further in Sections III.B and VIII of this **SUPPLEMENTARY INFORMATION**, Treasury will collect information regarding eligible uses on a quarterly basis and on the tax offset provision on an annual basis. Treasury also may consider other information in identifying a violation, such as information provided by members of the public. If Treasury identifies a violation, it will provide written notice to the recipient along with an explanation of such amounts.

Request for Reconsideration. Under the interim final rule, a recipient may submit a request for reconsideration of any amounts identified in the notice provided by Treasury. This reconsideration process provides a recipient the opportunity to submit additional information it believes supports its request in light of the notice of recoupment, including, for example, additional information regarding the recipient's use of Fiscal Recovery Funds or its tax revenues. The process also provides the Secretary with an opportunity to consider all information relevant to whether a violation has occurred, and if so, the appropriate amount for recoupment.

The interim final rule also establishes requirements for the timing of a request for reconsideration. Specifically, if a recipient wishes to request reconsideration of any amounts identified in the notice, the recipient must submit a written request for reconsideration to the Secretary within 60 calendar days of receipt of such notice. The request must include an explanation of why the recipient believes that the finding of a violation or recoupable amount identified in the notice of recoupment should be reconsidered. To facilitate the Secretary's review of a recipient's request for reconsideration, the request should identify all supporting reasons for the request. Within 60 calendar days of receipt of the recipient's request for reconsideration, the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment. Such notification will include an explanation of the decision, including responses to the recipient's supporting reasons and consideration of additional information provided.

The process and timeline established by the interim final rule are intended to provide the recipient with an adequate opportunity to fully present any issues or arguments in response to the notice of recoupment.¹⁷⁵ This process will allow the Secretary to respond to the

issues and considerations raised in the request for reconsideration taking into account the information and arguments presented by the recipient along with any other relevant information.

Repayment. Finally, the interim final rule provides that any amounts subject to recoupment must be repaid within 120 calendar days of receipt of any final notice of recoupment or, if the recipient has not requested reconsideration, within 120 calendar days of the initial notice provided by the Secretary.

Question 34: Discuss the timeline for requesting reconsideration under the interim final rule. What, if any, challenges does this timeline present?

V. Payments in Tranches to Local Governments and Certain States

Section 603 of the Act provides that the Secretary will make payments to local governments in two tranches, with the second tranche being paid twelve months after the first payment. In addition, section 602(b)(6)(A)(ii) provides that the Secretary may withhold payment of up to 50 percent of the amount allocated to each State and territory for a period of up to twelve months from the date on which the State or territory provides its certification to the Secretary. Any such withholding for a State or territory is required to be based on the unemployment rate in the State or territory as of the date of the certification.

The Secretary has determined to provide in this interim final rule for withholding of 50 percent of the amount of Fiscal Recovery Funds allocated to all States (and the District of Columbia) other than those with an unemployment rate that is 2.0 percentage points or more above its pre-pandemic (*i.e.*, February 2020) level. The Secretary will refer to the latest available monthly data from the Bureau of Labor Statistics as of the date the certification is provided. Based on data available at the time of public release of this interim final rule, this threshold would result in a majority of States being paid in two tranches.

Splitting payments for the majority of States is consistent with the requirement in section 603 of the Act to make payments from the Coronavirus Local Fiscal Recovery Fund to local governments in two tranches.¹⁷⁶

¹⁷⁶ With respect to Federal financial assistance more generally, States are subject to the requirements of the Cash Management Improvement Act (CMIA), under which Federal funds are drawn upon only on an as needed basis and States are required to remit interest on unused balances to Treasury. Given the statutory requirement for Treasury to make payments to States within a certain period, these requirements

Splitting payments to States into two tranches will help encourage recipients to adapt, as necessary, to new developments that could arise over the coming twelve months, including potential changes to the nature of the public health emergency and its negative economic impacts. While the U.S. economy has been recovering and adding jobs in aggregate, there is still considerable uncertainty in the economic outlook and the interaction between the pandemic and the economy.¹⁷⁷ For these reasons, Treasury believes it will be appropriate for a majority of recipients to adapt their plans as the recovery evolves. For example, a faster-than-expected economic recovery in 2021 could lead a recipient to dedicate more Fiscal Recovery Funds to longer-term investments starting in 2022. In contrast, a slower-than-expected economic recovery in 2021 could lead a recipient to use additional funds for near-term stimulus in 2022.

At the same time, the statute contemplates the possibility that elevated unemployment in certain States could justify a single payment. Elevated unemployment is indicative of a greater need to assist unemployed workers and stimulate a faster economic recovery. For this reason, the interim final rule provides that States and territories with an increase in their unemployment rate over a specified threshold may receive a single payment, with the expectation that a single tranche will better enable these States and territories to take additional immediate action to aid the unemployed and strengthen their economies.

Following the initial pandemic-related spike in unemployment in 2020, States' unemployment rates have been trending back towards pre-pandemic levels. However, some States' labor markets are healing more slowly than others. Moreover, States varied widely in their pre-pandemic levels of unemployment, and some States remain substantially further from their pre-

of the CMIA and Treasury's implementing regulations at 31 CFR part 205 will not apply to payments from the Fiscal Recovery Funds. Providing funding in two tranches to the majority of States reflects, to the maximum extent permitted by section 602 of the Act, the general principles of Federal cash management and stewardship of Federal funding, yet will be much less restrictive than the usual requirements to which States are subject.

¹⁷⁷ The potential course of the virus, and its impact on the economy, has contributed to a heightened degree of uncertainty relative to prior periods. *See, e.g.*, Dave Altig et al., Economic uncertainty before and during the COVID-19 pandemic, *J. of Public Econ.* (Nov. 2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S0047272720301389>.

¹⁷⁵ The interim final rule also provides that Treasury may extend any deadlines.

pandemic starting point. Consequently, Treasury is delineating States with significant remaining elevation in the unemployment rate, based on the net difference to pre-pandemic levels.

Treasury has established that significant remaining elevation in the unemployment rate is a net change in the unemployment rate of 2.0 percentage points or more relative to pre-pandemic levels. In the four previous recessions going back to the early 1980s, the national unemployment rate rose by 3.6, 2.3, 2.0, and 5.0 percentage points, as measured from the start of the recession to the eventual peak during or immediately following the recession.¹⁷⁸ Each of these increases can therefore represent a recession's impact on unemployment. To identify States with significant remaining elevation in unemployment, Treasury took the lowest of these four increases, 2.0 percentage points, to indicate states where, despite improvement in the unemployment rate, current labor market conditions are consistent still with a historical benchmark for a recession.

No U.S. territory will be subject to withholding of its payment from the Fiscal Recovery Funds. For Puerto Rico, the Secretary has determined that the current level of the unemployment rate (8.8 percent, as of March 2021¹⁷⁹) is sufficiently high such that Treasury should not withhold any portion of its payment from the Fiscal Recovery Funds regardless of its change in unemployment rate relative to its pre-pandemic level. For U.S. territories that are not included in the Bureau of Labor Statistics' monthly unemployment rate data, the Secretary will not exercise the authority to withhold amounts from the Fiscal Recovery Funds.

VI. Transfer

The statute authorizes State, territorial, and Tribal governments; counties; metropolitan cities; and nonentitlement units of local government (counties, metropolitan

cities, and nonentitlement units of local government are collectively referred to as "local governments") to transfer amounts paid from the Fiscal Recovery Funds to a number of specified entities. By permitting these transfers, Congress recognized the importance of providing flexibility to governments seeking to achieve the greatest impact with their funds, including by working with other levels or units of government or private entities to assist recipient governments in carrying out their programs. This includes special-purpose districts that perform specific functions in the community, such as fire, water, sewer, or mosquito abatement districts.

Specifically, under section 602(c)(3), a State, territory, or Tribal government may transfer funds to a "private nonprofit organization . . . a Tribal organization . . . a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government."¹⁸⁰ Similarly, section 603(c)(3) authorizes a local government to transfer funds to the same entities (other than Tribal organizations).

The interim final rule clarifies that the lists of transferees in sections 602(c)(3) and 603(c)(3) are not exclusive. The interim final rule permits State, territorial, and Tribal governments to transfer Fiscal Recovery Funds to other constituent units of government or private entities beyond those specified in the statute. Similarly, local governments are authorized to transfer Fiscal Recovery Funds to other constituent units of government (*e.g.*, a county is able to transfer Fiscal Recovery Funds to a city, town, or school district within it) or to private entities. This approach is intended to help provide funding to local governments with needs that may exceed the allocation provided under the statutory formula.

State, local, territorial, and Tribal governments that receive a Federal award directly from a Federal awarding agency, such as Treasury, are "recipients." A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient's Federal award funding. The recipient remains responsible for monitoring and overseeing the subrecipient's use of Fiscal Recovery Funds and other activities related to the award to ensure that the subrecipient complies with the statutory and

regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the Fiscal Recovery Funds for the duration of the award.

Transfers under sections 602(c)(3) and 603(c)(3) must qualify as an eligible use of Fiscal Recovery Funds by the transferor. Once Fiscal Recovery Funds are received, the transferee must abide by the restrictions on use applicable to the transferor under the ARPA and other applicable law and program guidance. For example, if a county transferred Fiscal Recovery Funds to a town within its borders to respond to the COVID-19 public health emergency, the town would be bound by the eligible use requirements applicable to the county in carrying out the county's goal. This also means that county A may not transfer Fiscal Recovery Funds to county B for use in county B because such a transfer would not, from the perspective of the transferor (county A), be an eligible use in county A.

Section 603(c)(4) separately provides for transfers by a local government to its State or territory. A transfer under section 603(c)(4) will not make the State a subrecipient of the local government, and such Fiscal Recovery Funds may be used by the State for any purpose permitted under section 602(c). A transfer under section 603(c)(4) will result in a cancellation or termination of the award on the part of the transferor local government and a modification of the award to the transferee State or territory. The transferor must provide notice of the transfer to Treasury in a format specified by Treasury. If the local government does not provide such notice, it will remain legally obligated to Treasury under the award and remain responsible for ensuring that the awarded Fiscal Recovery Funds are being used in accordance with the statute and program guidance and for reporting on such uses to Treasury. A State that receives a transfer from a local government under section 603(c)(4) will be bound by all of the use restrictions set forth in section 602(c) with respect to the use of those Fiscal Recovery Funds, including the prohibitions on use of such Fiscal Recovery Funds to offset certain reductions in taxes or to make deposits into pension funds.

Question 35: What are the advantages and disadvantages of treating the list of transferees in sections 602(c)(3) and 603(c)(3) as nonexclusive, allowing States and localities to transfer funds to entities outside of the list?

Question 36: Are there alternative ways of defining "special-purpose unit of State or local government" and

¹⁷⁸ Includes the period during and immediately following recessions, as defined by the National Bureau of Economic Research. National Bureau of Economic Research, US Business Cycle Expansions and Contractions, <https://www.nber.org/research/data/us-business-cycle-expansions-and-contractions> (last visited Apr. 27, 2021). Based on data from U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/UNRATE> (last visited Apr. 27, 2021).

¹⁷⁹ U.S. Bureau of Labor Statistics, Economic News Release—Table 1. Civilian labor force and unemployment by state and selected area, seasonally adjusted, <https://www.bls.gov/news.release/laus.t01.htm> (last visited Apr. 30, 2021).

¹⁸⁰ Section 602(c)(3) of the Act.

“public benefit corporation” that would better further the aims of the Funds?

VII. Nonentitlement Units of Government

The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to nonentitlement units of local government (NEUs); local governments which generally have populations below 50,000. These local governments have not yet received direct fiscal relief from the Federal Government during the COVID-19 public health emergency, making Fiscal Recovery Funds payments an important source of support for their public health and economic responses. Section 603 requires Treasury to allocate and pay Fiscal Recovery Funds to the States and territories and requires the States and territories to distribute Fiscal Recovery Funds to NEUs based on population within 30 days of receipt unless an extension is granted by the Secretary. The interim final rule clarifies certain aspects regarding the distribution of Fiscal Recovery by States and territories to NEUs, as well as requirements around timely payments from the Fiscal Recovery Funds.

The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory, subject to a cap (described below). Because the statute requires States and territories to make distributions based on population, States and territories may not place additional conditions or requirements on distributions to NEUs, beyond those required by the ARPA and Treasury’s implementing regulations and guidance. For example, a State may not impose stricter limitations than permitted by statute or Treasury regulations or guidance on an NEU’s use of Fiscal Recovery Funds based on the NEU’s proposed spending plan or other policies. States and territories are also not permitted to offset any debt owed by the NEU against the NEU’s distribution. Further, States and territories may not provide funding on a reimbursement basis—*e.g.*, requiring NEUs to pay for project costs up front before being reimbursed with Fiscal Recovery Funds payments—because this funding model would not comport with the statutory requirement that States and territories make distributions to NEUs within the statutory timeframe.

Similarly, States and territories distributing Fiscal Recovery Funds payments to NEUs are responsible for

complying with the Fiscal Recovery Funds statutory requirement that distributions to NEUs not exceed 75 percent of the NEU’s most recent budget. The most recent budget is defined as the NEU’s most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020. Amounts in excess of such cap and therefore not distributed to the NEU must be returned to Treasury by the State or territory. States and territories may rely for this determination on a certified top-line budget total from the NEU.

Under the interim final rule, the total allocation and distribution to an NEU, including the sum of both the first and second tranches of funding, cannot exceed the 75 percent cap. States and territories must permit NEUs without formal budgets as of January 27, 2020 to self-certify their most recent annual expenditures as of January 27, 2020 for the purpose of calculating the cap. This approach will provide an administrable means to implement the cap for small local governments that do not adopt a formal budget.

Section 603(b)(3) of the Social Security Act provides for Treasury to make payments to counties but provides that, in the case of an amount to be paid to a county that is not a unit of general local government, the amount shall instead be paid to the State in which such county is located, and such State shall distribute such amount to each unit of general local government within such county in an amount that bears the same proportion to the amount to be paid to such county as the population of such units of general local government bears to the total population of such county. As with NEUs, States may not place additional conditions or requirements on distributions to such units of general local government, beyond those required by the ARPA and Treasury’s implementing regulations and guidance.

In the case of consolidated governments, section 603(b)(4) allows consolidated governments (*e.g.*, a city-county consolidated government) to receive payments under each allocation based on the respective formulas. In the case of a consolidated government, Treasury interprets the budget cap to apply to the consolidated government’s NEU allocation under section 603(b)(2) but not to the consolidated government’s county allocation under section 603(b)(3).

If necessary, States and territories may use the Fiscal Recovery Funds under section 602(c)(1)(A) to fund expenses related to administering payments to NEUs and units of general local

government, as disbursing these funds itself is a response to the public health emergency and its negative economic impacts. If a State or territory requires more time to disburse Fiscal Recovery Funds to NEUs than the allotted 30 days, Treasury will grant extensions of not more than 30 days for States and territories that submit a certification in writing in accordance with section 603(b)(2)(C)(ii)(I). Additional extensions may be granted at the discretion of the Secretary.

Question 37: What are alternative ways for States and territories to enforce the 75 percent cap while reducing the administrative burden on them?

Question 38: What criteria should Treasury consider in assessing requests for extensions for further time to distribute NEU payments?

VIII. Reporting

States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments will be required to submit one interim report and thereafter quarterly Project and Expenditure reports through the end of the award period on December 31, 2026. The interim report will include a recipient’s expenditures by category at the summary level from the date of award to July 31, 2021 and, for States and territories, information related to distributions to nonentitlement units. Recipients must submit their interim report to Treasury by August 31, 2021. Nonentitlement units of local government are not required to submit an interim report.

The quarterly Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient’s utilization of the award funds. The reports will include the same general data (*e.g.*, on obligations, expenditures, contracts, grants, and subawards) as those submitted by recipients of the CRF, with some modifications. Modifications will include updates to the expenditure categories and the addition of data elements related to specific eligible uses, including some of the reporting elements described in sections above. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021, and must be submitted to Treasury by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Nonentitlement units of local government will be required to submit

annual Project and Expenditure reports until the end of the award period on December 31, 2026. The initial annual Project and Expenditure report for nonentitlement units of local government will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

States, territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to submit an annual Recovery Plan Performance report to Treasury. The Recovery Plan Performance report will provide the public and Treasury information on the projects that recipients are undertaking with program funding and how they are planning to ensure project outcomes are achieved in an effective, efficient, and equitable manner. Each jurisdiction will have some flexibility in terms of the form and content of the Recovery Plan Performance report, as long as it includes the minimum information required by Treasury. The Recovery Plan Performance report will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury, as well as programmatic data in specific eligible use categories and the specific reporting requirements described in the sections above. The initial Recovery Plan Performance report will cover the period from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, Recovery Plan Performance reports will cover a 12-month period, and recipients will be required to submit the report to Treasury within 30 days after the end of the 12-month period. The second Recovery Plan Performance report will cover the period from July 1, 2021 to June 30, 2022, and must be submitted to Treasury by July 31, 2022. Each annual Recovery Plan Performance report must be posted on the public-facing website of the recipient. Local governments with fewer than 250,000 residents, Tribal governments, and nonentitlement units of local government are not required to develop a Recovery Plan Performance report.

Treasury will provide additional guidance and instructions on the reporting requirements outlined above for the Fiscal Recovery Funds at a later date.

IX. Comments and Effective Date

This interim final rule is being issued without advance notice and public comment to allow for immediate implementation of this program. As

discussed below, the requirements of advance notice and public comment do not apply “to the extent that there is involved . . . a matter relating to agency . . . grants.”¹⁸¹ The interim final rule implements statutory conditions on the eligible uses of the Fiscal Recovery Funds grants, and addresses the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses. In addition and as discussed below, the Administrative Procedure Act also provides an exception to ordinary notice-and-comment procedures “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”¹⁸² This good cause justification also supports waiver of the 60-day delayed effective date for major rules under the Congressional Review Act at 5 U.S.C. 808(2). Although this interim final rule is effective immediately, comments are solicited from interested members of the public and from recipient governments on all aspects of the interim final rule.

These comments must be submitted on or before July 16, 2021.

X. Regulatory Analyses

Executive Orders 12866 and 13563

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563. Treasury, however, is proceeding under the emergency provision at Executive Order 12866 section 6(a)(3)(D) based on the need to act expeditiously to mitigate the current economic conditions arising from the COVID-19 public health emergency. The rule has been reviewed by the Office of Management and Budget (OMB) in accordance with Executive Order 12866. This rule is necessary to implement the ARPA in order to provide economic relief to State, local, and Tribal governments adversely impacted by the COVID-19 public health emergency.

Under Executive Order 12866, OMB must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a significant regulatory

action as an action likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or Tribal governments or communities in a material way (also referred to as “economically significant” regulations);

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This regulatory action is an economically significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866. Treasury has also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, section 1(b) of Executive Order 13563 requires that an agency:

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) Select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including providing economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available

¹⁸¹ 5 U.S.C. 553(a)(2).

¹⁸² 5 U.S.C. 553(b)(3)(B); *see also* 5 U.S.C. 553(d)(3) (creating an exception to the requirement of a 30-day delay before the effective date of a rule “for good cause found and published with the rule”).

techniques to quantify anticipated present and future benefits and costs as accurately as possible.” OMB’s Office of Information and Regulatory Affairs (OIRA) has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

Treasury has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and is issuing this interim final rule only on a reasoned determination that the benefits exceed the costs. In choosing among alternative regulatory approaches, Treasury selected those approaches that would maximize net benefits. Based on the analysis that follows and the reasons stated elsewhere in this document, Treasury believes that this interim final rule is consistent with the principles set forth in Executive Order 13563.

Treasury also has determined that this regulatory action does not unduly interfere with States, territories, Tribal governments, and localities in the exercise of their governmental functions.

This Regulatory Impact Analysis discusses the need for regulatory action, the potential benefits, and the potential costs.

Need for Regulatory Action. This interim final rule implements the \$350 billion Fiscal Recovery Funds of the ARPA, which Congress passed to help States, territories, Tribal governments, and localities respond to the ongoing COVID-19 public health emergency and its economic impacts. As the agency charged with execution of these programs, Treasury has concluded that this interim final rule is needed to ensure that recipients of Fiscal Recovery Funds fully understand the requirements and parameters of the program as set forth in the statute and deploy funds in a manner that best reflects Congress’ mandate for targeted fiscal relief.

This interim final rule is primarily a transfer rule: It transfers \$350 billion in aid from the Federal Government to states, territories, Tribal governments, and localities, generating a significant macroeconomic effect on the U.S. economy. In making this transfer, Treasury has sought to implement the program in ways that maximize its potential benefits while minimizing its costs. It has done so by aiming to target relief in key areas according to the congressional mandate; offering clarity to States, territories, Tribal governments, and localities while maintaining their flexibility to respond

to local needs; and limiting administrative burdens.

Analysis of Benefits. Relative to a pre-statutory baseline, the Fiscal Recovery Funds provide a combined \$350 billion to State, local, and Tribal governments for fiscal relief and support for costs incurred responding to the COVID-19 pandemic. Treasury believes that this transfer will generate substantial additional economic activity, although given the flexibility accorded to recipients in the use of funds, it is not possible to precisely estimate the extent to which this will occur and the timing with which it will occur. Economic research has demonstrated that state fiscal relief is an efficient and effective way to mitigate declines in jobs and output during an economic downturn.¹⁸³ Absent such fiscal relief, fiscal austerity among State, local, and Tribal governments could exert a prolonged drag on the overall economic recovery, as occurred following the 2007–09 recession.¹⁸⁴

This interim final rule provides benefits across several areas by implementing the four eligible funding uses, as defined in statute: Strengthening the response to the COVID-19 public health emergency and its economic impacts; easing fiscal pressure on State, local, and Tribal governments that might otherwise lead to harmful cutbacks in employment or government services; providing premium pay to essential workers; and making necessary investments in certain types of infrastructure. In implementing the ARPA, Treasury also sought to support disadvantaged communities that have been disproportionately impacted by the pandemic. The Fiscal Recovery Funds as implemented by the interim final rule can be expected to channel resources toward these uses in order to achieve substantial near-term economic and public health benefits, as well as longer-term benefits arising from the allowable investments in water, sewer, and broadband infrastructure and aid to families.

¹⁸³ Gabriel Chodorow-Reich et al., Does State Fiscal Relief during Recessions Increase Employment? Evidence from the American Recovery and Reinvestment Act, *American Econ. J.: Econ. Policy*, 4:3 118–45 (Aug. 2012), available at <https://www.aeaweb.org/articles?id=10.1257/pol.4.3.118>.

¹⁸⁴ See, e.g., Fitzpatrick, Haughwout & Setren, Fiscal Drag from the State and Local Sector?, Liberty Street Economics Blog, Federal Reserve Bank of New York (June 27, 2012), <https://www.libertystreeteconomics.newyorkfed.org/2012/06/fiscal-drag-from-the-state-and-local-sector.html>; Jiri Jonas, Great Recession and Fiscal Squeeze at U.S. Subnational Government Level, IMF Working Paper 12/184, (July 2012), available at <https://www.imf.org/external/pubs/ft/wp/2012/wp12184.pdf>; Gordon, *supra* note 9.

These benefits are achieved in the interim final rule through a broadly flexible approach that sets clear guidelines on eligible uses of Fiscal Recovery Funds and provides State, local, and Tribal government officials discretion within those eligible uses to direct Fiscal Recovery Funds to areas of greatest need within their jurisdiction. While preserving recipients’ overall flexibility, the interim final rule includes several provisions that implement statutory requirements and will help support use of Fiscal Recovery Funds to achieve the intended benefits. The remainder of this section clarifies how Treasury’s approach to key provisions in the interim final rule will contribute to greater realization of benefits from the program.

- **Revenue Loss:** Recipients will compute the extent of reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have plausibly been expected to occur in the absence of the pandemic. The counterfactual trend begins with the last full fiscal year prior to the public health emergency (as required by statute) and projects forward with an annualized growth adjustment. Treasury’s decision to incorporate a growth adjustment into the calculation of revenue loss ensures that the formula more fully captures revenue shortfalls relative to recipients’ pre-pandemic expectations. Moreover, recipients will have the opportunity to re-calculate revenue loss at several points throughout the program, recognizing that some recipients may experience revenue effects with a lag. This option to re-calculate revenue loss on an ongoing basis should result in more support for recipients to avoid harmful cutbacks in future years. In calculating revenue loss, recipients will look at general revenue in the aggregate, rather than on a source-by-source basis. Given that recipients may have experienced offsetting changes in revenues across sources, Treasury’s approach provides a more accurate representation of the effect of the pandemic on overall revenues.

- **Premium Pay:** Per the statute, recipients have broad latitude to designate critical infrastructure sectors and make grants to third-party employers for the purpose of providing premium pay or otherwise respond to essential workers. While the interim final rule generally preserves the flexibility in the statute, it does add a requirement that recipients give written justification in the case that premium pay would increase a worker’s annual pay above a certain threshold. To set this threshold, Treasury analyzed data

from the Bureau of Labor Statistics to determine a level that would not require further justification for premium pay to the vast majority of essential workers, while requiring higher scrutiny for provision of premium pay to higher-earners who, even without premium pay, would likely have greater personal financial resources to cope with the effects of the pandemic. Treasury believes the threshold in the interim final rule strikes the appropriate balance between preserving flexibility and helping encourage use of these resources to help those in greatest need. The interim final rule also requires that eligible workers have regular in-person interactions or regular physical handling of items that were also handled by others. This requirement will also help encourage use of financial resources for those who have endured the heightened risk of performing essential work.

- *Withholding of Payments to Recipients:* Treasury believes that for the vast majority of recipient entities, it will be appropriate to receive funds in two separate payments. As discussed above, withholding of payments ensures that recipients can adapt spending plans to evolving economic conditions and that at least some of the economic benefits will be realized in 2022 or later. However, consistent with authorities granted to Treasury in the statute, Treasury recognizes that a subset of States with significant remaining elevation in the unemployment rate could face heightened additional near-term needs to aid unemployed workers and stimulate the recovery. Therefore, for a subset of State governments, Treasury will not withhold any funds from the first payment. Treasury believes that this approach strikes the appropriate balance between the general reasons to provide funds in two payments and the heightened additional near-term needs in specific States. As discussed above, Treasury set a threshold based on historical analysis of unemployment rates in recessions.

- *Hiring Public Sector Employees:* The interim final rule states explicitly that recipients may use funds to restore their workforces up to pre-pandemic levels. Treasury believes that this statement is beneficial because it eliminates any uncertainty that could cause delays or otherwise negatively impact restoring public sector workforces (which, at time of publication, remain significantly below pre-pandemic levels).

Finally, the interim final rule aims to promote and streamline the provision of assistance to individuals and communities in greatest need,

particularly communities that have been historically disadvantaged and have experienced disproportionate impacts of the COVID-19 crisis. Targeting relief is in line with Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” which laid out an Administration-wide priority to support “equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”¹⁸⁵ To this end, the interim final rule enumerates a list of services that may be provided using Fiscal Recovery Funds in low-income areas to address the disproportionate impacts of the pandemic in these communities; establishes the characteristics of essential workers eligible for premium pay and encouragement to serve workers based on financial need; provides that recipients may use Fiscal Recovery Funds to restore (to pre-pandemic levels) state and local workforces, where women and people of color are disproportionately represented;¹⁸⁶ and targets investments in broadband infrastructure to unserved and underserved areas. Collectively, these provisions will promote use of resources to facilitate the provision of assistance to individuals and communities with the greatest need.

Analysis of Costs. This regulatory action will generate administrative costs relative to a pre-statutory baseline. This includes, chiefly, costs required to administer Fiscal Recovery Funds, oversee subrecipients and beneficiaries, and file periodic reports with Treasury. It also requires States to allocate Fiscal Recovery Funds to nonentitlement units, which are smaller units of local government that are statutorily required to receive their funds through States.

Treasury expects that the administrative burden associated with this program will be moderate for a grant program of its size. Treasury expects that most recipients receive direct or indirect funding from Federal Government programs and that many

have familiarity with how to administer and report on Federal funds or grant funding provided by other entities. In particular, States, territories, and large localities will have received funds from the CRF and Treasury expects them to rely heavily on established processes developed last year or through prior grant funding, mitigating burden on these governments.

Treasury expects to provide technical assistance to defray the costs of administration of Fiscal Recovery Funds to further mitigate burden. In making implementation choices, Treasury has hosted numerous consultations with a diverse range of direct recipients—States, small cities, counties, and Tribal governments—along with various communities across the United States, including those that are underserved. Treasury lacks data to estimate the precise extent to which this interim final rule generates administrative burden for State, local, and Tribal governments, but seeks comment to better estimate and account for these costs, as well as on ways to lessen administrative burdens.

Executive Order 13132

Executive Order 13132 (entitled Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State, local, and Tribal governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This interim final rule does not have federalism implications within the meaning of the Executive order and does not impose substantial, direct compliance costs on State, local, and Tribal governments or preempt state law within the meaning of the Executive order. The compliance costs are imposed on State, local, and Tribal governments by sections 602 and 603 of the Social Security Act, as enacted by the ARPA. Notwithstanding the above, Treasury has engaged in efforts to consult and work cooperatively with affected State, local, and Tribal government officials and associations in the process of developing the interim final rule. Pursuant to the requirements set forth in section 8(a) of Executive Order 13132, Treasury certifies that it has complied with the requirements of Executive Order 13132.

Administrative Procedure Act

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires public notice and an opportunity for comment before a rule

¹⁸⁵ Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government (Jan. 20, 2021) (86 FR 7009, January 25, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/> (last visited May 9, 2021).

¹⁸⁶ David Cooper, Mary Gable & Algernon Austin, Economic Policy Institute Briefing Paper, The Public-Sector Jobs Crisis: Women and African Americans hit hardest by job losses in state and local governments, <https://www.epi.org/publication/bp339-public-sector-jobs-crisis> (last visited May 9, 2021).

becomes effective. However, the APA provides that the requirements of 5 U.S.C. 553 do not apply “to the extent that there is involved . . . a matter relating to agency . . . grants.” The interim final rule implements statutory conditions on the eligible uses of the Fiscal Recovery Funds grants, and addresses the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses. The rule is thus “both clearly and directly related to a federal grant program.” *National Wildlife Federation v. Snow*, 561 F.2d 227, 232 (D.C. Cir. 1976). The rule sets forth the “process necessary to maintain state . . . eligibility for federal funds,” *id.*, as well as the “method[s] by which states can . . . qualify for federal aid,” and other “integral part[s] of the grant program,” *Center for Auto Safety v. Tiemann*, 414 F. Supp. 215, 222 (D.D.C. 1976). As a result, the requirements of 5 U.S.C. 553 do not apply.

The APA also provides an exception to ordinary notice-and-comment procedures “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(3)(B); *see also* 5 U.S.C. 553(d)(3) (creating an exception to the requirement of a 30-day delay before the effective date of a rule “for good cause found and published with the rule”). Assuming 5 U.S.C. 553 applied, Treasury would still have good cause under sections 553(b)(3)(B) and 553(d)(3) for not undertaking section 553’s requirements. The ARPA is a law responding to a historic economic and

public health emergency; it is “extraordinary” legislation about which “both Congress and the President articulated a profound sense of ‘urgency.’” *Petry v. Block*, 737 F.2d 1193, 1200 (D.C. Cir. 1984). Indeed, several provisions implemented by this interim final rule (sections 602(c)(1)(A) and 603(c)(1)(A)) explicitly provide funds to “respond to the public health emergency,” and the urgency is further exemplified by Congress’s command (in sections 602(b)(6)(B) and 603(b)(7)(A)) that, “[t]o the extent practicable,” funds must be provided to Tribes and cities “not later than 60 days after the date of enactment.” *See Philadelphia Citizens in Action v. Schweiker*, 669 F.2d 877, 884 (3d Cir. 1982) (finding good cause under circumstances, including statutory time limits, where APA procedures would have been “virtually impossible”). Finally, there is an urgent need for States to undertake the planning necessary for sound fiscal policymaking, which requires an understanding of how funds provided under the ARPA will augment and interact with existing budgetary resources and tax policies. Treasury understands that many states require immediate rules on which they can rely, especially in light of the fact that the ARPA “covered period” began on March 3, 2021. The statutory urgency and practical necessity are good cause to forego the ordinary requirements of notice-and-comment rulemaking.

Congressional Review Act

The Administrator of OIRA has determined that this is a major rule for purposes of Subtitle E of the Small Business Regulatory Enforcement and Fairness Act of 1996 (also known as the

Congressional Review Act or CRA) (5 U.S.C. 804(2) *et seq.*). Under the CRA, a major rule takes effect 60 days after the rule is published in the **Federal Register**. 5 U.S.C. 801(a)(3). Notwithstanding this requirement, the CRA allows agencies to dispense with the requirements of section 801 when the agency for good cause finds that such procedure would be impracticable, unnecessary, or contrary to the public interest and the rule shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). Pursuant to section 808(2), for the reasons discussed above, Treasury for good cause finds that a 60-day delay to provide public notice is impracticable and contrary to the public interest.

Paperwork Reduction Act

The information collections associated with State, territory, local, and Tribal government applications materials necessary to receive Fiscal Recovery Funds (*e.g.*, payment information collection and acceptance of award terms) have been reviewed and approved by OMB pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35) (PRA) emergency processing procedures and assigned control number 1505–0271. The information collections related to ongoing reporting requirements, as discussed in this interim final rule, will be submitted to OMB for emergency processing in the near future. Under the PRA, an agency may not conduct or sponsor and a respondent is not required to respond to, an information collection unless it displays a valid OMB control number.

Estimates of hourly burden under this program are set forth in the table below. Burden estimates below are preliminary.

| Reporting | Number of respondents (estimated) | Number of responses per respondent | Total responses | Hours per response | Total burden in hours | Cost to respondent (\$48.80 per hour*) |
|--|-----------------------------------|------------------------------------|-----------------|----------------------|-----------------------|--|
| Recipient Payment Form | 5,050 | 1 | 5,050 | .25 (15 minutes) ... | 1,262.5 | \$61,610 |
| Acceptance of Award Terms | 5,050 | 1 | 5,050 | .25 (15 minutes) ... | 1,262.5 | 61,610 |
| Title VI Assurances | 5,050 | 1 | 5,050 | .50 (30 minutes) ... | 2,525 | 123,220 |
| Quarterly Project and Expenditure Report. | 5,050 | 4*** | 20,200 | 25 | 505,000 | 24,644,000 |
| Annual Project and Expenditure Report from NEUs. | TBD | 1 per year | † 20,000–40,000 | 15 | 300,000–600,000 | 14,640,000–29,280,000 |
| Annual Recovery Plan Performance report. | 418 | 1 per year | 418 | 100 | 41,800 | 2,039,840 |
| Total | (**) | N/A | 55,768–75,768 | 141 | 851,850–1,151,850 | 41,570,280–56,210,280 |

*Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Accountants and Auditors, on the internet at <https://www.bls.gov/ooh/business-and-financial/accountants-and-auditors.htm> (visited March 28, 2020). Base wage of \$33.89/hour increased by 44 percent to account for fully loaded employer cost of employee compensation (benefits, etc.) for a fully loaded wage rate of \$48.80.

**5,050–TBD.

***Per year after first year.

† (Estimate only).

Periodic reporting is required by section 602(c) of Section VI of the Social Security Act and under the interim final rule.

As discussed in Section VIII of this **SUPPLEMENTARY INFORMATION**, recipients of Fiscal Recovery Funds will be required to submit one interim report

and thereafter quarterly Project and Expenditure reports until the end of the award period. Recipients must submit interim reports to Treasury by August

31, 2021. The quarterly Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of the award funds.

Nonentitlement unit recipients will be required to submit annual Project and Expenditure reports until the end of the award period. The initial annual Project and Expenditure report for Nonentitlement unit recipients must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year. States, territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to submit an annual Recovery Plan Performance report to Treasury. The Recovery Plan Performance report will include descriptions of the projects funded and information on the performance indicators and objectives of the award. Each annual Recovery Plan Performance report must be posted on the public-facing website of the recipient. Treasury will provide additional guidance and instructions on all the reporting requirements outlined above for the Fiscal Recovery Funds program at a later date.

These and related periodic reporting requirements are under consideration and will be submitted to OMB for approval under the PRA emergency provisions in the near future.

Treasury invites comments on all aspects of the reporting and recordkeeping requirements including: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Comments should be sent by the comment deadline to the www.regulations.gov docket with a copy to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, 725 17th Street NW, Washington, DC 20503; or email to oira_submission@omb.eop.gov.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule

pursuant to section 553(b) of the Administrative Procedure Act or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604.

Rules that are exempt from notice and comment under the APA are also exempt from the RFA requirements, including the requirement to conduct a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Since this rule is exempt from the notice and comment requirements of the APA, Treasury is not required to conduct a regulatory flexibility analysis.

List of Subjects in 31 CFR Part 35

Executive compensation, Public health emergency, State and local governments, Tribal governments.

For the reasons stated in the preamble, the Department of the Treasury amends 31 CFR part 35 as follows:

PART 35—PANDEMIC RELIEF PROGRAMS

- 1. The authority citation for part 35 is revised to read as follows:

Authority: 42 U.S.C. 802(f); 42 U.S.C. 803(f); 31 U.S.C. 321; Division N, Title V, Subtitle B, Pub. L. 116–260, 134 Stat. 1182; Section 104A, Pub. L. 103–325, 108 Stat. 2160, as amended (12 U.S.C. 4701 *et seq.*); Pub. L. 117–2, 135 Stat. 4 (42 U.S.C. 802 *et seq.*).

- 2. Revise the part heading to read as set forth above.

- 3. Add subpart A to read as follows:

Subpart A—Coronavirus State and Local Fiscal Recovery Funds

Sec.

- 35.1 Purpose.
- 35.2 Applicability.
- 35.3 Definitions.
- 35.4 Reservation of authority, reporting.
- 35.5 Use of funds.
- 35.6 Eligible uses.
- 35.7 Pensions.
- 35.8 Tax.
- 35.9 Compliance with applicable laws.
- 35.10 Recoupment.
- 35.11 Payments to States.
- 35.12 Distributions to nonentitlement units of local government and units of general local government.

§ 35.1 Purpose.

This subpart implements section 9901 of the American Rescue Plan Act (Subtitle M of Title IX of Pub. L. 117–2), which amends Title VI of the Social Security Act (42 U.S.C. 801 *et*

seq.) by adding sections 602 and 603 to establish the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund.

§ 35.2 Applicability.

This subpart applies to States, territories, Tribal governments, metropolitan cities, nonentitlement units of local government, counties, and units of general local government that accept a payment or transfer of funds made under section 602 or 603 of the Social Security Act.

§ 35.3 Definitions.

As used in this subpart:

Baseline means tax revenue of the recipient for its fiscal year ending in 2019, adjusted for inflation in each reporting year using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States.

County means a county, parish, or other equivalent county division (as defined by the Census Bureau).

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (Federal and State), workers' compensation insurance, and Federal Insurance Contributions Act taxes (which includes Social Security and Medicare taxes).

Covered change means a change in law, regulation, or administrative interpretation. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period.

Covered period means, with respect to a State, Territory, or Tribal government, the period that:

- (1) Begins on March 3, 2021; and
- (2) Ends on the last day of the fiscal year of such State, Territory, or Tribal government in which all funds received by the State, Territory, or Tribal government from a payment made under section 602 or 603 of the Social Security Act have been expended or returned to, or recovered by, the Secretary.

COVID–19 means the Coronavirus Disease 2019.

COVID–19 public health emergency means the period beginning on January 27, 2020 and until the termination of the national emergency concerning the COVID–19 outbreak declared pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*).

Deposit means an extraordinary payment of an accrued, unfunded liability. The term deposit does not refer to routine contributions made by an employer to pension funds as part of the employer's obligations related to payroll, such as either a pension contribution consisting of a normal cost component related to current employees or a component addressing the amortization of unfunded liabilities calculated by reference to the employer's payroll costs.

Eligible employer means an employer of an eligible worker who performs essential work.

Eligible workers means workers needed to maintain continuity of operations of essential critical infrastructure sectors, including health care; emergency response; sanitation, disinfection, and cleaning work; maintenance work; grocery stores, restaurants, food production, and food delivery; pharmacy; biomedical research; behavioral health work; medical testing and diagnostics; home- and community-based health care or assistance with activities of daily living; family or child care; social services work; public health work; vital services to Tribes; any work performed by an employee of a State, local, or Tribal government; educational work, school nutrition work, and other work required to operate a school facility; laundry work; elections work; solid waste or hazardous materials management, response, and cleanup work; work requiring physical interaction with patients; dental care work; transportation and warehousing; work at hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment; work in a mortuary; work in critical clinical research, development, and testing necessary for COVID-19 response.

(1) With respect to a recipient that is a Metropolitan city, nonentitlement unit of local government, or county, workers in any additional sectors as each chief executive officer of such recipient may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county; or

(2) With respect to a State, Territory, or Tribal government, workers in any additional sectors as each Governor of a State or Territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, Territory, or Tribal government.

Essential work means work that:

- (1) Is not performed while teleworking from a residence; and
- (2) Involves:

(i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or

(ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

Funds means, with respect to a recipient, amounts provided to the recipient pursuant to a payment made under section 602(b) or 603(b) of the Social Security Act or transferred to the recipient pursuant to section 603(c)(4) of the Social Security Act.

General revenue means money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and intergovernmental transfers from the Federal Government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue does not include revenues from utilities. Revenue from Tribal business enterprises must be included in general revenue.

Intergovernmental transfers means money received from other governments, including grants and shared taxes.

Metropolitan city has the meaning given that term in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) and includes cities that relinquish or defer their status as a metropolitan city for purposes of receiving allocations under section 106 of such Act (42 U.S.C. 5306) for fiscal year 2021.

Net reduction in total spending is measured as the State or Territory's total spending for a given reporting year excluding its spending of funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States.

Nonentitlement unit of local government means a "city," as that term is defined in section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)), that is not a metropolitan city.

Nonprofit means a nonprofit organization that is exempt from Federal income taxation and that is described in section 501(c)(3) of the Internal Revenue Code.

Obligation means an order placed for property and services and entering into

contracts, subawards, and similar transactions that require payment.

Pension fund means a defined benefit plan and does not include a defined contribution plan.

Premium pay means an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker. Premium pay will be considered to be in addition to wages or remuneration the eligible worker otherwise receives if, as measured on an hourly rate, the premium pay is:

(1) With regard to work that the eligible worker previously performed, pay and remuneration equal to the sum of all wages and remuneration previously received plus up to \$13 per hour with no reduction, substitution, offset, or other diminishment of the eligible worker's previous, current, or prospective wages or remuneration; or

(2) With regard to work that the eligible worker continues to perform, pay of up to \$13 that is in addition to the eligible worker's regular rate of wages or remuneration, with no reduction, substitution, offset, or other diminishment of the workers' current and prospective wages or remuneration.

Qualified census tract has the same meaning given in 26 U.S.C. 42(d)(5)(B)(ii)(I).

Recipient means a State, Territory, Tribal government, metropolitan city, nonentitlement unit of local government, county, or unit of general local government that receives a payment made under section 602(b) or 603(b) of the Social Security Act or transfer pursuant to section 603(c)(4) of the Social Security Act.

Reporting year means a single year or partial year within the covered period, aligned to the current fiscal year of the State or Territory during the covered period.

Secretary means the Secretary of the Treasury.

State means each of the 50 States and the District of Columbia.

Small business means a business concern or other organization that:

- (1) Has no more than 500 employees, or if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates; and
- (2) Is a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632).

Tax revenue means revenue received from a compulsory contribution that is exacted by a government for public purposes excluding refunds and corrections and, for purposes of § 35.8, intergovernmental transfers. Tax revenue does not include payments for a special privilege granted or service rendered, employee or employer assessments and contributions to finance retirement and social insurance trust systems, or special assessments to pay for capital improvements.

Territory means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

Tribal enterprise means a business concern:

(1) That is wholly owned by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments; or

(2) That is owned in part by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments, if all other owners are either United States citizens or small business concerns, as these terms are used and consistent with the definitions in 15 U.S.C. 657a(b)(2)(D).

Tribal government means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published by the Bureau of Indian Affairs on January 29, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

Unemployment rate means the U-3 unemployment rate provided by the Bureau of Labor Statistics as part of the Local Area Unemployment Statistics program, measured as total unemployment as a percentage of the civilian labor force.

Unemployment trust fund means an unemployment trust fund established under section 904 of the Social Security Act (42 U.S.C. 1104).

Unit of general local government has the meaning given to that term in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).

Unserved and underserved households or businesses means one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

§ 35.4 Reservation of authority, reporting.

(a) *Reservation of authority.* Nothing in this subpart shall limit the authority of the Secretary to take action to enforce conditions or violations of law, including actions necessary to prevent evasions of this subpart.

(b) *Extensions or accelerations of timing.* The Secretary may extend or accelerate any deadline or compliance date of this subpart, including reporting requirements that implement this subpart, if the Secretary determines that such extension or acceleration is appropriate. In determining whether an extension or acceleration is appropriate, the Secretary will consider the period of time that would be extended or accelerated and how the modified timeline would facilitate compliance with this subpart.

(c) *Reporting and requests for other information.* During the covered period, recipients shall provide to the Secretary periodic reports providing detailed accounting of the uses of funds, all modifications to a State or Territory's tax revenue sources, and such other information as the Secretary may require for the administration of this section. In addition to regular reporting requirements, the Secretary may request other additional information as may be necessary or appropriate, including as may be necessary to prevent evasions of the requirements of this subpart. False statements or claims made to the Secretary may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in Federal awards or contracts, and/or any other remedy available by law.

§ 35.5 Use of funds.

(a) *In general.* A recipient may only use funds to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for one or more of the purposes enumerated in sections 602(c)(1) and 603(c)(1) of the Social Security Act, as applicable, including those enumerated in section § 35.6, subject to the restrictions set forth in sections 602(c)(2) and 603(c)(2) of the Social Security Act, as applicable.

(b) *Costs incurred.* A cost shall be considered to have been incurred for purposes of paragraph (a) of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.

(c) *Return of funds.* A recipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026.

§ 35.6 Eligible uses.

(a) *In general.* Subject to §§ 35.7 and 35.8, a recipient may use funds for one or more of the purposes described in paragraphs (b) through (e) of this section

(b) *Responding to the public health emergency or its negative economic impacts.* A recipient may use funds to respond to the public health emergency or its negative economic impacts, including for one or more of the following purposes:

(1) *COVID-19 response and prevention.* Expenditures for the mitigation and prevention of COVID-19, including:

(i) Expenses related to COVID-19 vaccination programs and sites, including staffing, acquisition of equipment or supplies, facilities costs, and information technology or other administrative expenses;

(ii) COVID-19-related expenses of public hospitals, clinics, and similar facilities;

(iii) COVID-19 related expenses in congregate living facilities, including skilled nursing facilities, long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities;

(iv) Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs and other capital investments in public facilities to meet COVID-19-related operational needs;

(v) Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs and other capital investments in public facilities to meet COVID-19-related operational needs;

(vi) Costs of providing COVID-19 testing and monitoring, contact tracing, and monitoring of case trends and genomic sequencing for variants;

(vii) Emergency medical response expenses, including emergency medical transportation, related to COVID-19;

(viii) Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment;

(ix) Expenses for communication related to COVID-19 vaccination programs and communication or enforcement by recipients of public health orders related to COVID-19;

(x) Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment;

(xi) Expenses for disinfection of public areas and other facilities in

response to the COVID-19 public health emergency;

(xii) Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety;

(xiii) Expenses for quarantining or isolation of individuals;

(xiv) Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions;

(xv) Expenses for treatment of the long-term symptoms or effects of COVID-19, including post-intensive care syndrome;

(xvi) Expenses for the improvement of ventilation systems in congregate settings, public health facilities, or other public facilities;

(xvii) Expenses related to establishing or enhancing public health data systems; and

(xviii) Mental health treatment, substance misuse treatment, and other behavioral health services.

(2) *Public health and safety staff.*

Payroll and covered benefit expenses for public safety, public health, health care, human services, and similar employees to the extent that the employee's time is spent mitigating or responding to the COVID-19 public health emergency.

(3) *Hiring State and local government staff.* Payroll, covered benefit, and other costs associated with the recipient increasing the number of its employees up to the number of employees that it employed on January 27, 2020.

(4) *Assistance to unemployed workers.* Assistance, including job training, for individuals who want and are available for work, including those who have looked for work sometime in the past 12 months or who are employed part time but who want and are available for full-time work.

(5) *Contributions to State unemployment insurance trust funds.* Contributions to an unemployment trust fund up to the level required to restore the unemployment trust fund to its balance on January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. 1321) for the payment of benefits between January 27, 2020 and May 17, 2021.

(6) *Small businesses.* Assistance to small businesses, including loans, grants, in-kind assistance, technical assistance or other services, that responds to the negative economic impacts of the COVID-19 public health emergency.

(7) *Nonprofits.* Assistance to nonprofit organizations, including loans, grants, in-kind assistance, technical assistance

or other services, that responds to the negative economic impacts of the COVID-19 public health emergency.

(8) *Assistance to households.*

Assistance programs, including cash assistance programs, that respond to the COVID-19 public health emergency.

(9) *Aid to impacted industries.* Aid to tourism, travel, hospitality, and other impacted industries that responds to the negative economic impacts of the COVID-19 public health emergency.

(10) *Expenses to improve efficacy of public health or economic relief programs.* Administrative costs associated with the recipient's COVID-19 public health emergency assistance programs, including services responding to the COVID-19 public health emergency or its negative economic impacts, that are not federally funded.

(11) *Survivor's benefits.* Benefits for the surviving family members of individuals who have died from COVID-19, including cash assistance to widows, widowers, or dependents of individuals who died of COVID-19.

(12) *Disproportionately impacted populations and communities.* A program, service, or other assistance that is provided in a qualified census tract, that is provided to households and populations living in a qualified census tract, that is provided by a Tribal government, or that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as:

(i) Programs or services that facilitate access to health and social services, including:

(A) Assistance accessing or applying for public benefits or services;

(B) Remediation of lead paint or other lead hazards; and

(C) Community violence intervention programs;

(ii) Programs or services that address housing insecurity, lack of affordable housing, or homelessness, including:

(A) Supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless;

(B) Development of affordable housing to increase supply of affordable and high-quality living units; and

(C) Housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity and to reduce concentrated areas of low economic opportunity;

(iii) Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, including:

(A) New or expanded early learning services;

(B) Assistance to high-poverty school districts to advance equitable funding across districts and geographies; and

(C) Educational and evidence-based services to address the academic, social, emotional, and mental health needs of students; and

(iv) Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on childhood health or welfare, including:

(A) New or expanded childcare;

(B) Programs to provide home visits by health professionals, parent educators, and social service professionals to individuals with young children to provide education and assistance for economic support, health needs, or child development; and

(C) Services for child welfare-involved families and foster youth to provide support and education on child development, positive parenting, coping skills, or recovery for mental health and substance use.

(c) *Providing premium pay to eligible workers.* A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if it prioritizes low- and moderate-income persons. The recipient must provide, whether for themselves or on behalf of a grantee, a written justification to the Secretary of how the premium pay or grant provided under this paragraph (c) responds to eligible workers performing essential work if the premium pay or grant would increase an eligible worker's total wages and remuneration above 150 percent of such eligible worker's residing State's average annual wage for all occupations or their residing county's average annual wage, whichever is higher.

(d) *Providing government services.* For the provision of government services to the extent of a reduction in the recipient's general revenue, calculated according to paragraphs (d)(1) and (2) of this section.

(1) *Frequency.* A recipient must calculate the reduction in its general revenue using information as-of December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023 (each, a calculation date) and following each calculation date.

(2) *Calculation.* A reduction in a recipient's general revenue equals:

$$\text{Max} \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\left(\frac{n_t}{12}\right)}] - \text{Actual General Revenue}_t; 0 \}$$

Where:

Base Year Revenue is the recipient's general revenue for the most recent full fiscal year prior to the COVID-19 public health emergency;

Growth Adjustment is equal to the greater of 4.1 percent (or 0.041) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

n equals the number of months elapsed from the end of the base year to the calculation date.

Actual General Revenue is a recipient's actual general revenue collected during 12-month period ending on each calculation date;

Subscript *t* denotes the specific calculation date.

(e) *To make necessary investments in infrastructure.* A recipient may use funds to make investments in:

(1) *Clean Water State Revolving Fund and Drinking Water State Revolving Fund investments.* Projects or activities of the type that would be eligible under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); or,

(2) *Broadband.* Broadband infrastructure that is designed to provide service to unserved or underserved households and businesses and that is designed to, upon completion:

(i) Reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or

(ii) In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, to provide service meeting the standards set forth in paragraph (e)(2)(i) of this section:

(A) Reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed; and

(B) Be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

§ 35.7 Pensions.

A recipient may not use funds for deposit into any pension fund.

§ 35.8 Tax.

(a) *Restriction.* A State or Territory shall not use funds to either directly or indirectly offset a reduction in the net tax revenue of the State or Territory

resulting from a covered change during the covered period.

(b) *Violation.* Treasury will consider a State or Territory to have used funds to offset a reduction in net tax revenue if, during a reporting year:

(1) *Covered change.* The State or Territory has made a covered change that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of reducing tax revenue relative to current law;

(2) *Exceeds the de minimis threshold.* The aggregate amount of the measured or predicted reductions in tax revenue caused by covered changes identified under paragraph (b)(1) of this section, in the aggregate, exceeds 1 percent of the State's or Territory's baseline;

(3) *Reduction in net tax revenue.* The State or Territory reports a reduction in net tax revenue, measured as the difference between actual tax revenue and the State's or Territory's baseline, each measured as of the end of the reporting year; and

(4) *Consideration of other changes.* The aggregate amount of measured or predicted reductions in tax revenue caused by covered changes is greater than the sum of the following, in each case, as calculated for the reporting year:

(i) The aggregate amount of the expected increases in tax revenue caused by one or more covered changes that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of increasing tax revenue; and

(ii) Reductions in spending, up to the amount of the State's or Territory's net reduction in total spending, that are in:

(A) Departments, agencies, or authorities in which the State or Territory is not using funds; and

(B) Departments, agencies, or authorities in which the State or Territory is using funds, in an amount equal to the value of the spending cuts in those departments, agencies, or authorities, minus funds used.

(c) *Amount and revenue reduction cap.* If a State or Territory is considered to be in violation pursuant to paragraph (b) of this section, the amount used in violation of paragraph (a) of this section is equal to the lesser of:

(1) The reduction in net tax revenue of the State or Territory for the reporting year, measured as the difference between the State's or Territory's baseline and its actual tax revenue, each measured as of the end of the reporting year; and,

(2) The aggregate amount of the reductions in tax revenues caused by covered changes identified in paragraph (b)(1) of this section, minus the sum of the amounts in identified in paragraphs (b)(4)(i) and (ii).

§ 35.9 Compliance with applicable laws.

A recipient must comply with all other applicable Federal statutes, regulations, and Executive orders, and a recipient shall provide for compliance with the American Rescue Plan Act, this subpart, and any interpretive guidance by other parties in any agreements it enters into with other parties relating to these funds.

§ 35.10 Recoupment.

(a) *Identification of violations*—(1) *In general.* Any amount used in violation of § 35.5, § 35.6, or § 35.7 may be identified at any time prior to December 31, 2026.

(2) *Annual reporting of amounts of violations.* On an annual basis, a recipient that is a State or Territory must calculate and report any amounts used in violation of § 35.8.

(b) *Calculation of amounts subject to recoupment*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, Treasury will calculate any amounts subject to recoupment resulting from a violation of § 35.5, § 35.6, or § 35.7 as the amounts used in violation of such restrictions.

(2) *Violations of § 35.8.* Treasury will calculate any amounts subject to recoupment resulting from a violation of § 35.8, equal to the lesser of:

(i) The amount set forth in § 35.8(c); and,

(ii) The amount of funds received by such recipient.

(c) *Notice.* If Treasury calculates an amount subject to recoupment under paragraph (b) of this section, Treasury will provide the recipient a written notice of the amount subject to recoupment along with an explanation of such amounts.

(d) *Request for reconsideration.* Unless Treasury extends the time period, within 60 calendar days of receipt of a notice of recoupment provided under paragraph (c) of this section, a recipient may submit a written request to Treasury requesting reconsideration of any amounts subject to recoupment under paragraph (b) of this section. To request reconsideration of any amounts subject to recoupment, a recipient must submit to Treasury a request that includes:

(1) An explanation of why the recipient believes all or some of the amount should not be subject to recoupment; and

(2) A discussion of supporting reasons, along with any additional information.

(e) *Final amount subject to recoupment.* Unless Treasury extends the time period, within 60 calendar days of receipt of the recipient's request for reconsideration provided pursuant to paragraph (d) of this section, the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment. Such notification will include an explanation of the decision, including responses to the recipient's supporting reasons and consideration of additional information provided.

(f) *Repayment of funds.* Unless Treasury extends the time period, a recipient shall repay to the Secretary any amounts subject to recoupment in accordance with instructions provided by Treasury:

(1) Within 120 calendar days of receipt of the notice of recoupment provided under paragraph (c) of this section, in the case of a recipient that does not submit a request for reconsideration in accordance with the

requirements of paragraph (d) of this section; or

(2) Within 120 calendar days of receipt of the Secretary's decision under paragraph (e) of this section, in the case of a recipient that submits a request for reconsideration in accordance with the requirements of paragraph (d) of this section.

§ 35.11 Payments to States.

(a) *In general.* With respect to any State or Territory that has an unemployment rate as of the date that it submits an initial certification for payment of funds pursuant to section 602(d)(1) of the Social Security Act that is less than two percentage points above its unemployment rate in February 2020, the Secretary will withhold 50 percent of the amount of funds allocated under section 602(b) of the Social Security Act to such State or territory until the date that is twelve months from the date such initial certification is provided to the Secretary.

(b) *Payment of withheld amount.* In order to receive the amount withheld under paragraph (a) of this section, the State or Territory must submit to the Secretary at least 30 days prior to the date referenced in paragraph (a) the following information:

(1) A certification, in the form provided by the Secretary, that such State or Territory requires the payment to carry out the activities specified in section 602(c) of the Social Security Act and will use the payment in compliance with section 602(c) of the Social Security Act; and,

(2) Any reports required to be filed by that date pursuant to this subpart that have not yet been filed.

§ 35.12 Distributions to nonentitlement units of local government and units of general local government.

(a) *Nonentitlement units of local government.* Each State or Territory that receives a payment from Treasury pursuant to section 603(b)(2)(B) of the Social Security Act shall distribute the amount of the payment to nonentitlement units of government in such State or Territory in accordance

with the requirements set forth in section 603(b)(2)(C) of the Social Security Act and without offsetting any debt owed by such nonentitlement units of local governments against such payments.

(b) *Budget cap.* A State or Territory may not make a payment to a nonentitlement unit of local government pursuant to section 603(b)(2)(C) of the Social Security Act and paragraph (a) of this section in excess of the amount equal to 75 percent of the most recent budget for the nonentitlement unit of local government as of January 27, 2020. A State or Territory shall permit a nonentitlement unit of local government without a formal budget as of January 27, 2020, to provide a certification from an authorized officer of the nonentitlement unit of local government of its most recent annual expenditures as of January 27, 2020, and a State or Territory may rely on such certification for purposes of complying with this paragraph (b).

(c) *Units of general local government.* Each State or Territory that receives a payment from Treasury pursuant to section 603(b)(3)(B)(ii) of the Social Security Act, in the case of an amount to be paid to a county that is not a unit of general local government, shall distribute the amount of the payment to units of general local government within such county in accordance with the requirements set forth in section 603(b)(3)(B)(ii) of the Social Security Act and without offsetting any debt owed by such units of general local government against such payments.

(d) *Additional conditions.* A State or Territory may not place additional conditions or requirements on distributions to nonentitlement units of local government or units of general local government beyond those required by section 603 of the Social Security Act or this subpart.

Laurie Schaffer,

Acting General Counsel.

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Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF JUNE 8, 2021

This document contains answers to frequently asked questions regarding the Coronavirus State and Local Fiscal Recovery Funds (CSFRF / CLFRF, or Fiscal Recovery Funds). Treasury will be updating this document periodically in response to questions received from stakeholders. Recipients and stakeholders should consult the [Interim Final Rule](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- For general questions about CSFRF / CLFRF, please email SLFRP@treasury.gov
- Treasury is seeking comment on all aspects of the Interim Final Rule. Stakeholders are encouraged to submit comments electronically through the Federal eRulemaking Portal (<https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>) on or before July 16, 2021. Please be advised that comments received will be part of the public record and subject to public disclosure. Do not disclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Questions added 5/27/21: 1.5, 1.6, 2.13, 2.14, 2.15, 3.9, 4.5, 4.6, 10.3, 10.4 (noted with “[5/27]”)

Questions added 6/8/21: 2.16, 3.10, 3.11, 3.12, 4.7, 6.7, 8.2, 9.4, 9.5, 10.5 (noted with “[6/8]”)

Answers to frequently asked questions on distribution of funds to non-entitlement units of local government (NEUs) can be found in this [FAQ supplement](#), which is regularly updated.

1. Eligibility and Allocations

1.1. Which governments are eligible for funds?

The following governments are eligible:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities
- Non-entitlement units, or smaller local governments

1.2. Which governments receive funds directly from Treasury?

Treasury will distribute funds directly to each eligible state, territory, metropolitan city, county, or Tribal government. Smaller local governments that are classified as non-entitlement units will receive funds through their applicable state government.

1.3. Are special-purpose units of government eligible to receive funds?

Special-purpose units of local government will not receive funding allocations; however, a state, territory, local, or Tribal government may transfer funds to a special-purpose unit of government. Special-purpose districts perform specific functions in the community, such as fire, water, sewer or mosquito abatement districts.

1.4. How are funds being allocated to Tribal governments, and how will Tribal governments find out their allocation amounts?

\$20 billion of Fiscal Recovery Funds was reserved for Tribal governments. The American Rescue Plan Act specifies that \$1 billion will be allocated evenly to all eligible Tribal governments. The remaining \$19 billion will be distributed using an allocation methodology based on enrollment and employment.

There will be two payments to Tribal governments. Each Tribal government's first payment will include (i) an amount in respect of the \$1 billion allocation that is to be divided equally among eligible Tribal governments and (ii) each Tribal government's pro rata share of the Enrollment Allocation. Tribal governments will be notified of their allocation amount and delivery of payment 4-5 days after completing request for funds in the Treasury Submission Portal. The deadline to make the initial request for funds is June 7, 2021.

In mid-June or shortly after completing the initial request for funds, Tribal governments will receive an email notification to re-enter the Treasury Submission Portal to confirm or amend their 2019 employment numbers that were submitted to the Department of the Treasury for the CARES Act's Coronavirus Relief Fund. The deadline to confirm employment numbers is June 21, 2021. Treasury will calculate each Tribal government's pro rata share of the Employment Allocation for those Tribal governments that confirmed or submitted amended employment numbers. In late-June, Treasury will communicate to Tribal governments the amount of their portion of the Employment Allocation and the anticipated date for the second payment.

1.5. My county is a unit of general local government with population under 50,000. Will my county receive funds directly from Treasury? [5/27]

Yes. All counties that are units of general local government will receive funds directly from Treasury and should apply via the [online portal](#). The list of county allocations is available [here](#).

1.6. My local government expected to be classified as a non-entitlement unit. Instead, it was classified as a metropolitan city. Why? [5/27]

The American Rescue Plan Act defines, for purposes of the Coronavirus Local Fiscal Recovery Fund (CLFRF), metropolitan cities to include those that are currently metropolitan cities under the Community Development Block Grant (CDBG) program but also those cities that relinquish or defer their status as a metropolitan city for purposes of the CDBG program. This would include, by way of example, cities that are principal cities of their metropolitan statistical area, even if their population is less than 50,000. In other words, a city that is eligible to be a metropolitan city under the CDBG program is eligible as a metropolitan city under the CLFRF, regardless of how that city has elected to participate in the CDBG program.

Unofficial allocation estimates produced by other organizations may have classified certain local governments as non-entitlement units of local government. However, based on the statutory definitions, some of these local governments should have been classified as metropolitan cities.

2. Eligible Uses – Responding to the Public Health Emergency / Negative Economic Impacts

2.1. What types of COVID-19 response, mitigation, and prevention activities are eligible?

A broad range of services are needed to contain COVID-19 and are eligible uses, including vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.

2.2. If a use of funds was allowable under the Coronavirus Relief Fund (CRF) to respond to the public health emergency, may recipients presume it is also allowable under CSFRF/CLFRF?

Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under CSFRF/CLFRF, with the following two exceptions: (1) the standard for eligibility of public health and safety

payrolls has been updated; and (2) expenses related to the issuance of tax-anticipation notes are not an eligible funding use.

2.3. If a use of funds is not explicitly permitted in the Interim Final Rule as a response to the public health emergency and its negative economic impacts, does that mean it is prohibited?

The Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. The Interim Final Rule also provides flexibility for recipients to use Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but which meet the objectives of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency with respect to COVID-19 or its negative economic impacts.

2.4. May recipients use funds to respond to the public health emergency and its negative economic impacts by replenishing state unemployment funds?

Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020, or to pay back advances received for the payment of benefits between January 27, 2020 and the date when the Interim Final Rule is published in the Federal Register.

2.5. What types of services are eligible as responses to the negative economic impacts of the pandemic?

Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries.

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training.

Assistance to small business and non-profits includes, but is not limited to:

- loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing,

enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and

- Technical assistance, counseling, or other services to assist with business planning needs

2.6. May recipients use funds to respond to the public health emergency and its negative economic impacts by providing direct cash transfers to households?

Yes, provided the recipient considers whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. Additionally, cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, state, local, territorial, and Tribal governments may consider and take guidance from the per person amounts previously provided by the federal government in response to the COVID crisis.

2.7. May funds be used to reimburse recipients for costs incurred by state and local governments in responding to the public health emergency and its negative economic impacts prior to passage of the American Rescue Plan?

Use of Fiscal Recovery Funds is generally forward looking. The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021.

2.8. May recipients use funds for general economic development or workforce development?

Generally, not. Recipients must demonstrate that funding uses directly address a negative economic impact of the COVID-19 public health emergency, including funds used for economic or workforce development. For example, job training for unemployed workers may be used to address negative economic impacts of the public health emergency and be eligible.

2.9. How can recipients use funds to assist the travel, tourism, and hospitality industries?

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic.

Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

2.10. May recipients use funds to assist impacted industries other than travel, tourism, and hospitality?

Yes, provided that recipients consider the extent of the impact in such industries as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, nationwide the leisure and hospitality industry has experienced an approximately 17 percent decline in employment and 24 percent decline in revenue, on net, due to the COVID-19 public health emergency. Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

Recipients should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

2.11. How does the Interim Final Rule help address the disparate impact of COVID-19 on certain populations and geographies?

In recognition of the disproportionate impacts of the COVID-19 virus on health and economic outcomes in low-income and Native American communities, the Interim Final Rule identifies a broader range of services and programs that are considered to be in response to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services are eligible uses when provided in a Qualified Census Tract (QCT), to families living in QCTs, or when these services are provided by Tribal governments.

Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination for how the pandemic disproportionately impacted the populations, households, or geographic areas to be served.

Eligible services include:

- Addressing health disparities and the social determinants of health, including: community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
- Building stronger neighborhoods and communities, including: supportive housing and other services for individuals experiencing homelessness, development of affordable housing, and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity;

- Addressing educational disparities exacerbated by COVID-19, including: early learning services, increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, and supports for students' social, emotional, and mental health needs; and
- Promoting healthy childhood environments, including: child care, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

2.12. May recipients use funds to pay for vaccine incentive programs (e.g., cash or in-kind transfers, lottery programs, or other incentives for individuals who get vaccinated)?

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to respond to the COVID-19 public health emergency, including expenses related to COVID-19 vaccination programs. See forthcoming 31 CFR 35.6(b)(1)(i). Programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit.

2.13. May recipients use funds to pay “back to work incentives” (e.g., cash payments for newly employed workers after a certain period of time on the job)? [5/27]

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to unemployed workers. See forthcoming 31 CFR 35.6(b)(4). This assistance can include job training or other efforts to accelerate rehiring and thus reduce unemployment, such as childcare assistance, assistance with transportation to and from a jobsite or interview, and incentives for newly employed workers.

2.14. The Coronavirus Relief Fund (CRF) included as an eligible use: "Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What has changed in CSFRF/CLFRF, and what type of documentation is required under CSFRF/CLFRF? [5/27]

Many of the expenses authorized under the Coronavirus Relief Fund are also eligible uses under the CSFRF/CLFRF. However, in the case of payroll expenses for public safety, public health, health care, human services, and similar employees (hereafter, public health and safety staff), the CSFRF/CLFRF does differ from the CRF. This change reflects the differences between the ARPA and CARES Act and recognizes that the response to the COVID-19 public health emergency has changed and will continue to change over time. In particular, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, including first responders, to the extent that the employee's time that is dedicated to responding to the COVID-19 public health emergency.

For administrative convenience, the recipient may consider a public health and safety employee to be entirely devoted to mitigating or responding to the COVID-19 public health emergency, and therefore fully covered, if the employee, or his or her operating unit or division, is primarily dedicated (e.g., more than half of the employee's time is dedicated) to responding to the COVID-19 public health emergency.

Recipients may use presumptions for assessing whether an employee, division, or operating unit is primarily dedicated to COVID-19 response. The recipient should maintain records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on the COVID-19 response. Recipients need not routinely track staff hours. Recipients should periodically reassess their determinations.

2.15. What staff are included in “public safety, public health, health care, human services, and similar employees”? Would this include, for example, 911 operators, morgue staff, medical examiner staff, or EMS staff? [5/27]

As discussed in the Interim Final Rule, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, for the portion of the employee's time that is dedicated to responding to the COVID-19 public health emergency.

Public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians, medical examiner or morgue staff) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. Human services staff include employees providing or administering social services; public benefits; child welfare services; and child, elder, or family care, as well as others.

2.16. May recipients use funds to establish a public jobs program? [6/8]

Yes. The Interim Final Rule permits a broad range of services to unemployed or underemployed workers and other individuals that suffered negative economic impacts from the pandemic. That can include public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker's occupation or level of training. The broad range of permitted services can also include other employment supports, such as childcare assistance or assistance with transportation to and from a jobsite or interview.

The Interim Final Rule includes as an eligible use re-hiring public sector staff up to the government's level of pre-pandemic employment. "Public sector staff" would not include individuals participating in a job training or subsidized employment program administered by the recipient.

3. Eligible Uses – Revenue Loss

3.1. How is revenue defined for the purpose of this provision?

The Interim Final Rule adopts a definition of "General Revenue" that is based on, but not identical, to the Census Bureau's concept of "General Revenue from Own Sources" in the Annual Survey of State and Local Government Finances.

General Revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. General revenue also includes intergovernmental transfers between state and local governments, but excludes intergovernmental transfers from the Federal government, including Federal transfers made via a state to a locality pursuant to the CRF or the Fiscal Recovery Funds.

Tribal governments may include all revenue from Tribal enterprises and gaming operations in the definition of General Revenue.

3.2. Will revenue be calculated on an entity-wide basis or on a source-by-source basis (e.g. property tax, income tax, sales tax, etc.)?

Recipients should calculate revenue on an entity-wide basis. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the net impact of the COVID-19 public health emergency on a recipient's revenue, rather than relying on financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.

3.3. Does the definition of revenue include outside concessions that contract with a state or local government?

Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau's Annual Survey of State and Local Government Finances. According to the Census Bureau's [Government Finance and Employment Classification manual](#), the following is an example of current charges that would be included in a state or local government's general revenue from own sources: "Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas,

refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities.”

3.4. What is the time period for estimating revenue loss? Will revenue losses experienced prior to the passage of the Act be considered?

Recipients are permitted to calculate the extent of reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues.

Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

3.5. What is the formula for calculating the reduction in revenue?

A reduction in a recipient’s General Revenue equals:

$$\text{Max } \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\left(\frac{n_t}{12}\right)}] - \text{Actual General Revenue}_t ; 0 \}$$

Where:

Base Year Revenue is General Revenue collected in the most recent full fiscal year prior to the COVID-19 public health emergency.

Growth Adjustment is equal to the greater of 4.1 percent (or 0.041) and the recipient’s average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

n equals the number of months elapsed from the end of the base year to the calculation date.

Actual General Revenue is a recipient’s actual general revenue collected during 12-month period ending on each calculation date.

Subscript *t* denotes the calculation date.

3.6. Are recipients expected to demonstrate that reduction in revenue is due to the COVID-19 public health emergency?

In the Interim Final Rule, any diminution in actual revenue calculated using the formula above would be presumed to have been “due to” the COVID-19 public health emergency. This presumption is made for administrative ease and in recognition of the broad-based economic damage that the pandemic has wrought.

3.7. May recipients use pre-pandemic projections as a basis to estimate the reduction in revenue?

No. Treasury is disallowing the use of projections to ensure consistency and comparability across recipients and to streamline verification. However, in estimating the revenue shortfall using the formula above, recipients may incorporate their average annual revenue growth rate in the three full fiscal years prior to the public health emergency.

3.8. Once a recipient has identified a reduction in revenue, are there any restrictions on how recipients use funds up to the amount of the reduction?

The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

However, paying interest or principal on outstanding debt, replenishing rainy day or other reserve funds, or paying settlements or judgments would not be considered provision of a government service, since these uses of funds do not entail direct provision of services to citizens. This restriction on paying interest or principal on any outstanding debt instrument, includes, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt. In addition, the overarching restrictions on all program funds (e.g., restriction on pension deposits, restriction on using funds for non-federal match where barred by regulation or statute) would apply.

3.9. How do I know if a certain type of revenue should be counted for the purpose of computing revenue loss? [5/27]

As discussed in FAQ #3.1, the Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

Recipients should refer to the definition of “General Revenue” included in the Interim Final Rule. See forthcoming 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule’s definition of “General Revenue,” the recipient may consider the classification and instructions used to complete the Census Bureau’s Annual Survey.

For example, parking fees would be classified as a Current Charge for the purpose of the Census Bureau’s Annual Survey, and the Interim Final Rule’s concept of “General

Revenue” includes all Current Charges. Therefore, parking fees would be included in the Interim Final Rule’s concept of “General Revenue.”

The Census Bureau’s Government Finance and Employment Classification manual is available [here](#).

3.10. In calculating revenue loss, are recipients required to use audited financials? [6/8]

Where audited data is not available, recipients are not required to obtain audited data. Treasury expects all information submitted to be complete and accurate. See 31 CFR 35.4(c).

3.11. In calculating revenue loss, should recipients use their own data, or Census data? [6/8]

Recipients should use their own data sources to calculate general revenue, and do not need to rely on published revenue data from the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients’ self-reported general revenue figures may differ somewhat from those published by the Census Bureau.

3.12. Should recipients calculate revenue loss on a cash basis or an accrual basis? [6/8]

Recipients may provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required.

4. Eligible Uses – General

4.1. May recipients use funds to replenish a budget stabilization fund, rainy day fund, or similar reserve account?

No. Funds made available to respond to the public health emergency and its negative economic impacts are intended to help meet pandemic response needs and provide immediate stabilization for households and businesses. Contributions to rainy day funds and similar reserves funds would not address these needs or respond to the COVID-19 public health emergency, but would rather be savings for future spending needs. Similarly, funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

4.2. May recipients use funds to invest in infrastructure other than water, sewer, and broadband projects (e.g. roads, public facilities)?

Under 602(c)(1)(C) or 603(c)(1)(C), recipients may use funds for maintenance of infrastructure or pay-go spending for building of new infrastructure as part of the general provision of government services, to the extent of the estimated reduction in revenue due to the public health emergency.

Under 602(c)(1)(A) or 603(c)(1)(A), a general infrastructure project typically would not be considered a response to the public health emergency and its negative economic impacts unless the project responds to a specific pandemic-related public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact of the pandemic (e.g., affordable housing in a Qualified Census Tract).

4.3. May recipients use funds to pay interest or principal on outstanding debt?

No. Expenses related to financing, including servicing or redeeming notes, would not address the needs of pandemic response or its negative economic impacts. Such expenses would also not be considered provision of government services, as these financing expenses do not directly provide services or aid to citizens.

This applies to paying interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt.

4.4. May recipients use funds to satisfy nonfederal matching requirements under the Stafford Act? May recipients use funds to satisfy nonfederal matching requirements generally?

Fiscal Recovery Funds are subject to pre-existing limitations in other federal statutes and regulations and may not be used as non-federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For example, expenses for the state share of Medicaid are not an eligible use. For information on FEMA programs, please [see here](#).

4.5. Are governments required to submit proposed expenditures to Treasury for approval? [5/27]

No. Recipients are not required to submit planned expenditures for prior approval by Treasury. Recipients are subject to the requirements and guidelines for eligible uses contained in the Interim Final Rule.

4.6. How do I know if a specific use is eligible? [5/27]

Fiscal Recovery Funds must be used in one of the four eligible use categories specified in the American Rescue Plan Act and implemented in the Interim Final Rule:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure.

Recipients should consult Section II of the Interim Final Rule for additional information on eligible uses. For recipients evaluating potential uses under (a), the Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. See Section II of the Interim Final Rule for additional discussion.

For recipients evaluating potential uses under (c), the Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. See FAQ #3.8 for additional discussion.

For recipients evaluating potential uses under (b) and (d), see Sections 5 and 6.

4.7. Do restrictions on using Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred beginning on March 3, 2021 apply to costs incurred by the recipient (e.g., a State, local, territorial, or Tribal government) or to costs incurred by households, businesses, and individuals benefiting from assistance provided using Coronavirus State and Local Fiscal Recovery Funds? [6/8]

The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021. This limitation applies to costs incurred by the recipient (i.e., the state, local, territorial, or Tribal government receiving funds). However, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households, businesses, and individuals within the eligible use categories described in the Interim Final Rule for economic harms experienced by those households, businesses, and individuals prior to March 3, 2021. For example,

- Public Health/Negative Economic Impacts – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households – such as rent, mortgage, or utility assistance – for economic harms experienced or costs incurred by the household prior to March 3, 2021 (e.g., rental arrears from preceding months), provided that the cost of providing assistance to the household was not incurred by the recipient prior to March 3, 2021.

- Premium Pay – Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be “in addition to” wages and remuneration already received and the obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021.
- Revenue Loss – The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. The calculation of lost revenue begins with the recipient’s revenue in the last full fiscal year prior to the COVID-19 public health emergency and includes the 12-month period ending December 31, 2020. However, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
- Investments in Water, Sewer, and Broadband – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to make necessary investments in water, sewer, and broadband. See FAQ Section 6. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the Coronavirus State and Local Fiscal Recovery Funds were incurred after March 3, 2021.

5. Eligible Uses – Premium Pay

5.1. What criteria should recipients use in identifying essential workers to receive premium pay?

Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.

The Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker’s total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

5.2. What criteria should recipients use in identifying third-party employers to receive grants for the purpose of providing premium pay to essential workers?

Any third-party employers of essential workers are eligible. Third-party contractors who employ essential workers in eligible sectors are also eligible for grants to provide

premium pay. Selection of third-party employers and contractors who receive grants is at the discretion of recipients.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided.

5.3. May recipients provide premium pay retroactively for work already performed?

Yes. Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.

6. Eligible Uses – Water, Sewer, and Broadband Infrastructure

6.1. What types of water and sewer projects are eligible uses of funds?

The Interim Final Rule generally aligns eligible uses of the Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency’s Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

Under the DWSRF, categories of [eligible projects](#) include: treatment, transmission and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development.

Under the CWSRF, categories of [eligible projects](#) include: construction of publicly-owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act.

As mentioned in the Interim Final Rule, eligible projects under the DWSRF and CWSRF support efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury also encourages recipients to consider projects to replace lead service lines.

6.2. May construction on eligible water, sewer, or broadband infrastructure projects continue past December 31, 2024, assuming funds have been obligated prior to that date?

Yes. Treasury is interpreting the requirement that costs be incurred by December 31, 2024 to only require that recipients have obligated the funds by such date. The period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with Fiscal Recovery Funds.

6.3. May recipients use funds as a non-federal match for the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF)?

Recipients may not use funds as a state match for the CWSRF and DWSRF due to prohibitions in utilizing federal funds as a state match in the authorizing statutes and regulations of the CWSRF and DWSRF.

6.4. Does the National Environmental Policy Act (NEPA) apply to eligible infrastructure projects?

NEPA does not apply to Treasury's administration of the Funds. Projects supported with payments from the Funds may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

6.5. What types of broadband projects are eligible?

The Interim Final Rule requires eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

6.6. For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

6.7. How do I know if a water, sewer, or broadband project is an eligible use of funds? Do I need pre-approval? [6/8]

Recipients do not need approval from Treasury to determine whether an investment in a water, sewer, or broadband project is eligible under CSFRF/CLFRF. Each recipient

should review the Interim Final Rule (IFR), along with the preamble to the Interim Final Rule, in order to make its own assessment of whether its intended project meets the eligibility criteria in the IFR. A recipient that makes its own determination that a project meets the eligibility criteria as outlined in the IFR may pursue the project as a CSFRF/CLFRF project without pre-approval from Treasury. Local government recipients similarly do not need state approval to determine that a project is eligible under CSFRF/CLFRF. However, recipients should be cognizant of other federal or state laws or regulations that may apply to construction projects independent of CSFRF/CLFRF funding conditions and that may require pre-approval.

For water and sewer projects, the IFR refers to the EPA [Drinking Water](#) and [Clean Water](#) State Revolving Funds (SRFs) for the categories of projects and activities that are eligible for funding. Recipients should look at the relevant federal statutes, regulations, and guidance issued by the EPA to determine whether a water or sewer project is eligible. Of note, the IFR does not incorporate any other requirements contained in the federal statutes governing the SRFs or any conditions or requirements that individual states may place on their use of SRFs.

7. Non-Entitlement Units (NEUs)

Answers to frequently asked questions on distribution of funds to NEUs can be found in this [FAQ supplement](#), which is regularly updated.

8. Ineligible Uses

8.1. What is meant by a pension “deposit”? Can governments use funds for routine pension contributions for employees whose payroll and covered benefits are eligible expenses?

Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both: (1) the payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and (2) the payment occurs outside the recipient’s regular timing for making such payments.

Under this interpretation, a “deposit” is distinct from a “payroll contribution,” which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.

8.2. May recipients use Fiscal Recovery Funds to fund Other Post-Employment Benefits (OPEB)? [6/8]

OPEB refers to benefits other than pensions (see, e.g., [Governmental Accounting Standards Board, “Other Post-Employment Benefits”](#)). Treasury has determined that Sections 602(c)(2)(B) and 603(c)(2), which refer only to pensions, do not prohibit CSFRF/CLFRF recipients from funding OPEB. Recipients of either the CSFRF/CLFRF may use funds for eligible uses, and a recipient seeking to use CSFRF/CLFRF funds for OPEB contributions would need to justify those contributions under one of the four eligible use categories.

9. Reporting

9.1. What records must be kept by governments receiving funds?

Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. This includes those which demonstrate the award funds were used for eligible purposes in accordance with the ARPA, Treasury’s regulations implementing those sections, and Treasury’s guidance on eligible uses of funds.

9.2. What reporting will be required, and when will the first report be due?

Recipients will be required to submit an interim report, quarterly project and expenditure reports, and annual recovery plan performance reports as specified below, regarding their utilization of Coronavirus State and Local Fiscal Recovery Funds.

Interim reports: States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments will be required to submit one interim report. The interim report will include a recipient’s expenditures by category at the summary level and for states, information related to distributions to non-entitlement units of local government must also be included in the interim report. The interim report will cover activity from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Non-entitlement units of local government are not required to submit an interim report.

Quarterly Project and Expenditure reports: State (defined to include the District of Columbia), territorial, metropolitan city, county, and Tribal governments will be required to submit quarterly project and expenditure reports. This report will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient’s utilization of award funds. Reports will be required quarterly with the exception of non-entitlement units, which will report annually. An interim report is due on August 31, 2021. The reports will include the same general data as those submitted by recipients of the Coronavirus Relief Fund, with some modifications to expenditure categories and the addition of data elements related to

specific eligible uses. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Non-entitlement units of local government will be required to submit the project and expenditure report annually. The initial annual Project and Expenditure report for non-entitlement units of local government will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

Recovery Plan Performance reports: States (defined to include the District of Columbia), territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to submit an annual recovery plan performance report to Treasury. This report will include descriptions of the projects funded and information on the performance indicators and objectives of each award, helping local residents understand how their governments are using the substantial resources provided by Coronavirus State and Local Fiscal Recovery Funds program. The initial recovery plan performance report will cover activity from date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, the recovery plan performance reports will cover a 12-month period and recipients will be required to submit the report to Treasury within 30 days after the end of the 12-month period. The second Recovery Plan Performance report will cover the period from July 1, 2021 to June 30, 2022 and must be submitted to Treasury by July 31, 2022. Each annual recovery plan performance report must be posted on the public-facing website of the recipient. Local governments with fewer than 250,000 residents, Tribal governments, and non-entitlement units of local government are not required to develop a Recovery Plan Performance report.

Treasury will provide further guidance and instructions on the reporting requirements for program at a later date.

9.3. What provisions of the Uniform Guidance for grants apply to these funds? Will the Single Audit requirements apply?

Most of the provisions of the Uniform Guidance (2 CFR Part 200) apply to this program, including the Cost Principles and Single Audit Act requirements. Recipients should refer to the Assistance Listing for detail on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing will be available on beta.SAM.gov.

9.4. Once a recipient has identified a reduction in revenue, how will Treasury track use of funds for the provision of government services? [6/8]

The ARPA establishes four categories of eligible uses and further restrictions on the use of funds to ensure that Fiscal Recovery Funds are used within the four eligible use

categories. The Interim Final Rule implements these restrictions, including the scope of the eligible use categories and further restrictions on tax cuts and deposits into pensions. Reporting requirements will align with this structure.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of the reduction in revenue, recipients will be required to submit a description of services provided. As discussed in IFR, these services can include a broad range of services but may not be used directly for pension deposits, contributions to reserve funds, or debt service. Recipients may use sources of funding other than Fiscal Recovery Funds to make deposits to pension funds, contribute to reserve funds, and pay debt service, including during the period of performance for the Fiscal Recovery Fund award.

For recipients using Fiscal Recovery Funds to provide government services to the extent of reduction in revenue, the description of government services reported to Treasury may be narrative or in another form, and recipients are encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with \$100 in revenue replacement funds available could indicate that \$50 were used for personnel costs and \$50 were used for pay-go building of sidewalk infrastructure.

In addition to describing the government services provided to the extent of reduction in revenue, all recipients will also be required to indicate that Fiscal Recovery Funds are not used directly to make a deposit in a pension fund. Further, recipients subject to the tax offset provision will be required to provide information necessary to implement the Interim Final Rule, as described in the Interim Final Rule. Treasury does not anticipate requiring other types of reporting or recordkeeping on spending in pensions, debt service, or contributions to reserve funds.

These requirements will be further detailed in forthcoming guidance on reporting requirements for the Fiscal Recovery Funds.

9.5. What is the Assistance Listing and Catalog of Federal Domestic Assistance (CFDA) number for the program? [6/8]

The [Assistance Listing](#) for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) was published May 28, 2021 on SAM.gov. This includes the final CFDA Number for the program, 21.027.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The CFDA number is the unique 5-digit code for each type of federal assistance, and can be used to search for program information, including funding opportunities, spending on [usaspending.gov](#), or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines, Treasury issued initial payments under an existing CFDA number. If you have already received funds or captured the initial CFDA number in your records, please update your systems and reporting to reflect the final CFDA number 21.027. **Recipients must use the final CFDA number for all financial accounting, audits, subawards, and associated program reporting requirements.**

To ensure public trust, Treasury expects all recipients to serve as strong stewards of these funds. This includes ensuring funds are used for intended purposes and recipients have in place effective financial management, internal controls, and reporting for transparency and accountability.

Please see [Treasury's Interim Final Rule](#) for more information. Further guidance on recipient compliance and reporting responsibilities is forthcoming.

10. Miscellaneous

10.1. May governments retain assets purchased with Fiscal Recovery Funds? If so, what rules apply to the proceeds of disposition or sale of such assets?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds. If such assets are disposed of prior to December 31, 2024, the proceeds would be subject to the restrictions on the eligible use of payments.

10.2. Can recipients use funds for administrative purposes?

Recipients may use funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency and its negative economic impacts. This includes, but is not limited to, costs related to disbursing payments of Fiscal Recovery Funds and managing new grant programs established using Fiscal Recovery Funds.

10.3. Are recipients required to remit interest earned on CSFRF/CLFRF payments made by Treasury? [5/27]

No. CSFRF/CLFRF payments made by Treasury to states, territories, and the District of Columbia are not subject to the requirement of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR part 205 to remit interest to Treasury. CSFRF/CLFRF payments made by Treasury to local governments and Tribes are not subject to the requirement of 2 CFR 200.305(b)(8)–(9) to maintain balances in an interest-bearing account and remit payments to Treasury.

10.4. Is there a deadline to apply for funds? [5/27]

The Interim Final Rule requires that costs be incurred by December 31, 2024. Eligible recipients are encouraged to apply as soon as possible. For recipients other than Tribal governments, there is not a specific application deadline.

Tribal governments do have deadlines to complete the application process and should visit www.treasury.gov/SLFRPTribal for guidance on applicable deadlines.

10.5. May recipients use funds to cover the costs of consultants to assist with managing and administering the funds? [6/8]

Yes. Recipients may use funds for administering the CSFRF/CLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.

11. Operations

11.1. How do I know if my entity is eligible?

The Coronavirus State and Local Fiscal Recovery Funds American Rescue Plan Act of 2021 set forth the jurisdictions eligible to receive funds under the program, which are:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities (typically, but not always, those with populations over 50,000)
- Non-entitlement units of local government, or smaller local governments (typically, but not always, those with populations under 50,000)

11.2. How does an eligible entity request payment?

Eligible entities (other than non-entitlement units) must submit their information to the [Treasury Submission Portal](#). Please visit the [Coronavirus State and Local Fiscal Recovery Fund website](#) for more information on the submission process.

11.3. I cannot log into the Treasury Submission Portal or am having trouble navigating it. Who can help me?

If you have questions about the Treasury Submission Portal or for technical support, please email covidreliefitsupport@treasury.gov.

11.4. What do I need to do to receive my payment?

All eligible payees are required to have a DUNS Number previously issued by Dun & Bradstreet (<https://www.dnb.com/>).

All eligible payees are also required to have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>).

And eligible payees must have a bank account enabled for Automated Clearing House (ACH) direct deposit. Payees with a Wire account are encouraged to provide that information as well.

More information on these and all program pre-submission requirements can be found on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

11.5. Why is Treasury employing id.me for the Treasury Submission Portal?

ID.me is a trusted technology partner to multiple government agencies and healthcare providers. It provides secure digital identity verification to those government agencies and healthcare providers to make sure you're you – and not someone pretending to be you – when you request access to online services. All personally identifiable information provided to ID.me is encrypted and disclosed only with the express consent of the user. Please refer to ID.me Contact Support for assistance with your ID.me account. Their support website is <https://help.id.me>.

11.6. Why is an entity not on the list of eligible entities in Treasury Submission Portal?

The ARP statute lays out which governments are eligible for payments. The list of entities within the Treasury Submission Portal includes entities eligible to receive a direct payment of funds from Treasury, which include states (defined to include the District of Columbia), territories, Tribal governments, counties, and metropolitan cities.

Eligible non-entitlement units of local government will receive a distribution of funds from their respective state government and should not submit information to the Treasury Submission Portal.

If you believe an entity has been mistakenly left off the eligible entity list, please email SLFRP@treasury.gov.

11.7. What is an Authorized Representative?

An Authorized Representative is an individual with legal authority to bind the government entity (e.g., the Chief Executive Officer of the government entity). An Authorized Representative must sign the Acceptance of Award terms for it to be valid.

11.8. How does a Tribal government determine their allocation?

Tribal governments will receive information about their allocation when the submission to the Treasury Submission Portal is confirmed to be complete and accurate.

11.9. How do I know the status of my request for funds (submission)?

Entities can check the status of their submission at any time by logging into [Treasury Submission Portal](#).

11.10. My Treasury Submission Portal submission requires additional information/correction. What is the process for that?

If your Authorized Representative has not yet signed the award terms, you can edit your submission with in the into [Treasury Submission Portal](#). If your Authorized Representative has signed the award terms, please email SLFRP@treasury.gov to request assistance with updating your information.

11.11. My request for funds was denied. How do I find out why it was denied or appeal the decision?

Please check to ensure that no one else from your entity has applied, causing a duplicate submission. Please also review the list of all eligible entities on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

If you still have questions regarding your submission, please email SLFRP@treasury.gov.

11.12. When will entities get their money?

Before Treasury is able to execute a payment, a representative of an eligible government must submit the government's information for verification through the [Treasury Submission Portal](#). The verification process takes approximately four business days. If any errors are identified, the designated point of contact for the government will be contacted via email to correct the information before the payment can proceed. Once verification is complete, the designated point of contact of the eligible government will receive an email notifying them that their submission has been verified. Payments are generally scheduled for the next business day after this verification email, though funds may not be available immediately due to processing time of their financial institution.

11.13. How does a local government entity provide Treasury with a notice of transfer of funds to its State?

For more information on how to provide Treasury with notice of transfer to a state, please email SLRedirectFunds@treasury.gov.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

| | |
|-----------------------------|-----------------------------------|
| Recipient name and address: | DUNS Number: |
| | Taxpayer Identification Number: |
| | Assistance Listing Number: 21.027 |

Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the “Recipient”) provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient’s programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Recipient

Date

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

CERTIFICATION OF CORONAVIRUS LOCAL FISCAL RECOVERY FUND
ALLOCATION ACCEPTANCE (42 U.S.C. section 603)

I, _____, am the chief executive or authorized designee of
_____, and I certify that:

1. Check one:

☐ In my role as an authorized representative, I am accepting the
allocation from the Coronavirus
Local Fiscal Recovery Fund.

☐ In my role as an authorized representative, I am declining the
[Insert city or town name here] allocation from the Coronavirus Local
Fiscal Recovery Fund, and authorize this allocation to be transferred to the
State of California. An additional U.S. Treasury form will likely be required
and subsequent information may be requested.

If you are accepting funds, proceed to questions 2 through 5. If you are
declining funds, skip to question 6 and sign and submit the form.

2. I have the authority on behalf of _____ to
report the following information:

☐ Entity's Taxpayer Identification Number

☐ DUNS number

☐ Address

☐ Total budget or top-line expenditure total as of January 27, 2020

3. I certify that my city or town is in compliance with 2 CFR Part 180 and that I
have the authority on behalf of _____ to
submit the following U.S. Treasury documents:

☐ Award Terms and Conditions agreement

☐ Assurances of Compliance with Title VI of the Civil Rights Act of 1964

4. I certify that the total budget amount provided is supported by an approved
budget document, as of January 27, 2020. If my city or town does not have an
approved budget, I certify that the total annual expenditure amount
provided is supported by accounting documents. I agree to retain copies of
financial records and supporting documentation for five years after all funds
have been expended and the documents in item 3 of this certification and
submit them to U.S. Treasury as required, no later than October 31, 2021

5. I agree to submit a project and expenditures report annually to U.S. Treasury.

6. I understand the State will rely on this certification as a material representation in
distributing Coronavirus Local Fiscal Recovery Relief Funds to

Authorized Representative

Signature: _____ Date: _____

Name (Print): _____ Title: _____



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.D

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: TERRY SHEA, FINANCE DIRECTOR

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: APPROVE RESOLUTION 1280 AUTHORIZING THE EXCHANGE OF PROPOSITION A FUNDS WITH THE CITY OF BEVERLY HILLS FOR GENERAL FUNDS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUND EXCHANGE AGREEMENT.

DATE: June 14, 2021

BACKGROUND:

The City annually receives countywide tax disbursements from Proposition A, Proposition C, Measure R and Measure M funds to be used for transportation and transit-related purposes. Proposition A and C funds are dedicated to transit and major arterial improvements; they are not eligible for use in Rolling Hills due to the roads within the City being privately owned and maintained. Measure R and Measure M funds are eligible for transportation improvement projects on public properties. In years past, the City would accumulate local return funds and solicit interest in exchanging the local return funds for General Fund monies or gift funds towards other transportation-related purposes with another public agency.

Since 2019 the City has accumulated \$84,000 Proposition A funds. On January 27, 2021, a letter was sent to the neighboring Peninsula cities and PVP Transit inquiring as to their interest in an exchange of Proposition A funds and gifting of the remaining funds.

DISCUSSION:

The City did not receive a request for the exchange of the Proposition A Local Return Funds from neighboring Peninsula cities. The City of Beverly Hills staff expressed interest in an exchange of Proposition A Funds at the requested exchange rate of \$0.75 in General Funds for \$1.00 in Proposition A Funds. The City of Beverly Hills proposes to use the Proposition A Local Return funding to provide Dial-A-Ride services, On-Demand Transportation, and Senior 30-Day Bus Passes to its elderly and individuals with disabilities, as well fund eligible capital improvement projects related to the new Metro D Line (Purple) that is currently being built. The City of Beverly Hills has received authority from their Council to execute the attached agreements, once approved by the Rolling Hills City Council. Staff recommends that the City Council approve the exchange rate of \$0.75 in General Funds for \$1.00 in

Proposition A funds and direct staff to prepare documents to finalize the exchange.

FISCAL IMPACT:

If the City Council approves the exchange the City will receive \$63,000 in General Fund revenues in exchange for \$84,000 in restricted funds that the City is unable to spend. The following summarizes the disposition of Proposition A funds over the past 10 years:

Proposition A

| Fiscal Year (FY) | Amount | Benefiting Agency | Exchange Rate | General Fund Revenue |
|------------------|-----------|-------------------|---------------|----------------------|
| 1999/2000 | \$ 40,000 | Torrance | \$0.65 | \$26,000 |
| 2001/2002 | \$ 80,000 | Torrance | \$0.65 | \$52,000 |
| 2004/2005 | \$ 87,475 | Torrance | \$0.65 | \$56,858 |
| 2007/2008 | \$100,000 | PVP Transit | \$0.70 | \$70,000 |
| 2010/2011 | \$ 65,000 | Rancho PV | \$0.75 | \$48,750 |
| 2012/2013 | \$ 60,000 | Rancho PV | \$0.75 | \$45,000 |
| 2014/2015 | \$ 75,000 | PVP Transit | \$0.75 | \$56,250 |
| 2016/2017 | \$ 75,000 | Rancho PV | \$0.75 | \$56,250 |
| 2018/2019 | \$75,000 | PVP Transit | \$0.75 | \$56,250 |
| 2020/2021 | \$84,000 | Beverly Hills | \$0.75 | \$63,000 |

RECOMMENDATION:

It is recommended that the City Council consider and approve the following:

1. Exchange of \$84,000 (\$0.75 per \$1.00) in Proposition A funds with the City of Beverly Hills and authorize the City Manager to execute the Fund Exchange Agreement between the City of Rolling Hills and the City of Beverly Hills, Prop A Local Return Fund Exchange.
2. Approve Resolution 1280 Approving an Agreement between the City of Rolling Hills and the City of Beverly Hills that authorizes the Exchange of Proposition “A” Local Return Funds for General Funds.

ATTACHMENTS:

[ResolutionNo1280 Prop_A_Funds.pdf](#)

RESOLUTION NO. 1280

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF ROLLING HILLS AND THE CITY OF BEVERLY HILLS THAT AUTHORIZES THE EXCHANGE OF PROPOSITION “A” TRANSPORTATION LOCAL RETURN FUNDS FOR GENERAL FUNDS.

WHEREAS, the City of Rolling Hills has uncommitted Proposition “A” Funds within its reserve allocation in the amount of \$84,000; and

WHEREAS, Proposition “A” Funds are dedicated to transit and major arterial improvements; and

WHEREAS, the roads within the City are privately owned and maintained, and there are no, and will be no, projects within the City that are eligible for Proposition “A” Funds; and

WHEREAS, on January 27, 2021, the City sent a letter to neighboring Peninsula cities inquiring as to interest in an exchange of Proposition “A” Funds at the requested exchange rate of \$0.75 in General Funds for \$1.00 in Proposition “A” Funds; and

WHEREAS, none of the Peninsula cities expressed interest in the requested exchange to the City of Rolling Hills staff. However, the City of Beverly Hills staff expressed an interest in exchanging, so staff is recommending an exchange with the City of Beverly Hills as the City of Beverly Hills has transportation programs eligible to be funded by Proposition “A” Funds; and

WHEREAS, on June 14, 2021, the City Council voted to approve the requested exchange of \$84,000 in Proposition “A” Funds for \$63,000 in General Funds with the City of Beverly Hills pending the City of Beverly Hills approval; and

WHEREAS, on April 29, 2021, the City of Beverly Hills approved the requested exchange rate of \$0.75 in General Funds for \$1.00 in Proposition “A” Funds; and

WHEREAS, both agencies agree that this exchange of funds would provide a benefit to both agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, AS FOLLOWS:

Section 1. The City Council approves an Agreement for the acquisition of General Funds from the City of Beverly Hills in exchange for Proposition “A” Funds from the City of Rolling Hills. Said Agreement is hereto attached as Exhibit “A”, and is made a part hereof by reference.

Section 2. The Mayor or her representative is hereby authorized to affix her signature to this Resolution, indicating its approval.

Section 3. The City Manager is hereby directed and authorized to execute any necessary documents, including, but not limited to agreements, amendments, forms, applications, etc., to follow through with the exchange of funds.

Section 4. The City Clerk, or duly appointed deputy, is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ON THIS 14 DAY OF JUNE, 2021.

Bea Dieringer
Mayor

ATTEST:

Janely Sandoval
City Clerk

EXHIBIT A

**FUND EXCHANGE AGREEMENT
BETWEEN THE CITY OF ROLLING HILLS, CALIFORNIA
AND THE CITY OF BEVERLY HILLS, CALIFORNIA
PROP A LOCAL RETURN FUND EXCHANGE**

This Fund Exchange Agreement is made and entered into this _____ day of _____, 2021, by and between the City of Beverly Hills, California and the City of Rolling Hills, California with respect to the following facts:

- A. The City of Beverly Hills proposes to use Proposition A Local Return funding to provide Dial-A-Ride services, On-Demand Transportation, and Senior 30-Day Bus Passes to its elderly and individuals with disabilities, as well as fund eligible capital improvement projects related to the new Metro D Line (Purple) that is currently being built. Adequate Proposition A Local Return funding for such services is not available given the limited amount of the City of Beverly Hills' Local Return allocation and the needs of other priority transit projects in the City.
- B. City of Rolling Hills has uncommitted funding authority for its Fiscal Years 2018-19 to 2020-21 allocation of Proposition A Local Return funds which could be made available to the City of Beverly Hills to assist in providing the services discussed in Paragraph A of this Agreement.
- C. City of Beverly Hills is willing to exchange its general funds in the amount indicated in Section 1 below in exchange for City of Rolling Hills's uncommitted Proposition A Local Return funds.
- D. City of Rolling Hills is willing to exchange its uncommitted Proposition A Local Return funding in the amount indicated in Section 1 below to City of Beverly Hills, for the purpose identified in Paragraph A above, for City of Beverly Hills' general funds.

Now, therefore, in consideration of the mutual benefits to be derived by the parties and of the promises herein contained, it is mutually agreed as follows:

- 1. Exchange. City of Rolling Hills shall transfer \$84,000 of its Fiscal Year 2018-19, 2019-20 and 2020-21 Proposition A Local Return Funds to City of Beverly Hills. In return, City of Beverly Hills shall transfer \$63,000 of its General Funds to City of Rolling Hills.
- 2. Consideration. City of Rolling Hills shall transfer the Proposition A Local Return funds to City of Beverly Hills in one lump sum payment. City of Beverly Hills shall transfer its general funds to City of Rolling Hills in one lump sum payment. The payment shall be due and payable upon approval by the Los Angeles County Metropolitan Transportation Authority ("Metro") of City of Beverly Hills' project description Form (Form A) covering the services discussed in Paragraph A above.

3. Term. This Agreement is effective on the date above written and for such time as is necessary for both parties to complete their mutual obligations under this Agreement.

4. Termination. Termination of this Agreement may be made by either party before the date of approval of the project description covering the funds in question by the Metro so long as written notice of intent to terminate is given to the other party at least five (5) days prior to the termination date.

5. Notices. Notices shall be given pursuant to this Agreement by personal service on the party to be notified, or by written notice upon such party deposited in the custody of the United States Postal Service addressed as follows:

- a. Elaine Jeng, City Manager
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274
- b. George Chavez, City Manager
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

6. Assurances

a. City of Beverly Hills shall use the assigned Proposition A Local Return funds only for the purpose of providing the services discussed in Paragraph A of this Agreement and within the time limits specified in Metro's Proposition A Local Return Program Guidelines.

b. Concurrently with the execution of this Agreement City of Beverly Hills shall provide Metro with the Standard Assurances and Understandings Regarding Receipt and Use of Proposition A Funds specified in the Guidelines regarding the use of the assigned Proposition A Local Return funds.

7. This Agreement constitutes the entire understanding between the parties, with respect to the subject matter herein. This Agreement shall not be amended nor any provisions or breach hereof waived, except in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Fund Exchange Agreement to be executed by their respective officers, duly authorized, on the day and year above written.

CITY OF ROLLING HILLS

CITY OF BEVERLY HILLS

Elaine Jeng, City Manager

George Chavez, City Manager

ATTEST:

Janely Sandoval, City Clerk

Huma Ahmed, City Clerk

Approved as to Form:

Approved as to Form:

Michael Jenkins, City Attorney

Laurence S. Wiener, City Attorney

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

The foregoing Resolution No. 1280 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF ROLLING HILLS AND THE CITY OF BEVERLY HILLS THAT AUTHORIZES THE EXCHANGE OF PROPOSITION “A” TRANSPORTATION LOCAL RETURN FUNDS FOR GENERAL FUNDS.

was approved and adopted at a regular meeting of the City Council on June 14, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janely Sandoval
City Clerk



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.E

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MEREDITH ELGUIRA, PLANNING DIRECTOR

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: CONSIDER AND APPROVE RESOLUTION NO. 1278 UPDATING THE FEE SCHEDULE AND REPEALING RESOLUTION 1260.

DATE: June 14, 2021

BACKGROUND:

On May 24, 2021, staff recommended changes to the Schedule of Fees to help the City recoup labor costs processing Wireless Telecommunication Facility projects, Construction and Demolition Debris Hauling applications, and responding to and tracking false alarm incidents.

DISCUSSION:

PROPOSED CHANGES TO FEE SCHEDULE

False Alarm Fees

| False Alarm | Paid Within 30 Days | Paid After 30 Days | Total Assessed Amount After 30 Days for Each Added Offense |
|-------------|---------------------|--------------------|--|
| 1st Offense | \$0 | \$0 | \$0 |
| 2nd Offense | \$0 | \$0 | \$0 |
| 3rd Offense | \$50 | \$100 | \$100 |
| 4th Offense | \$100 | \$200 | \$300 |
| 5th Offense | \$150 | \$300 | \$600 |
| 6th Offense | \$200 | \$400 | \$1,000 |

Wireless Telecommunication Facility Application

| | Current | Proposed |
|-----------------|---------|----------|
| Application Fee | \$0 | \$1,000 |

Construction and Demolition Debris Hauling Permit

| | Current | Proposed |
|--|---------|----------|
|--|---------|----------|

| | | |
|-----------------|-------|---------|
| Application Fee | \$100 | \$150 |
| Deposit | \$750 | \$1,000 |

FISCAL IMPACT:

If supported by the City Council, the recommendations will be implemented in Fiscal Year 2020-2021.

RECOMMENDATION:

Staff recommends that the City Council approve Resolution No. 1278 updating the Fee Schedule for Fiscal Year 2021/2022 and repealing Resolution No. 1260.

ATTACHMENTS:

[ResolutionNo1278 Fee Schedule FY21-22.pdf](#)

RESOLUTION NO. 1278

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS MODIFYING THE ROLLING HILLS FEE RESOLUTION AND REPEALING RESOLUTION NO. 1260.

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The following fees are established and charged for applications for processing discretionary cases for Planning, Zoning and Subdivisions and shall be paid by the applicant prior to submission for public hearing, pursuant to Title 16 (Subdivision) and Title 17 (Zoning) of the Rolling Hills Municipal Code:

| | | |
|----|--|---|
| A. | Site Plan Review | \$ 1,500 |
| B. | Conditional Use Permit | \$ 1,500 |
| C. | Variance | \$ 1,250 |
| D. | Variance, Minor | \$ 750 |
| | 1. Minor deviation into required yard setback, not exceeding 5' and attached to main residential structure | |
| E. | Multiple discretionary reviews; | Most expensive fee for the first review and 1/2 fee for second review. No cost for third or more reviews. |
| F. | Lighting Ordinance Modification | \$ 375 |
| G. | Outdoor Lighting Audit | \$ 150 (initiated by resident) |
| H. | Time extension | \$ 200 |
| I. | Zone Change | \$ 2,000 |
| J. | General Plan Amendment | \$ 2,000 |
| K. | Zoning/Subdivision Code Amendment | \$ 2,000 |
| L | Discretionary Approval Modification | \$ 2/3 of original application fee |
| M. | Appeal Fee | \$ 2/3 of original application fee |
| N. | City Council and Planning Commission interpretation and miscellaneous reviews | \$ 375 Fee to be credited if results in filing of a formal application to City Council or Planning Commission |
| O. | Environmental Review fees for discretionary permits | |
| | 1. Preparation and Staff Review of Initial Study | \$ 200 |
| | 2. Preparation of Negative Declaration or Mitigated Negative Declaration | \$ 50 (plus fee charged by CA Department of Fish and Wildlife, applicable, as adjusted annually) |
| P. | Environmental Impact Reports | Consultant fee plus 10% |
| Q. | County Clerk Processing Fee | County fee |

| | | |
|----|---|---------------------------|
| R. | Lot Line Adjustment | \$ 1,500, plus County fee |
| S. | Tentative Parcel/Tract Map | \$ 1,500, plus County fee |
| T. | Final Parcel/Tract Map | County fee |
| U. | Zoning violation and construction penalty fee | \$ 1,500 |
| | 1. Applications for illegal or “as built” grading or construction or non-compliance with approved plans for projects that require Planning Commission review. Fee is charged in addition to the discretionary application review fee. | |
| V. | Stop work order | \$ 200 |
| | 1. Fee charged for each additional “stop work order” that is issued beyond the original stop work order for illegal construction and grading activity. | |
| W. | Service Request (For services provided by L.A. County not included in the General Services Agreement) | County fee, plus 20% |
| X. | Appeal of Zone Clearance | \$ 375 |
| Y. | Stable Use Permit (For stables under 800 sq ft considered by the Planning Commission) | \$ 375 |
| Z. | Major Remodel Review (For remodels of more than 50% demolition) | \$ 375 |

Section 2. The following fees are established and charged for applications for processing View Impairment, Traffic Commission, and Accessory Dwelling Unit cases:

| | | |
|----|--|--|
| A. | View Impairment | |
| | 1. Review by Committee on Trees and Views Processing fee | \$ 2,000 |
| | 2. Environmental Review Fees | |
| | A. Preparation and Staff Review of Initial Study | \$ 200 |
| | B. Preparation of Negative Declaration or Mitigated Negative Declaration | \$ 50 (plus fee charged by CA Department of Fish and Wildlife, if applicable, as adjusted annually) |
| B. | Traffic Commission Review | |
| | 1. New driveways or other traffic related items | \$ 300 |
| C. | Accessory Dwelling Unit | |
| | 1. Accessory Dwelling Unit or Junior Accessory Dwelling Unit | \$ 375 |

Section 3. The following fees are established and charged for General Administration processing:

- A. General Plan \$ 30
- B. Zoning Code \$ 25
- C. Subdivision Code \$ 25
- D. Budget \$ 30
- E. Zoning Map \$ 3
- F. Xeroxed copies, each page \$ 0.25
- G. False Alarms

| Fee for 1 st and 2 nd incident involving a false alarm is waived | | | |
|--|-------------|------------------------|-----------------------|
| | | If paid within 30 days | If paid after 30 days |
| 3 rd | false alarm | \$ 50 | \$100 |
| 4 th | false alarm | \$ 100 | \$300 |
| 5 th | false alarm | \$ 150 | \$600 |
| 6 th | false alarm | \$ 200 | \$1,000 |

Section 4. The following fees are established and shall be collected for each permit pursuant to Title 15, (Building and Construction) of the Rolling Hills Municipal Code:

- A. 1. BUILDING PERMIT Two and one-quarter times the amount set forth in the Building Code for each fee, table and schedule therein.
- 2. PARKS AND RECREATION Each new residential dwelling shall pay 2% of the first \$ 100,000 of construction valuation, plus 0.25% of such valuation over \$ 100,000.
- B. PLUMBING PERMIT Two and one-quarter times the amount set forth in the Plumbing Code for each fee, table and schedule therein.
- C. MECHANICAL PERMIT Two and one-quarter times the amount set forth in the Mechanical Code for each fee, table and schedule therein.
- D. ELECTRICAL PERMIT Two and one-quarter times the amount set forth in the Electrical Code for each fee, table and schedule therein.
- E. GEOTECHNICAL REPORT, SITE AND PLAN REVIEW 0.42% of the valuation of the proposed structures; however, minimum fee shall be \$ 535.00 and the maximum fee shall be \$ 3,588.00
- F. SOLAR AND PHOTOVOLTAIC SYSTEMS AND APPURTENANT EQUIPMENT The amount set forth in the Los Angeles County Building and Electrical Codes for each fee, table and

schedule therein, plus \$ 60.11 City administrative fee.

Section 5. The following fees are established and shall be collected for each permit pursuant to Title 15, (Building and Construction) of the Rolling Hills Municipal Code for review conducted by the City’s contract building official, other than Los Angeles County Department of Building and Safety:

- | | |
|---|---|
| A. BUILDING PERMIT | In addition to the provisions of Section 4 A.1 of this resolution, a 25% surcharge on Los Angeles County Department of Building and Safety fees shall be charged for the alternative use of the City’s contract building official. |
| B. PLUMBING PERMIT | In addition to the provisions of Section 4 B. of this resolution, a 25% surcharge on Los Angeles County Department of Building and Safety fees shall be charged for the alternative use of the City’s contract building official. |
| C. MECHANICAL PERMIT | In addition to the provisions of Section 4 C. of this resolution, a 25% surcharge on Los Angeles County Department of Building and Safety fees shall be charged for the alternative use of the City’s contract building official. |
| D. ELECTRICAL PERMIT | In addition to the provisions of Section 4 D. of this resolution, a 25% surcharge on Los Angeles County Department of Building and Safety fees shall be charged for the alternative use of the City’s contract building official. |
| E. GEOTECHNICAL REPORT, SITE AND PLAN REVIEW | In addition to the provisions of Section 4 E. of this resolution, a 25% surcharge on Los Angeles County Department of Building and Safety fees shall be charged for the alternative use of the City’s contract building official. |
| F. SOLAR AND PHOTOVOLTAIC SYSTEMS AND APPURTENANT EQUIPMENT | In addition to the provision of Section 4 F. of this resolution, a 25% surcharge on Los Angeles County Department of Building and Safety fees, plus \$60.11 City administrative fee, shall be charged for the alternative use of the City’s contract building official. |

Section 6. The following fees are established and shall be collected for each permit relating to construction and demolition waste:

- | | | |
|----|------------------|------------------------------------|
| A. | CONSTRUCTION AND | \$ 150 single project permit, plus |
|----|------------------|------------------------------------|

DEMOLITION PERMIT

\$1,000 deposit refundable upon
submittal of a Certificate of
Compliance.

Section 7. The following fines are established for issuance of administrative citations relating to a violation of Chapter 9.58 of the Rolling Hills Municipal Code:

| | | |
|----------------------------|----------|--|
| Administrative Penalty for | \$ 2,500 | 1 st violation |
| violation of Chapter 9.58 | \$ 5,000 | 2 nd violation within one year of the 1 st violation |
| | \$ 7,500 | Each additional violation within one year of the 1 st violation |

Section 8. The following fees are established and charged for processing landscaping submittals subject to the requirements of the Water Efficient Landscape Ordinance.

| | |
|--|--|
| Review of landscape submittal package and verification of compliance | \$1,500 (portion refunded if not spent; additional funds may be collected, if needed to complete the review); plus \$5,000 deposit refundable upon submittal of a Certificate of Compliance. |
|--|--|

Section 9. The following fees are established and charged for processing utility pole removal reimbursement applications pursuant to City Council Resolution No. 1259.

| | |
|---|-------|
| Review of utility pole removal reimbursement application. | \$100 |
| Appeal of utility pole removal reimbursement decision. | \$300 |

Section 10. The following fee is established and charged for processing wireless telecommunication facility applications:

| | |
|------------------|---------|
| Application fee: | \$1,000 |
|------------------|---------|

Section 11. Should the City accept payment of any fee identified in this resolution by means of credit card, an additional 3% surcharge on such fee shall be charged as a convenience fee for processing the payment. When City accepts payment by means of credit card, it shall also accept payment by means of cash or check.

Section 12. The fees set forth do not exceed the estimated reasonable cost of providing such services.

Section 13. The City Council Resolution No. 1260 is hereby repealed and superseded by this Resolution .

PASSED, APPROVED, AND ADOPTED this 14th day of June, 2021.

BEA DEIRINGER
MAYOR

ATTEST:

JANELY SANDOVAL
CITY CLERK

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

I certify that the foregoing Resolution No. 1278 entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING
HILLS MODIFYING THE ROLLING HILLS FEE RESOLUTION AND
REPEALING RESOLUTION NO. 1260.**

was approved and adopted at a regular meeting of the City Council on the 14th day of June 2021
by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices.

JANELY SANDOVAL
CITY CLERK



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 10.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, CITY MANAGER

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: REPORT ON REGIONAL PUBLIC SAFETY AND REGIONAL CONTRACT LAW COMMITTEES MEETINGS HELD ON MAY 13, 2021.

DATE: June 14, 2021

BACKGROUND:

The Palos Verdes Peninsula Public Safety Committee (PSC) meets quarterly to allow the four Peninsula cities to discuss coordination issues. Two elected officials from each of the four cities serve on the PSC. On this Committee, Mayor Bea Dieringer and Councilmember Pat Wilson represent the City of Rolling Hills.

The Palos Verdes Peninsula Regional Contract Law Committee (RCLC) also meets quarterly. The three Peninsula cities - Rolling Hills, Rolling Hills Estates, and Rancho Palos Verdes - contracts with the Los Angeles County Sheriff's Department for law enforcement under one contract. The RCLC serves as the governing board for the joint contract. On this committee, Mayor Dieringer and Councilmember Wilson represent the City of Rolling Hills.

DISCUSSION:

At the May 13, 2021 PSC meeting, the Committee approved a strategy for Peninsula wide emergency coordination through a shared coordinator (Rancho Palos Verdes Emergency Coordinator). The strategy includes the Committee's focus on the following three areas of emergency preparedness of immediate nature, for the next six to twelve months:

- Study Peninsula evacuation routes
 - First Responders' input on routes
 - Identify exit points and measures to improve these locations for readiness
 - Establish communication contacts to respective cities for traffic control
 - Protocols for evacuating large animals
 - Identify temporary shelter locations
- Understand utility vulnerabilities and implement readiness measures
 - Understand utilities' contingency plans for continuous service
 - Utilities' recommended measure for individual contingency plan
- Communication protocols among Peninsula cities

- Incident command to respective cities EOC to community
- Outlets to receive emergency notifications
- Neighborhood watch organizations

At the May 13, 2021 RCLC meeting, the Committee approved placing cities logos on Los Angeles County Sheriff's Department Lomita Station patrol cars.

FISCAL IMPACT:

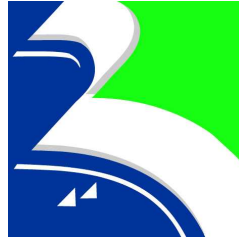
None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[RegionalContractLawCommittee_2021-05-13_AgendaPacketFinal.Supplemental.pdf](#)



SUPPLEMENTAL

CITY CLERKS: PLEASE POST

AGENDA

PALOS VERDES PENINSULA REGIONAL CONTRACT LAW COMMITTEE

**THURSDAY, MAY 13, 2021
7:30 A.M.***

VIRTUAL MEETING

Pursuant to Section 3 of [Executive Order N-29-20](#), issued by Governor Gavin Newsom on March 17, 2020, the meeting of the Regional Contract Law Committee for Thursday, May 13, 2021, at 7:30 a.m.*, will be conducted via teleconference using the Zoom platform. Please see separate cover for public participation options.

** Meeting will begin immediately following the preceding
Peninsula Public Safety Committee meeting*

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**

NOTE: *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 listed on the agenda.*

4. **APPROVAL OF MINUTES**
 - A. MINUTES OF FEBRUARY 11, 2021
5. **OLD BUSINESS**

NONE.

6. **NEW BUSINESS**

- A. CONSIDER AND APPROVE A PURCHASING POLICY FOR THE REGIONAL CONTRACT LAW CITIES (RPV)
- B. QUARTERLY LAW ENFORCEMENT/TRAFFIC/COMMUNITY OUTREACH REPORT (VERBAL REPORT)
- C. MCCORMICK AMBULANCE UPDATE (VERBAL REPORT)

7. **OTHER MATTERS FROM REGIONAL LAW ENFORCEMENT COMMITTEE MEMBERS**

- A. REGIONAL CONTRACT LAW CITIES LOGO ON SHERIFF'S VEHICLES (RPV)

NOTE: *This is the appropriate time for Committee Members to direct the placement of items for future action on upcoming agendas.*

8. **ADJOURNMENT**

- A. Next regular meeting Thursday, August 12, 2021 at 7:30 a.m. immediately following the preceding Peninsula Public Safety Committee meeting.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Gavin Newsom on March 17, 2020, the meeting of the Peninsula Public Safety Committee and the Peninsula Regional Contract Law Committee for Thursday, May 13, 2021, at 7:30am, will be conducted via teleconference using the Zoom platform.

Those members of the public wishing to participate may do so in the following ways:

1. Viewing the “live” meeting: To view the City Council meeting live, email Connie Viramontes at cityclerk@cityofrh.net with your name and contact information prior to 3pm on Wednesday prior to the meeting. Upon successful submission, you will receive an email with further instructions on how to connect to the meeting.
2. Comments on non-agenda and specific agenda item(s): If you wish to make a comment, please submit via email to Connie Viramontes at cityclerk@cityofrh.net. Comments received by 3pm on the Wednesday prior to the meeting will be forwarded to the Committees prior to the meeting for consideration. Comments received after 3pm on the Wednesday prior to the meeting will not be read during the meeting.
3. Comments on non-agenda and specific agenda item(s) during the “live” meeting: If you are watching the meeting live and wish to make a comment on an agenda item, as it is being heard, you may submit your brief comment using the following methods below. Please note that there is a maximum allowance of 3 minutes per individual comment, subject to the Chair’s direction. Your comment will be read or heard during the meeting, if received in real time and prior to the commencement of that item.
 - a. Email: Comments will be accepted via email at cityclerk@cityofrh.net during the meeting, prior to the close of the public comment portion on an item or during public comments for non-agenda items, and read aloud into the record with a maximum allowance of 3 minutes per individual comment, subject to the Chair’s discretion.
 - b. Telephone: If you wish to speak during the meeting, email Connie Viramontes at cityclerk@cityofrh.net with your name, contact information, and the item number on which you wish to comment. Upon successful submission, you will receive an email with further instructions on how to connect to the meeting.

In compliance with the American with Disability Act, if you require a disability-related modification or accommodation to participate in this meeting, please contact the City at least 48 hours prior to the meeting via cityclerk@cityofrh.net. Staff will use their best effort to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety.

LAW ENFORCEMENT
AGENDA ITEM 4A
MEETING DATE: 05/13/2021



**PALOS VERDES PENINSULA
REGIONAL CONTRACT LAW ENFORCEMENT
MINUTES TO MEETING ON THURSDAY, FEBRUARY 11, 2021**

I. CALL TO ORDER

A meeting of the Palos Verdes Peninsula Regional Law Enforcement was called to order by Committee Chair Pro Tem Alegria at 8:30 a.m. via Zoom.

II. ROLL CALL

PRESENT:

Rancho Palos Verdes

Eric Alegria, Mayor

David Bradley, Mayor Pro Tem

Rolling Hills Estates

Steve Zuckerman, Mayor

Velveth Schmitz, Councilmember

Rolling Hills

Bea Dieringer, Mayor

Patrick Wilson, Councilmember

ALSO PRESENT:

Rancho Palos Verdes

Ara Mihranian, City Manager

Karina Bañales, Deputy City Manager

Jesse Villalpando, Emergency Services Coordinator

McKenzie Bright, Administrative Analyst

Rolling Hills Estates

Greg Grammer, City Manager

Alexa Davis, Assistant City Manager

Jessica Slawson, Administrative Analyst

Rolling Hills

Elaine Jeng, City Manager

Palos Verdes Estates

Laura Guglielmo, City Manager

Tony Best, Acting Police Chief

Marcelle Herrera, Community Relations Officer

Los Angeles County Sheriff's Department

Captain James Powers, Lomita Sheriff's Station

Palos Verdes Peninsula Unified School District

Brenna Terrones, Assistant Superintendent of Admin Services

Linda Reid, Member of Board of Education

III. PUBLIC COMMENT

None.

IV. APPROVAL OF MINUTES

A. MINUTES OF NOVEMBER 12, 2020

Member Dieringer moved to approve the minutes. Chair Alegria seconded the motion. The motion passed.

AYES: Chair Alegria, Members: Bradley, Zuckerman, Schmitz, Dieringer, and Wilson.

NOES: None

V. COMMITTEE REORGANIZATION

Chair Alegria thanked the committee for the opportunity to serve and nominated Member Dieringer as Chair and Member Wilson as Vice Chair. Member Zuckerman seconded the nominations.

AYES: Chair Alegria, Members: Bradley, Zuckerman, Schmitz, Dieringer, and Wilson.

NOES: None

Chair Dieringer thanked Member Alegria for his service.

VI. OLD BUSINESS

A. PVPUSD SRO UPDATE (VERBAL REPORT)

PVPUSD Board of Education Member Linda Reid reported that the Board and Superintendent Alex Cherniss decided to fund the SROs for the current school year. No contribution is needed from the cities. She cited the lack of students at secondary schools as the reason for the decision. Board Member Reid also reported that the SROs are staffed at the high schools.

Board Member Reid thanked Mayor Alegria for advocating vaccination for the teachers.

Chair Dieringer inquired the timeframe to have students back on campus.

Board Member Reid responded that K-2 elementary school students were brought back to campus and grades 3-5 were ramping up to return. The case rate requirement was 7 per 100,000 but this threshold could change. Because of the ever changing requirements, Board Member Reid said it is impossible to know the timeframe for students to return to school.

B. FLOCK SAFETY CAMERA UPDATE (VERBAL REPORT)

Analyst Bright reported that RPV commenced the Flock Safety Camera grant program on September 30, 2020. To date, six HOAs have purchased ten cameras with the \$10,000 grant and installation of the cameras was anticipated in March 2021. On January 19, 2021, RPV City Council allocated an additional \$10,000 for the grant program.

Member Alegria expressed the community's concerns with the permitting process and the lack of communication from Flock. Member Alegria noted that if Flock's lack of engagement was causing delays to the deployment of cameras, the City needs hold Flock accountable to perform.

VII. NEW BUSINESS

A. PENINSULA PUBLIC SAFETY COLLABORATION

Analyst Bright reported that at the November 12, 2021 meeting, the Committee directed staff to inquire PVE's interest in joining the Peninsula Public Safety Committee. The scope of the Peninsula Public Safety Committee would include regional emergency preparedness and regional public safety matters such as disaster training, crime trends and crime response plans. On December 22, 2020, PVE City Council voted to participate in the Peninsula Public Safety Committee. The membership of the Regional Law Committee would include RPV, RHE and RH and the committee would oversee the joint law enforcement contract with the Los Angeles County Sheriff's Department. Analyst Bright recommended to the Committee to rename the Peninsula Regional Emergency Committee to Peninsula Public Safety Committee and formally invite PVE to the committee. Analyst Bright also recommended to rename the Peninsula Regional Law Committee to the Peninsula Regional Contract Law Committee.

Member Alegria noted that in the last few years, from his perspective, he observed increasing levels of engagement from PVE in regional matters. Member Alegria thanked members from PVE for their partnership and participation in the committee.

Member Schmitz commented that in the last year during the pandemic, the collaboration and partnership of the Peninsula cities resulted in effective performance from providers. She expressed support for the proposed committees.

Member Wilson inquired if the duration to the committee meetings need adjustment if the recommended actions were approved by the Committee.

Chair Dieringer confirmed with staff that if the recommended actions were approved by the Committee, the Regional Contract Law Committee meetings would be held immediately after the Public Safety Committee meetings.

City Manager Mihranian added that on the agenda for the Regional Law Committee, a note is added to inform the public that the meeting shall follow immediately after the Emergency Preparedness Committee meeting.

Member Alegria moved to create the Public Safety Committee comprising of RPV, RHE, RH, and PVE and to create the Regional Contract Law Committee comprising of RPV, RHE, and RH. Member Wilson seconded the motion. The motion passed.

AYES: Chair Alegria, Members: Bradley, Zuckerman, Schmitz, Dieringer, and Wilson.

NOES: None

B. QUARTERLY LAW ENFORCEMENT, TRAFFIC, AND COMMUNITY OUTREACH REPORT

Captain Powers presented statistics for the last quarter of 2020.

Member Wilson inquired about the remaining time on the supplemental traffic enforcement contract for Rolling Hills and if the Sheriff's Department will catch up and use the available time for the remainder of the year. Member Wilson requested traffic enforcement on Crest Road.

Chair Dieringer echoed Member Wilson's request for traffic enforcement on Crest Road. Chair Dieringer also inquired about a traffic collision where an airbag deployed. She asked if the driver was cited.

Captain Powers said he will follow up on the remaining time on the supplemental traffic enforcement contract and focus on Crest Road. Captain Powers did not know if the driver was cited in the referenced collision. Captain Powers reported that the collision was reported after the incident occurred. The Sheriff's Department would need to place the driver behind the wheel at the time of the incident and show impairment to cite the driver. Captain Powers noted that it is possible for a citation to be mailed later.

Chair Dieringer recognized Member Zuckerman and Bradley's time constraints and asked for their comments and questions on this item.

Member Bradley inquired on the statistics presented by Captain Powers and if he can show them geographically to identify hot spots. Member Bradley noted that RPV has speeding issues on the switch back and on the north side of the City, similar to a chronic location like Crest Road in Rolling Hills. It would be helpful to communicate with the community that the Sheriff's Department is deploying resources at targeted areas using a mapping system. Member Bradley requested Captains Powers to present statistics geographically at next committee meeting.

Captain Powers responded that the Sheriff's Department does have a mapping system tracking statistics to identify hot spots. Statistics on traffic enforcement are not tracked geographically. He will work on presenting statistics geographically at the next meeting. Captain Powers said that community feedback is most helpful in identifying problematic areas.

Member Schmitz asked Captain Powers the method to provide community feedback.

Captain Powers responded that the community should report observations directly to the station.

Discussions ensued on using neighborhood watch, and social media to educate the community that suspicious activities should be reported directly the Sheriff's Department.

Chair Dieringer inquired about upcoming town hall meetings.

Captain Powers said that he will follow up and schedule a town hall meeting.

Member Bradley inquired on analysis on identity theft cases due to increased deliveries because of lock downs.

Captain Powers responded that no analytics have been performed because there headquarter detective unit deals with fraud. Captain Powers recommended not to pay bills via mail with payment checks. The checks are susceptible to be taken. Captain Powers mentioned in Rolling Hills, there were two incidents of mail placed in the wrong mailbox but these incidents were recorded as theft.

Chair Dieringer added that identity theft would be a great topic for a town hall meeting.

Chair Dieringer inquired about a video of a homeless individual associated with the arson incident in Rolling Hills.

Captain Powers responded that video was not clear and difficult to determine but could have been a homeless individual lighting a fire to keep warm. The video showed a quick flash and the fire ignited.

Member Wilson asked for the reason that the misplaced mail incidents were recorded as crimes. Member Wilson also inquired about the miscellaneous felony.

Captain Powers responded that the investigator wanted to err on the side of caution and designated the incidents as crimes. Captain Powers reported the miscellaneous felony had to do with a husband and wife recording each other.

C. QUARTERLY MCCORMICK AMBULANCE RESPONSE TIME REPORT

Analyst Bright reported that McCormick Ambulance representative Daniel Perez could not attend the meeting but he provided a report for the committee. Mr. Perez reported that in December 2020 and January 2021, response time was impacted by the long wait time at the hospitals, between 17 and 18 hours. Additional ambulances were deployed in the Southbay by mutual aid with services coming from Calabasas and Hollywood. Response time was also impacted by staff absences due to COVID-19 infection. Staffing conditions improved in February 2021 with staff receiving second round of vaccination.

As of January 30, 2021, there were no COVID-19 cases among the staff population. Mr. Perez reported that he observed improvements on wait time at the hospital and the availability of McCormick staff.

VIII. OTHER MATTERS FROM REGIONAL CONTRACT LAW COMMITTEE MEMBERS

None.

IX. ADJOURNMENT

There being no further business before the Palos Verdes Peninsula Regional Contract Law Committee, Chair Dieringer adjourned the meeting at 9:30 a.m. The next meeting is scheduled to be held on Thursday, May 13, 2020, beginning at 7:30 a.m.

Respectfully submitted,

Elaine Jeng, P.E.
City Manager/Acting City Clerk
City of Rolling Hills

Approved,

Bea Dieringer
Chair and Mayor,
City of Rolling Hills



**REGIONAL CONTRACT LAW
Agenda Item No. 6-A
Meeting Date: 5-13-21**

MEMORANDUM

TO: REGIONAL CONTRACT LAW COMMITTEE
FROM: CITY MANAGERS
DATE: MAY 13, 2021
**SUBJECT: POLICY TO FUND THE PURCHASE OF
SUPPLEMENTAL SHERIFF EQUIPMENT**
PREPARED BY: McKenzie Bright, Rancho Palos Verdes Administrative Analyst

RECOMMENDATIONS

- 1) Review the draft Purchasing Policy for Funding Supplemental Sheriff's Department Equipment that memorializes a formal process for the Lomita Sheriff's Station to request, and for the Committee to review, funding the purchase of supplemental equipment not covered as contracted goods or services.
- 2) If acceptable, adopt the Purchasing Policy for Funding Supplemental Sheriff's Department Equipment

BACKGROUND AND DISCUSSION

At the August 13, 2020 Regional Contract Law Committee¹ (RCLC) meeting, the Committee directed staff to review the Sheriff's contract related to purchases of supplemental equipment.

The Sheriff's contract does not provide direction on the purchase of all supplemental equipment. Certain items are listed on the Master Rate Sheet, such as additional

¹ At the time, known as the Regional Law Enforcement Committee (RLEC).

REGIONAL CONTRACT LAW COMMITTEE
POLICY TO FUND THE PURCHASE OF SUPPLEMENTAL SHERIFF EQUIPMENT
MAY 13, 2021
6-A

vehicles and ALPR systems, but does not include items such as LIDAR equipment, that the Committee was requested to approve at the August 13, 2020 meeting.

When certain essential equipment is not provided to the Lomita Station by the County or by grant funds, the contract cities are requested to consider covering the financial cost of such items if warranted.

At the August 13, 2020 meeting, the RCLC approved the purchase of five LIDAR guns for a total budget of \$11,534. Once the purchase was completed and the invoice was received, the actual total cost of the purchase totaled \$12,974.51 - \$1,322.65 greater than the approved amount. This discrepancy was due to taxes and fees not being calculated in the quoted request, and an additional expenditure of \$241 for equipment to mount a newly purchased LIDAR unit.

To ensure that the RCLC is presented with complete information in order to make the decision to purchase supplemental equipment in the future, Staff has prepared a Purchasing Policy for the RCLC's consideration, which will:

1. Require the Sheriff's Department to provide detailed information on the requested item including full cost information and a description of the need for the item.
2. Require the Sheriff's Department to present the request in advance of purchasing the item(s).
3. Require RCLC approval prior to making a purchase.
4. Codify that requests will be evaluated at regularly scheduled RCLC meetings.
5. Codify the billing and existing cost formula between the three cities.
6. Maintain the Sheriff's Department's responsibility to ensure delivery and equipment meets all necessary standards.
7. Authorize the City Managers to approve purchases for less than \$3,000.

Requests that are below \$3,000 are proposed to be considered by the City Managers rather than the RCLC. This policy is in line with existing practices.

CONCLUSION

It is recommended that the RCLC review and provide direction on the draft Purchasing Policy for Funding Supplemental Sheriff Equipment, and if acceptable, adopt the Policy.

REGIONAL CONTRACT LAW COMMITTEE POLICY

DATE ADOPTED:

SUBJECT: Purchasing Policy for Supplemental Sheriff Equipment

POLICY:

The Regional Contract Law Committee (RCLC, "Committee") desires to memorialize a purchasing policy for the Lomita Station Sheriff's Department (Department) to purchase equipment supplemental to the regional law enforcement services contract. Therefore, the RCLC has established this policy for the consideration of purchasing requests made by the Sheriff's Department.

Whereby the Sheriff's Department seeks funding to purchase supplemental equipment from the cities represented by the RCLC (Rancho Palos Verdes, Rolling Hills, and Rolling Hills Estates), the following details the process by which the Department may seek approval for proposed purchases and the Cities may disburse funds:

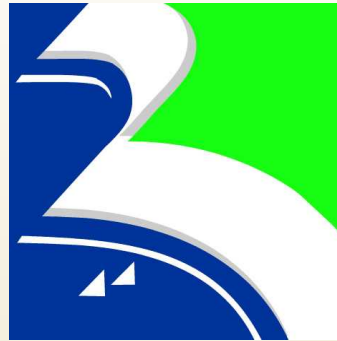
1. For purposes of this policy, the Sheriff's Department must submit a quote, comprising full cost information to the RCLC in order for the Committee to review and potentially approve. A completed quote must include:
 - 1.1. the vendor's description of the item(s),
 - 1.2. unit cost of the item(s),
 - 1.3. total cost including all relevant taxes and fees, and
 - 1.4. a narrative description of the need for and/or use of the item(s).
2. The Sheriff's Department may solicit quotes at its discretion, according to internal procurement practices, and shall present its purchase request to the RCLC in advance of purchasing the item(s).
3. Purchases will only be allowed for the approved amount. If the purchase amount changes, the RCLC must be informed before the purchase occurs. Any purchases made prior to RCLC approval are subject to the RCLC's ultimate decision of providing funding for the item(s). The RCLC shall not be held financially responsible for item(s) purchased prior to the RCLC's consent.
4. The RCLC shall review all requested equipment expenditures at the regularly scheduled Committee meetings. The Sheriff's Department may request an item be placed on the agenda no less than two weeks in advance of the meeting.

5. Should the expenditure(s) be approved by the RCLC, invoices shall be billed to the City of Rancho Palos Verdes (30940 Hawthorne Blvd., Rancho Palos Verdes CA 90275). Rancho Palos Verdes shall invoice Rolling Hills and Rolling Hills Estates for their portion of the amount as follows: Rancho Palos Verdes (68%); Rolling Hills Estates (28%); and Rolling Hills (4%).
6. It remains the responsibility of the Sheriff's Department to ensure timely delivery of equipment, full working order of the equipment, and timely delivery of invoices to the City of Rancho Palos Verdes.
7. If the total cost of the purchase is less than \$3,000 the City Managers from the three cities may authorize the expenditure without a vote by the RCLC.

BACKGROUND:

The RCLC occasionally is asked to approve supplemental expenditures for the Lomita Sheriff's Station, in addition to its contracted budget. Without County or grant funds, it is the responsibility of the RCLC, and the three cities, to evaluate and fund the supplemental equipment purchases conducted by the Lomita Sheriff's Station.

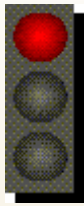
LAW ENFORCEMENT
AGENDA ITEM 6B
MEETING DATE: 05/13/2021



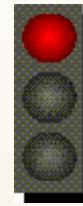
PENINSULA REGION 1ST QUARTER LAW ENFORCEMENT UPDATE 2021

***PRESENTED BY
CAPTAIN JAMES C. POWERS
LOMITA STATION***





TRAFFIC





RANCHO PALOS VERDES

Traffic Stats

2019

2020

2021

| | Jan | Feb | Mar | Average | Jan | Feb | Mar | Average | Jan | Feb | Mar | Average |
|-------------------|-----|-----|-----|---------|-----|-----|-----|---------|-----|-----|-----|---------|
| Total Collisions | 14 | 14 | 20 | 16 | 22 | 16 | 9 | 16 | 11 | 12 | 15 | 13 |
| Injury Collisions | 3 | 5 | 7 | 5 | 6 | 6 | 2 | 5 | 4 | 4 | 11 | 6 |
| Enforcement Index | 26 | 16 | 10 | 18 | 23 | 32 | 75 | 43 | 26 | 36 | 10 | 24 |
| Hazardous Cites | 77 | 78 | 68 | 74 | 138 | 186 | 149 | 158 | 100 | 144 | 110 | 118 |
| Non-Haz Cites | 35 | 36 | 38 | 36 | 41 | 39 | 30 | 37 | 16 | 25 | 25 | 22 |
| Parking Cites | 49 | 68 | 139 | 85 | 102 | 20 | 19 | 47 | 18 | 21 | 4 | 26 |
| DUI Arrests | 2 | 1 | 0 | 1 | 2 | 3 | 1 | 2 | 2 | 1 | 1 | 1 |
| DUI Collisions | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 |
| Fatal Collisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Traffic Enforcement Index: Haz.Cites + DUI Arrests / Fatal + Injury Collisions (20:1)

ROLLING HILLS ESTATES

Traffic Stats



2019

2020

2021

| | Jan | Feb | Mar | Average | Jan | Feb | Mar | Average | Jan | Feb | Mar | Average |
|-------------------|-----|-----|-----|---------|-----|-----|-----|---------|-----|-----|-----|---------|
| Total Collisions | 16 | 9 | 13 | 13 | 12 | 16 | 6 | 11 | 6 | 7 | 4 | 6 |
| Injury Collisions | 5 | 2 | 4 | 4 | 4 | 4 | 1 | 3 | 2 | 1 | 1 | 1 |
| Enforcement Index | 12 | 28 | 15 | 18 | 15 | 11 | 39 | 22 | 4 | 28 | 25 | 19 |
| Hazardous Cites | 62 | 54 | 57 | 58 | 58 | 45 | 39 | 37 | 7 | 28 | 25 | 20 |
| Non-Haz Cites | 13 | 4 | 16 | 11 | 16 | 17 | 9 | 14 | 4 | 5 | 10 | 22 |
| Parking Cites | 6 | 21 | 20 | 16 | 29 | 10 | 5 | 15 | 0 | 2 | 0 | 1 |
| DUI Arrests | 0 | 1 | 2 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 1 |
| DUI Collisions | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Fatal Collisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Traffic Enforcement Index: Haz.Cites + DUI Arrests / Fatal + Injury Collisions (20:1)



ROLLING HILLS

Traffic Stats

2019

2020

2021

Jan Feb Mar **Average** Jan Feb Mar **Average** Jan Feb Mar **Average**

| | | | | | | | | | | | | |
|-------------------|----|----|----|----|---|----|----|----|---|----|----|----|
| Total Collisions | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| Injury Collisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Enforcement Index | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazardous Cites | 13 | 22 | 12 | 16 | 5 | 10 | 22 | 12 | 9 | 36 | 10 | 18 |
| Non-Haz Cites | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking Cites | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DUI Arrests | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DUI Collisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fatal Collisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Traffic Enforcement Index: Haz.Cites + DUI Arrests / Fatal + Injury Collisions (20:1)



PENINSULA REGION

Totals

2019

2020

2021

| | Jan | Feb | Mar | Average | Jan | Feb | Mar | Average | Jan | Feb | Mar | Average |
|-------------------|-----|-----|-----|---------|-----|-----|-----|---------|-----|-----|-----|---------|
| Total Collisions | 30 | 23 | 34 | 19 | 34 | 32 | 16 | 27 | 17 | 19 | 19 | 18 |
| Injury Collisions | 8 | 7 | 11 | 9 | 10 | 10 | 3 | 8 | 6 | 5 | 12 | 8 |
| Enforcement Index | 19 | 22 | 13 | 18 | 20 | 24 | 70 | 38 | 20 | 42 | 12 | 25 |
| Hazardous Cites | 152 | 154 | 137 | 148 | 201 | 241 | 210 | 217 | 116 | 208 | 145 | 156 |
| Non-Haz Cites | 48 | 40 | 57 | 48 | 57 | 56 | 39 | 51 | 20 | 30 | 35 | 28 |
| Parking Cites | 55 | 89 | 159 | 101 | 131 | 30 | 24 | 54 | 18 | 23 | 4 | 15 |
| DUI Arrests | 2 | 2 | 2 | 2 | 3 | 3 | 1 | 2 | 3 | 1 | 1 | 2 |
| DUI Collisions | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 0 | 2 |
| Fatal Collisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Traffic Enforcement Index: Haz.Cites + DUI Arrests / Fatal + Injury Collisions (20:1)

2021 CRIME STATS

1st QUARTER

* SHERIFF * DO NOT CROSS * CRIME SCENE * DO NOT CROSS * SHERIFF *

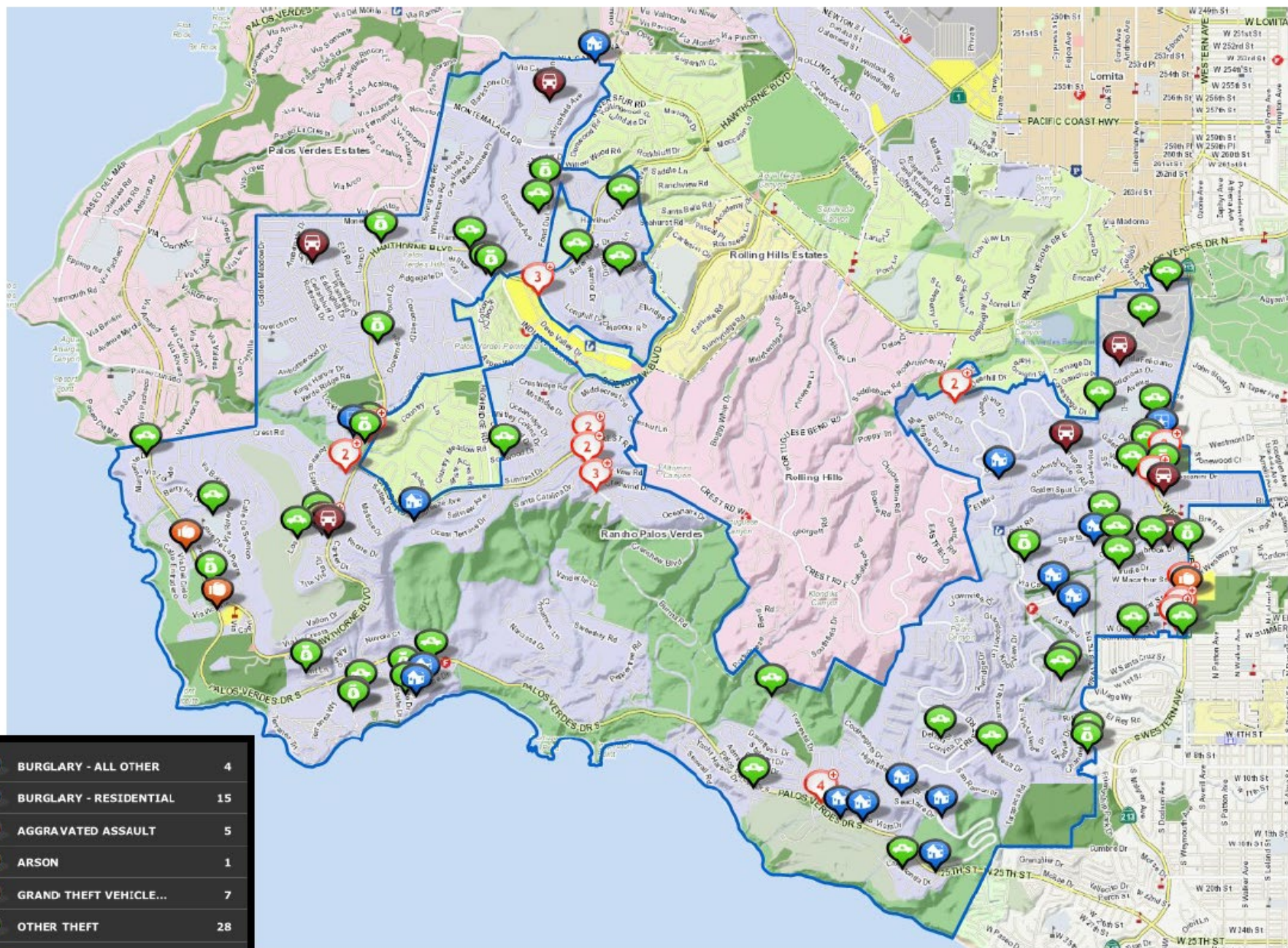




2021 PART I – 1st QUARTER COMPARISON

Rancho Palos Verdes

| | 2021 | 2020 | 2019 | 2018 | 2017 |
|-----------------------|------------|-----------|-----------|------------|------------|
| Homicide | 0 | 0 | 0 | 0 | 0 |
| Rape | 2 | 1 | 0 | 2 | 1 |
| Robbery | 5 | 2 | 3 | 0 | 2 |
| Aggravated Assault | 4 | 6 | 2 | 3 | 4 |
| Burglary, Residence | 13 | 10 | 24 | 27 | 30 |
| Burglary, Structure | 2 | 1 | 1 | 9 | 10 |
| Vehicle Burglary | 22 | 11 | 10 | 20 | 28 |
| Theft from Vehicle | 11 | 13 | 8 | 28 | 27 |
| Other Larceny / Theft | 38 | 26 | 19 | 22 | 42 |
| Grand Theft Auto | 10 | 4 | 3 | 11 | 12 |
| Arson | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 107 | 74 | 70 | 122 | 156 |





PART II CRIME ACTIVITY COMPARISON

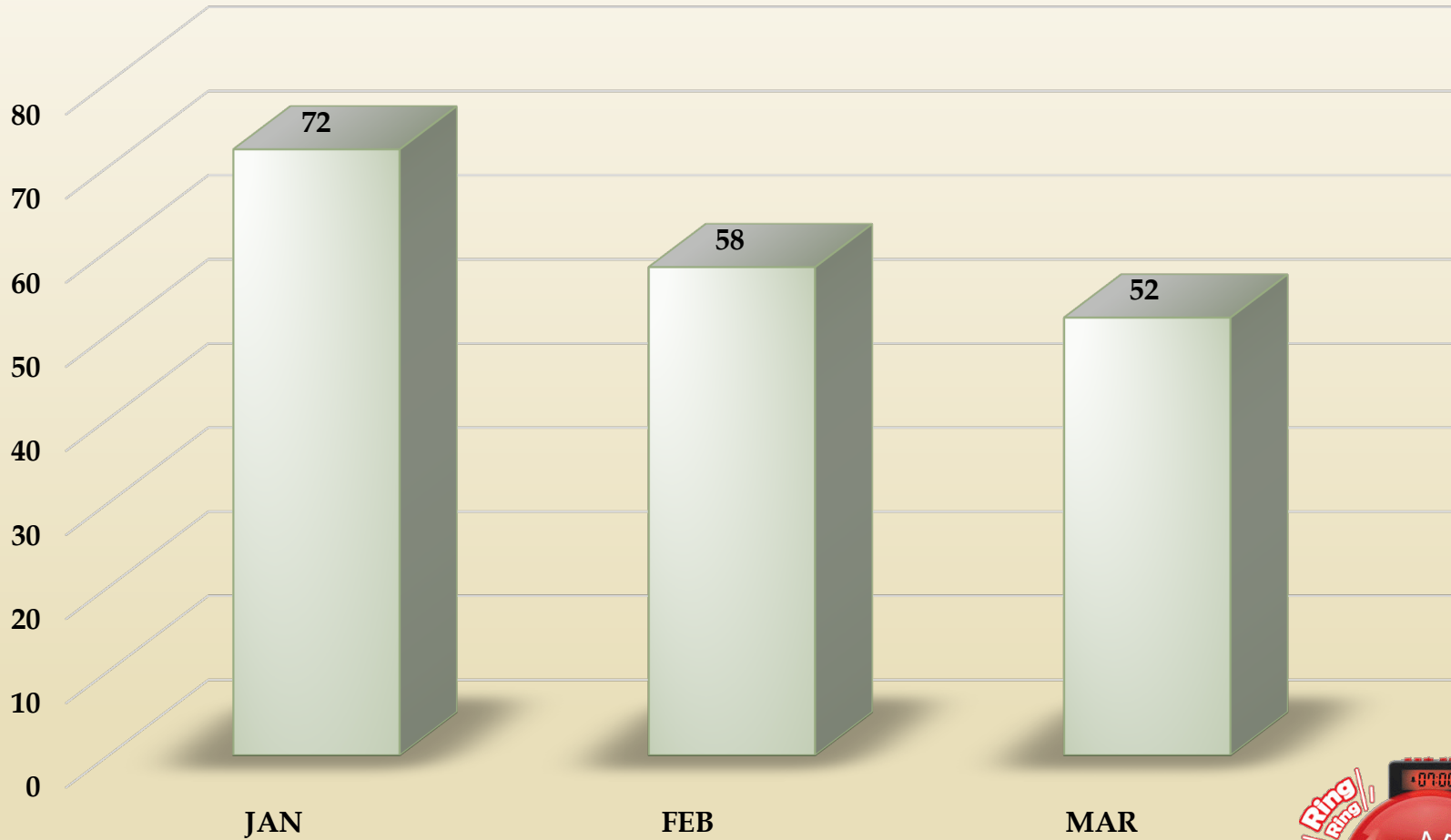
Rancho Palos Verdes 1st Quarter

| | 2021 | 2020 | 2019 | 2018 | 2017 |
|----------------------------|-----------|-----------|-----------|-----------|------------|
| Forgery | 3 | 7 | 5 | 9 | 13 |
| Fraud/ID Theft | 37 | 31 | 28 | 37 | 48 |
| Sex Offense, Felony | 3 | 1 | 0 | 3 | 0 |
| Sex Offense, Misdemeanor | 4 | 4 | 1 | 1 | 1 |
| Non-Aggravated Assault | 6 | 9 | 3 | 8 | 16 |
| Weapon Laws | 3 | 4 | 2 | 3 | 3 |
| Offenses Against Family | 1 | 1 | 0 | 1 | 2 |
| Liquor Laws | 0 | 0 | 0 | 0 | 0 |
| Drunk-Alcohol/Drugs | 1 | 4 | 1 | 1 | 3 |
| Disorderly Conduct | 1 | 3 | 0 | 2 | 2 |
| Vagrancy | 0 | 0 | 0 | 0 | 0 |
| Gambling | 0 | 0 | 0 | 0 | 0 |
| Drunk Driving-Vehicle/Boat | 3 | 6 | 3 | 0 | 5 |
| Vandalism (Non-graffiti) | 15 | 10 | 6 | 13 | 19 |
| Vandalism (Graffiti) | 1 | 0 | 0 | 1 | 0 |
| Receiving Stolen Property | 0 | 0 | 0 | 0 | 0 |
| Federal Offenses w/o money | 0 | 0 | 0 | 0 | 1 |
| Federal Offenses w/ money | 1 | 1 | 0 | 0 | 1 |
| Felonies, Misc | 3 | 1 | 6 | 9 | 3 |
| Misdemeanors, Misc | 6 | 7 | 4 | 5 | 5 |
| TOTAL CRIME | 88 | 89 | 59 | 93 | 122 |
| ARRESTS | | | | | |
| Part I | 19 | 14 | 6 | 10 | 21 |
| Part II | 38 | 71 | 58 | 61 | 117 |
| TOTAL ARRESTS | 57 | 85 | 64 | 71 | 138 |
| | | | | | |
| Burglaries | 2 | 5 | 2 | 4 | 10 |
| GTA's | 8 | 4 | 2 | 2 | 3 |
| Narco | 4 | 9 | 7 | 10 | 17 |



RANCHO PALOS VERDES

False Alarms

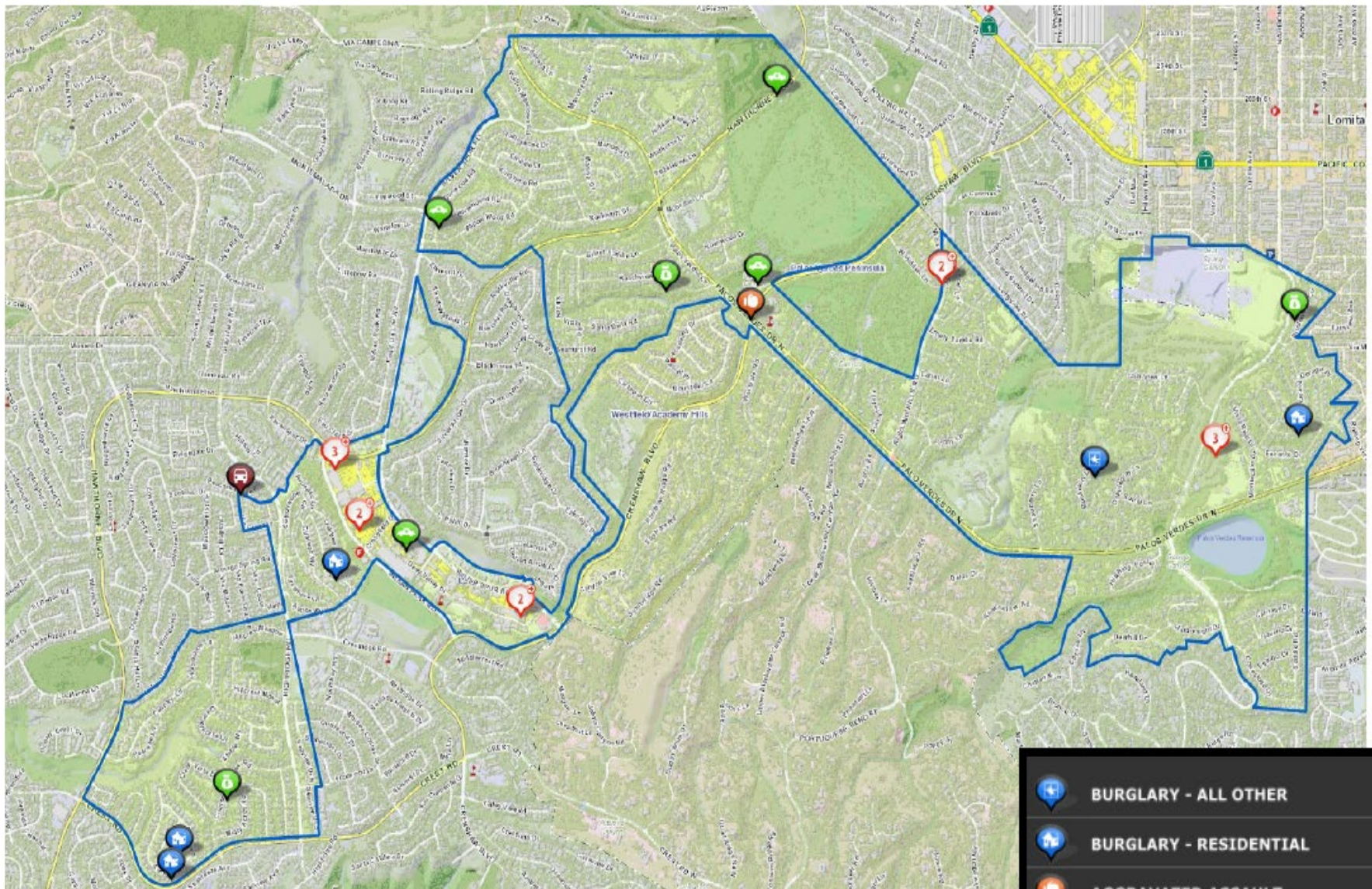


2021 PART I – 1st QUARTER COMPARISON

Rolling Hills Estates



| | 2021 | 2020 | 2019 | 2018 | 2017 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|
| Homicide | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 1 | 0 | 1 | 0 |
| Robbery | 0 | 0 | 1 | 0 | 0 |
| Aggravated Assault | 1 | 0 | 0 | 1 | 0 |
| Burglary, Residence | 4 | 4 | 5 | 1 | 4 |
| Burglary, Structure | 5 | 3 | 6 | 9 | 9 |
| Vehicle Burglary | 2 | 2 | 3 | 1 | 5 |
| Theft from Vehicle | 0 | 2 | 4 | 3 | 1 |
| Other Larceny / Theft | 15 | 14 | 9 | 7 | 25 |
| Grand Theft Auto | 1 | 1 | 0 | 1 | 1 |
| Arson | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 28 | 27 | 28 | 24 | 45 |



| | | |
|--|------------------------|----|
| | BURGLARY - ALL OTHER | 4 |
| | BURGLARY - RESIDENTIAL | 4 |
| | AGGRAVATED ASSAULT | 1 |
| | GRAND THEFT VEHICLE... | 2 |
| | OTHER THEFT | 10 |
| | THEFT FROM MOTOR... | 62 |

PART II CRIME ACTIVITY COMPARISON

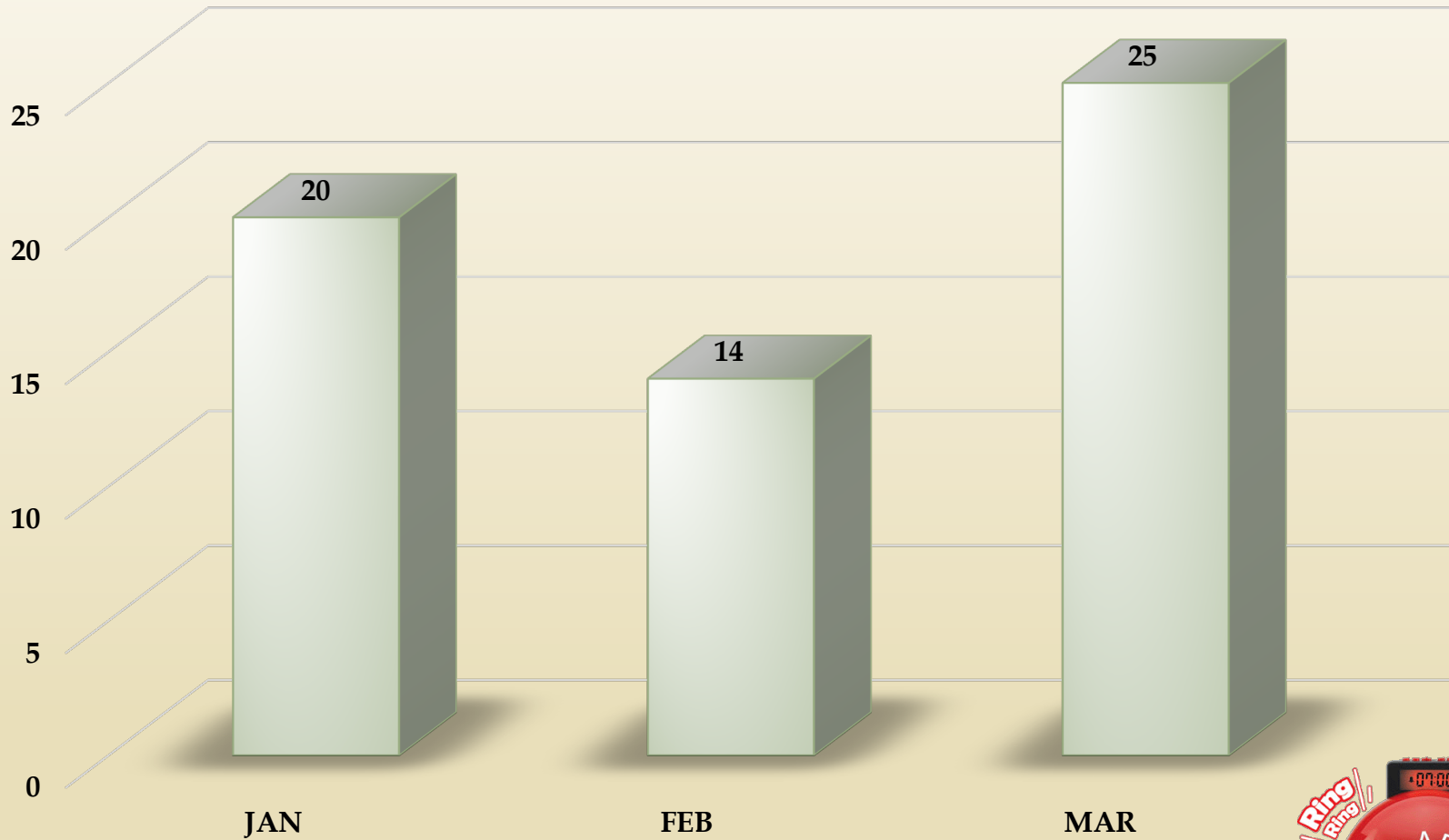
Rolling Hills Estates 1st Quarter



| | 2021 | 2020 | 2019 | 2018 | 2017 |
|-----------------------------|-----------|-----------|-----------|-----------|-----------|
| Forgery | 0 | 3 | 3 | 2 | 3 |
| Fraud/ID Theft | 15 | 13 | 8 | 12 | 4 |
| Sex Offense, Felony | 1 | 0 | 0 | 1 | 1 |
| Sex Offense, Misdemeanor | 2 | 0 | 2 | 0 | 0 |
| Non-Aggravated Assault | 2 | 3 | 5 | 3 | 4 |
| Weapon Laws | 1 | 1 | 0 | 2 | 0 |
| Offenses Against Family | 1 | 0 | 0 | 0 | 0 |
| Liquor Laws | 0 | 0 | 0 | 0 | 0 |
| Drunk-Alcohol/Drugs | 1 | 0 | 0 | 0 | 3 |
| Disorderly Conduct | 0 | 0 | 1 | 1 | 0 |
| Vagrancy | 0 | 0 | 0 | 0 | 0 |
| Gambling | 0 | 0 | 0 | 0 | 0 |
| Drunk Driving-Vehicle/ Boat | 1 | 1 | 3 | 1 | 2 |
| Vandalism (Non-graffiti) | 3 | 3 | 2 | 7 | 6 |
| Vandalism (Graffiti) | 1 | 0 | 0 | 0 | 0 |
| Receiving Stolen Property | 0 | 0 | 0 | 0 | 0 |
| Federal Offenses w/o money | 0 | 0 | 0 | 0 | 0 |
| Federal Offenses w/ money | 0 | 0 | 0 | 2 | 0 |
| Felonies, Misc | 2 | 0 | 1 | 0 | 0 |
| Misdemeanors, Misc | 3 | 1 | 2 | 2 | 1 |
| TOTAL CRIME | 33 | 25 | 27 | 33 | 24 |
| ARRESTS | | | | | |
| Part I | 3 | 1 | 5 | 9 | 7 |
| Part II | 14 | 17 | 17 | 27 | 33 |
| TOTAL ARRESTS | 17 | 18 | 22 | 36 | 40 |
| | | | | | |
| Burglaries | 1 | 0 | 0 | 2 | 2 |
| GTA's | 1 | 1 | 0 | 2 | 3 |
| Narco | 3 | 0 | 0 | 7 | 3 |

ROLLING HILLS ESTATES

False Alarms



2021 PART I – 1st QUARTER COMPARISON

Rolling Hills



| | 2021 | 2020 | 2019 | 2018 | 2017 |
|-----------------------|----------|----------|----------|----------|----------|
| Homicide | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 |
| Burglary, Residence | 1 | 1 | 4 | 0 | 0 |
| Burglary, Structure | 0 | 0 | 0 | 0 | 0 |
| Vehicle Burglary | 0 | 0 | 0 | 0 | 0 |
| Theft from Vehicle | 1 | 0 | 0 | 0 | 0 |
| Other Larceny / Theft | 0 | 0 | 1 | 0 | 2 |
| Grand Theft Auto | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2 | 1 | 5 | 0 | 2 |



Part II Crime Activity Comparison

Rolling Hills 1st Quarter

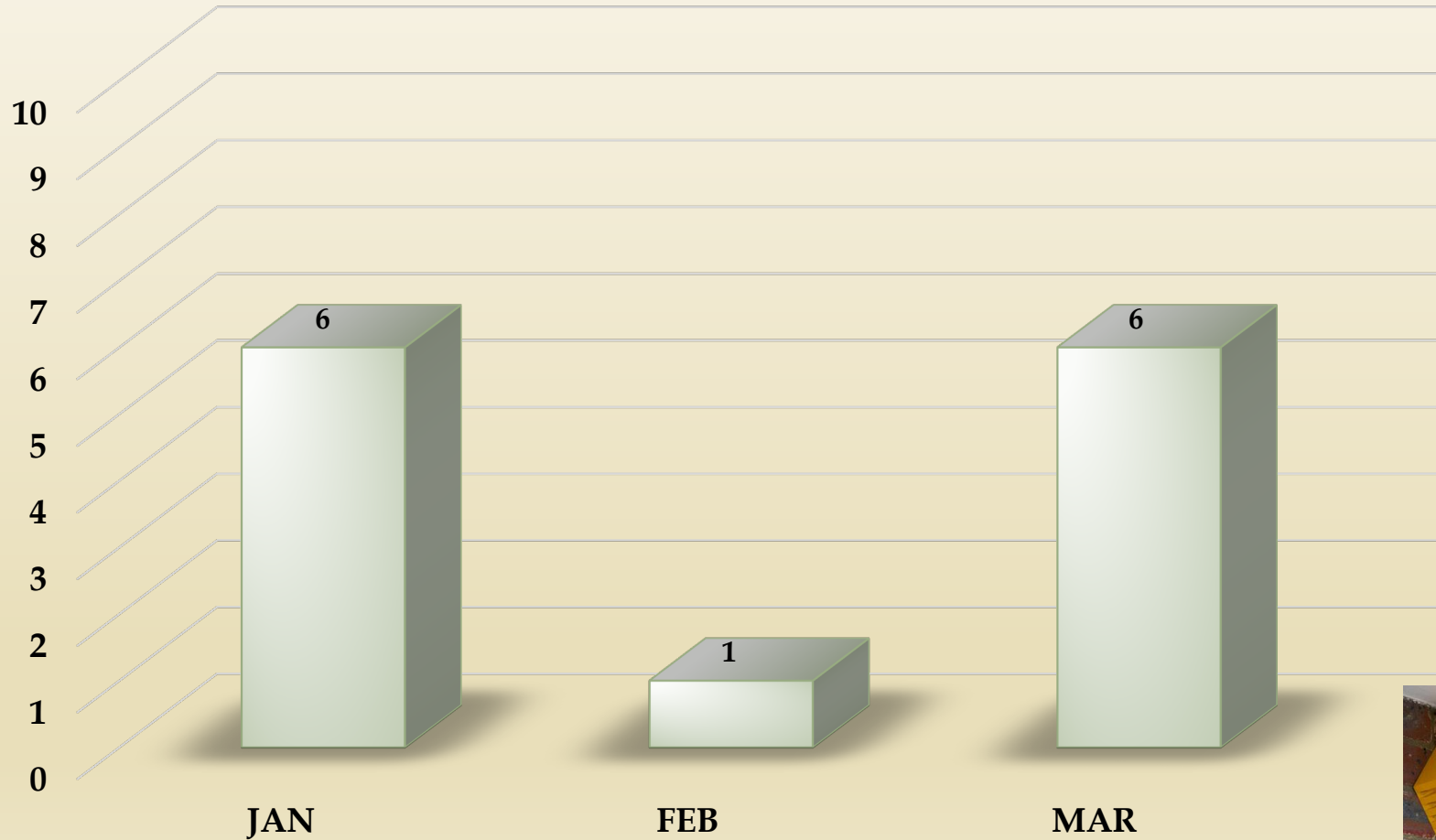


| | 2021 | 2020 | 2019 | 2018 | 2017 |
|----------------------------|----------|----------|----------|----------|----------|
| Forgery | 1 | 0 | 1 | 0 | 0 |
| Fraud/ID Theft | 1 | 5 | 0 | 1 | 1 |
| Sex Offense, Felony | 0 | 0 | 0 | 0 | 0 |
| Sex Offense, Misdemeanor | 0 | 0 | 0 | 0 | 0 |
| Non-Aggravated Assault | 1 | 0 | 1 | 0 | 1 |
| Weapon Laws | 0 | 0 | 0 | 0 | 0 |
| Offenses Against Family | 0 | 0 | 0 | 0 | 0 |
| Liquor Laws | 0 | 0 | 0 | 0 | 0 |
| Drunk-Alcohol/Drugs | 0 | 0 | 0 | 0 | 0 |
| Disorderly Conduct | 0 | 0 | 0 | 0 | 0 |
| Vagrancy | 0 | 0 | 0 | 0 | 0 |
| Gambling | 0 | 0 | 0 | 0 | 0 |
| Drunk Driving-Vehicle/Boat | 0 | 0 | 0 | 0 | 0 |
| Vandalism (Non-graffiti) | 0 | 0 | 0 | 0 | 1 |
| Vandalism (Graffiti) | 0 | 0 | 0 | 0 | 0 |
| Receiving Stolen Property | 0 | 0 | 0 | 0 | 0 |
| Federal Offenses w/o money | 0 | 0 | 0 | 0 | 0 |
| Federal Offenses w/ money | 0 | 0 | 0 | 0 | 0 |
| Felonies, Misc | 0 | 0 | 0 | 0 | 0 |
| Misdemeanors, Misc | 0 | 0 | 0 | 0 | 0 |
| TOTAL CRIME | 3 | 5 | 2 | 1 | 3 |
| ARRESTS | | | | | |
| Part I | 0 | 1 | 2 | 0 | 1 |
| Part II | 0 | 0 | 1 | 0 | 1 |
| TOTAL ARRESTS | 0 | 1 | 3 | 0 | 2 |
| | | | | | |
| Burglaries | 0 | 1 | 1 | 0 | 0 |
| GTA's | 0 | 0 | 0 | 0 | 0 |
| Narco | 0 | 0 | 1 | 0 | 0 |



ROLLING HILLS

False Alarms

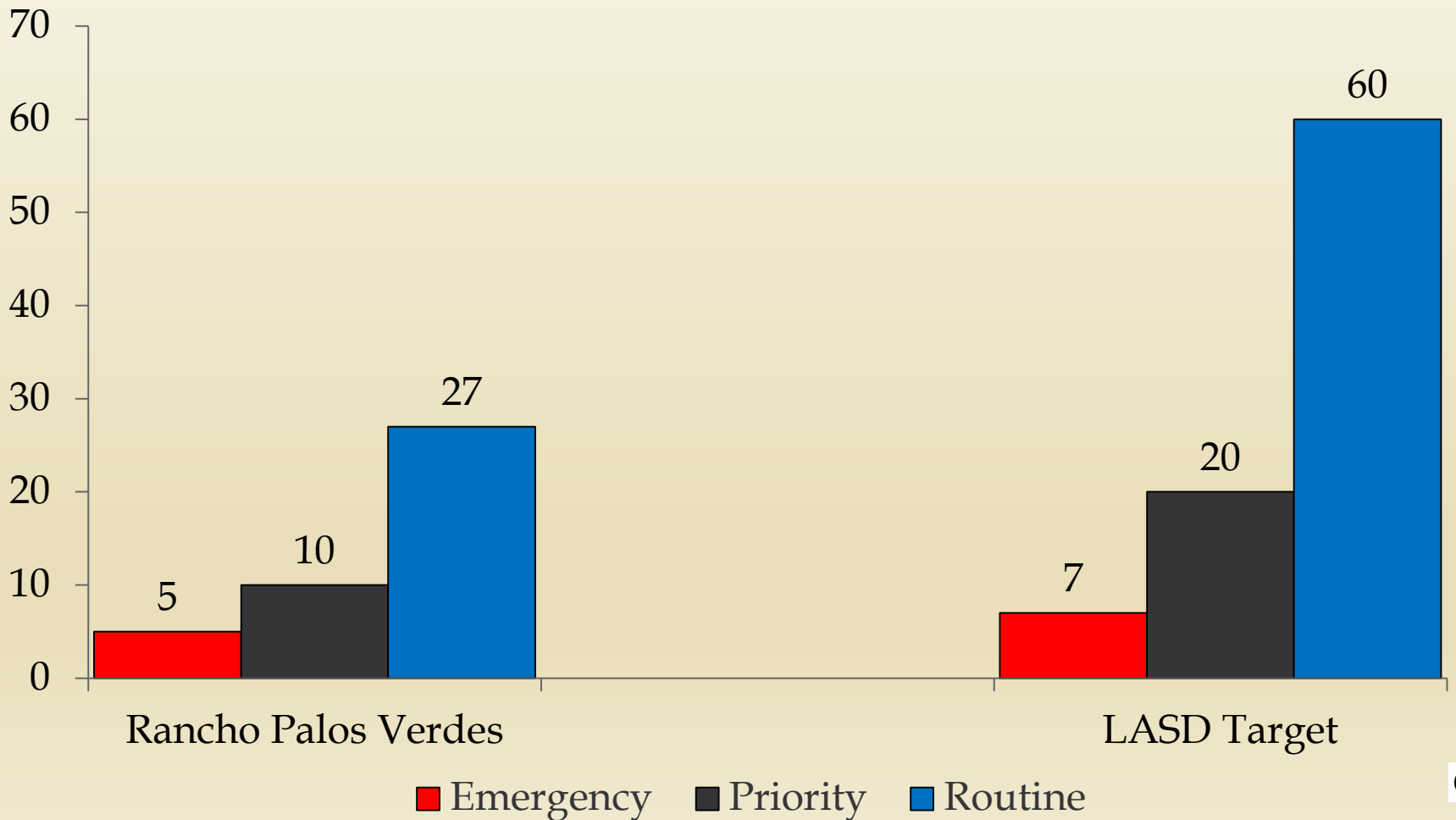


RESPONSE TIMES



Rancho Palos Verdes

1ST Quarter Average Response Times



RANCHO PALOS VERDES EMERGENT CALL RESPONSE

1st Quarter 2021 Page 1

| DATE | LOCATION | TYPE OF CALL | ENTRY | ENROUTE | ARRIVAL | RESP TIME MIN | TAG |
|-------|----------------------|--------------------|-------|---------|---------|---------------|-----|
| 01/01 | COLT RD | TRAFFIC ACCIDENT | 1443 | 1444 | 1448 | 5 | 52 |
| 01/01 | WESTERN AV | TRASH FIRE | 1711 | 1712 | 1713 | 2 | 60 |
| 01/02 | SUMMERLAND/WESTERN | TRAFFIC ACCIDENT | 1537 | 1540 | 1542 | 5 | 60 |
| 01/03 | PV DR W/VIA LORADO | TRAFFIC ACCIDENT | 1654 | 1655 | 1657 | 3 | 53 |
| 01/04 | HAWTHORNE BL/PV DR W | VERBAL DISTURBANCE | 1848 | 1850 | 1853 | 5 | 74 |
| 01/05 | PV DR EAST | POSS BURG TO RESD | 0449 | 0449 | 0451 | 2 | 5 |
| 01/06 | WESTERN AV | MEDICAL RESCUE | 1114 | 1115 | 1116 | 2 | 24 |
| 01/07 | GRAYSLAKE RD | MEDICAL RESCUE | 0401 | 0402 | 0406 | 5 | 6 |
| 01/07 | VALLEY VIEW RD | MEDICAL RESCUE | 1037 | 1039 | 1039 | 2 | 29 |
| 01/07 | SEAGATE DR | FIRE ALARM | 2324 | 2343 | 2349 | 1 | 99 |
| 01/08 | ELLA RD | MEDICAL RESCUE | 0207 | 0208 | 0214 | 7 | 7 |
| 01/09 | WESTERN AV | SUSPICIOUS PERSON | 1309 | 1309 | 1309 | 0 | 31 |
| 01/12 | HAWTHORNE BL/PV DR W | PERSON DOWN | 1629 | 1632 | 1639 | 7 | 54 |
| 01/14 | HEADLAND DR | FIRE | 1048 | 1049 | 1051 | 3 | 22 |
| 01/15 | PENINSULA VERDE DR | MEDICAL RESCUE | 0027 | 0028 | 0030 | 3 | 1 |
| 01/15 | DIAMONTE LN/PV DR E | TRAFFIC ACCIDENT | 1717 | 1718 | 1720 | 3 | 76 |
| 01/15 | TRUDIE DR | MEDICAL RESCUE | 1809 | 1811 | 1814 | 5 | 79 |
| 01/15 | SPRINGCREEK RD | FAMILY DISTURBANCE | 1940 | 1942 | 0943 | 3 | 87 |
| 01/18 | ENROSE AV | POSS BURG TO RESD | 0054 | 0054 | 0056 | 2 | 8 |
| 01/18 | CORAL RIDGE RD | POSS BURG TO RESD | 1353 | 1355 | 1356 | 3 | 55 |
| 01/19 | VIA RIVERA | MEDICAL RESCUE | 0002 | 0004 | 0009 | 7 | 1 |
| 01/19 | PV DR EAST | TREE FIRE | 1649 | 1651 | 1652 | 3 | 84 |
| 01/20 | NARCISSA DR/PV DR S | TRAFFIC ACCIDENT | 0128 | 0128 | 0137 | 9 | 1 |
| 01/22 | CORAL RIDGE RD | MEDICAL RESCUE | 0839 | 0843 | 0843 | 4 | 25 |
| 01/24 | RAVENSPUR DR | FAMILY DISTURBANCE | 0430 | 0432 | 0432 | 2 | 9 |
| 01/25 | SEACLIFF DR | BURG TO RESD | 1945 | 1945 | 1949 | 4 | 80 |
| 01/26 | VIA DEL MAR | MEDICAL RESCUE | 1757 | 1758 | 1800 | 3 | 65 |
| 01/26 | VISTA MESA DR | PANIC ALARM | 2310 | 2311 | 2315 | 5 | 91 |

RANCHO PALOS VERDES EMERGENT CALL RESPONSE

1st Quarter 2021 Page 2

| DATE | LOCATION | TYPE OF CALL | ENTRY | ENROUTE | ARRIVAL | RESP TIME MIN | TAG |
|-------|-------------------------|---------------------------|-------|---------|---------|---------------|-----|
| 01/27 | AVENIDA APRENDA | MEDICAL RESCUE | 0846 | 0846 | 0849 | 3 | 22 |
| 01/27 | WESTERN AV | MEDICAL RESCUE | 1512 | 1512 | 1517 | 5 | 48 |
| 01/28 | BERNICE DR | MEDICAL RESCUE | 1524 | 1529 | 1529 | 5 | 61 |
| 01/28 | GOLDEN MEADOW DR | VEHICLE FIRE | 2008 | 2008 | 2008 | 0 | 72 |
| 01/30 | CREST RD | MEDICAL RESCUE | 1457 | 1458 | 0506 | 9 | 43 |
| 01/30 | WARRIOR DR | MEDICAL RESCUE | 1823 | 1824 | 1826 | 3 | 64 |
| 02/02 | NORTHBAY RD | MEDICAL RESCUE | 1300 | 1301 | 1306 | 6 | 56 |
| 02/03 | VIA LA CRESTA | MEDICAL RESCUE | 0830 | 0831 | 0834 | 4 | 28 |
| 02/03 | CROWNVIEW DR | POSS BURG TO RESD | 1044 | 1045 | 1049 | 5 | 38 |
| 02/03 | SWEETBAY RD | MEDICAL RESCUE | 1910 | 1916 | 1916 | 6 | 81 |
| 02/03 | PASEO DE LAZ LUZ | DOMESTIC DISTURBANCE | 2151 | 2153 | 2157 | 6 | 103 |
| 02/04 | WESTERN AV | POSS BURG TO VEH | 0121 | 0122 | 0123 | 2 | 8 |
| 02/06 | RUE LANGLOIS | POSS BURG SUSPECT | 1126 | 1127 | 1130 | 4 | 35 |
| 02/08 | AVENIDA APRENDA/WESTERN | TRAFFIC ACCIDENT | 0649 | 0950 | 0650 | 1 | 9 |
| 02/08 | RAVENSPUR DR | MEDICAL RESCUE | 0658 | 0700 | 0704 | 6 | 10 |
| 02/10 | IRONWOOD ST | MISSING PERSON | 1702 | 1702 | 1712 | 2 | 91 |
| 02/10 | SANTA RENA DR | MEDICAL RESCUE | 1816 | 1817 | 1821 | 5 | 98 |
| 02/12 | LA ROTUNDA DR | MEDICAL RESCUE | 0748 | 0750 | 0751 | 3 | 31 |
| 02/12 | GANADO DR/PV DR E | TRAFFIC ACCIDENT | 2234 | 2234 | 2240 | 6 | 128 |
| 02/13 | BEACHVIEW DR | MEDICAL RESCUE | 0914 | 0936 | 0941 | 8 | 36 |
| 02/16 | SWEETBAY RD | FAMILY DISTURBANCE | 2050 | 2052 | 2052 | 2 | 93 |
| 02/16 | PV DR EAST | MEDICAL RESCUE | 2140 | 2142 | 2144 | 4 | 95 |
| 02/18 | TRUMP NATIONAL DR | CHK AREA/SUSPICIOUS CIRCS | 2044 | 2046 | 2049 | 5 | 83 |
| 02/23 | TOSCANINI DR | TRAFFIC ACCIDENT | 1212 | 1214 | 1218 | 6 | 47 |
| 02/23 | PV DR EAST | MEDICAL RESCUE | 1929 | 1930 | 1934 | 5 | 91 |
| 02/23 | CALZADA DR | MEDICAL RESCUE | 2203 | 2204 | 2207 | 4 | 105 |
| 02/27 | SUNNYSIDE RIDGE RD | MEDICAL RESCUE | 0517 | 0518 | 0521 | 4 | 12 |

RANCHO PALOS VERDES EMERGENT CALL RESPONSE

1st Quarter 2021 Page 3

| DATE | LOCATION | TYPE OF CALL | ENTRY | ENROUTE | ARRIVAL | RESP TIME MIN | TAG |
|-------|-------------------------|--------------------|-------|---------|---------|------------------|-----|
| 02/27 | AVENIDA ELEGANTE | MEDICAL RESCUE | 1820 | 1822 | 1826 | 6 | 93 |
| 02/27 | PV DR S/SEA COVE DR | TRAFFIC ACCIDENT | 1918 | 1920 | 1922 | 4 | 97 |
| 03/02 | CRENSHAW BL/VALLEY VIEW | TRAFFIC ACCIDENT | 0719 | 0723 | 0728 | 9 | 23 |
| 03/02 | ROCKINGHORSE RD | BURG TO RESD | 1846 | 1847 | 1851 | 5 | 88 |
| 03/02 | HAWTHORNE/VERDE RIDGE | TRAFFIC ACCIDENT | 1946 | 1947 | 1948 | 2 | 91 |
| 03/03 | LA ROTUNDA DR | MEDICAL RESCUE | 2158 | 2159 | 2205 | 7 | 111 |
| 03/04 | TOSCANINI DR | FAMILY DISTURBANCE | 1320 | 1326 | 1328 | 8 | 66 |
| 03/05 | CRENSHAW BL/CRESTRIDGE | MEDICAL RESCUE | 0220 | 0221 | 0225 | 5 | 5 |
| 03/05 | ENROSE AV | MEDICAL RESCUE | 1013 | 1014 | 1018 | 5 | 48 |
| 03/06 | LA VISTA VERDE | MEDICAL RESCUE | 1845 | 1846 | 1850 | 5 | 80 |
| 03/10 | HAWTHORNE BL | MEDICAL RESCUE | 0637 | 0638 | 0642 | 5 | 24 |
| 03/10 | HAWTHORNE/SAN NICOLAS | TRAFFIC ACCIDENT | 1546 | 1554 | 1554 | 8 | 112 |
| 03/10 | CREST RD | TRAFFIC ACCIDENT | 1708 | 1709 | 1715 | 7 | 117 |
| 03/12 | PV DR SOUTH | TRAFFIC ACCIDENT | 1434 | 1447 | 1455 | 13 | 74 |
| 03/18 | VISTA PACIFICA | FIRE | 0148 | 0151 | 0157 | 9 | 9 |
| 03/18 | MONERO DR | MEDICAL RESCUE | 1934 | 1935 | 1937 | 3 | 118 |
| 03/20 | TRUDIE DR | MEDICAL RESCUE | 0915 | 0915 | 0918 | 3 | 24 |
| 03/21 | BASSWOOD AV | MEDICAL RESCUE | 2301 | 2302 | 2306 | 5 | 109 |
| 03/22 | ELKRIDGE DR | MEDICAL RESCUE | 1152 | 1153 | 1155 | 3 | 66 |
| 03/22 | SEA BREEZE AV | BURG TO RESD | 1857 | 1902 | 1904 | 7 | 117 |
| 03/23 | HAWTHORNE BL/PV DR W | POSS BURG TO BUSN | 0425 | 0427 | 0431 | 6 | 9 |
| 03/23 | PV DR E/VIA EL MIRO | MEDICAL RESCUE | 0451 | 0452 | 0457 | 6 | 10 |
| 03/24 | REDONDELA DR | MEDICAL RESCUE | 1131 | 1133 | 1138 | 7 | 55 |
| 03/25 | CAYUSE LN | POSS BURG TO RESD | 2301 | 2306 | 2308 | 7 | 140 |
| 03/26 | PV DR EAST | POSS BURG TO RESD | 0027 | 0029 | 0033 | 6 | 2 |
| 03/26 | PV DR E/VIA FRASCATI | TRAFFIC ACCIDENT | 1135 | 1136 | 1141 | 6 | 49 |
| 03/26 | TARRASA DR | MEDICAL RESCUE | 2259 | 2301 | 2302 | 3 | 142 |

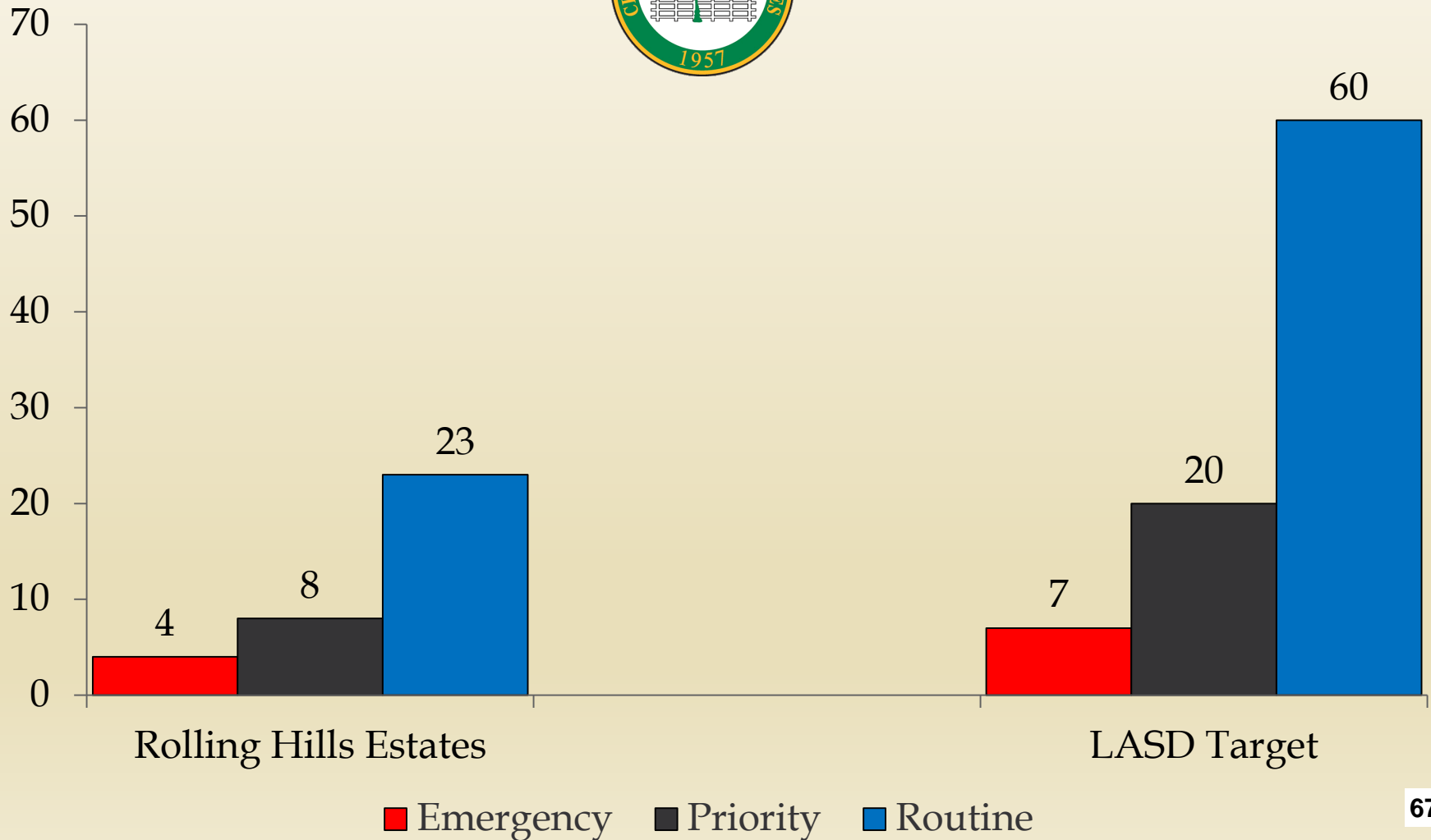
RANCHO PALOS VERDES EMERGENT CALL RESPONSE

1st Quarter 2021 Page 3

[illegible]

ROLLING HILLS ESTATES

1st Quarter Average Response Times



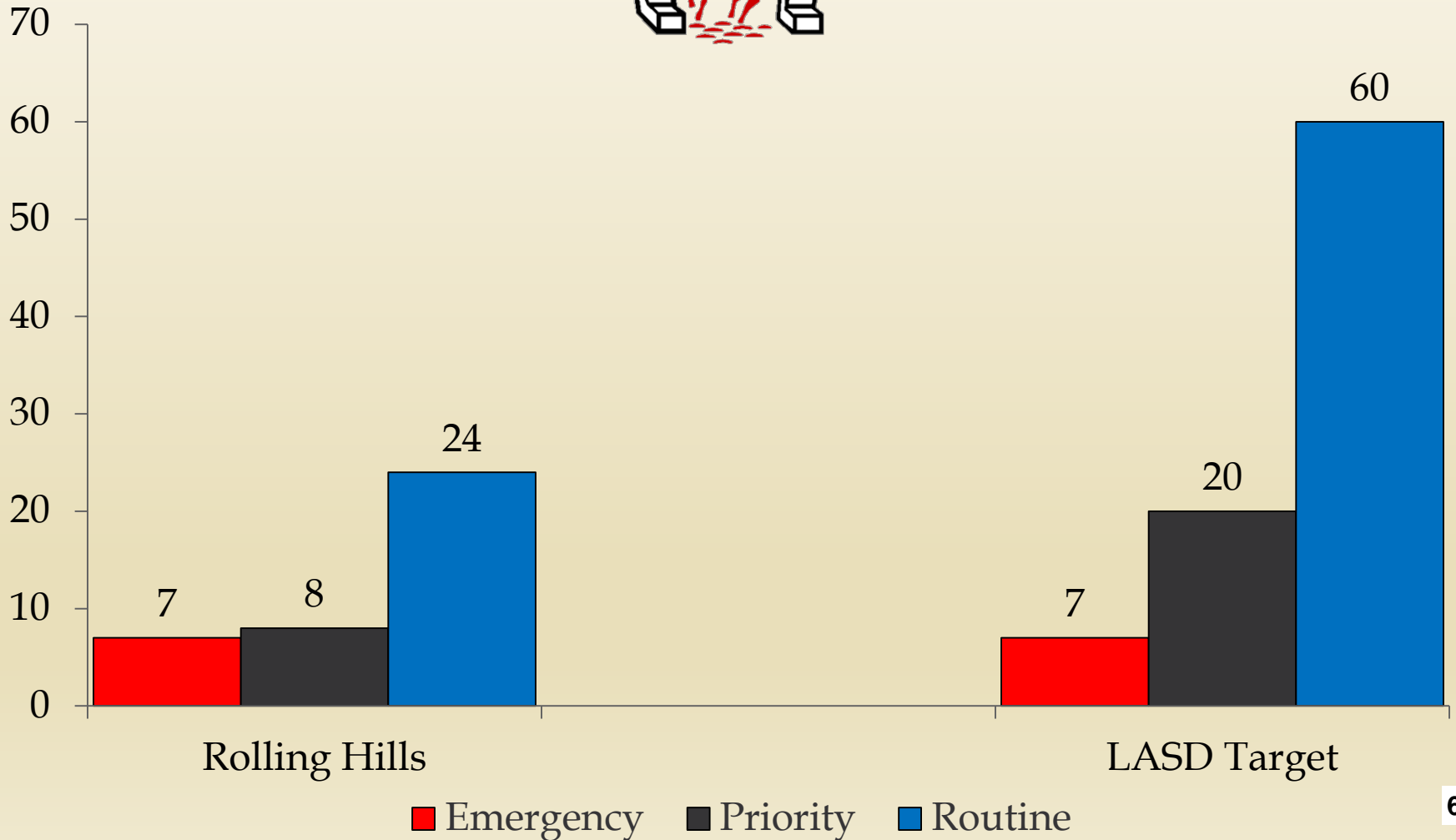
ROLLING HILLS ESTATES EMERGENT CALL RESPONSE

1st Quarter 2021

[illegible]

ROLLING HILLS

1st Quarter Average Response Times



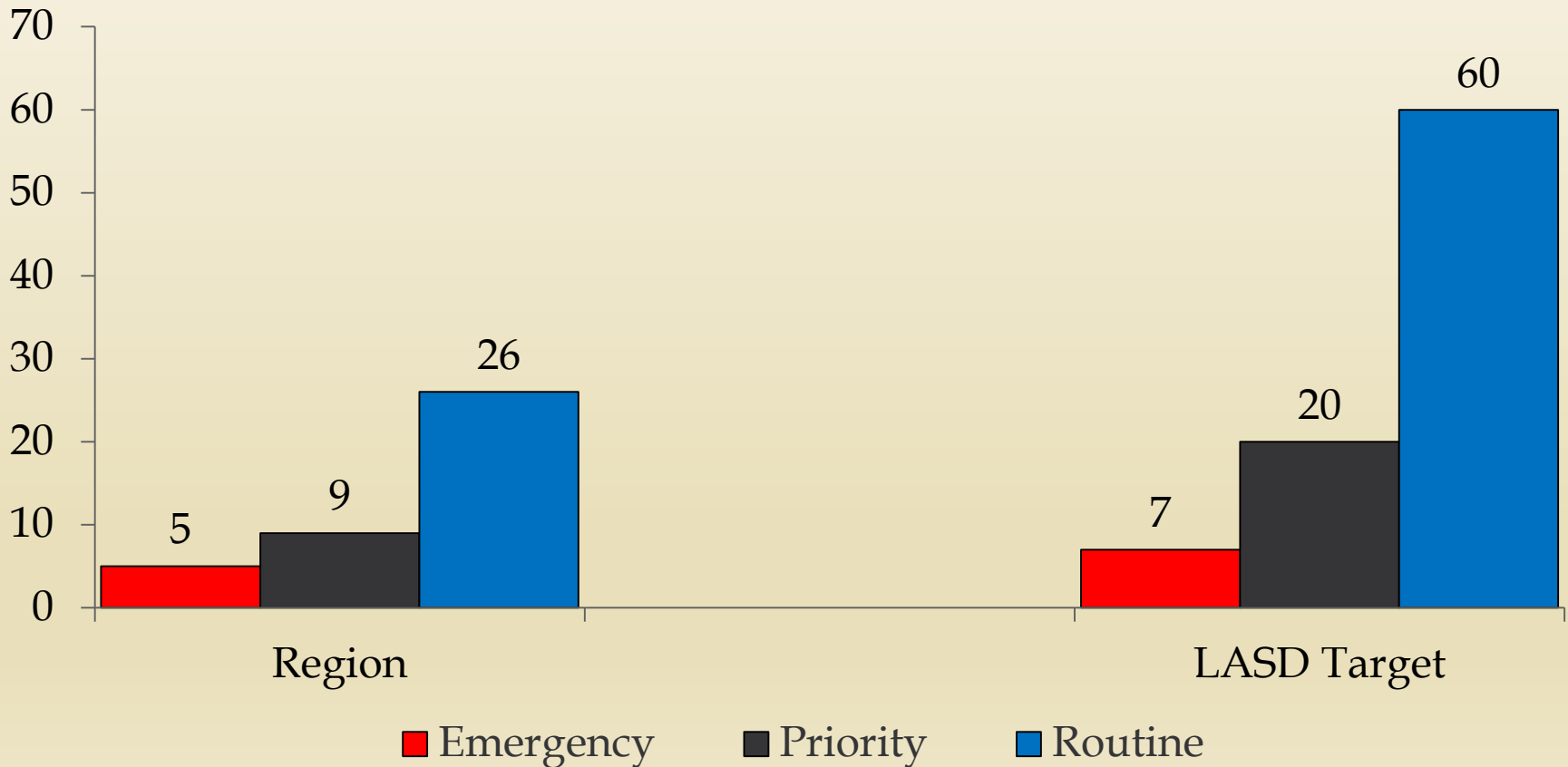
ROLLING HILLS EMERGENT CALL RESPONSE

1st Quarter 2021

| DATE | LOCATION | TYPE OF CALL | ENTRY | ENROUTE | ARRIVAL | RESP TIME MIN | TAG |
|-------|-----------------|-----------------|-------|---------|---------|------------------|-----|
| 02/07 | WILLIAMSBURG LN | WIRES DOWN/FIRE | 2225 | 2230 | 2230 | 5 | 87 |
| 03/04 | EASTFIELD DR | MEDICAL RESCUE | 1652 | 1656 | 1701 | 5 | 93 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

PENINSULA REGION

1st Quarter Average Response Times





SUPPLEMENTAL

LAW ENFORCEMENT

AGENDA ITEM 6C

MEETING DATE: 05/13/2021

Rancho Palos Verdes January 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|--------|-----------------------------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|----------------|
| 8,008 | ABBOTTSWOOD DR | 2021-01-20 | 20:29:06 | 20:29:47 | 20:38:07 | 00:00:00 | 20:59:34 | 21:09:09 | 21:57:54 | 00:09:01 | multiple calls |
| 733 | MOUNT SHASTA DR | 2021-01-02 | 16:58:47 | 16:59:30 | 17:08:02 | 00:00:00 | 17:20:25 | 17:31:43 | 18:03:48 | 00:09:15 | multiple calls |
| 2,434 | VIA CAMBRON | 2021-01-06 | 18:13:19 | 18:14:10 | 18:22:38 | 00:00:00 | 18:44:41 | 19:02:41 | 19:52:03 | 00:09:19 | distance |
| 3,907 | ELBERON ST | 2021-01-10 | 12:16:21 | 12:17:53 | 12:25:44 | 00:00:00 | 12:47:24 | 13:05:24 | 15:29:37 | 00:09:23 | multiple calls |
| 11963 | VIA EL MIRO | 2021-01-31 | 15:37:37 | 15:39:21 | 15:47:03 | 00:00:00 | 16:05:03 | 16:15:47 | 16:52:02 | 00:09:26 | multiple calls |
| 3,170 | BEACHVIEW DR | 2021-01-08 | 15:31:22 | 15:31:57 | 15:40:51 | 16:13:23 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:29 | distance |
| 6,361 | COLT RD | 2021-01-16 | 15:01:53 | 15:02:47 | 15:11:27 | 00:00:00 | 15:21:42 | 15:41:07 | 16:28:20 | 00:09:34 | distance |
| 3677 | TERRANEA WY | 2021-01-09 | 19:43:19 | 19:44:54 | 19:53:15 | 00:00:00 | 20:13:28 | 20:36:19 | 21:13:58 | 00:09:56 | distance |
| 1169 | ROCKINGHORSE RD | 2021-01-03 | 16:02:25 | 16:02:46 | 16:12:37 | 16:31:59 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:12 | multiple calls |
| 6,285 | NANTASKET DR | 2021-01-16 | 11:41:26 | 11:42:27 | 11:51:40 | 11:57:57 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:14 | distance |
| 2,943 | ELLA RD | 2021-01-08 | 02:03:41 | 02:04:38 | 02:14:14 | 00:00:00 | 02:35:11 | 02:44:41 | 03:14:08 | 00:10:33 | multiple calls |
| 7690 | BEAUVAIS RD | 2021-01-19 | 23:38:17 | 23:40:49 | 23:48:56 | 00:00:00 | 00:08:30 | 00:21:25 | 00:44:42 | 00:10:39 | distance |
| 2624 | W SUANA DRIVE | 2021-01-07 | 08:53:07 | 08:53:55 | 09:04:01 | 00:00:00 | 09:13:56 | 09:17:36 | 09:42:58 | 00:10:54 | distance |
| 11,461 | SEA COVE DR | 2021-01-30 | 08:50:49 | 08:53:30 | 09:01:45 | 00:00:00 | 09:24:10 | 09:41:39 | 10:28:12 | 00:10:56 | distance |
| 4,043 | VIA DEL CIELO | 2021-01-10 | 19:13:12 | 19:17:14 | 19:24:10 | 19:50:55 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:58 | distance |
| 9734 | S WESTERN AV | 2021-01-25 | 17:28:45 | 17:31:55 | 17:39:44 | 00:00:00 | 17:51:47 | 18:00:16 | 19:02:24 | 00:10:59 | multiple calls |
| 2,139 | RUE DE LA PIERRE | 2021-01-06 | 03:27:28 | 03:29:42 | 03:38:31 | 00:00:00 | 03:58:43 | 04:15:40 | 04:32:10 | 00:11:03 | distance |
| 7,051 | VIA LORADO | 2021-01-18 | 10:02:48 | 10:05:04 | 10:14:01 | 00:00:00 | 10:33:46 | 10:44:29 | 11:13:28 | 00:11:13 | distance |
| 1090 | HIGHMORE AV | 2021-01-03 | 12:57:53 | 12:59:15 | 13:09:06 | 00:00:00 | 13:22:05 | 13:26:55 | 14:12:30 | 00:11:13 | multiple calls |
| 11104 | MIRALESTE PLAZA | 2021-01-29 | 10:24:50 | 10:25:36 | 10:36:06 | 00:00:00 | 10:45:48 | 11:00:57 | 12:15:46 | 00:11:16 | multiple calls |
| 7325 | VIA RIVERA | 2021-01-19 | 00:05:53 | 00:08:24 | 00:17:12 | 00:00:00 | 00:31:10 | 00:43:34 | 01:10:23 | 00:11:19 | distance |
| 7475 | LIMETREE LN | 2021-01-19 | 12:30:33 | 12:32:27 | 12:41:55 | 00:00:00 | 12:53:21 | 13:11:44 | 13:35:16 | 00:11:22 | distance |
| 7,119 | PALOS VERDES DR W | 2021-01-18 | 12:40:07 | 12:41:36 | 12:51:30 | 13:27:12 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:23 | distance |
| 993 | W CRESTRIDGE RD | 2021-01-03 | 08:49:40 | 08:50:22 | 09:01:04 | 00:00:00 | 09:09:09 | 09:14:12 | 12:04:06 | 00:11:24 | multiple calls |
| 5,671 | PALOS VERDES DR S & BARKENTINE RD | 2021-01-14 | 20:43:52 | 20:45:08 | 20:55:35 | 00:00:00 | 21:17:29 | 21:17:44 | 21:40:41 | 00:11:43 | multiple calls |
| 11,462 | COVECREST DR | 2021-01-30 | 08:55:26 | 08:56:12 | 09:07:10 | 00:00:00 | 09:19:00 | 09:41:44 | 10:28:29 | 00:11:44 | multiple calls |
| 3419 | VIA BARON | 2021-01-09 | 07:42:10 | 07:43:53 | 07:54:01 | 00:00:00 | 08:12:41 | 08:28:10 | 08:57:49 | 00:11:51 | distance |
| 6828 | ADMIRABLE DR | 2021-01-17 | 18:39:51 | 18:40:40 | 18:51:42 | 19:04:12 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:51 | distance |
| 10,811 | BERNICE DR | 2021-01-28 | 15:25:53 | 15:26:31 | 15:37:44 | 15:43:29 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:51 | multiple calls |
| 5882 | MENDON DR | 2021-01-15 | 12:03:05 | 12:04:03 | 12:15:15 | 00:00:00 | 12:36:26 | 12:48:05 | 15:13:09 | 00:12:10 | multiple calls |
| 863 | CLIPPER RD | 2021-01-02 | 23:04:38 | 23:06:30 | 23:16:53 | 00:00:00 | 23:29:32 | 00:08:05 | 00:08:11 | 00:12:15 | distance |
| 7,967 | GOYA DR | 2021-01-20 | 18:02:56 | 18:04:07 | 18:15:18 | 18:28:04 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:22 | multiple calls |
| 9748 | PALOS VERDES DR S | 2021-01-25 | 18:20:43 | 18:23:07 | 18:33:06 | 00:00:00 | 18:49:25 | 18:57:47 | 19:44:55 | 00:12:23 | distance |
| 1,606 | WINDPORT DR | 2021-01-04 | 17:33:27 | 17:33:58 | 17:45:51 | 17:49:31 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:24 | multiple calls |
| 9803 | SEA RAVEN DR | 2021-01-25 | 21:46:01 | 21:48:00 | 21:58:39 | 00:00:00 | 22:13:45 | 22:35:56 | 00:03:53 | 00:12:38 | distance |
| 4,783 | HAWTHORNE BLVD & PALOS VERDESDR W | 2021-01-12 | 16:02:17 | 16:05:33 | 16:15:01 | 16:15:40 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:44 | multiple calls |
| 7673 | VISTA MESA DR | 2021-01-19 | 22:32:44 | 22:34:47 | 22:45:31 | 22:58:22 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:47 | distance |
| 7,741 | VIA RIVERA | 2021-01-20 | 05:55:28 | 05:58:39 | 06:08:17 | 06:18:47 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:49 | distance |
| 9010 | S WESTERN AV | 2021-01-23 | 18:46:09 | 18:46:58 | 18:59:06 | 00:00:00 | 19:11:28 | 19:24:12 | 20:03:12 | 00:12:57 | multiple calls |
| 10233 | SEAGATE DR | 2021-01-27 | 04:01:40 | 04:03:59 | 04:14:58 | 04:32:27 | 00:00:00 | 00:00:00 | 00:00:00 | 00:13:18 | distance |
| 3511 | TERRANEA WY | 2021-01-09 | 12:03:24 | 12:03:45 | 12:17:03 | 12:25:44 | 00:00:00 | 00:00:00 | 00:00:00 | 00:13:39 | multiple calls |

| | | | | | | | | | | | |
|--------|-----------------------------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|----------------|
| 10,908 | BERNICE DR | 2021-01-28 | 19:29:04 | 19:32:00 | 19:42:52 | 00:00:00 | 19:52:54 | 20:03:53 | 20:42:50 | 00:13:48 | multiple calls |
| 5853 | VIA CAMBRON | 2021-01-15 | 10:38:57 | 10:40:20 | 10:53:00 | 00:00:00 | 11:04:05 | 11:19:41 | 12:02:57 | 00:14:03 | multiple calls |
| 3,974 | PALO VISTA DR | 2021-01-10 | 15:21:38 | 15:21:50 | 15:35:47 | 00:00:00 | 15:48:47 | 16:02:49 | 16:28:20 | 00:14:09 | multiple calls |
| 21 | DIANORA DR | 2021-01-01 | 01:00:16 | 01:01:20 | 01:14:32 | 01:33:35 | 00:00:00 | 00:00:00 | 00:00:00 | 00:14:16 | distance |
| 1240 | OCEAN TERRACE DR | 2021-01-03 | 19:18:45 | 19:20:39 | 19:33:06 | 20:30:47 | 00:00:00 | 00:00:00 | 00:00:00 | 00:14:21 | multiple calls |
| 7,716 | PALOS VERDES DR S & NARCISSA DR | 2021-01-20 | 01:30:12 | 01:33:01 | 01:44:45 | 01:50:06 | 00:00:00 | 00:00:00 | 00:00:00 | 00:14:33 | distance |
| 991 | RUE DE LA PIERRE | 2021-01-03 | 08:45:43 | 08:50:31 | 09:00:21 | 00:00:00 | 09:16:17 | 09:29:28 | 09:49:43 | 00:14:38 | multiple calls |
| 2,164 | MIRALESTE DR | 2021-01-06 | 06:00:28 | 06:01:20 | 06:15:07 | 00:00:00 | 06:29:25 | 06:36:50 | 07:05:35 | 00:14:39 | multiple calls |
| 1831 | HIGHTIDE DR | 2021-01-05 | 09:49:35 | 09:51:11 | 10:04:16 | 00:00:00 | 10:10:19 | 10:31:56 | 11:10:44 | 00:14:41 | multiple calls |
| 11,568 | CREST RD | 2021-01-30 | 14:59:24 | 15:00:16 | 15:14:39 | 00:00:00 | 15:33:12 | 15:49:24 | 16:43:24 | 00:15:15 | multiple calls |
| 6751 | PALOS VERDES DR S & SCHOONER DR | 2021-01-17 | 15:11:05 | 15:11:45 | 15:26:26 | 00:00:00 | 15:54:47 | 16:34:42 | 16:50:32 | 00:15:21 | distance |
| 540 | CALLE AVENTURA & PALOS VERDESDR E | 2021-01-02 | 08:49:44 | 08:50:43 | 09:05:39 | 00:00:00 | 09:15:32 | 09:30:07 | 10:13:46 | 00:15:55 | multiple calls |
| 3,903 | VIA BORICA | 2021-01-10 | 11:46:59 | 11:48:58 | 12:03:01 | 00:00:00 | 12:27:15 | 12:44:44 | 14:58:13 | 00:16:02 | multiple calls |
| 6754 | NEWRIDGE DR | 2021-01-17 | 15:16:09 | 15:16:58 | 15:32:41 | 00:00:00 | 15:49:05 | 15:56:54 | 17:20:32 | 00:16:32 | multiple calls |
| 739 | GANADO DR | 2021-01-02 | 17:22:53 | 17:24:36 | 17:40:01 | 17:47:26 | 00:00:00 | 00:00:00 | 00:00:00 | 00:17:08 | multiple calls |
| 1,489 | OCEAN TRAILS DR | 2021-01-04 | 12:53:07 | 12:53:32 | 13:11:31 | 00:00:00 | 13:20:15 | 13:38:26 | 14:52:55 | 00:18:24 | multiple calls |
| 5098 | OCEAN GROVE DR | 2021-01-13 | 12:12:16 | 12:14:15 | 12:31:15 | 00:00:00 | 12:41:15 | 12:51:48 | 13:03:58 | 00:18:59 | multiple calls |
| 1809 | RUE LA FLEUR | 2021-01-05 | 08:54:13 | 08:54:37 | 09:14:09 | 00:00:00 | 09:21:29 | 09:35:58 | 10:26:59 | 00:19:56 | multiple calls |
| 6836 | DIAMONTE LN | 2021-01-17 | 18:57:27 | 18:58:10 | 19:17:46 | 00:00:00 | 19:21:17 | 19:40:25 | 20:35:37 | 00:20:19 | multiple calls |



Westmed/McCormick Ambulance

Rancho Palos Verdes

January 2021

| Date Period | 1-2 | 3-9 | 10-16 | 17-23 | 24-30 | 31 | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 10 | 43 | 34 | 36 | 46 | 7 | 176 |
| 9:00 to 14:59 | 3 | 16 | 9 | 12 | 9 | 1 | 50 |
| 15:00 + | 2 | 2 | 2 | 3 | 1 | 0 | 10 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 15 | 61 | 45 | 51 | 56 | 8 | 236 |
| Total On Time | 10 | 43 | 34 | 36 | 46 | 7 | 176 |
| Total Late | 5 | 18 | 11 | 15 | 10 | 1 | 60 |

Total Compliance: 74.6%

Rancho Palos Verdes February 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|--------|-----------------------------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|----------------|
| 13646 | W CHANDELEUR DR | 2021-02-05 | 05:36:49 | 05:40:25 | 05:45:56 | 00:00:00 | 06:01:16 | 06:10:23 | 06:30:40 | 00:09:07 | Distance |
| 12314 | GANADO DR | 2021-02-01 | 14:33:27 | 14:33:51 | 14:42:37 | 00:00:00 | 15:01:43 | 15:23:57 | 16:29:46 | 00:09:10 | Distance |
| 17,771 | S WESTERN AV | 2021-02-16 | 17:33:07 | 17:34:26 | 00:00:00 | 17:42:19 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:12 | Multiple Calls |
| 13779 | HAWKSMOOR DR | 2021-02-05 | 13:34:54 | 13:35:57 | 13:44:10 | 00:00:00 | 13:57:14 | 14:19:43 | 14:52:00 | 00:09:16 | Distance |
| 12,762 | HYTE RD | 2021-02-02 | 18:43:10 | 18:44:27 | 18:52:31 | 00:00:00 | 19:02:17 | 19:13:06 | 20:00:21 | 00:09:21 | Multiple Calls |
| 13133 | BEACHVIEW DR | 2021-02-03 | 17:47:16 | 17:48:53 | 17:56:40 | 00:00:00 | 18:15:14 | 18:34:15 | 18:59:25 | 00:09:24 | Multiple Calls |
| 15140 | SADDLE RD | 2021-02-09 | 06:29:19 | 06:31:15 | 06:38:54 | 00:00:00 | 06:54:07 | 07:09:20 | 07:24:02 | 00:09:35 | Distance |
| 15858 | NANTASKET DR | 2021-02-11 | 09:12:44 | 09:15:27 | 09:22:23 | 00:00:00 | 09:33:22 | 09:55:41 | 10:27:09 | 00:09:39 | Distance |
| 16517 | BEACHVIEW DR | 2021-02-13 | 08:59:15 | 09:03:13 | 09:08:54 | 00:00:00 | 09:49:05 | 10:04:34 | 11:21:09 | 00:09:39 | Distance |
| 21,123 | VIA CAMBRON | 2021-02-26 | 08:16:15 | 08:17:56 | 08:25:55 | 00:00:00 | 08:45:26 | 08:59:18 | 09:49:31 | 00:09:40 | Distance |
| 13157 | ROTHROCK DR | 2021-02-03 | 19:08:59 | 19:11:51 | 19:18:42 | 00:00:00 | 19:34:15 | 19:43:51 | 20:08:08 | 00:09:43 | Multiple Calls |
| 21,710 | PALOS VERDES DR S | 2021-02-27 | 19:25:37 | 19:27:59 | 00:00:00 | 19:35:22 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:45 | Distance |
| 13931 | MIRALESTE DR | 2021-02-05 | 20:59:21 | 21:01:10 | 21:09:09 | 00:00:00 | 21:18:54 | 21:31:31 | 21:59:20 | 00:09:48 | Distance |
| 14,051 | PALOS VERDES DR W & HAWTHORNEBLVD | 2021-02-06 | 06:18:24 | 06:21:30 | 06:28:31 | 06:36:54 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:07 | Distance |
| 17,468 | NANTASKET DR | 2021-02-15 | 19:19:50 | 19:22:01 | 19:29:58 | 00:00:00 | 19:51:13 | 20:08:13 | 21:25:03 | 00:10:08 | Distance |
| 21,434 | CAMINO PORVENIR | 2021-02-27 | 01:40:53 | 01:43:34 | 01:51:09 | 02:26:38 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:16 | Distance |
| 15989 | S WESTERN AV | 2021-02-11 | 16:31:14 | 16:32:47 | 16:41:34 | 00:00:00 | 16:59:28 | 17:06:33 | 18:56:31 | 00:10:20 | Multiple Calls |
| 17,944 | PALOS VERDES DR E | 2021-02-17 | 08:46:34 | 08:48:45 | 08:56:57 | 00:00:00 | 09:00:21 | 09:14:33 | 09:31:18 | 00:10:23 | Distance |
| 17,466 | WILDBRIAR DR | 2021-02-15 | 19:19:08 | 19:22:29 | 19:29:37 | 00:00:00 | 19:48:27 | 19:57:01 | 20:54:20 | 00:10:29 | Multiple Calls |
| 21,165 | S WESTERN AV | 2021-02-26 | 10:31:43 | 10:32:37 | 10:42:22 | 10:45:03 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:39 | Multiple Calls |
| 16040 | REDONDELA DR | 2021-02-11 | 18:49:40 | 18:50:01 | 19:00:33 | 00:00:00 | 19:09:57 | 19:23:53 | 21:00:10 | 00:10:53 | Multiple Calls |
| 14,330 | GUNTER RD | 2021-02-06 | 20:07:05 | 20:07:53 | 20:18:00 | 20:35:51 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:55 | Error |
| 13,350 | ADMIRABLE DR | 2021-02-04 | 11:16:33 | 11:17:37 | 11:27:35 | 00:00:00 | 11:40:00 | 11:55:53 | 12:57:44 | 00:11:02 | Distance |
| 13,491 | CRESTWOOD ST | 2021-02-04 | 17:46:07 | 17:46:39 | 17:57:10 | 00:00:00 | 18:12:06 | 18:16:06 | 19:01:28 | 00:11:03 | Multiple Calls |
| 15385 | LA VISTA VERDE DR | 2021-02-09 | 19:44:05 | 19:46:21 | 19:55:13 | 00:00:00 | 20:12:23 | 20:29:19 | 20:49:22 | 00:11:08 | Distance |
| 16017 | AVENIDA DE MAGNOLIA | 2021-02-11 | 17:57:24 | 17:58:25 | 18:08:40 | 00:00:00 | 18:39:05 | 18:51:38 | 20:17:05 | 00:11:16 | Distance |
| 17,740 | FORRESTAL DR | 2021-02-16 | 15:28:33 | 15:29:55 | 15:39:55 | 00:00:00 | 16:01:08 | 16:09:03 | 16:55:31 | 00:11:22 | Distance |
| 13158 | SWEETBAY RD | 2021-02-03 | 19:10:20 | 19:11:53 | 19:21:43 | 00:00:00 | 19:37:06 | 19:58:45 | 21:04:36 | 00:11:23 | Distance |
| 17,835 | PALOS VERDES DR E | 2021-02-16 | 21:40:02 | 21:43:01 | 21:51:31 | 00:00:00 | 22:20:43 | 22:31:02 | 23:12:44 | 00:11:29 | Multiple Calls |
| 14,022 | TERRANEA WY | 2021-02-06 | 02:44:52 | 02:47:15 | 02:56:35 | 00:00:00 | 03:38:42 | 03:55:04 | 04:24:54 | 00:11:43 | Distance |
| 18,159 | PALOS VERDES DR S & NARCISSA DR | 2021-02-17 | 20:06:21 | 20:07:50 | 20:18:08 | 20:18:32 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:47 | Distance |
| 21,136 | GENERAL ST | 2021-02-26 | 09:24:35 | 09:25:37 | 09:36:23 | 09:44:56 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:48 | Multiple Calls |
| 16745 | VIGILANCE DR | 2021-02-13 | 20:49:16 | 20:51:09 | 21:01:21 | 21:20:48 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:05 | Distance |
| 19,625 | LA ROTONDA DR | 2021-02-22 | 04:12:41 | 04:15:05 | 04:25:31 | 00:00:00 | 04:52:00 | 05:15:55 | 05:34:24 | 00:12:50 | Distance |
| 16,142 | SEAGLEN DR | 2021-02-12 | 04:35:55 | 04:37:56 | 04:49:04 | 00:00:00 | 04:58:56 | 05:16:43 | 05:49:08 | 00:13:09 | Distance |
| 16,800 | CADDINGTON DR | 2021-02-14 | 00:10:36 | 00:13:10 | 00:23:46 | 00:00:00 | 00:31:51 | 00:40:46 | 00:56:34 | 00:13:10 | Multiple Calls |
| 17,604 | PALOS VERDES DR S | 2021-02-16 | 07:58:16 | 08:01:40 | 08:11:53 | 00:00:00 | 08:39:13 | 09:02:46 | 09:34:25 | 00:13:37 | Distance |
| 16,172 | LA ROTONDA DR | 2021-02-12 | 07:49:38 | 07:52:25 | 08:03:33 | 08:14:49 | 00:00:00 | 00:00:00 | 00:00:00 | 00:13:55 | Distance |
| 17,233 | FRUIT TREE RD | 2021-02-15 | 06:55:45 | 07:04:15 | 07:09:41 | 00:00:00 | 07:27:40 | 07:44:33 | 08:08:34 | 00:13:56 | Multiple Calls |
| 18,349 | GRANDPOINT LN | 2021-02-18 | 11:35:59 | 11:38:30 | 11:50:14 | 12:00:47 | 00:00:00 | 00:00:00 | 00:00:00 | 00:14:15 | Multiple Calls |
| 18,910 | SEACLIFF DR | 2021-02-20 | 01:54:32 | 01:58:34 | 02:09:05 | 00:00:00 | 02:30:07 | 02:38:21 | 03:05:23 | 00:14:33 | Distance |
| 12154 | SEAGATE DR | 2021-02-01 | 04:18:57 | 04:21:35 | 04:34:07 | 00:00:00 | 04:55:03 | 05:12:18 | 05:30:31 | 00:15:10 | Distance |
| 12330 | DIANORA DR | 2021-02-01 | 15:30:04 | 15:31:23 | 15:46:06 | 15:53:37 | 00:00:00 | 00:00:00 | 00:00:00 | 00:16:02 | Multiple Calls |



Westmed/McCormick Ambulance

Rancho Palos Verdes

February 2021

| Date Period | 1-6 | 7-13 | 14-20 | 21-27 | 28 | | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 30 | 32 | 42 | 42 | 10 | | 156 |
| 9:00 to 14:59 | 13 | 10 | 12 | 6 | 0 | | 41 |
| 15:00 + | 2 | 0 | 0 | 0 | 0 | | 2 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 45 | 42 | 54 | 48 | 10 | 0 | 199 |
| Total On Time | 30 | 32 | 42 | 42 | 10 | 0 | 156 |
| Total Late | 15 | 10 | 12 | 6 | 0 | 0 | 43 |

Total Compliance: 78.4%

Rancho Palos Verdes March 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|--------|---------------------------------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|-------------------|
| 27,804 | CALLE AVENTURA | 2021-03-17 | 11:34:24 | 11:34:56 | 11:43:35 | 00:00:00 | 11:55:23 | 12:11:35 | 12:40:54 | 00:09:11 | Multiple Calls |
| 29812 | MOUNT ROSE RD | 2021-03-22 | 14:13:22 | 14:13:49 | 14:22:36 | 00:00:00 | 14:40:17 | 14:51:17 | 15:28:08 | 00:09:14 | Multiple Calls |
| 33,091 | AVENIDA FELICIANO | 2021-03-31 | 15:15:24 | 15:15:51 | 15:24:44 | 00:00:00 | 15:34:09 | 16:04:20 | 16:45:41 | 00:09:20 | Multiple Calls |
| 31,300 | GRANDPOINT LN | 2021-03-26 | 19:04:59 | 19:05:56 | 19:14:20 | 00:00:00 | 19:27:58 | 19:47:25 | 20:58:17 | 00:09:21 | Multiple Calls |
| 24,681 | ENROSE AV | 2021-03-08 | 08:22:20 | 08:23:35 | 08:31:51 | 00:00:00 | 08:47:55 | 08:52:10 | 09:09:25 | 00:09:31 | Multiple Calls |
| 24,163 | PALOS VERDES DR S & TRUMP NATIONAL DR | 2021-03-06 | 17:04:58 | 17:06:02 | 00:00:00 | 17:14:32 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:34 | Extended Distance |
| 32,220 | HAWTHORNE BLVD | 2021-03-29 | 09:26:22 | 09:26:58 | 09:36:05 | 00:00:00 | 09:48:00 | 09:58:58 | 10:25:14 | 00:09:43 | Multiple Calls |
| 31,986 | COASTSITE DR | 2021-03-28 | 16:46:57 | 16:47:41 | 16:56:42 | 00:00:00 | 17:24:26 | 17:41:31 | 18:14:31 | 00:09:45 | Extended Distance |
| 29745 | CAYUSE LN | 2021-03-22 | 11:18:26 | 11:18:57 | 11:28:13 | 00:00:00 | 11:39:45 | 11:54:46 | 12:39:56 | 00:09:47 | Extended Distance |
| 31,519 | S WESTERN AV | 2021-03-27 | 11:37:20 | 11:39:35 | 11:47:07 | 00:00:00 | 11:56:09 | 11:59:57 | 12:31:30 | 00:09:47 | Multiple Calls |
| 30,480 | REDONDELA DR | 2021-03-24 | 11:27:13 | 11:27:23 | 11:37:09 | 11:38:18 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:56 | Crew Error |
| 30,061 | PALOS VERDES DR E | 2021-03-23 | 08:47:48 | 08:49:11 | 08:57:45 | 09:11:29 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:57 | Extended Distance |
| 23,146 | LA ROTONDA DR | 2021-03-03 | 21:50:45 | 21:51:52 | 22:00:48 | 22:17:59 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:03 | Extended Distance |
| 27,239 | BERRY HILL DR | 2021-03-15 | 18:59:56 | 19:01:33 | 19:10:00 | 00:00:00 | 19:27:59 | 19:44:48 | 20:19:10 | 00:10:04 | Extended Distance |
| 32,823 | PALOS VERDES DR W & HAWTHORNEBLVD | 2021-03-30 | 20:55:27 | 20:56:55 | 21:05:34 | 00:00:00 | 21:15:41 | 21:29:18 | 22:31:21 | 00:10:07 | Extended Distance |
| 27,311 | SANTA RENA DR | 2021-03-16 | 00:59:21 | 00:59:59 | 01:09:32 | 00:00:00 | 01:19:19 | 01:25:54 | 01:40:30 | 00:10:11 | Multiple Calls |
| 23,791 | SEAGLEN DR | 2021-03-05 | 16:49:57 | 16:50:46 | 17:00:13 | 00:00:00 | 17:22:35 | 17:36:29 | 18:03:49 | 00:10:16 | Extended Distance |
| 25,524 | CREST RD & PALOS VERDES DR E | 2021-03-10 | 17:10:21 | 17:11:15 | 17:20:37 | 00:00:00 | 17:30:59 | 17:42:03 | 18:18:48 | 00:10:16 | Extended Distance |
| 32,876 | VIA CAMBRON | 2021-03-31 | 00:27:08 | 00:29:02 | 00:37:34 | 00:00:00 | 00:51:41 | 01:06:33 | 01:20:33 | 00:10:26 | Extended Distance |
| 22,699 | S WESTERN AV | 2021-03-02 | 15:51:04 | 15:51:50 | 00:00:00 | 16:01:30 | 00:00:00 | 00:00:00 | 00:00:00 | 00:10:26 | Extended Distance |
| 33,250 | CALZADA DR | 2021-03-31 | 22:38:25 | 22:39:46 | 22:48:51 | 00:00:00 | 23:03:03 | 23:08:56 | 23:32:56 | 00:10:26 | Multiple Calls |
| 32,431 | HOMEWORTH DR | 2021-03-29 | 19:23:35 | 19:24:21 | 19:34:06 | 00:00:00 | 19:43:46 | 20:08:19 | 20:48:34 | 00:10:31 | Multiple Calls |
| 30,137 | CALLE QUIETA | 2021-03-23 | 12:08:35 | 12:08:54 | 12:19:15 | 00:00:00 | 12:31:51 | 12:43:08 | 13:19:32 | 00:10:40 | Multiple Calls |
| 31,437 | VIA CAMBRON | 2021-03-27 | 06:16:38 | 06:19:21 | 06:27:23 | 00:00:00 | 06:41:06 | 07:05:54 | 07:16:34 | 00:10:45 | Extended Distance |
| 24,580 | TARAPACA RD | 2021-03-07 | 21:45:22 | 21:47:22 | 21:56:15 | 00:00:00 | 22:07:02 | 22:13:08 | 23:06:55 | 00:10:53 | Extended Distance |
| 31,223 | MENOMINEE PL | 2021-03-26 | 15:18:29 | 15:19:06 | 00:00:00 | 15:29:41 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:12 | Multiple Calls |
| 32,593 | REDONDELA DR | 2021-03-30 | 09:05:23 | 09:06:39 | 09:16:38 | 00:00:00 | 09:24:52 | 09:32:51 | 10:02:05 | 00:11:15 | Multiple Calls |
| 26,472 | VISTA MADERA | 2021-03-13 | 13:33:28 | 13:34:35 | 13:44:44 | 00:00:00 | 13:53:17 | 14:07:27 | 14:39:15 | 00:11:16 | Multiple Calls |
| 26,359 | VIA CAMBRON | 2021-03-13 | 06:19:50 | 06:22:27 | 06:31:12 | 00:00:00 | 06:43:25 | 06:57:17 | 07:14:57 | 00:11:22 | Extended Distance |
| 27,984 | BARKENTINE RD & ARROWROOT LN | 2021-03-17 | 19:06:47 | 19:08:47 | 19:18:09 | 00:00:00 | 19:27:45 | 19:43:43 | 20:15:40 | 00:11:22 | Extended Distance |
| 26,366 | DAUNTLESS DR | 2021-03-13 | 07:11:32 | 07:12:15 | 07:22:59 | 07:26:22 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:27 | Extended Distance |
| 28,569 | NARCISSA DR | 2021-03-19 | 10:38:12 | 10:39:13 | 10:49:40 | 11:09:48 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:28 | Extended Distance |
| 29,266 | VIA VELARDO | 2021-03-21 | 05:04:45 | 05:07:12 | 05:16:15 | 05:21:40 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:30 | Extended Distance |
| 25,900 | COASTSITE DR | 2021-03-11 | 19:27:46 | 19:29:32 | 19:39:20 | 00:00:00 | 20:02:45 | 20:23:18 | 20:54:34 | 00:11:34 | Extended Distance |
| 28,207 | OCEAN TRAILS DR | 2021-03-18 | 11:16:12 | 11:17:32 | 11:27:46 | 11:48:21 | 00:00:00 | 00:00:00 | 00:00:00 | 00:11:34 | Extended Distance |
| 32,199 | PALOS VERDES DR E | 2021-03-29 | 08:41:24 | 08:42:41 | 08:53:10 | 00:00:00 | 09:08:13 | 09:22:35 | 10:10:55 | 00:11:46 | Extended Distance |
| 29875 | S WESTERN AV | 2021-03-22 | 17:35:51 | 17:38:27 | 17:47:51 | 00:00:00 | 18:01:31 | 18:01:43 | 19:11:16 | 00:12:00 | Multiple Calls |
| 24,438 | CINNAMON LN | 2021-03-07 | 12:41:27 | 12:42:30 | 12:53:37 | 00:00:00 | 13:21:09 | 13:34:13 | 13:55:07 | 00:12:10 | Extended Distance |
| 31,274 | PASEO DE LA LUZ | 2021-03-26 | 17:50:06 | 17:52:17 | 18:02:21 | 00:00:00 | 18:14:47 | 18:31:17 | 19:44:50 | 00:12:15 | Extended Distance |
| 23,422 | PALOS VERDES DR S | 2021-03-04 | 16:15:18 | 16:17:38 | 16:27:39 | 16:33:30 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:21 | Extended Distance |
| 32,169 | PALOS VERDES DR E | 2021-03-29 | 06:00:06 | 06:01:55 | 06:12:30 | 00:00:00 | 06:29:26 | 06:42:47 | 07:11:15 | 00:12:24 | Extended Distance |
| 26,086 | S WESTERN AV | 2021-03-12 | 10:38:23 | 10:39:16 | 10:51:01 | 10:54:05 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:38 | Multiple Calls |
| 29635 | VIA BARON | 2021-03-22 | 03:27:33 | 03:30:03 | 03:40:16 | 00:00:00 | 04:01:08 | 04:14:04 | 04:29:22 | 00:12:43 | Extended Distance |
| 22,186 | NARCISSA DR | 2021-03-01 | 07:52:07 | 07:54:00 | 08:04:51 | 00:00:00 | 08:16:57 | 08:31:49 | 09:08:05 | 00:12:44 | Extended Distance |

| | | | | | | | | | | | |
|--------|-------------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|-------------------|
| 27,804 | CALLE AVENTURA | 2021-03-17 | 11:34:24 | 11:34:56 | 11:43:35 | 00:00:00 | 11:55:23 | 12:11:35 | 12:40:54 | 00:09:11 | Multiple Calls |
| 22,262 | SADDLE RD | 2021-03-01 | 12:19:36 | 12:21:07 | 12:32:22 | 00:00:00 | 12:46:07 | 13:06:12 | 13:38:41 | 00:12:46 | Extended Distance |
| 28,307 | AVENIDA APRENDA | 2021-03-18 | 15:31:24 | 15:31:54 | 15:44:11 | 15:44:53 | 00:00:00 | 00:00:00 | 00:00:00 | 00:12:47 | Multiple Calls |
| 31,402 | DIAMONTE LN | 2021-03-27 | 02:01:31 | 02:04:49 | 02:14:22 | 00:00:00 | 02:27:52 | 02:43:12 | 03:05:20 | 00:12:51 | Extended Distance |
| 31,802 | PALOS VERDES DR E | 2021-03-28 | 05:55:16 | 05:58:03 | 06:08:27 | 00:00:00 | 06:25:11 | 06:33:33 | 06:58:05 | 00:13:11 | Extended Distance |
| 29966 | S WESTERN AV | 2021-03-22 | 23:08:12 | 23:10:25 | 23:21:35 | 00:00:00 | 23:39:11 | 23:40:40 | 00:03:44 | 00:13:23 | Multiple Calls |
| 28,092 | VISTA PACIFICA | 2021-03-18 | 01:57:07 | 01:59:32 | 02:10:41 | 03:22:29 | 00:00:00 | 00:00:00 | 00:00:00 | 00:13:34 | Extended Distance |
| 24,407 | CALLE AVENTURA | 2021-03-07 | 11:04:37 | 11:05:29 | 11:19:34 | 00:00:00 | 11:36:38 | 11:50:14 | 12:15:22 | 00:14:57 | Extended Distance |
| 30,525 | SEA RAVEN DR | 2021-03-24 | 13:26:13 | 13:27:06 | 13:41:12 | 00:00:00 | 14:04:47 | 14:26:39 | 15:35:44 | 00:14:59 | Extended Distance |
| 27,914 | VIA RIVERA | 2021-03-17 | 15:45:47 | 15:46:44 | 16:01:28 | 00:00:00 | 16:19:34 | 16:40:15 | 17:39:04 | 00:15:41 | Multiple Calls |
| 24,188 | LA VISTA VERDE DR | 2021-03-06 | 18:44:54 | 18:46:32 | 19:02:04 | 19:29:53 | 00:00:00 | 00:00:00 | 00:00:00 | 00:17:10 | Extended Distance |



Westmed/McCormick Ambulance

Rancho Palos Verdes

March 2021

| Date Period | 1-6 | 7-13 | 14-20 | 21-27 | 28-31 | | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 35 | 35 | 29 | 48 | 26 | | 173 |
| 9:00 to 14:59 | 7 | 10 | 8 | 16 | 11 | | 52 |
| 15:00 + | 1 | 0 | 1 | 0 | 0 | | 2 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 43 | 45 | 38 | 64 | 37 | 0 | 227 |
| Total On Time | 35 | 35 | 29 | 48 | 26 | 0 | 173 |
| Total Late | 8 | 10 | 9 | 16 | 11 | 0 | 54 |

Total Compliance: 76.2%

Rolling Hills Estates January 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|-------|--------------------------------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|----------------|
| 6774 | PALOS VERDES DR N & BRANDING IRON LN | 2021-01-17 | 16:04:07 | 16:04:49 | 16:13:31 | 16:19:22 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:24 | Multiple Calls |
| 3626 | PLEASANT HILL DR | 2021-01-09 | 17:46:36 | 17:47:02 | 17:56:25 | 00:00:00 | 18:12:06 | 18:17:43 | 18:51:51 | 00:09:49 | Multiple Calls |
| 3,134 | WILLOW WOOD RD | 2021-01-08 | 14:00:56 | 14:04:15 | 14:11:12 | 00:00:00 | 14:19:53 | 14:31:20 | 15:32:44 | 00:10:16 | Multiple Calls |
| 8,018 | HITCHING POST DR | 2021-01-20 | 20:52:02 | 20:52:55 | 21:02:21 | 00:00:00 | 21:19:10 | 21:28:24 | 22:47:57 | 00:10:19 | Multiple Calls |
| 4,829 | ROCKBLUFF DR | 2021-01-12 | 18:07:47 | 18:08:45 | 18:20:30 | 00:00:00 | 18:34:57 | 18:57:24 | 20:16:19 | 00:12:43 | Multiple Calls |



Westmed/McCormick Ambulance

Rolling Hills Estates

January 2021

| Date Period | 1-2 | 3-9 | 10-16 | 17-23 | 24-30 | 31 | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 1 | 8 | 7 | 13 | 11 | 1 | 41 |
| 9:00 to 14:59 | 0 | 2 | 1 | 2 | 0 | 0 | 5 |
| 15:00 + | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 1 | 10 | 8 | 15 | 11 | 1 | 46 |
| Total On Time | 1 | 8 | 7 | 13 | 11 | 1 | 41 |
| Total Late | 0 | 2 | 1 | 2 | 0 | 0 | 5 |

Total Compliance: 89.1%

Rolling Hills Estates February 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|--------|------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|----------------|
| 20,089 | GAUCHO DR | 2021-02-23 | 10:13:12 | 10:13:56 | 10:22:29 | 00:00:00 | 10:50:56 | 11:03:13 | 11:28:48 | 00:09:17 | Multiple Calls |



Westmed/McCormick Ambulance

Rolling Hills Estates

February 2021

| Date Period | 1-6 | 7-13 | 14-20 | 21-27 | 28 | | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 9 | 6 | 6 | 17 | 3 | | 41 |
| 9:00 to 14:59 | 0 | 0 | 0 | 1 | 0 | | 1 |
| 15:00 + | 0 | 0 | 0 | 0 | 0 | | 0 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 9 | 6 | 6 | 18 | 3 | 0 | 42 |
| Total On Time | 9 | 6 | 6 | 17 | 3 | 0 | 41 |
| Total Late | 0 | 0 | 0 | 1 | 0 | 0 | 1 |

Total Compliance: 97.6%

Rolling Hills Estates March 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|--------|-----------------------------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|-------|
| 32,667 | CRENSHAW BLVD & PALOS VERDES DR N | 2021-03-30 | 13:11:58 | 13:13:11 | 13:22:30 | 00:00:00 | 13:31:08 | 13:44:14 | 14:33:43 | 00:10:32 | Error |



Westmed/McCormick Ambulance

Rolling Hills Estates

March 2021

| Date Period | 1-6 | 7-13 | 14-20 | 21-27 | 28-31 | | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 13 | 11 | 5 | 15 | 7 | | 51 |
| 9:00 to 14:59 | 0 | 0 | 0 | 0 | 1 | | 1 |
| 15:00 + | 0 | 0 | 0 | 0 | 0 | | 0 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 13 | 11 | 5 | 15 | 8 | 0 | 52 |
| Total On Time | 13 | 11 | 5 | 15 | 7 | 0 | 51 |
| Total Late | 0 | 0 | 0 | 0 | 1 | 0 | 1 |

Total Compliance: 98.1%

Rolling Hills January 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|-------|------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|----------|
| 8919 | REATA LN | 2021-01-23 | 14:08:00 | 14:09:02 | 14:17:28 | 14:28:23 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:28 | Distance |



Westmed/McCormick Ambulance

Rolling Hills

January 2021

| Date Period | 1-2 | 3-9 | 10-16 | 17-23 | 24-30 | 31 | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 1 | 1 | 1 | 1 | 1 | 0 | 5 |
| 9:00 to 14:59 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| 15:00 + | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 1 | 1 | 1 | 2 | 1 | 0 | 6 |
| Total On Time | 1 | 1 | 1 | 1 | 1 | 0 | 5 |
| Total Late | 0 | 0 | 0 | 1 | 0 | 0 | 1 |

Total Compliance: 83.3%

Rolling Hills February 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|-------|------------|------|------------|---------|---------|--------|-----------|-------------|-----------|----------|-------|
|-------|------------|------|------------|---------|---------|--------|-----------|-------------|-----------|----------|-------|



Westmed/McCormick Ambulance

Rolling Hills

February 2021

| Date Period | 1-6 | 7-13 | 14-20 | 21-27 | 28 | | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 3 | 2 | 0 | 2 | 0 | | 7 |
| 9:00 to 14:59 | 0 | 0 | 0 | 0 | 0 | | 0 |
| 15:00 + | 0 | 0 | 0 | 0 | 0 | | 0 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 3 | 2 | 0 | 2 | 0 | 0 | 7 |
| Total On Time | 3 | 2 | 0 | 2 | 0 | 0 | 7 |
| Total Late | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Total Compliance: 100.0%

Rolling Hills March 2021

| Run # | PU Address | Date | Call Start | Enroute | AtScene | Cancel | Transport | Destination | Available | Response | Notes |
|--------|-------------------|------------|------------|----------|----------|----------|-----------|-------------|-----------|----------|-------------------|
| 23,442 | EASTFIELD DR | 2021-03-04 | 16:52:53 | 16:53:53 | 17:02:37 | 17:45:00 | 00:00:00 | 00:00:00 | 00:00:00 | 00:09:44 | Extended Distance |
| 23,746 | PALOS VERDES DR E | 2021-03-05 | 14:42:01 | 14:42:45 | 14:52:03 | 00:00:00 | 15:07:56 | 15:18:05 | 16:02:36 | 00:10:02 | Multiple Calls |
| 30,831 | EASTFIELD DR | 2021-03-25 | 12:57:35 | 12:59:43 | 13:08:30 | 00:00:00 | 13:18:23 | 13:36:40 | 14:22:44 | 00:10:55 | Extended Distance |
| 24,298 | POPPY TR | 2021-03-07 | 00:40:19 | 00:42:45 | 00:52:40 | 00:00:00 | 01:34:43 | 01:34:49 | 02:36:14 | 00:12:21 | Extended Distance |



Westmed/McCormick Ambulance

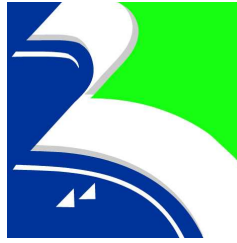
Rolling Hills

March 2021

| Date Period | 1-6 | 7-13 | 14-20 | 21-27 | 28-31 | | |
|-----------------|--------|--------|--------|--------|--------|--------|-------|
| Response Period | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Week 6 | Total |
| 0:00 to 8:59 | 2 | 3 | 1 | 1 | 3 | | 10 |
| 9:00 to 14:59 | 2 | 1 | 0 | 1 | 0 | | 4 |
| 15:00 + | 0 | 0 | 0 | 0 | 0 | | 0 |

| | Week 1 | Week2 | Week3 | Week4 | Week 5 | Week 6 | Total |
|-----------------|--------|-------|-------|-------|--------|--------|-------|
| Total Responses | 4 | 4 | 1 | 2 | 3 | 0 | 14 |
| Total On Time | 2 | 3 | 1 | 1 | 3 | 0 | 10 |
| Total Late | 2 | 1 | 0 | 1 | 0 | 0 | 4 |

Total Compliance: 71.4%



REGIONAL CONTRACT LAW
Agenda Item No. 7-A
Meeting Date: 5-13-21

MEMORANDUM

TO: REGIONAL CONTRACT LAW COMMITTEE
FROM: CITY MANAGERS
DATE: MAY 13, 2021
SUBJECT: INSTALLATION OF CITY SEAL DECALS ON SHERIFF VEHICLES
PREPARED BY: McKenzie Bright, Rancho Palos Verdes Administrative Analyst

RECOMMENDATIONS

- 1) Review potential options to consider installing joint city seals on Sheriff's vehicles and provide direction on the Committee's preferred option; and
- 2) Direct Staff to return at the August 12, 2021 RCLC meeting with design approval from the Sheriff's Department and an update on the installation process.

BACKGROUND AND DISCUSSION

Cities that contract with the Los Angeles Sheriff's Department have the option to install a decal of the city seal or logo on the rear passenger doors of many Sheriff's vehicles.

In 2017, under Sheriff McDonnell, the Department stepped away from having city logos alongside the Sheriff logo. However, Sheriff Villanueva indicated at the 33rd Annual Contract City Managers' Educational Seminar in March 2021 that he would like to see city decals on every Sheriff vehicle.

In order to enhance visibility of the Sheriff's deputies serving the cities of Rancho Palos Verdes, Rolling Hills, and Rolling Hills Estates, the RCLC may consider installing decals on contracted vehicles. The benefit of having these logos, is to have a visible indication that the Lomita Sheriff's Station is serving the three cities on the Peninsula.

REGIONAL CONTRACT LAW COMMITTEE
INSTALLATION OF CITY SEALS ON SHERIFF VEHICLES
MAY 13, 2021
7-A

However, as the Sheriff's Department uses mutual aid, every vehicle on patrol on the Peninsula may not belong to the Lomita Sheriff's Station. A vehicle with a Peninsula cities decal may be called to respond in other cities, or vehicles with other cities' logos may be called to assist on the Peninsula.

The image below illustrates a current example of an installed city logo.



The Sheriff's Department can install city decals on any of the patrol cars assigned to the Peninsula, at no cost to the cities.

Staff has prepared some options for combined-city decals. The first two options are of the three cities on the Peninsula only, the third includes the City of Lomita. If the Committee would like to move forward with the third option, Staff will work with the City of Lomita to assess their interest. Having a four-city logo may maximize the potential for having a vehicle with a logo responding to calls on the Peninsula.

Option 1: Clustered Peninsula Cities



Alternate text to consider: Proudly Serving Peninsula Cities

Option 2: Evenly Spaced Peninsula Cities



Option 3: Cities of the Lomita Station Service Area



Below illustrates a mockup of each of the options on a Sheriff's vehicle.

Option 1:



Option 2:



Option 3:



CONCLUSION

It is recommended that the RCLC review and provide direction on installing city seals on Sheriff vehicles. If the Committee would like to move forward with installing decals, Staff will receive approval for the chosen design from the Sheriff's Department and will return at the August 13, 2021 RCLC meeting with an update on the installation process.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 11.A

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MEREDITH ELGUIRA, PLANNING DIRECTOR

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: RECEIVE AND FILE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD'S RESPONSE TO THE CITY'S REQUEST TO REDUCE THE MONITORING FREQUENCY TO MEET THE MACHADO LAKE TRASH TMDL.

DATE: June 14, 2021

BACKGROUND:

On June 8, 2021, the City of Rolling Hills received a letter from the Los Angeles Regional Water Quality Control Board approving the City's request to revise its monitoring and reporting plan for Machado Lake Trash Total Maximum Daily Load (TMDL) and Santa Monica Bay Nearshore and Offshore Debris TMDL.

DISCUSSION:

On June 17, 2019, the City of Rolling Hills submitted a letter to the Water Quality Board requesting to reduce the frequency of Trash Monitoring and Reporting Plan (TMRP) within the TMDL areas down to once every five years and immediately after the first major storm event of the year. The City's TMRP submittals over the past 10 years have consistently shown zero trash discharge rate from the City. The Water Board agreed to lower the frequency of reporting down to once per year and after the first major storm event of the year.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[Rolling_Hills_Response_TMRP_FINAL.pdf](#)

Los Angeles Regional Water Quality Control Board

June 3, 2021

Elaine Jeng
City Manager
City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

APPROVAL OF REQUEST TO REVISE CITY OF ROLLING HILLS' MONITORING AND REPORTING PLAN FOR MACHADO LAKE TRASH TMDL AND SANTA MONICA BAY NEARSHORE AND OFFSHORE DEBRIS TMDL

Dear Elaine Jeng:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted the Machado Lake Trash Total Maximum Daily Load (TMDL) under Resolution No. R4-2007-006 on June 7, 2007. This TMDL was subsequently approved by the State Water Resources Control Board on December 4, 2007, the Office of Administrative Law on February 8, 2008, and the United States Environmental Protection Agency on February 27, 2008.

The Los Angeles Water Board adopted the Santa Monica Bay Nearshore and Offshore Debris TMDL under Resolution No. R10-2010-010 on November 4, 2010. This TMDL was then approved by the State Water Resources Control Board on December 6, 2011, the Office of Administrative Law on March 15, 2012, and the United States Environmental Protection Agency on March 20, 2012.

The City of Rolling Hills (City) has been implementing a Trash Monitoring and Reporting Plan (TMRP) required for compliance with the Machado Lake Trash TMDL and the Santa Monica Bay Nearshore and Offshore Debris TMDL. The TMRP for the Machado Lake Trash TMDL was submitted on August 29, 2008 and approved by the Executive Officer of the Los Angeles Water Board on December 9, 2008. A revised TMRP was submitted by the City on December 7, 2011 and approved by the Executive Officer on March 5, 2012. The revision reduced the frequency of monitoring events from quarterly and immediately following the first major storm event of the year, to twice a year and immediately following the first major storm event of the year beginning April 2012.

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

The Regional Board is in receipt of the City's letter dated June 17, 2019, requesting that the frequency of monitoring events be further reduced from twice a year and immediately following the first major storm event of the year to once every 5 years.

In the City's TMRP annual reports for both the Machado Lake Trash TMDL and the Santa Monica Bay Nearshore and Offshore Debris TMDL submitted over the past 10 years, the annual trash discharge rates were zero or close to zero since 2011, indicating that the City has reduced its trash generation by 100% or nearly 100% through its existing minimum frequency of collection and assessment/best management practice (MFAC/BMP) program.

Based on the information provided in the City's TMRP annual reports, the Los Angeles Water Board finds that reducing the frequency of monitoring in the Machado Lake and Santa Monica Bay watersheds is warranted. In order to ensure that trash does not accumulate in deleterious amounts between collection events, the City of Rolling Hills shall monitor once a year immediately following the first major storm of the year.

The Los Angeles Water Board appreciates the efforts put forth by the City to improve water quality and protect the beneficial uses of Machado Lake and Santa Monica Bay. However, continued regular annual monitoring is important and necessary to ensure that the effectiveness of the MFAC/BMP program is not compromised and that the low trash discharge condition remains unchanged over time.

If you have any questions, please contact Los Angeles Water Board staff Alexander Prescott at (213) 576-6804 or alexander.prescott@waterboards.ca.gov

Sincerely,

Renee Purdy
Executive Officer

cc: Meredith Elguira, Planning & Community Services Director, City of Rolling Hills
Kathleen McGowan, McGowan Consulting LLC



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 11.B

Mtg. Date: 06/14/2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MEREDITH ELGUIRA, PLANNING DIRECTOR

THRU: ELAINE JENG P.E., CITY MANAGER

SUBJECT: CALRECYCLE'S AB 939 2016-2019 JURISDICTION REVIEW UPDATE.

DATE: June 14, 2021

BACKGROUND:

On May 27, 2021, the City of Rolling Hills received notification that the City is meeting and implementing the requirements of AB 939. CalRecycle has finalized its 2016-2019 Jurisdiction Review and found that the City is in compliance with its Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HWWE) programs.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[2016-19 Jurisdiction Review Item G.5.pdf](#)



Department of
Resources Recycling and Recovery

Jared Blumenfeld
Secretary for
Environmental Protection
Rachel Machi Wagoner
CalRecycle Director

May 27, 2021

Dear Stakeholder:

We are writing to inform you that CalRecycle's 2016-2019 Jurisdiction Review has been finalized. CalRecycle has found that the Jurisdiction is meeting the requirements of AB 939 and is implementing its Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HWWE), Mandatory Commercial Recycling (MCR) and/or Mandatory Commercial Organics Recycling (MORE) programs. Note: If a Jurisdiction has received a rural exemption related to its MORE program, that program element was not considered as part of this review.

The Request for Approval with the review findings can be found at
<https://www2.calrecycle.ca.gov/PublicNotices/Details/4412>.

We commend the Jurisdiction for continuing to dedicate resources to meeting the requirements of AB 939. Your efforts are helping to conserve natural resources, strengthen the State's economy, and reduce greenhouse gas emissions. In addition, the Jurisdiction should be well-positioned to implement new requirements under SB 1383 that go into effect January 1, 2022.

If you have any questions, please contact your LAMD representative
<https://www2.calrecycle.ca.gov/LGCentral/Contacts/>.

Sincerely,

A handwritten signature in cursive script that reads "Cara Morgan".

Cara Morgan, Branch Chief

Local Assistance and Market Development