



AGENDA REPORT

DATE: AUGUST 3, 2026

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DONALD M. DAVIS, CITY ATTORNEY
JEANNIE NAUGHTON, COMMUNITY DEVELOPMENT & PUBLIC WORKS
DIRECTOR

SUBJECT: PLANNING APPLICATION NO. 260213
PROPOSED AMENDMENTS TO TITLE 17 (ZONING) OF THE MUNICIPAL
ADDING OR AMENDING 10 CHAPTERS

OVERVIEW

The Community Development Department and City Attorney's Office have prepared amendments to seven existing chapters of the City's Zoning Code – Title 17 of the Rolling Hills Estates Municipal Code (RHEMC) – and are proposing three new chapters be added to Title 17 pertaining to administrative procedures. The proposed amendments are generally needed because (a) existing provisions do not reflect best planning and land use practices or City policy and (b) the Zoning Code contains redundant or repetitive procedures that can be replaced by uniform procedures. None of the proposed amendments directly affect any permitted uses of property in any zoning district (with the exception of some minor changes to non-conforming uses). The amendments are the first phase of a comprehensive update to the Zoning Code that was discussed with the City Council at the March 30, 2026 Policy Development Session. At that meeting, the Council directed staff to proceed with the proposed updates and present drafts to the Planning Commission for review and recommendation when ready.

BACKGROUND

Title 17 (Zoning) of the Rolling Hills Estates Municipal Code (RHEMC) currently consists of approximately 50 separate chapters. These chapters generally fall into three categories: (1) zoning or use districts (e.g., residential, commercial, mixed use, etc.); (2) general provisions and single issue topics (e.g., off-street parking, accessory dwelling units, short-term residential rentals, etc.); and (3) administration and procedures (e.g., definitions, enforcement, conditional use permits, etc.). Not surprisingly, the first two categories receive the most focus and are frequently amended because of their direct impact on the planned development of the City, the specific uses of property, and state planning and land use mandates. The Community Development Department and the City Attorney's Office have been aware for some time that amendments and updates were needed with respect to the third category (administration and procedures). Accordingly, staff and the City Attorney have proceeded at the direction of the City Council with the proposed ten amended or new chapters described below.

DISCUSSION

The following summaries of the proposed amendments are provided because the extensive reorganization of existing provisions, the deletion of outdated or redundant provisions, the editing of remaining provisions, and the addition of numerous new provisions, would result in so many changes that if “redlined” versions were created they would be of little benefit to the Commission or public. As such, only clean copies of the proposed amendments are being provided.

Proposed Amended or New Chapters Regarding Administration and Uniform Procedures:

1. **Chapter 17.90 - Administration and Enforcement:** amending and restating existing Chapter 17.72 – Administration and Enforcement.

The existing Chapter 17.72 is a hodge-podge of regulations – most of which have little to do with the stated topics of the chapter: administration and enforcement, and as described below, are either being relocated to other chapters or are redundant/conflict with other provisions in the Zoning Code. The provisions of 17.72.010 regarding applications and petitions are addressed in proposed new Chapter 17.91 (Uniform Procedures). The building permit and certificate of occupancy provisions in 17.72.020 and 17.72.030 are addressed in the amendments to Chapter 17.50 (Pre-Construction Review, Building Permits, and Certificates of Occupancy). 17.72.040 (similar use) is redundant as the process of determining a similar use is already set forth in 17.04.030. The City Council review provisions in 17.72.050 are outdated and have been replaced by the conditional use permit provisions in Chapter 17.68 (Conditional Use Permits) and to a lesser extent the design review provisions of proposed amended Chapter 17.58 (Commercial Development Plan and Design Review). 17.72.060 and 17.72.070 regarding nonconforming uses and lots currently conflict and are redundant with existing Chapter 17.64 (Nonconforming Structures and Uses), which is being amended and restated as Chapter 17.64 (Nonconforming Uses, Structures, and Parcels). 17.72.110 (expiration of zoning permits) is redundant and will be addressed in specific permit chapters and in the new Chapter 17.91 (Uniform Procedures). Finally, 17.72.120 regarding silhouette procedures is being relocated to amended Chapter 17.50 (Pre-Construction Review).

The existing provisions regarding zone changes (17.72.080), enforcement (17.72.090), and violations (17.72.100) have been amended and are restated in proposed new Sections 17.90.030 (zoning code changes) and 17.90.040 (violations – enforcement).

What is new in this proposed chapter is Section 17.90.010 setting forth the powers and duties of the Director of the Community Development Department (and which previously did not exist in the Zoning Code) and a new Section 17.90.020 setting forth a procedure for developing interpretations regarding the Zoning Code where some clarification short of a formal amendment is necessary.

2. **Chapter 17.91 – Uniform Procedures:** new chapter establishing uniform application processing and review procedures for various land use approvals and permits.

Currently, each chapter governing a special permit or entitlement (e.g., conditional use permit, variance) has a generic application procedure, most of which are fairly similar. Rather than repeating this process in each chapter, establishing a standalone, detailed uniform application procedure allows these procedures to simply be cross-referenced in the specific chapters. The proposed new chapter adds needed details regarding the application materials, payment of fees, and critically, the process for determining application completeness, which is mandated under

California's Permit Streamlining Act (Government Code Section 65920 and following) (proposed 17.91.020). The proposed chapter also adds new, not currently existing provisions regarding requests for the delay or continuance of a hearing (17.91.050), how decisions on applications are to be announced by the applicable reviewer or reviewing body (17.91.060), and the general effective date of a decision if no appeal is filed or City Council review ordered (17.91.070). The proposed new chapter also contains a "default" expiration period if not otherwise specified in the approval (i.e., one year) and a "good cause" extension provision allowing an additional year (17.91.080). The new chapter will also add a uniform procedure for the modification or revocation of approvals and permits (17.91.100). Finally, the new chapter would codify the City's existing practice of bringing back amendments to conditions of approval or approved plans to the body that granted the approval or permit (17.91.110).

3. **Chapter 17.92 – Public Hearing Notice Procedures:** new chapter establishing uniform public hearing noticing procedures and requirements for various land use approvals and permits.

Similar to the multiplicity of application procedures in Title 17, various chapters have provisions addressing the requirements for noticing a required public hearing. The proposed chapter would likewise establish uniform procedures for public hearings covering contents (17.92.020), publication in newspapers and the City's website (17.92.030), mailing lists (including a 500 foot radius) (17.92.040), and special on-site signage (17.92.050).

4. **Chapter 17.94 – Appeals and City Council Review:** new chapter establishing uniform procedures for appeals of administrative and Planning Commission decisions and City Council review of various land use approvals and permits.

Because almost every approval or permit in the Zoning Code is subject to appeal, it is preferable to have a uniform process rather than repeating the details in each chapter. The one change from the City's historic practice is extending the time period as to which the City Council may order the review of a Planning Commission decision from 20 days (the standard appeal period) to 30 days because the Council occasionally only meets once a month and if the meeting is on the fourth Tuesday of the month, that would be more than 20 days after Planning Commission action on the first Monday of the month. (See proposed 17.94.020(A)(2).) The proposed chapter adds details regarding general appeal procedures (17.94.020), the actions that may be taken by the reviewing body and effects of tie votes (17.94.030), and provides clarification as the effective dates of decisions (17.94.040).

Proposed Amended and Restated Chapters Regarding Special Permits and Procedures:

5. **Chapter 17.50 – Pre-Construction Review, Building Permits, and Certificates of Occupancy:** amending and restating existing Chapter 17.50 – Construction, Alteration and Moving of Buildings.

This amended and restated chapter relocates and cleans up existing 17.72.120 regarding silhouette procedures and the building permit and certificate of occupancy provisions in 17.72.020 and 17.72.030. The provisions related to moving buildings (17.50.010) are proposed for deletion as outdated and unnecessary, and the same for the provisions related to compliance by city officials and the city in 17.50.030 and 17.50.040.

6. **Chapter 17.58 – Commercial Development Plan and Design Review:** amending and restating Chapter 17.58 – Precise Plan of Design.

This amended and restated chapter revises the name for purposes of clarification from a “Precise Plan of Design” to a “Commercial Development Plan” since such a plan is only required for all new non-residential development that requires a building permit and potentially a grading permit. It focuses primarily on the design of a proposed commercial use in comparison to a conditional use permit, which focuses extensively on operational aspects of a use. The proposed amendments incorporate the new uniform application procedures (17.58.030). Aside from the name change and the application procedures, the only other substantive change is allowing the Director to approve minor revisions to a Commercial Development Plan (17.58.050(A)).

7. **Chapter 17.64 – Nonconforming Uses, Structures, and Parcels:** amending and restating existing Chapter 17.64 – Nonconforming Uses and Structures.

The two existing sections in Chapter 17.64 are basic and while the general intent remains the same in terms limiting the expansion of nonconforming uses and structures, the chapter is proposed for significant amendment to address the many nuances associated with such nonconforming uses and structures such as changes in ownership, abandonment of use, intensification of use, routine maintenance and repairs, alterations, and the circumstances under which a nonconforming structure may be restored without complying with current codes, including specific rights to rebuild afforded to multifamily dwelling units under state law. (17.64.030). As noted above, the provisions regarding nonconforming lots in current 17.72.070 are consolidated into this chapter and updated for clarification and consistency with more current land use practice.

8. **Chapter 17.66 – Variances and Minor Deviations:** to be amended and restated.

The majority of the proposed amendments are to incorporate the proposed uniform application, hearing, review and appeal provisions. However, the critical findings necessary to grant a variance are also proposed for amendment to more closely align with the actual text of Government Code section 65906 which governs variances (17.66.050(B)). Specific provisions addressing permit expiration, modification, and revocation are also being added (17.66.060, 17.66.070, 17.66.080). The substantive text regarding what constitutes a “minor deviation” that may be granted by the Community Development Director is unchanged, but the processing procedures are updated to reflect the proposed uniform procedures (17.66.090).

9. **Chapter 17.68 – Conditional Use Permits:** to be amended and restated.

Here again, the majority of the proposed amendments are to incorporate the proposed uniform application, hearing, review, appeal, and revocation provisions. However, one of the key deficiencies in the existing chapter is the lack of specific findings associated with the conditions of approval for a CUP. This shortcoming is addressed by the proposed findings in 17.68.050(B). Because what was formerly a Precise Plan of Design (revised to be a Commercial Development Plan) often accompanies a CUP application, the minor revision process in proposed amended Chapter 17.58 is cross-referenced (17.68.060(A)). A process for a permit holder to modify its CUP is also proposed to be added (17.68.070).

10. **Chapter 17.70 – Special Use Permits:** to be amended and restated.

The proposed amendments consist entirely of revisions to incorporate the proposed applicable uniform procedures.

PUBLIC OUTREACH

Due to the number of proposed amended Zoning Code chapters (10), the staff report and text of the all of the proposed chapters were noticed two weeks earlier than normal (on July 17) to allow the Commission and the public additional time to review the amendments.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the issues related to Zoning Text Amendment ZTA-260214;
4. Close the Public Hearing; and
5. Adopt Resolution No. PA-260213, recommending to the City Council the adoption of amendments to seven existing chapters and the addition of three chapters to the Rolling Hills Estates Municipal Code, and determining the code amendments are exempt from the California Environmental Quality Act.

Attachments:

- A. Chapter 17.90 - Administration and Enforcement
- B. Chapter 17.91 – Uniform Procedures
- C. Chapter 17.92 – Public Hearing Notice Procedures
- D. Chapter 17.94 – Appeals and City Council Review
- E. Chapter 17.50 – Pre-Construction Review, Building Permits, and Certificates of Occupancy
- F. Chapter 17.58 – Commercial Development Plan and Design Review
- G. Chapter 17.64 – Nonconforming Uses, Structures, and Parcels
- H. Chapter 17.66 – Variances and Minor Deviations
- I. Chapter 17.68 – Conditional Use Permits
- J. Chapter 17.70 – Special Use Permits