

MINUTES

PLANNING COMMISSION CITY OF CHINO HILLS

**OCTOBER 1, 2019
REGULAR MEETING**

ITEM # 1 – CALL TO ORDER

Chair Voigt called the Regular Meeting of the Planning Commission of the City of Chino Hills to order at 7:00 P.M.

ITEM # 2 – ROLL CALL

PRESENT COMMISSIONERS: SHERAN VOIGT
MICHAEL STOVER
JERRY BLUM
PATRICK HAMAMOTO
SEAN PHAN (arrived at 7:07 pm)

ALSO PRESENT: JOANN LOMBARDO, COMMUNITY DEVELOPMENT DIRECTOR
ELIZABETH M. CALCIANO, ASSISTANT CITY ATTORNEY
RYAN GACKSTETTER, SENIOR PLANNER
EMILY ORTIZ, COMMISSION SECRETARY

ITEM # 3 – PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Vice Chair Stover.

ITEM # 4 – PUBLIC COMMENTS

CONFLICT OF INTEREST ANNOUNCEMENTS

ITEM # 5 – CONSENT CALENDAR ITEMS

5a. CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 17, 2019, REGULAR MEETING – APPROVED

Motion was made by Commissioner Blum and seconded by Vice Chair Stover to adopt the Minutes as presented.

Motion carried as follows:

AYES:	COMMISSIONERS:	VOIGT, STOVER, BLUM, HAMAMOTO
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	PHAN

5b. CUSTOM HOME DESIGN REVIEW 465 – 1367 HIGHLAND PASS ROAD - APPROVED

Senior Planner Gackstetter provided a brief description of Custom Home Design Review No. 465, a request to develop a three-level, single-family detached residence consisting of 7,580-square feet of livable space with two attached garages on the property located at 1367 Highland Pass Road.

Chair Voigt recommended that either a tall potted plant or tall lighting fixture be added next to the very tall front doors. The project architect for the project agreed and stated that something would be added.

Chair Voigt asked about the missing toilet on page A2.2. The architect confirmed that there would be a toilet.

Commissioner Blum expressed concern about the Live Oak trees near the cabana and pool and asked if there was an alternative plan in the event that the trees are in good health and would need to remain as protected trees. The landscape engineer stated that the pool would be moved and the cabana would be relocated in that event.

Vice Chair Stover asked about the feasibility of adding an ADU on this site. Senior Planner Gackstetter stated that it would be a challenge to add another structure to the site.

Following discussion, a motion was made by Vice Chair Stover and seconded by Commissioner Hamamoto to adopt, with clarification that the cabana and pool are to be moved in the event that the Live Oak trees are healthy and are to remain intact, *RESOLUTION NO. PC 2019-14 OF THE PLANNING COMMISSION OF THE CITY OF CHINO HILLS APPROVING CUSTOM HOME DESIGN REVIEW 465 FOR THE CONSTRUCTION OF A 7,580-SQUARE FOOT, TWO-STORY, SINGLE-FAMILY DETACHED HOME WITH A BASEMENT LEVEL AND TWO ATTACHED GARAGES LOCATED AT 1367 HIGHLAND PASS ROAD AND DETERMINING THAT THE PROJECT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.*

Motion carried as follows:

AYES: COMMISSIONERS: VOIGT, STOVER, BLUM, HAMAMOTO, PHAN

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ITEM # 6 – DISCUSSION ITEMS

6b. WALL ART ON BUILDINGS

Senior Planner Gackstetter briefed the Commission on the staff report, which is on file in the Community Development Department and provided a brief description of the art policies of surrounding cities.

Vice Chair Stover asked the reason behind the suggested requirement that wall art remain for a minimum of five years. He also spoke on the importance of requiring maintenance on wall art. Assistant City Attorney explained that the rationale behind the five-year stipulation is because long term displayed wall art would less likely be commercial in nature and more likely, artistic. Chair Voigt suggested that artwork might fade over time.

Vice Chair Stover asked about having a committee review process for potential wall art. Assistant City Attorney Calciano said that a review process is subjective and could pose future challenges. She strongly suggested that the policy drive a content neutral approach. Director Lombardo recommended that potential wall art get reviewed through a CUP with the Planning Commission. Director Lombardo also stated that for Chino Hills, which is mostly built out, the policy should not require wall art, but, rather, allow for voluntary wall art proposals.

Vice Chair Stover clarified that if the policy states that wall art could be displayed on non-residential zones, not only commercial zones would be allowed, but also religious, non-profits, hospitals, mixed use zones, etc.

Commissioner Blum agreed with Director Lombardo's recommendation of a voluntary wall art program. He stated that he is in favor of some type of review process to maintain quality and appropriateness for our City. He asked what the direction is for wall art that has met the five-year minimum stipulation. Senior Planner Gackstetter stated that the details of that have not been determined but that most likely the owner would then be allowed to submit a proposal for a new wall art element. Director Lombardo suggested that a maximum display time could also be implemented and determined based on the type of material used in the artwork. Commissioner Blum stated there should be provisions to allow an applicant to be relieved of the five-year requirement.

Commissioner Phan said that often the artist claims intellectual property on the artwork and maintains ownership. That scenario could cause issues with maintenance requirements. Assistant City Attorney agreed that this is a concern and suggested that an ownership clause be added to their contracts.

Carlos Callejo, local public artist and public art advocate, said that he has been involved in creating public art programs in many cities and offered his services in creating our wall art program policy.

Director Lombardo recommended that staff bring back a draft policy at a future meeting for Commission to review.

6a. EX PARTE COMMUNICATION POLICY

Director Lombardo briefed the Commission on the staff report, which is on file in the Community Development Department.

Chair Voigt requested more clear language for the term for "quasi-adjudicative." Director Lombardo said that it is defined in the "Background" section at the end of the Policy and suggested moving it after the "Purpose" section.

Commissioner Blum suggested changing the verbiage to "heard *or received*" in section 2.6 to reflect verbal and non-verbal communication. He suggested striking the word "salient" as it is not up to a Commissioner to determine what information is proper or improper and that all information should be available to the public and the rest of the Commission. Director Lombardo agreed and further suggested removing the last sentence of section 2.6. Assistant City Attorney Calciano stated the word "salient" is used to clarify relevant information that is important to decision making. Commissioner Blum argued that the word requires the Commissioner to make the determination of what actually is relevant information. Assistant City Attorney Calciano said that if the word "salient" is removed then the policy becomes more restrictive than the current law. Commissioner Blum also stated that government bodies are much scrutinized and that it is important that *ex parte* communications be very transparent.

Commissioner Blum also had concern with the last paragraph and suggested changing the verbiage in the first sentence to "For purposes of this policy, *ex parte* communications will apply only to adjudicatory or quasi-judicial decision making matters..."

Vice Chair Stover commented on section 2.5 and suggested removing the exception of staff not attending and indicate why staff should be present, specifically, to record the meeting in a standardized format and to expedite its communication to the other Commissioners, the public and other people who should have access to that evidence.

Vice Chair Stover commented on section 2.7 and suggested replacing the word "can" with "shall" since they have different meanings. Assistant City Attorney agreed that the word "shall" should be used.

Director Lombardo stated that there would be a conflict of interest and *ex parte* communication section at the beginning of the agenda. Assistant City Attorney Calciano said that *ex parte* communication acknowledgements should be stated at the beginning of the public hearing.

Chair Voigt suggested leaving a conflict of interest and *ex parte* communications agenda item at the beginning of the agenda so that Commissioners can divulge to the Chair at that time their need to discuss an *ex parte* communication. The Chair would then note it and ask for the information to be disclosed at the appropriate time during the public hearing of that item. Director Lombardo suggested adding it to the next agenda.

Chair Voigt said that she does not want to be prohibited from speaking to people out in public about an item that will be appearing on a Planning Commission agenda just as the public has access to City Council members. Vice Chair Stover clarified that unlike City Council members, Planning Commissioners are not elected officials. Director Lombardo

said that the policy is written so that the preference would be that all communications should go through staff and if it does not, then staff should be informed as soon as possible.

Director Lombardo summarized the changes to the draft policy as follows:

- The Background section of the policy will be moved up
- Add Commissioner's Blum recommended verbiage "For purposes of this policy, *ex parte* communications will apply ..." as noted above. Section 2.5 - no changes
- Section 2.6 - to remove the word "salient" and the second sentence
- Section 2.7 - replace "can" with "shall"

Vice Chair Stover asked about the memo received in January 2017 from the City Attorney regrading *ex parte* communications. He asked which takes precedence, the memo or the policy. Assistant City Attorney said both documents are consistent and both can be followed.

An informal vote was taken and all Commissioners agreed to the above summary of changes to the draft policy.

ITEM # 7 – PUBLIC HEARING ITEMS

ITEM # 8 – STAFF INFORMATION AND AGENDA FORECAST

Commission Photo

- Commission Secretary Ortiz to confirm date and time via email
- Attire will be business casual

10/15/19 agenda items:

- Alcohol Standards and Revocation Code Change
- Potential design review
- Potential CUP for Hampton Suites alcohol sales

RHNA

- SCAG announced that a 30-minute commute component will be added to the process

ITEM # 9 – COMMISSION INFORMATION AND COMMENT

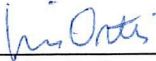
- Chair Voigt misses seeing the City monuments
- Vice Chair Stover stated the Commissioners received from the CM office a list of bills being considered by the governor's office. The cap on residential units could change and greatly affect our City, especially Carbon Canyon. Those bills and the RHNA numbers can be very challenging for cities and planners.
- SB330 – Assistant City Attorney said the language has changed and may not be as much of a concern but it would allow for many more ADUs.
- Commissioner Blum asked if Director Lombardo would be attending the SB1000 workshop on Environmental Justice. Director Lombardo said she would not be attending because it is not a notable concern for our City.

- Director Lombardo will be working on an memo to provide an update to the Aerojet property.
- Commissioner Blum reminded Commission about the Planning Commission workshop on November 7. Vice Chair Stover has RSVP'd to City staff. Commissioner Blum clarified that Directors are invited and that the survey is for planning staff to complete.
- Chair Voigt said the boat parade is December 13 and all commissioners are invited to ride in the parade.

ADJOURNMENT

Chair Voigt adjourned the meeting at 8:31 P.M.

Respectfully submitted,



Emily Ortiz
Planning Commission Secretary