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 Planning Commission Meeting

PLANNING COMMISSION
Tuesday, December 07, 2021

CITY OF ROLLING HILLS
6:30 PM

SUPPLEMENTAL AGENDA

Executive Order N-29-20

The Planning Commission makes the following findings pursuant to AB 361:

1. A statewide state of emergency is currently in place; and

2. State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19.

All Planning Commissioners will participate by teleconference. Public Participation: City Hall will be closed to the public until further notice.

A live audio of the Planning Commission meeting will be available on the City's website

https://www.rolling-hills.org/PC%20Meeting%20Zoom%20Link.pdf

The meeting agenda is also available on the City's website

https://www.rolling-hills.org/government/agenda/index.php

Join Zoom Meeting via:

https://us02web.zoom.us/j/99343882035?pwd=MWZXaG9ISWdud3NpajYwY3dF bllFZz09

Meeting ID: 993 4388 2035 Passcode: 647943

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

1. CALL MEETING TO ORDER

2. **ROLL CALL**

3. **APPROVAL OF THE AGENDA**

4. **PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA**

5. **APPROVAL OF MINUTES**

6. **CONSENT CALENDAR**

6.A. CONTINUATION OF REMOTE CITY COUNCIL AND COMMISSION MEETINGS DURING THE MONTH OF DECEMBER 2021 PURSUANT TO THE REQUIREMENTS OF AB 361
RECOMMENDATION: Approve as presented.
7-AB-361 teleconferences_ final (the actual bill).pdf

6.B. COMMITTEE ON TREES AND VIEWS MINUTES FOR NOVEMBER 30, 2021
RECOMMENDATION: Receive and file.
2021-11-30 CTV Minutes.pdf

7. **EXCLUDED CONSENT CALENDAR ITEMS**

8. **RESOLUTIONS**

8.A. COMMITTEE ON TREES AND VIEWS RESOLUTION NO. 2021-21-CTV
RECOMMENDATION: Approve as presented.
Resolution No. 2021-21-CTV.pdf

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

10. **NEW PUBLIC HEARINGS**

10.A. SB 9 URGENCY ORDINANCE
RECOMMENDATION: Review, discuss, and recommend adoption of an urgency ordinance to the City Council.
RH PC Resolution No. SB 9-c1.DOCX
2021-11-30 RHCA Comments.pdf
SB-9_Letter_to_RH_City_11-24-21.pdf
Supplemental Exhibit A - SB9 Code Amendments_12.07.21.DOCX

11. **NEW BUSINESS**

12. **OLD BUSINESS**

13. **SCHEDULE FIELD TRIPS**

14. **ITEMS FROM STAFF**

15. **ITEMS FROM THE PLANNING COMMISSION**

16. ADJOURNMENT

Next meeting: Thursday, December 16, 2021 at 8:00 a.m. virtually via Zoom.

Notice:

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

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

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

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 6.A
Mtg. Date: 12/07/2021

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

FROM: **CHRISTIAN HORVATH,**

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

SUBJECT: **CONTINUATION OF REMOTE CITY COUNCIL AND COMMISSION MEETINGS DURING THE MONTH OF DECEMBER 2021 PURSUANT TO THE REQUIREMENTS OF AB 361**

DATE: **December 07, 2021**

BACKGROUND:

With the Governor's approval of AB 361, public agencies have been granted the continuing ability to conduct virtual meetings during declared public health emergencies under specified circumstances until January 1, 2024. Based on the requirements of AB 361 (copy attached), in order for the City to hold virtual meetings, the Committee on Trees and Views needs to determine monthly that the following conditions exist:

1) There continues to be a health and safety risk due to COVID-19 as a proclaimed state of emergency with recommended measures to promote social distancing; and

2) Meeting in person during the proclaimed state of emergency would present imminent risks to the health and safety of attendees.

The other requirements associated with continued virtual meetings are outlined in the text of AB 361. The recommended action is for the Committee on Trees and Views to find that the following conditions exist and that they necessitate remote Committee meetings for the coming month:

1) There continues to be a health and safety risk due to COVID-19 as a proclaimed state of emergency with recommended measures to promote social distancing; and

2) Meeting in person during the proclaimed state of emergency would present imminent risks to the health and safety of attendees. These findings will need to be made by the City Council each month that the City opts to continue with remote meetings.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
7-AB-361 teleconferences_ final (the actual bill).pdf

AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

SHARE THIS:

Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials

have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in

connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all

otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5

(commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 6.B
Mtg. Date: 12/07/2021

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

FROM: **CHRISTIAN HORVATH,**

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

SUBJECT: **COMMITTEE ON TREES AND VIEWS MINUTES FOR NOVEMBER 30, 2021**

DATE: **December 07, 2021**

BACKGROUND:
The Committee on Trees and Views is composed of three members of the Planning Commission. On November 30, 2021, the Committee held a virtual meeting.

DISCUSSION:
Attached are the minutes for the meeting.

FISCAL IMPACT:
None.

RECOMMENDATION:
Receive and file.

ATTACHMENTS:
2021-11-30 CTV Minutes.pdf

MINUTES OF A REGULAR MEETING OF THE TREES AND VIEWS COMMITTEE OF THE CITY OF ROLLING HILLS, CALIFORNIA TUESDAY, NOVEMBER 30, 2021

1. CALL TO ORDER

The Trees & Views Committee of the Planning Commission for the City of Rolling Hills met via Zoom Teleconference on the above date at 5:30 p.m.

Chair Cardenas presiding.

2. ROLL CALL

Present:	Cooley, Kirkpatrick, and Chair Cardenas
Absent:	None.
Staff Present:	Elaine Jeng, City Manager
	John Signo, Planning and Community Services Director
	Stephanie Grant, Code Enforcement Officer/ Planner
	Christian Horvath, City Clerk

3. PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

None.

4. APPROVAL OF MINUTES

None.

5. NEW BUSINESS

A. CONTINUATION OF REMOTE CITY COUNCIL AND COMMISSION MEETINGS DURING THE MONTH OF NOVEMBER 2021 PURSUANT TO THE REQUIREMENTS OF AB 361

MOTION: Commissioner Kirkpatrick motioned to approve. Seconded by Commission Cooley.

AYES:	COMMISSIONERS: Chair Cardenas, Cooley, and Kirkpatrick.
NOES:	COMMISSIONERS: None.
ABSENT:	COMMISSIONERS: None.
ABSTAIN:	COMMISSIONERS: None.

6. OLD BUSINESS

A. VIEW PRESERVATION COMPLAINT - 61 EASTFIELD DRIVE (JUGE - COMPLAINANT) AND 59 EASTFIELD DRIVE (TAMAYO/SIERRA - VEGETATION OWNER)

MOTION: Motion by Commissioner Kirkpatrick to approve resolution with modifications as discussed to Sections 6 and 7. Seconded by Commissioner Cooley.

AYES:	COMMISSIONERS: Chair Cardenas, Cooley, and Kirkpatrick.
NOES:	COMMISSIONERS: None.
ABSENT:	COMMISSIONERS: None.
ABSTAIN:	COMMISSIONERS: None.

7. ITEMS FROM STAFF

None.

8. ITEMS FROM THE TREES & VIEWS COMMITTEE

None.

9. ADJOURNMENT

Hearing no further business before the Trees and Views Committee, the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Christian Horvath
City Clerk

Approved,

Sean Cardenas
Chair

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A
Mtg. Date: 12/07/2021

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

FROM: **STEPHANIE GRANT , ADMINISTRATIVE CLERK**

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

SUBJECT: **COMMITTEE ON TREES AND VIEWS RESOLUTION NO. 2021-21-CTV**

DATE: **December 07, 2021**

BACKGROUND:
On November 30,2021, the Committee on Trees and Views (CTV) held a meeting to discuss a view preservation dispute between properties at 61 Eastfield Drive and 59 Eastfield Drive.

DISCUSSION:
The CTV discussed the item, recommended restorative actions, conditions, and adoption of Resolution No. 2021-21-CTV.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
Resolution No. 2021-21-CTV.pdf

RESOLUTION NO. 2021-21-CTV

A RESOLUTION OF THE COMMITTEE ON TREES AND VIEWS OF THE CITY OF ROLLING HILLS ADVISING ON THE VIEW PRESERVATION DISPUTE BETWEEN JOSEPH JUGE, ON THE ONE HAND, AND BEATRIZ TAMAYO AND JULIO SIERRA, ON THE OTHER

THE COMMITTEE ON TREES AND VIEWS OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE AND ADVISE AS FOLLOWS:

SECTION 1. On October 28, 2020, Mr. Joseph Juge ("Complainant") filed a view impairment complaint ("Complaint"), alleging that the view from his home at 61 Eastfield Drive, Rolling Hills was significantly impaired by certain vegetation on the property of Dr. Beatriz Tamayo and Mr. Julio Sierra ("Respondents"), located at 59 Eastfield Drive, Rolling Hills (the "Dispute"). Complainant and Respondents are referred to together herein as the "Parties."

SECTION 2. As set forth in more detail below, Respondents initially agreed to mediate the Dispute but subsequently withdrew their consent to mediate. A public hearing before the City of Rolling Hills ("City") Committee on Trees and Views ("Committee") was properly noticed and advertised pursuant to Rolling Hills Municipal Code ("RHMC") sections 17.26.040(C)(4). The subject public hearing was conducted on November 2, 2021. On November 3, 2021, the Committee held a field trip meeting at Complainant's home. The public hearing was continued to November 30, 2021. The Complainant and the Respondents were in attendance at the public hearing; Respondents were not present at the November 3 field trip. Complainant represented himself; Respondents were represented by Edgar Coronado, Esq. Evidence was heard and presented from all persons interested in the Dispute and from members of the City staff. The Committee reviewed, analyzed and studied the evidence submitted.

SECTION 3. The public hearing was conducted using terms as defined in RHMC section 17.26.020, including but not limited to:

A. "**View**": a visually impressive scene or vista, such as the Pacific Ocean, off-shore islands, mountains, lights of the Los Angeles basin, the Palos Verdes Hills and canyons, the Los Angeles Harbor and/or Long Beach Harbor, and similar, as observed from a viewing point. A view may include structures or vegetation in the foreground or background of the view seeker's property. A "view" may be observed from one or more viewing point, and may be panoramic;

B. "**View impairment**": any obstruction of a pre-existing view by vegetation on another property within the City that significantly diminishes that pre-existing view;

C. "**Pre-existing view**": the view that existed at any time since the complainant's property was most recently purchased for fair market value through an arm's length purchase or sale, as evidenced by a deed. The pre-existing view cannot be the result of a natural disaster or illegal activities;

D. "**Viewing point**": any view from the primary living area or active use area of a primary residence, excluding views from minor rooms, such as garages or closets, and also includes views from accessory buildings or structures, including pool decks and gazebos, but

excluding animal pens, aviaries, corrals, greenhouses, porte cocheres, riding rings, run-in sheds, sheds, stable/barns, free-standing storage rooms, and tack rooms.

SECTION 4. The Committee finds as follows regarding the Complaint:

A. Pursuant to RHMC section 17.26.040(C)(4)(d)(iii), a view, within the meaning of RHMC chapter 17.26, existed at the time Complainant purchased his property in 1982, and is now significantly impaired by vegetation growing on Respondents' property.

B. Complainant purchased the property on which his home currently sits in 1982.

C. Complainant remodeled his home after he purchased the property, and such remodel took place generally on the same site as the home purchased in 1982.

D. Based on the photos provided by Complainant in the Complaint and Complainant's testimony at the public hearing, a view existed from the time when Complainant purchased his property in 1982.

E. Based on the photos provided by Complainant in the Complaint and Complainant's testimony at the public hearing, the view included both canyon and city vistas.

F. Respondents purchased their home in 2007.

G. Complainant made extensive efforts to resolve and mitigate the view impairment through private channels with the Respondents, as evidenced by the correspondence included in the Complaint, spanning four (4) years – from December 2016 to summer 2020. Specifically,

(i) On May 26, 2020, Complainant requested that the Parties enter into mediation to resolve the Dispute.

(ii) On July 25, 2020, within the 60-day period for response pursuant to RHMC section 17.26.040(B)(1), Respondents agreed to mediation.

(iii) On August 13, 2020, Complainant proposed two mediators for Respondents' consideration.

(iv) On October 9, 2020, Respondents asked, prior to making a choice, who would be responsible for the mediator's fee.

(v) As noted above, on or about October 28, 2020, Complainant filed the Application with the applicable fee to the City.

H. On June 1, 2021, the Committee held a virtual hearing at which only Complainant was in attendance. The hearing was continued to August 4, 2021 to allow the Parties to mediate.

I. The City provided suggestions for possible mediators. The Parties did not select a mediator.

J. The August 4 meeting did not occur.

K. On August 17, 2021, the Committee held a meeting to receive an update on mediation efforts between the Parties. The Committee continued the public hearing to October 5, 2021.

L. The City provided more suggestions of possible mediators.

M. Complainant contacted the City's suggested mediators and obtained fee and availability information. On August 23, 2021, Complainant shared this information with Respondents.

N. On September 1, 2021, Respondents withdrew their agreement to mediate.

O. At the public hearing on November 2, 2021, the Committee examined the written and photographic evidence provided by both parties and heard argument from both parties. At the conclusion of the hearing, based on its review and application of the non-exclusive factors set forth in RHMC section 17.26.050(A), including but not limited to subsection (7) and its application to findings (G) through (N) above, the Committee determined that Complainant's view has been significantly obstructed by Respondent's vegetation along the south side of Respondents' structure, as well as by the pepper tree, the ash tree, and pine tree on Respondent's property.

P. On November 3, 2021, the Committee met at Complainant's home at 61 Eastfield Drive to assess what action with respect to the view-impairing vegetation would be appropriate to restore Complainant's view. Based on that site visit, the Committee concluded that certain restorative measures were warranted but that consultation with a certified arborist would be necessary to ensure that such measures would not jeopardize the long-term health of the trees and other vegetation on Respondents' property.

Q. Prior to the November 30, 2021 continued public hearing, the City retained Gregory MacDonald, a certified arborist, to conduct his own site visit and opine on the most appropriate actions with respect to Respondents' trees to both restore Complainant's view and protect the long-term health of the trees.

SECTION 5. The Committee, pursuant to RHMC section 17.26.050(B), makes the following findings to support its advised restorative action in Section 6 below:

A. None of Respondents' trees that are impairing Complainant's view are rare.

B. Sound and heat mitigation should not be affected, as any proposed restorative action would not involve removal of any trees.

C. There should be no reduction of stature in any trees, resulting in harm or loss of Respondents' privacy.

D. Vegetation existed upon Respondents' purchase of their property in 2007.

E. Vegetation on the south side of Respondents' structure acted as a privacy buffer.

SECTION 6. Based on (i) the Committee's observations at the site visit it conducted on November 3, 2021, (ii) the key attached hereto as **Exhibit A**, and (iii) the certified arborist's written report and recommendations to the Committee at the hearing on November 30, 2021, and pursuant to RHMC section 17.26.060, the Committee finds and recommends the following restorative actions:

A. Pursuant to RHMC sections 17.26.040(C)(4)(f) and 17.26.060(B), Complainant should bear the cost of the initial restorative action described below, unless otherwise stated and unless the parties agree to share the costs in some other manner.

B. The restorative actions set forth in this Section 6 should occur sometime within 120 days of adoption of this resolution, unless an appeal is pending.

C. All vegetation and trees should be reduced so as not to exceed the corresponding ridgelines of the respective vegetation or tree. To the greatest extent possible, crown reduction should be used to reduce height.

D. The loquat tree in the view corridor should be decreased by approximately 6 feet.

E. The southside vegetation, including the oleander, corresponding to the roofline that is no further east of the chimney, should be reduced.

F. The ash tree should be crowned and laced (with crown cleaning) so that it can be reduced to the nearest dwelling ridgeline of the south side of the property.

G. The Toyon tree should be crowned and laced to approximately 4 feet below the ridgeline; provided, however, that initial restorative action should not result in more than 25% reduction. If the prescribed reduction level is not met due to the 25% maximum reduction limitation, another attempt should be made the following year – at Respondents' expense.

H. No action is recommended for the avocado tree.

I. Any trees or vegetation adjacent to and west of the chimney on Respondents' residence should not exceed the ridgeline.

J. The westerly trunk of the pepper tree, besides being reduced in size to its corresponding ridgeline, should be laced and reduced laterally.

K. The two (2) pine trees should be crowned and reduced to their respective ridgelines; provided, however, that initial restorative action should not result in more than 30% reduction. If the prescribed reduction level is not met due to the 30% maximum reduction limitation, another attempt should be made the following year – at Respondents' expense.

SECTION 7. The Committee recommends the following conditions to prevent future view impairments:

A. Pursuant to RHMC section 17.26.060(B), maintenance of the trees and vegetation in question subsequent to initial restorative action should be performed at the cost and expense of Respondents, unless otherwise agreed to by the parties.

B. All trees and vegetation should be maintained at the levels prescribed in Section 6 above so as not to allow for future view impairments.

C. The parties should review the state of Respondents' trees and vegetation on an annual basis.

SECTION 8. Within sixty days of the date of this advisory resolution, if either or both parties disagree with the advisory resolution and wish to pursue a review hearing before the City Council, the disagreeing party must notify the City in writing that they wish to proceed with a review hearing before the City Council. This resolution is advisory and unenforceable by the City of Rolling Hills.

PASSED, APPROVED AND ADOPTED THIS 30TH DAY OF NOVEMBER 2021.

SEAN CARDENAS, CHAIRMAN

ATTEST:

CHRISTIAN HORVATH, CITY CLERK

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

I certify that the foregoing Resolution No. 2021-21-CTV entitled:

A RESOLUTION OF THE COMMITTEE ON TREES AND VIEWS OF THE CITY OF ROLLING HILLS ADVISING ON THE VIEW PRESERVATION DISPUTE BETWEEN JOE JUGE, ON THE ONE HAND, AND BEATRIZ TAMAYO AND JULIO SIERRA, ON THE OTHER

was approved and adopted at an adjourned regular meeting of the Committee on Trees and Views on November 30, 2021 by the following roll call vote:

AYES: Cardenas, Cooley, Kirkpatrick

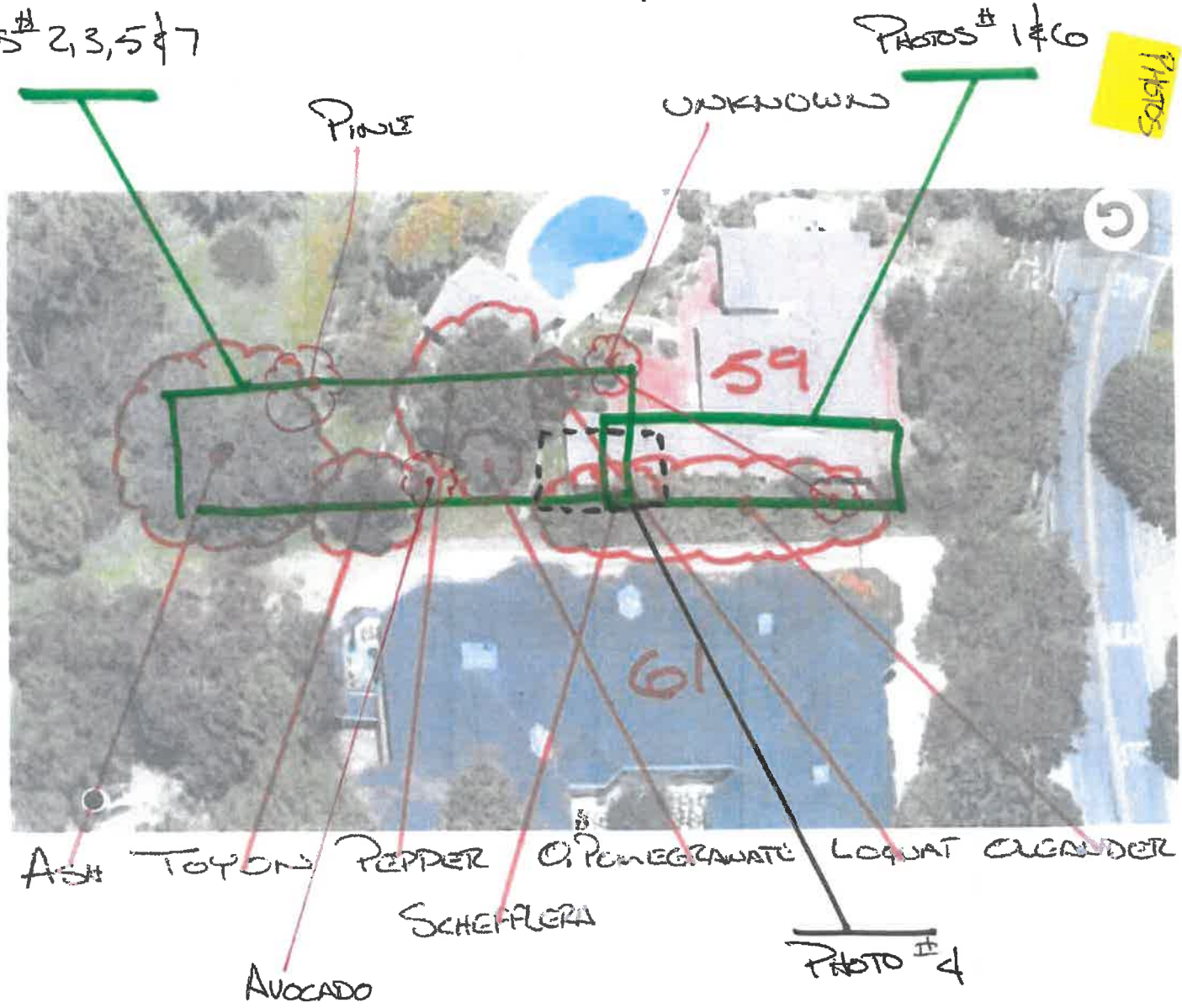
NOES:

ABSENT:

ABSTAIN:

CHRISTIAN HORVATH, CITY CLERK

"PHOTO KEY"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Agenda Item No.: 10.A
Mtg. Date: 12/07/2021

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

FROM: **STEPHANIE GRANT , ADMINISTRATIVE CLERK**

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

SUBJECT: **SB 9 URGENCY ORDINANCE**

DATE: **December 07, 2021**

BACKGROUND:

Earlier this year, Governor Newsom signed several new housing bills into law. Senate Bill 9 (SB 9) is the most controversial and substantive of the new housing laws. SB 9 requires cities to allow any single-family zoned lot to be split into two lots and allow up to two single-family dwellings on each created lot without any discretionary review. This could result in the development of up to four dwelling units on what was formally one single-family residential lot with no public hearing. SB 9 allows local governments to impose restrictions on lot splits and two-unit projects, but any such restrictions must be objective and necessary to protect public health and safety.

The new SB 9 provisions go into effect on January 1, 2022. As a result, staff is recommending that the Planning Commission adopt the proposed resolution recommending approval to the City Council of an ordinance that would amend the City's Land Use, Subdivision, and Fire Code to bring the City's current residential lot split and residential development regulations into conformance with the new SB 9 regulations. In addition, the ordinance would impose the restrictions allowed by SB 9 so that any SB 9 lot splits and two-unit projects remain compatible with existing residential neighborhoods as much as possible.

At the September 27, 2021 meeting, the City Council directed the City Attorney's office to provide input and advice on SB 9. At the October 11, 2021, the City Council meeting, the City Attorney's office gave a presentation on the provisions of SB 9. At the October 25, 2021 City Council meeting, the City Attorney's office provided a draft ordinance to comply with the provisions of SB 9. The City Council delayed the review and discussion of the draft ordinance to the November 8, 2021 City Council meeting.

At the November 8, 2021 City Council meeting, the Council provided feedback on the draft ordinance and directed the City Attorney to prepare another draft. The City Council also directed staff to present

the updated draft to the Planning Commission for review and adoption. Prior to the November 8, 2021 City Council meeting, the Planning Commission cancelled the November meeting. The Planning Commission could not review the updated draft ordinance, so the City Council directed staff to bring back the updated ordinance to the City Council at the November 22, 2021 meeting. Subsequently, the City Council directed staff to present the updated draft ordinance to the Planning Commission.

DISCUSSION:

SB 9 allows any single-family lot to be split, roughly into halves, with resulting lots as small as 1,200 square feet. In addition, SB 9 allows up to two single-family dwellings to be developed on each created lot. An SB 9 lot split followed by an SB 9 two-unit project on each of the two new lots would result in four total dwellings on what was formally one single-family residential lot, all without any discretionary review. SB 9 requires said lot splits and resulting two-unit projects to be approved ministerially with no public hearing. SB 9 allows local governments to impose limited restrictions on lot splits and two-unit projects, but any such restrictions must be objective and necessary to protect public health and safety. Provided below is a summary of the SB 9 provisions.

Regulations for Urban Lot Splits

- A lot split must result in two lots that are fairly equal in size (a 60/40 split at most)
- Each new lot must be at least 1,200 square feet in size
- A lot split cannot involve the demolition or alteration of a) affordable housing, b) rent-controlled housing, c) housing that was withdrawn from rent within the last 15 years or d) housing occupied by a tenant in the past three years
- A lot split must be in a single-family zone
- A lot cannot be split if it is a historic landmark or within a designated historic district
- The lot split must be within an urbanized area or urban cluster. This includes most cities in the state including Rolling Hills.
- A lot cannot be split if it was established through a prior SB 9 lot split
- A lot cannot be split if the lot owner or anyone acting in concert with the lot owner previously subdivided an adjacent parcel through the SB 9 lot split process

Restraints on Local Regulations for Urban Lot Splits

- Local agencies may only impose objective subdivision standards on lot splits
- Objective subdivision standards must allow the construction of two units of at least 800 square feet per lot
- Local agencies must prohibit non-residential use of the new lots
- No right-of-way dedications or offsite improvements may be required
- No correction of any existing non-conforming zoning conditions may be required
- The applicant must sign an affidavit stating that the owner intends to occupy one of the housing units as the owner's principal residence for at least three years following the lot split
- Local agencies must report the number of SB 9 lot-split applications to the state on an annual basis
- Local agencies may only deny an otherwise qualifying SB 9 lot split if the City's Building Official finds that the resulting housing development project would have a specific adverse impact on public health and safety or the physical environment and there is no feasible,

satisfactory mitigation

Regulations for Two-Unit Projects on Urban Lot Splits

- The project must be located with an urbanized area or urban cluster. This includes most cities in the state including Rolling Hills.
- The project cannot involve the demolition or alteration of a) affordable housing, b) rent-controlled housing, c) housing that was withdrawn from rent within the last 15 years or d) housing occupied by a tenant in the past three years
- The project site cannot be a historic landmark or within a designated historic district
- The project cannot involve the demolition of more than 25% of the exterior walls of an existing dwelling unless allowed to do so by the local jurisdiction or the site has not been occupied by a tenant in the last three years

Restraints on Local Standards for Two-Unit Projects on Urban Lot Splits

- Local agencies may only impose objective zoning standards and objective design standards on proposed projects
- Objective standards must allow the construction of two units of at least 800 square feet per lot
- Local agencies may require only one off-street parking space per unit and must allow no off-street parking if the site is one-half mile walking distance of either a "high-quality transit corridor" or "major transit stop" or one block of a car share vehicle location
- Local agencies may apply the existing setbacks of the underlying zoning district except for existing and replacement structures, and to allow for at least two 800 square foot units. Local agencies must allow side and rear setbacks of four feet.
- Local agencies must prohibit short-term rentals of units created under SB 9
- When a lot is both created by an SB 9 lot split and developed with an SB 9 two-unit development, a local agency may prohibit Accessory Dwelling Unit (ADUs) and Junior ADUs on that lot
- Because the approval of SB 9 two-unit projects is a ministerial action, CEQA does not apply

Areas where SB 9 Lot Splits/Two-Unit Projects Are Prohibited

- Prime farmland or farmland of statewide significance as defined by the U.S. Department of Agriculture
- Wetlands as defined by the U.S. Fish and Wildlife Service
- Within a Very High Fire Hazard Severity Zone unless the lot complies with fire-safety mitigation measures
- A hazardous waste site
- Within a delineated earthquake fault zone
- Within a flood plain or floodway
- Within Natural Community Conservation Planning (NCCP) lands
- Within federally or state protected habitat
- Within land protected by a conservation easement

SB 9 and ADUs

- A lot that is <u>not split</u> and developed with two <u>detached</u> SB 9 primary units is allowed one ADU

and one Junior ADU within only one of the primary units for a total of four units on the lot.

- A lot that is not split and developed with two attached SB 9 primary units is allowed one converted ADU and two detached ADUs for a total of five units on the lot.
- A lot that is split is allowed to have two "units" of any kind on each of the resulting lots. "Units" include the original main house, new primary unit(s) under SB 9, an ADU, or a JADU. A total of four units can be built from the original lot.

SB 9 and HOAs

SB 9 only applies to local agencies. There are no provisions in SB 9 that would affect an HOA's private CC&Rs or private restrictive covenants.

FISCAL IMPACT:
None.

RECOMMENDATION:
Discuss the proposed urgency ordinance and adopt the attached resolution recommending to the City Council approval of an ordinance adding Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects) to the Rolling Hills Municipal code and amending Chapter 15.20 (Fire Code) of the Rolling Hills Municipal Code; and determining the action to be exempt from CEQA.

ATTACHMENTS:
RH PC Resolution No. SB 9-c1.DOCX
2021-11-30 RHCA Comments.pdf
SB-9_Letter_to_RH_City_11-24-21.pdf
Supplemental Exhibit A - SB9 Code Amendments_12.07.21.DOCX

RESOLUTION NO. 2021-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE AND AMENDING CHAPTER 15.20 (FIRE CODE) OF THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ACTION TO BE EXEMPT FROM CEQA

RECITALS

A. The City of Rolling Hills has noticed the public hearing for the proposed ordinance in accordance with Government Code Section 65090; and

B. On December 7, 2021, the Planning Commission conducted a duly noticed public hearing to consider the proposed ordinance, which would add Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects) to the Rolling Hills Municipal Code and amend Chapter 15.20 (Fire Code) of the Rolling Hills Municipal Code; and

C. The proposed, added Chapters 16.50 and 17.45 and amended Chapter 15.20 are intended to conform the City's Zoning Code, Subdivision Code, and Building Code with Senate Bill 9 ("SB 9") by adopting various objective development standards and fire mitigation measures for projects effectuated thereunder; and

D. The Planning Commission has considered the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with the proposed ordinance.

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills does hereby resolve, determine, find, and order as follows:

Section 1. Recitals. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution**.**

Section 2. CEQA. Under California Government Code sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, the Planning Commission finds that adoption of the proposed ordinance is statutorily exempt from CEQA because it implements these new laws enacted by SB 9. In addition to being statutorily exempt, the adoption of an ordinance by a city taken to protect the environment and natural resources is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308. Therefore, the Planning Commission finds that the adoption of the proposed ordinance is categorically exempt from CEQA because it implements fire

mitigation measures as contemplated by SB 9 to protect the City, its inhabitants, animals, environment, and natural resources from a wildfire disaster.

Section 3. **Hazardous Waste Management Plan**. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance's amendments to the Rolling Hills Municipal Code are consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities; the ordinance's amendments will not conflict with hazardous waste stream generated in the County, the existing facilities to treat, recycle, and dispose of hazardous waste, or the identified new sites for hazardous waste facilities.

Section 4. Recommendation. Based on the foregoing recitals and findings, the Planning Commission hereby recommends that the City Council approve and adopt of the proposed ordinance language attached hereto as Exhibit "A."

Section 5. Certification. The Planning Commission Chair shall sign and the Secretary shall attest to the adoption of this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED This 7th day of December 2021, by the Planning Commission of the City of Rolling Hills, California by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

_____
Brad Chelf, Chair

SB9 KEY POINTS
by RHCA Staff
November 30, 2021

URBAN SPLIT LOT:
Lot Subdivision

1. A lot can be divided only once by Urban Lot Split.
2. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.
3. Primary dwelling area (residence) on new lot must be less or equal to 800 square feet, minimum 500 sq ft.
4. An existing primary dwelling (residence) that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of lot split. **It may not be expanded.**
5.
6. Separate conveyance is permitted. Lots may be owned or conveyed separately from each other.
7. Each lot may have up to two units on it, see two-unit project.

Questions

a) Is a garage required? If so, may it exceed the size of the residence? (800 sq ft)

b) If there is no garage requirement, is there a requirement to park vehicles on the property?
Yes, one off street parking space is required per unit.

c) May a barn exceed the size of the residence?

SB9 KEY POINTS
by RHCA Staff
November 30, 2021

TWO-UNIT PROJECT
Development of Two Primary Dwelling Units on a Lot

a. A lot can have two dwelling units of any kind, including primary dwelling unit, ADU or a JADU

b. Each primary dwelling area (residence) on a lot must be less or equal to 800 square feet, minimum 500 sq ft.

c. An existing primary dwelling (residence) that was legally established prior to the Two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of lot split. **It may not be expanded.**

d. Owner must occupy one of the dwellings on the lot as the owners principal residence and legal domicile.

e. Separate conveyance not permitted. Units may not be owned or conveyed separately from each other.

f. No short term rentals (less than 30 days) permitted.

g. All non-residential use not permitted.

SB9 KEY POINTS
by RHCA Staff
November 30, 2021

Proposed Language

(a)(8) Easements

Any modification to an existing Rolling Hills Community Association (RHCA) easement requires RHCA Board of Directors approval.

(10)(I) Architecture.

All structures built on the lot must comply with Rolling Hills Community Association Building Regulations and permitted by the RHCA per Deed Restrictions.

(10)(N) Rolling Hills Community Association

All structures built on the lot must comply with Rolling Hills Community Association Building Regulations and permitted by the RHCA per Deed Restrictions.

EXHIBIT A

TITLE 16 (SUBDIVISIONS)

CHAPTER 16.50 URBAN LOT SPLITS

Section 16.50.010 Purpose

The purpose of this chapter is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

Section 16.50.020 Definition

An "urban lot split" means a the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

Section 16.50.030 Application

(1) Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).

(2) An application for an urban lot split must be submitted on the city's approved form. Such application shall include the following documents: a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter; copies of the unrecorded easement agreements for public utilities in accordance with this Chapter; and an affidavit certifying compliance with all requirements of this Chapter. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

(3) The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

Commented [JA1]: John, the City should amend its fee resolution to include this cost

Section 16.50.040 Approval

(1) An application for a parcel map for an urban lot split is approved or denied ministerially, by the planning director or his or her designee, without discretionary review.

(2) A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. The tentative parcel map may

not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.

(3) The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.

(4) The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

Section 16.50.050 Requirements

(a) An urban lot split must satisfy each of the following requirements:

(1) **Map Act Compliance.**

(A) The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., "SMA"), including implementing requirements in this code, except as otherwise expressly provided in this section.

Commented [JA2]: John, you may want to make an internal list of the objective standards in the City's Subdivision Title that will apply to these new lots resulting from urban lot splits.

(B) If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:

(i) The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.

(ii) The city has all the remedies available to it under the SMA, including but not limited to the following:

(I) An action to enjoin any attempt to sell, lease, or finance the property.

(II) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

(III) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both; or a misdemeanor.

(IV) Record a notice of violation.

(V) Withhold any or all future permits and approvals.

(C) Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.

(2) **Zone.** The lot to be split is in a single-family residential zone.

(3) **Lot Location.**

(A) The lot to be split is not located on a site that is any of the following:

(i) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

(ii) A wetland.

(iii) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

ROLLING HILLS IS VHFHSZ

(iv) A hazardous waste site that has not been cleared for residential use.

(v) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

(vi) Within a 100-year flood hazard area, unless the site has either:

(I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

(II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

(vii) Within a regulatory floodway, unless all development on the site has received a no-rise certification.

(viii) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

(ix) Habitat for protected species.

(x) Land under conservation easement.

(B) The purpose of subpart (3)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)

(4) **Not Historic.** The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

(5) **No Prior Urban Lot Split.**

(A) The lot to be split was not established through a prior urban lot split.

(B) The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

(6) **No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

(A) Housing that is income-restricted for households of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

(D) Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

(7) **Lot Size.**

(A) The lot to be split must be at least 2,400 square feet.

(B) The resulting lots must each be at least 1,200 square feet.

(C) Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

INCLUDE LANG. RE. RHCA EASEMENTS ?
-MODIF TO EXISTING
-REQUIREMENT OF (N)

(8) **Easements.**

(A) The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

(B) Each easement must be shown on the tentative parcel map.

(C) Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with Section 16.50.040

(D) If an easement is recorded and the project is not completed, making the easement moot, the property owner may request, and the city will provide, a notice of termination of the easement, which the owner may record.

CITY COUNCIL REVISED TO 50' FRONTAGE

(9) **Lot Access.**

(A) Each resulting lot must adjoin the right of way.

(B) Each resulting lot must have frontage on the right of way of at least ~~12.5~~ feet.

Commented [JA3]: John, do you have any input for the length of the frontage requirement?

(10) **Unit Standards.**

(A) **Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under Chapter 17.45 of this code, an ADU, or a JADU

(B) **Unit Size.**

(i) The total floor area of each primary dwelling that is developed on a resulting lot must be

(I) less than or equal to 800 and

(II) more than 500 square feet.

PER RHCA BLDG REGS MIN. RESIDENCE LIVING AREA IS 1,300 SQ FT. + MIN. 2 CAR GARAGE

(ii) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.

5

(iii) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.

(C) **Height Restrictions.**

(i) No new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.

(ii) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.

SEE RHCA BLDG REGS.

(D) **Proximity to Stable and Corral Site.** A primary dwelling unit is a residential structure that shall be located a minimum of thirty-five feet from any stable, corral, and related animal keeping uses and structures as required in Chapter 17.18. This standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(E) **Lot Coverage.** All structures as defined in Section 17.16.070 on a lot shall not cover more than twenty percent of the net lot area. All structures and all other impervious surfaces as defined in Section 17.16.070 on a lot shall not cover more than thirty-five percent of the net lot area. These lot coverage standards are only enforced to the extent that they do not prevent two primary dwelling units on the lot at 800 square feet each.

(F) **Open Space.** No development pursuant to this Chapter may cause the total percentage of open space of the lot fall below fifty percent. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(G) **Setbacks.**

(i) **Generally.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

(ii) **Exceptions.** Notwithstanding subpart (10)(G) above:

(I) **Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(II) **800 sf; four-foot side and rear.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any

6

structure be less than four feet from a side or rear property line.

(iii) **Front Setback Area**. Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least 30 feet from the front property lines. The front setback areas must:

(I) be kept free from all structures greater than three feet high;

(II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;

(III) allow for vehicular and fire-safety access.

(H) **Parking**. Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:

OUTSIDE OF RHCA EASEMENTS

(i) The lot is located within one-half mile walking distance of either

(I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(II) a site that contains

(ia) an existing rail or bus rapid transit station,

(ib) a ferry terminal served by either a bus or rail transit service, or

(ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(ii) The site is located within one block of a car-share vehicle location.

(I) **Architecture**.

(i) Architecture is limited to white California ranch style homes with three-rail fences.

Commented [JA4]: John, can you provide some objective standards for what constitutes a California Ranch style home?

(ii) If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials,

REPLACE W/ ALL STRUCTURES BUILT ON THE LOT MUST COMPLY W/ RHCA BLDG. REGS

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color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iii) If there is no legal primary dwelling on the lot before the urban lot split, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iv) All exterior lighting must be limited to down-lights.

(v) No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(vi) If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than 30 feet from a property line that is not a right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

SEE NOTE ON PREV. PAGE

(J) **Landscaping.**

Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:

↳ or bridle trail

(i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.

(ii) Plant specimens must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.

(iii) All landscaping must be drought-tolerant.

(iv) All landscaping must be from the city's approved plant list.

← COMPLY W/ RHCA LANDSCAPE GUIDELINES

(K) **Nonconforming Conditions.** An urban lot split is approved without requiring a legal nonconforming zoning condition to be corrected.

(L) **Utilities.**

(i) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider. Each primary dwelling unit shall have its own water, electrical, and gas meters.

(ii) A primary dwelling unit must have a direct utility connection to an onsite wastewater treatment system in accordance with this paragraph and the City's code. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(iii) All utilities must be undergrounded.

(M) **Building & Safety.** All structures built on the lot must comply with all current local building standards. An urban lot split is a change of use.

(N) ALL STRUCTURES ON LOTS MUST COMPLY W/ RHCA BLDG REGS & PERMITTED BY RHCA

(11) **Fire-Hazard Mitigation Measures.**

(A) A lot in a very high fire hazard severity zone must comply with the fire-hazard mitigation measures relating to urban lot splits in the City's fire code.

(B) Prior to submitting an application for an urban lot split, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this subpart. The city or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the city's costs for inspection. Failure to pay is grounds for denying the application.

(12) **Separate Conveyance.**

(A) Within a resulting lot.

(i) Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.

(ii) Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.

(iii) All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.

(iv) No timeshare, as defined by state law or this code, is permitted. This includes any co-ownership arrangement that gives an owner the right to exclusive use of the property for a defined period or periods of time

(B) Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

INCLUDES RHCA CC&RS / DEED RESTRICTIONS

(13) **Regulation of Uses.**

(A) **Residential-only**. No non-residential use is permitted on any lot created by urban lot split.

(B) **No STRs**. No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.

(C) **Owner Occupancy**. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

(14) **Notice of Construction**.

(A) At least 30 business days before starting any construction of a structure on a lot created by an urban lot split, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

(i) Notice that construction has been authorized,

(ii) The anticipated start and end dates for construction,

(iii) The hours of construction,

(iv) Contact information for the project manager (for construction-related complaints), and

(v) Contact information for the Building & Safety Department.

(B) This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

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(15) **Deed Restriction**. The owner must record a deed restriction, on each lot that results from the urban lot split, on a form approved by the city, that does each of the following:

(A) Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

(B) Expressly prohibits any non-residential use of the lots created by the urban lot split.

(C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

(D) States that:

(i) The lot is formed by an urban lot split and is therefore subject and limited to the city's urban lot split regulations under this Chapter, including all applicable limits on dwelling size and development pursuant to this Chapter.

(ii) Development on the lot is limited to development of residential units under Chapter 17.45 of this Code, except as required by state law..

(b) **Specific Adverse Impacts.**

(1) Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(2) "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

(3) The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

TITLE 17 (ZONING)

CHAPTER 17.45 (TWO-UNIT PROJECTS)

17.45.010 Purpose

The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.

17.45.020 Definition

A "two-unit project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

17.45.030 Application

(1) Only individual property owners may apply for a two-unit project. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Rev. & Tax Code § 214.15).

(2) An application for a two-unit project must be submitted on the city's approved form. The application must include the following: a certificate of compliance with the Subdivision Map Act for the lot; a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter; and an affidavit certifying compliance with all requirements of this Chapter.

(3) Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

(4) The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

Commented [JA5]: Same comment as earlier.

17.45.040 Approval

(1) An application for a two-unit project is approved or denied ministerially, by the planning director or his or her designee, without discretionary review.

(2) The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.

(3) The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.

(4) The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

17.45.050 Requirements

(a) A two-unit project must satisfy each of the following requirements:

(1) **Map Act Compliance.** The lot must have been legally subdivided.

(2) **Zone.** The lot is in a single-family residential zone.

(3) **Lot Location.**

(A) The lot is not located on a site that is any of the following:

(i) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

(ii) A wetland.

(iii) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

(iv) A hazardous waste site that has not been cleared for residential use.

(v) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

(vi) Within a 100-year flood hazard area, unless the site has either:

(I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

(II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

(vii) Within a regulatory floodway, unless all development on the site has received a no-rise certification.

(viii) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

(ix) Habitat for protected species.

(x) Land under conservation easement.

(B) The purpose of subpart (3)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)

(4) **Not Historic.** The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

(5) **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

(A) Housing that is income-restricted for households of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

(D) Housing that has been occupied by a tenant in the last three years. Optional: The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

(6) **Unit Standards.**

(A) **Quantity.**

(i) No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.

(ii) A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city's ADU ordinance.

(B) **Unit Size.**

(i) The total floor area of each primary dwelling built that is developed under this section must be

(I) less than or equal to 800 and

(II) more than 500 square feet.

} SEE PREV. NOTE RE RES. SIZE

(ii) A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.

(iii) A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

(C) **Height Restrictions.**

(i) No new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.

} SEE RHCA BLDG REGS

(D) **Demo Cap.** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

(E) **Lot Coverage.** All structures as defined in Section 17.16.070 on a lot shall not cover more than twenty percent of the net lot area. All structures and all other impervious surfaces as defined in Section 17.16.070 on a lot shall not cover more than thirty-five percent of the net lot area. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(F) **Open Space.** No development pursuant to this Chapter may cause the total percentage of open space of the lot fall below fifty percent. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(G) **Setbacks.**

(i) **Generally.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

(ii) **Exceptions**. Notwithstanding subpart (a)(6)(G) above:

(I) **Existing Structures**. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(II) **800 sf; four-foot side and rear**. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

(iii) **Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed under this section must be at least 30 feet from the front property lines. The front setback area must:

(I) be kept free from all structures greater than three feet high;

(II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;

(III) allow for vehicular and fire-safety access.

(H) **Parking**. Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies: OUTSIDE RHCA EASEMENT

(i) The lot is located within one-half mile walking distance of either

(I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(II) a site that contains

(ia) an existing rail or bus rapid transit station,

(ib) a ferry terminal served by either a bus or rail transit service, or

(ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(ii) The site is located within one block of a car-share vehicle location.

(I) **Architecture.**

(i) Architecture is limited to white California ranch style homes with three-rail fences.

Commented [JA6]: Same comment as earlier

(ii) If there is a legal primary dwelling on the lot that was established before the two-unit project, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iii) If there is no legal primary dwelling on the lot before the two-unit project, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iv) All exterior lighting must be limited to down-lights.

(v) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(vi) If any portion of a dwelling is less than 30 feet from a property line that is not a right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

REPLACE W/ PREV NOTE "COMPLY W/ RHCA BLDG REGS.

(J) **Landscaping.** Evergreen landscape screening must be plated and maintained between each dwelling and adjacent lots (but not rights of way) as follows:

(i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.

(ii) Plant specimens must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.

(iii) All landscaping must be drought-tolerant.

(iv) All landscaping must be from the city's approved plant list.

← COMPLY W/ RHCA LANDSCAPE GUIDELINES

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(K) **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.

(L) **Utilities.**

(i) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.

(ii) A primary dwelling unit must have a direct utility connection to an onsite wastewater treatment system in accordance with this paragraph and the City's code. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years All utilities must be underground.

(iii) Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(M) **Building & Safety.** All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.

(N) DUPLICATE FOR RHCA

(7) **Fire-Hazard Mitigation Measures.**

(A) A lot in a very high fire hazard severity zone must comply with the fire-hazard mitigation measures in the City's fire code.

(B) Prior to submitting an application for development under this Chapter, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter. The City or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the City's costs for inspection. Failure to pay is grounds for denying the application.

(8) **Separate Conveyance.**

(A) Primary dwelling units on the lot may not be owned or conveyed separately from each other.

(B) Condominium airspace divisions and common interest developments are not permitted within the lot.

(C) All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

(D) No timeshare, as defined by state law or this code, is permitted. This includes any co-ownership arrangement that gives an owner the right to exclusive use of the property for a defined period or periods of time.

(9) **Regulation of Uses.**

(A) **Residential-only**. No non-residential use is permitted on the lot.

(B) **No STRs**. No dwelling unit on the lot may be rented for a period of less than 30 days.

(C) **Owner Occupancy**. Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

(10) **Notice of Construction.**

(A) At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

(i) Notice that construction has been authorized,

(ii) The anticipated start and end dates for construction,

(iii) The hours of construction,

(iv) Contact information for the project manager (for construction-related complaints), and

(v) Contact information for the Building & Safety Department.

(B) This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

(11) **Deed Restriction**. The owner must record a deed restriction, on a form approved by the City, that does each of the following:

(A) Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

(B) Expressly prohibits any non-residential use of the lot.

(C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

(D) If the lot does not undergo an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

(E) Limits development of the lot to residential units that comply with the requirements of this section, except as required by state law.

(b) **Specific Adverse Impacts.**

(1) Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(2) "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

(3) The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

(c) **Remedies.**

If a two-unit project violates any part of this code or any other legal requirement:

(1) The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.

(2) The city may:

(A) Bring an action to enjoin any attempt to sell, lease, or finance the property.

(B) Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

(C) Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both; or a misdemeanor.

(D) Record a notice of violation.

(E) Withhold any or all future permits and approvals.

(F) Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

TITLE 15

(BUILDING AND CONSTRUCTION)

Chapter 15.20 Fire Code

Section 15.20.035 Urban Lot Splits Authorized Under Rolling Hills Municipal Code Chapter 16.50

A. Emergency Access.

1. The resulting lot must have its own paved driveway with a width of at least 30 feet. The driveway must have direct access to a paved right of way with a width of at least 40 feet. The right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate. The grade of the right of way shall be 5% or less.

2. The resulting lot must have sufficient turn around area connecting to the paved driveway to allow emergency responders to turn around on the resulting lot.

B. Water Supply

1. Fire Hydrants.

i. Public fire hydrants shall be spaced no more than 600 feet apart. For properties with more than one dwelling unit per acre, no portion of lot frontage should be more than 360 feet away, via fire apparatus access, from a public hydrant. For properties less than one dwelling unit per acre, no portion of a fire apparatus access road shall be father than 600 feet away, via fire apparatus access, from a properly space public hydrant that meets the required fire-flow.

ii. When any portion of a proposed lot exceeds the allowable distance from a public fire hydrant, on-site hydrants shall be provided. The spacing

distance between on-site hydrants shall be 300 to 400 feet. All on-site fire hydrants shall have, at a minimum, a fire-flow of 1,250 gallons per minute (4,732 L/min) at 20 psi (137.895 kPa) for a duration of two hours. If more than one on-site fire hydrant is required, the fire flow shall be 2,500 gallons per minute (9,463.53 L/min) at 20 psi (137.895 kPa) for a duration of two hours. All on-site hydrants shall be installed a minimum of 25 feet (7,620 mm) from a structure or protected by a two-hour fire wall.

C. Construction

1. All dwelling units on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
2. No dwelling unit shall be within ~~100~~ 30 feet of any other dwelling unit or any other enclosed structure.
3. All enclosed structures on the site must have automatic fire sprinklers.
4. A Class A roof covering (excluding solid wood materials) shall be installed on any new unit.
5. Exterior classing, eave, and soffits shall be constructed of ignition-resistant materials approved by the fire code official. Approved materials include, but are not limited to: fiber-cement board, stucco, masonry/brick, manufactured stone, and similar materials. Natural wood/cedar siding, hardboard, vinyl, and similar combustible materials are not allowed.
6. For any portion of the attached structure with projections or overhangs, the area below the structure shall have all horizontal under-floor areas enclosed with ignition resistant materials.
7. Exterior doors shall be noncombustible or of solid core not less than 1 ¾ inches thick. Windows within doors and glazed doors shall be tempered safety glass or multi-layered glazed panels.
8. Exterior windows shall be a minimum double pane.
9. The base of exterior walls, posts, or columns shall be protected on the bottom side with provisions such as fire resistant foam or wire mesh having openings no larger than 1/8 inch to protect them from ember intrusion and still allow for weeping and moisture control.

CITY COUNCIL MODIFIED TO 35'

Commented [JA7]: John, do you think this is appropriate? In the very high fire hazard severity zone, the next zone identified before 100 feet is 30 Do you think we should set this to 30?

Section 15.20.040 Two Unit Construction Authorized Under Rolling Hills Municipal Code Chapter 17.45

A. Emergency Access.

1. The resulting lot must have its own paved driveway with a width of at least 30 feet. The driveway must have direct access to a paved right of way with a width of at least 40 feet. The right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate. The grade of the right of way shall be 5% or less.

2. The resulting lot must have sufficient turn around area connecting to the paved driveway to allow emergency responders to turn around on the resulting lot.

B. Water Supply

1. Fire Hydrants.

   i. Public fire hydrants shall be spaced no more than 600 feet apart. For properties with more than one dwelling unit per acre, no portion of lot frontage should be more than 360 feet away, via fire apparatus access, from a public hydrant. For properties less than one dwelling unit per acre, no portion of a fire apparatus access road shall be father than 600 feet away, via fire apparatus access, from a properly space public hydrant that meets the required fire-flow.

   ii. When any portion of a proposed lot exceeds the allowable distance from a public fire hydrant, on-site hydrants shall be provided. The spacing distance between on-site hydrants shall be 300 to 400 feet. All on-site fire hydrants shall have, at a minimum, a fire-flow of 1,250 gallons per minute (4,732 L/min) at 20 psi (137.895 kPa) for a duration of two hours. If more than one on-site fire hydrant is required, the fire flow shall be 2,500 gallons per minute (9,463.53 L/min) at 20 psi (137.895 kPa) for a duration of two hours. All on-site hydrants shall be installed a minimum of 25 feet (7,620 mm) from a structure or protected by a two-hour fire wall.

C. Construction

1. All dwelling units on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.

2. No dwelling unit shall be within 100 feet of any other dwelling unit or any other enclosed structure.

Commented [JA8]: Same comment as earlier.

3. All enclosed structures on the site must have automatic fire sprinklers.

4. A Class A roof covering (excluding solid wood materials) shall be installed on any new unit.

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5. Exterior classing, eave, and soffits shall be constructed of ignition-resistant materials approved by the fire code official. Approved materials include, but are not limited to: fiber-cement board, stucco, masonry/brick, manufactured stone, and similar materials. Natural wood/cedar siding, hardboard, vinyl, and similar combustible materials are not allowed.

SEE RHCA BLDG REGS.

6. For any portion of the attached structure with projections or overhangs, the area below the structure shall have all horizontal under-floor areas enclosed with ignition resistant materials.

7. Exterior doors shall be noncombustible or of solid core not less than 1 ¾ inches thick. Windows within doors and glazed doors shall be tempered safety glass or multi-layered glazed panels.

8. Exterior windows shall be a minimum double pane.

9. The base of exterior walls, posts, or columns shall be protected on the bottom side with provisions such as fire resistant foam or wire mesh having openings no larger than 1/8 inch to protect them from ember intrusion and still allow for weeping and moisture control.

Rolling Hills Community Association
of Rancho Palos Verdes
No. 1 Portuguese Bend Rd. • Rolling Hills, Calif. 90274

(310) 544-6222 ROLLING HILLS CALIFORNIA (310) 544-6766 Fax

November 24, 2021

Via Email: ejeng@cityofrh.net

City Council
City of Rolling Hills
c/o Mayor Bea Dieringer
2 Portuguese Bend Rd
Rolling Hills, CA 90274

Re: Proposed Ordinance on Urban Lot Splits

Dear Councilmembers:

The Board of Directors of the Rolling Hills Community Association commends the Council on the drafting of the proposed ordinance on urban lot splits. We were pleased to learn that anyone applying for a lot split must fill out a checklist that they received the Association's approval. If evidence of RHCA approval is not submitted with the application, the City will treat the application as incomplete.

Senator Toni Atkins, the author of the Senate Bill 9, published a letter stating that her bill does not apply to common interest developments. She wrote that "the bill contains no provisions that supersede HOA or CID governing documents." To ensure applicants know in advance that they must first obtain the Association's approval, we ask that you add the following language, or something similar, to Section 16.50.030:

(1) Only individual property owners…

(2) An application for an urban lot split must **first be submitted to the Rolling Hills Community Association (RHCA) for approval before submitting an application to the city**. **Once RHCA has approved the lot split, an application must be submitted to the city** on the city's approved form. Such application shall include the following documents: a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter; copies of the unrecorded easement agreements for public utilities in accordance with this Chapter; and an affidavit certifying compliance with all requirements of this Chapter. Only a complete application will be considered. The city will inform the

applicant in writing of any incompleteness within 30 days after the application is submitted.

We believe this will avoid any potential problems in the approval process and minimize city staff administrative time with lot split applications. If you have any questions, please do not hesitate to contact me at dmckconsulting@sbcglobal.net.

Sincerely,

David McKinnie, President
Rolling Hills Community Association

cc: Jane Abzug, City Attorney <Jane.Abzug@bbklaw.com>
Adrian Adams, RHCA attorney <aadams@adamsstirling.com>

EXHIBIT A

Section 1. Title 16 (Subdivisions) of the City of Rolling Hill's Municipal Code is hereby amended to add Chapter 16.50 (SB 9 Urban Lot Splits) to read as follows:

CHAPTER 16.50 SB 9 URBAN LOT SPLITS

Section 16.50.010 Purpose

The purpose of this chapter is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

Section 16.50.020 Definition

An "urban lot split" means a the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

Section 16.50.030 Application

(1) Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).

(2) An application for an urban lot split must be submitted on the city's approved form. Such application shall include, but not be limited to, the following documents: a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter; copies of the unrecorded easement agreements for public utilities in accordance with this Chapter; a survey from a qualified biologist showing that there are no protected species on site; and an affidavit certifying compliance with all requirements of this Chapter. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

(3) The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

Section 16.50.040 Approval

(1) An application for a parcel map for an urban lot split is approved or denied ministerially, by the planning director or his or her designee, without discretionary review.

(2) A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.

(3) The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.

(4) The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

Section 16.50.050 Requirements

(a) An urban lot split must satisfy each of the following requirements:

(1) **Map Act Compliance**.

(A) The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., "SMA"), including implementing requirements in this code, except as otherwise expressly provided in this section.

(B) If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:

(i) The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.

(ii) The city has all the remedies available to it under the SMA, including but not limited to the following:

(I) An action to enjoin any attempt to sell, lease, or finance the property.

(II) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

(III) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both; or a misdemeanor.

(IV) Record a notice of violation.

(V) Withhold any or all future permits and approvals.

(C) Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.

(2) **Zone.** The lot to be split is in a single-family residential zone.

(3) **Lot Location**. The lot is not located on a site that is any of the following:

(A) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(F) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(I) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(J) Lands under conservation easement.

(4) **Not Historic**. The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

(5) **No Prior Urban Lot Split**.

(A) The lot to be split was not established through a prior urban lot split.

(B) The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

(6) **No Impact on Protected Housing**. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

(A) Housing that is income-restricted for households of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

(D) Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

(7) **Lot Size**.

(A) The lot to be split must be at least 2,400 square feet.

(B) The resulting lots must each be at least 1,200 square feet.

(C) Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

(8) **Easements**.

(A) The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

(B) Each easement must be shown on the tentative parcel map.

(C) Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with Section 16.50.040

(D) If an easement is recorded and the project is not completed, making the easement moot, the property owner may request, and the city will provide, a notice of termination of the easement, which the owner may record.

(9) **Lot Access**.

(A) Each resulting lot must adjoin the right of way.

(B) Each resulting lot must have frontage on the right of way of at least 50 feet.

(10) **Unit Standards**.

(A) **Quantity**. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under Chapter 17.45 of this code, an ADU, or a JADU

(B) **Unit Size**.

(i) The total floor area of each primary dwelling that is developed on a resulting lot must be

(I) less than or equal to 800 and

(II) more than 500 square feet.

(ii) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.

(iii) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.

(C) **Height Restrictions**.

(i) No new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.

(ii) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.

(D) **Proximity to Stable and Corral Site.** A primary dwelling unit is a residential structure that shall be located a minimum of thirty-five feet from any stable, corral, and related animal keeping uses and structures as required in Chapter 17.18. This standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(E) **Lot Coverage**. All structures as defined in Section 17.16.070 on a lot shall not cover more than twenty percent of the net lot area. All structures and all other impervious surfaces as defined in Section 17.16.070 on a lot shall not cover more than thirty-five percent of the net lot area. These lot coverage standards are only enforced to the extent that they do not prevent two primary dwelling units on the lot at 800 square feet each.

(F) **Open Space**. No development pursuant to this Chapter may cause the total percentage of open space of the lot fall below fifty percent. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(G) **Setbacks**.

(i) **Generally**. All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

(ii) **Exceptions**. Notwithstanding subpart (10)(G) above:

(I) **Existing Structures**. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(II) **800 sf; four-foot side and rear**. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

(iii) **Front Setback Area**. Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least 30 feet from the front property lines. The front setback areas must:

(I) be kept free from all structures greater than three feet high;

(II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;

(III) allow for vehicular and fire-safety access.

(H) **Parking**. Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:

(i) The lot is located within one-half mile walking distance of either

(I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(II) a site that contains

(ia) an existing rail or bus rapid transit station,

(ib) a ferry terminal served by either a bus or rail transit service, or

(ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(ii) The site is located within one block of a car-share vehicle location.

(I) **Architecture**.

(i) Architecture is limited to white California ranch style homes rambling in character ("U" shaped footprint) with low profile silhouette (50% of building must have exterior wall height of 8'6") and exterior three-rail fences. Examples of allowed architecture are as follows:

(I) Traditional Ranch

(ia) Hip, gable, or Dutch gable roof design

(ib) Medium roof pitch (3.5:12 minimum to 5:12 maximum roof pitch)

(II) Contemporary Ranch

(ia) Hip or gable roof design

(ib) 3:12 minimum roof pitch

(III) Early California Rancho

(ia) Gable roof design

(ib) 3:12 minimum roof pitch and 4:12 maximum roof pitch

(ii) If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iii) If there is no legal primary dwelling on the lot before the urban lot split, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iv) All exterior lighting must be limited to down-lights.

(v) No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(vi) If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than 30 feet from a property line that is not a right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(J) **Landscaping**.

Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:

(i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.

(ii) Plant specimens must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.

(iii) All landscaping must be drought-tolerant.

(iv) All landscaping must be from the city's approved plant list.

(K) **Nonconforming Conditions**. An urban lot split is approved without requiring a legal nonconforming zoning condition to be corrected.

(L) **Utilities**.

(i) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider. Each primary dwelling unit shall have its own water, electrical, and gas meters.

(ii) Each primary dwelling unit must have its own separate direct utility connection to an onsite wastewater treatment system or

sewer in accordance with this paragraph and the City's code. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(iii) All utilities must be undergrounded.

(M) **Building & Safety**. All structures built on the lot must comply with all current local building standards. An urban lot split is a change of use.

(11) **Fire-Hazard Mitigation Measures**.

(A) A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

(i) Water Sources

(I) Fire Hydrants.

(ia) Public fire hydrants shall be spaced no more than 600 feet (182.88 m) apart. For properties with more than one dwelling unit per acre, no portion of lot frontage should be more than 360 feet away, via fire apparatus access, from a hydrant. For properties less than one dwelling unit per acre, no portion of a fire apparatus access road shall be father than 600 feet away, via fire apparatus access, from a properly space hydrant that meets the required fire-flow.

(ib) When any portion of a proposed structure exceeds the allowable distances from a public hydrant, via fire apparatus access, on-site hydrants shall be provided. The spacing distance between on-site hydrants shall be 300 to 400 feet (91.44 to 121.92 m). All on-site fire hydrants shall have, at a minimum, a fire-flow of 1,250 gallons per minute (4,732 L/min) at 20 psi (137.895 kPa) for a duration of two hours. If more than one on-site fire hydrant is required, the fire flow shall be 2,500 gallons per minute (9,463.53 L/min) at 20 psi (137.895 kPa) for a duration of two hours. All on-site hydrants shall be installed a minimum of 25 feet (7,620 mm) from a structure or protected by a two-hour firewall.

(II) Sprinklers. All enclosed structures on site must have automatic sprinkler systems installed.

(ii) Access

(I) A lot must have direct access through its own paved driveway with a width of at least 30 feet connecting with direct access to a paved right of way or fire apparatus access road with a width of at least 40 feet, exclusive of shoulders. A lot must access such paved right of way or fire apparatus access road with at least two independent paved points of access for fire and life safety to access and for residents to evacuate.

(II) No dwelling unit shall be within 30 feet of any other dwelling unit or any other enclosed structure on such lot.

(iii) All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.

(B) Prior to submitting an application for an urban lot split, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this subpart. The city or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the city's costs for inspection. Failure to pay is grounds for denying the application.

(12) **Separate Conveyance**.

(A) Within a resulting lot.

(i) Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.

(ii) Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.

(iii) All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.

(iv) No timeshare, as defined by state law or this code, is permitted. This includes any co-ownership arrangement that gives an owner the right to exclusive use of the property for a defined period or periods of time

(B) Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building

code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

(13) **Regulation of Uses.**

(A) **Residential-only**. No non-residential use is permitted on any lot created by urban lot split.

(B) **No STRs**. No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.

(C) **Owner Occupancy**. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

(14) **Notice of Construction**.

(A) At least 30 business days before starting any construction of a structure on a lot created by an urban lot split, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

(i) Notice that construction has been authorized,

(ii) The anticipated start and end dates for construction,

(iii) The hours of construction,

(iv) Contact information for the project manager (for construction-related complaints), and

(v) Contact information for the Building & Safety Department.

(B) This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

(15) **Deed Restriction**. The owner must record a deed restriction, on each lot that results from the urban lot split, on a form approved by the city, that does each of the following:

(A) Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

(B) Expressly prohibits any non-residential use of the lots created by the urban lot split.

(C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

(D) States that:

(i) The lot is formed by an urban lot split and is therefore subject and limited to the city's urban lot split regulations under this Chapter, including all applicable limits on dwelling size and development pursuant to this Chapter.

(ii) Development on the lot is limited to development of residential units under Chapter 17.45 of this Code, except as required by state law.

(b) **Specific Adverse Impacts**.

(1) Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(2) "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

(3) The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

(c) **Remedies**. If an urban lot split project violates any part of this code or any other legal requirement:

(1) The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.

(2) The city may:

(A) Bring an action to enjoin any attempt to sell, lease, or finance the property.

(B) Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

(C) Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both; or a misdemeanor.

(D) Record a notice of violation.

(E) Withhold any or all future permits and approvals.

(F) Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

Section 2. Title 17 (Land Use) of the City of Rolling Hills Municipal Code is hereby amended to add Chapter 17.45 (SB 9 Two-Unit Projects) to read as follows:

CHAPTER 17.45 (SB 9 TWO-UNIT PROJECTS)

17.45.010 Purpose

The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.

17.45.020 Definition

A "two-unit project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

17.45.030 Application

(1) Only individual property owners may apply for a two-unit project. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Rev. & Tax Code § 214.15).

(2) An application for a two-unit project must be submitted on the city's approved form. The application must include, but not be limited to, the following: a certificate of compliance with the Subdivision Map Act for the lot; a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter; a survey from a qualified biologist showing that there are no

protected species on site; and an affidavit certifying compliance with all requirements of this Chapter.

(3) Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

(4) The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

17.45.040 Approval

(1) An application for a two-unit project is approved or denied ministerially, by the planning director or his or her designee, without discretionary review.

(2) The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.

(3) The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.

(4) The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

17.45.050 Requirements

(a) A two-unit project must satisfy each of the following requirements:

(1) **Map Act Compliance**. The lot must have been legally subdivided.

(2) **Zone.** The lot is in a single-family residential zone.

(3) **Lot Location**. The lot is not located on a site that is any of the following:

(A) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(F) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(I) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16

U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(J) Lands under conservation easement.

(4) **Not Historic**. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

(5) **No Impact on Protected Housing**. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

(A) Housing that is income-restricted for households of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

(D) Housing that has been occupied by a tenant in the last three years. Optional: The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

(6) **Unit Standards**.

(A) **Quantity**.

(i) No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.

(ii) A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city's ADU ordinance.

(B) **Unit Size**.

(i) The total floor area of each primary dwelling built that is developed under this section must be

(I) less than or equal to 800 and

(II) more than 500 square feet.

(ii) A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.

(iii) A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

(C) **Height Restrictions**.

(i) No new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.

(ii) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.

(D) **Demo Cap**. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

(E) **Lot Coverage**. All structures as defined in Section 17.16.070 on a lot shall not cover more than twenty percent of the net lot area. All structures and all other impervious surfaces as defined in Section 17.16.070 on a lot shall not cover more than thirty-five percent of the net lot area. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(F) **Open Space**. No development pursuant to this Chapter may cause the total percentage of open space of the lot fall below fifty percent. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

(G) **Setbacks**.

(i) **Generally**. All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

(ii) **Exceptions**. Notwithstanding subpart (a)(6)(G) above:

(I) **Existing Structures**. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(II) **800 sf; four-foot side and rear**. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

(iii) **Front Setback Area**. Notwithstanding any other part of this code, dwellings that are constructed under this section must be at least 30 feet from the front property lines. The front setback area must:

(I) be kept free from all structures greater than three feet high;

(II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;

(III) allow for vehicular and fire-safety access.

(H) **Parking**. Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:

(i) The lot is located within one-half mile walking distance of either

(I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(II) a site that contains

(ia) an existing rail or bus rapid transit station,

(ib) a ferry terminal served by either a bus or rail transit service, or

(ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(ii) The site is located within one block of a car-share vehicle location.

(I) **Architecture**.

(i) Architecture is limited to white California ranch style homes rambling in character ("U" shaped footprint) with low profile silhouette (50% of building must have exterior wall height of 8'6") and exterior three-rail fences. Examples of allowed architecture are as follows:

(I) Traditional Ranch

(ia) Hip, gable, or Dutch gable roof design

(ib) Medium roof pitch (3.5:12 minimum to 5:12 maximum roof pitch)

(II) Contemporary Ranch

(ia) Hip or gable roof design

(ib) 3:12 minimum roof pitch

(III) Early California Rancho

(ia) Gable roof design

(ib) 3:12 minimum roof pitch and 4:12 maximum roof pitch

(ii) If there is a legal primary dwelling on the lot that was established before the two-unit project, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iii) If there is no legal primary dwelling on the lot before the two-unit project, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.

(iv) All exterior lighting must be limited to down-lights.

(v) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(vi) If any portion of a dwelling is less than 30 feet from a property line that is not a right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(J) **Landscaping**. Evergreen landscape screening must be plated and maintained between each dwelling and adjacent lots (but not rights of way) as follows:

(i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.

(ii) Plant specimens must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.

(iii) All landscaping must be drought-tolerant.

(iv) All landscaping must be from the city's approved plant list.

(K) **Nonconforming Conditions**. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.

(L) **Utilities**.

(i) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.

(ii) Each primary dwelling unit must have its own separate direct utility connection to an onsite wastewater treatment system or sewer in accordance with this paragraph and the City's code. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years All utilities must be underground.

(iii) Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(M) **Building & Safety**. All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.

(7) **Fire-Hazard Mitigation Measures**.

(A) A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

(i) Water Sources

(I) Fire Hydrants

(ia) Public fire hydrants shall be spaced no more than 600 feet (182.88 m) apart. For properties with more than one dwelling unit per acre, no portion of lot frontage should be more than 360 feet away, via fire apparatus access, from a hydrant. For properties less than one dwelling unit per acre, no portion of a fire apparatus access road shall be father than 600 feet away, via fire apparatus access, from a properly space hydrant that meets the required fire-flow.

(ib) When any portion of a proposed structure exceeds the allowable distances from a public hydrant, via fire apparatus access, on-site hydrants shall be provided. The spacing distance between on-site hydrants shall be 300 to 400 feet (91.44 to 121.92 m). All on-site fire hydrants shall have, at a minimum, a fire-flow of 1,250 gallons per minute (4,732 L/min) at 20 psi (137.895 kPa) for a duration of two hours. If more than one on-site fire hydrant is required, the fire flow shall be 2,500 gallons per minute (9,463.53 L/min) at 20 psi (137.895 kPa) for a duration of two hours. All on-site hydrants shall be installed a minimum of 25 feet (7,620 mm) from a structure or protected by a two-hour firewall.

(II) Sprinklers. All enclosed structures on site must have automatic sprinkler systems installed.

(ii) Access

(I) A lot must have direct access through its own paved driveway with a width of at least 30 feet connecting with direct access to a paved right of way or fire apparatus access road with a width of at least 40 feet, exclusive of shoulders. A lot must access such paved right of way or fire apparatus access road with at least two independent paved points of access for fire and life safety to access and for residents to evacuate.

(II) No dwelling unit shall be within 30 feet of any other dwelling unit or any other enclosed structure on such lot.

(iii) All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.

(B) Prior to submitting an application for development under this Chapter, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this Chapter. The City or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the City's costs for inspection. Failure to pay is grounds for denying the application.

(8) **Separate Conveyance**.

(A) Primary dwelling units on the lot may not be owned or conveyed separately from each other.

(B) Condominium airspace divisions and common interest developments are not permitted within the lot.

(C) All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

(D) No timeshare, as defined by state law or this code, is permitted. This includes any co-ownership arrangement that gives an owner the right to exclusive use of the property for a defined period or periods of time.

(9) **Regulation of Uses.**

(A) **Residential-only**. No non-residential use is permitted on the lot.

(B) **No STRs**. No dwelling unit on the lot may be rented for a period of less than 30 days.

(C) **Owner Occupancy**. Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

(10) **Notice of Construction**.

(A) At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

(i) Notice that construction has been authorized,

(ii) The anticipated start and end dates for construction,

(iii) The hours of construction,

(iv) Contact information for the project manager (for construction-related complaints), and

(v) Contact information for the Building & Safety Department.

(B) This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

(11) **Deed Restriction**. The owner must record a deed restriction, on a form approved by the City, that does each of the following:

(A) Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

(B) Expressly prohibits any non-residential use of the lot.

(C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

(D) If the lot does not undergo an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

(E) Limits development of the lot to residential units that comply with the requirements of this section, except as required by state law.

(b) **Specific Adverse Impacts**.

(1) Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(2) "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact,

based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

(3) The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

(c) **Remedies**. If a two-unit project violates any part of this code or any other legal requirement:

(1) The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.

(2) The city may:

(A) Bring an action to enjoin any attempt to sell, lease, or finance the property.

(B) Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

(C) Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both; or a misdemeanor.

(D) Record a notice of violation.

(E) Withhold any or all future permits and approvals.

(F) Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

Section 3. Chapter 15.20 (Fire Code) of Title 15 (Building and Construction) of the Rolling Hills Municipal Code is hereby amended as follows:

15.20.010 – Adoption of Fire Code

Except as hereinafter provided in this chapter, Title 32 Fire Code of the Los Angeles County Codes, as amended and in effect on ~~February 24, 2017~~January 1, 2020, which constitutes an amended version of the California Fire Code, ~~2016~~2019 Edition and an amended version of the International Fire Code, ~~2015~~2018 Edition is hereby adopted by reference and shall constitute and may be cited as the Fire Code of the City of Rolling Hills.

In the event of any conflict between provisions of the California Fire Code, ~~2016~~2019Edition, Title 32 of the Los Angeles County Code, or any amendment to the Fire Code contained in the Rolling Hills Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 32 of the Los Angeles County Code, along with a copy of the California Fire Code, ~~2016~~2019 Edition has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

15.20.020 Short title.

This chapter shall be known as the "Fire Code of the City of Rolling Hills" and may be cited as such.

15.20.025 Very high fire hazard severity zone (VHFHSZ).

The entire City of Rolling Hills is designated as a very high fire hazard severity zone, as prescribed by the Director of California Department of Forestry and Fire Protection and as designated on a map titled City of Rolling Hills VHFHSZ dated July 1, 2008 and which shall be retained on file in the City Clerk's office at the Rolling Hills City Hall.

15.20.030 Permits.

Any permit heretofore issued by the County of Los Angeles pursuant to the Fire Code of said County, for work within the territorial boundaries of the City of Rolling Hills, shall remain in full force and effect according to its terms.

15.20.040 Local Amendments.

The following provisions of the Los Angeles County Fire Code are hereby amended as follows:

1. Section C105.2 (One- and two-family dwellings, and Group R-2 buildings) is amended to read as follows:

    Section C105.2 (One- and two-family dwellings, and Group R-2 buildings)

    A. For one- and two-family dwellings, and Group R-3 buildings, fire hydrants shall be spaced no more than 600 feet (182.88 m) apart. For properties with more than one dwelling unit per acre, no portion of lot frontage should be more than 450 feet (137.16 m) away, via fire apparatus access, from a public hydrant. For properties less than one dwelling unit per acre, no portion of a fire apparatus access roadway shall be farther than 750 feet (228.6 m) away, via fire apparatus access, from a properly spaced public hydrant that meets the required fire-flow.

    B. Notwithstanding paragraph A above, for projects under Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects), fire hydrants shall be spaced no more than 600 feet (182.88 m) apart. For properties with more than one dwelling unit per acre, no portion of lot frontage should be more than 360 feet away, via fire apparatus access, from a hydrant. For properties less than one

dwelling unit per acre, no portion of a fire apparatus access road shall be father than 600 feet away, via fire apparatus access, from a properly space hydrant that meets the required fire-flow.

2. Section C106.1 (Required on-site hydrants) is set forth below without amendments for purposes of reference only:

C106.1 - Required on-site hydrants.

When any portion of a proposed structure exceeds the allowable distances from a public hydrant, via fire apparatus access, on-site hydrants shall be provided. The spacing distance between on-site hydrants shall be 300 to 400 feet (91.44 to 121.92 m). All on-site fire hydrants shall have, at a minimum, a fire-flow of 1,250 gallons per minute (4,732 L/min) at 20 psi (137.895 kPa) for a duration of two hours. If more than one on-site fire hydrant is required, the fire flow shall be 2,500 gallons per minute (9,463.53 L/min) at 20 psi (137.895 kPa) for a duration of two hours. All on-site hydrants shall be installed a minimum of 25 feet (7,620 mm) from a structure or protected by a two-hour firewall.

Exception: For fully sprinklered multifamily residential structures, on-site hydrants may be installed a minimum of 10 feet (3.05 m) from the structure.

3. Section 503.1.1 (Buildings and facilities) is amended to read as follows:

503.1.1 - Buildings and facilities.

A. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where any of the following conditions occur:

1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities and a stand-alone battery energy storage structure.3.Exterior walls of interior courts that are enclosed on all sides.

B. Notwithstanding paragraph A above, for projects under Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects), a lot must have its own paved driveway with a width of at least 30 feet connecting with direct access to a paved right of way or fire apparatus access road with a width of at least 40 feet, exclusive of shoulders. No dwelling unit shall be within 30 feet of any other dwelling unit or any other enclosed structure on such lot.

4. Section 503.1.2 (Additional access) is amended to read as follows:

503.1.2 – Additional access.

A. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Such additional access must also comply with Title 21 of the Los Angeles County Code.

B. Notwithstanding paragraph A above, for projects under Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects), a lot must access a paved right of way or fire apparatus access road with at least two independent paved points of access for fire and life safety to access and for residents to evacuate.

5. Section 503.2.1 (Dimensions) is amended to read as follows:

Section 503.2.1 Dimensions

A. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6,096 mm), exclusive of shoulders, except as specified in Sections 503.2.1.1 through 503.2.1.2.2.2, and for approved security gates in accordance with Section 503.6. Fire apparatus access roads shall have an unobstructed vertical clearance clear to the sky.

Exception: A minimum vertical clearance of 13 feet 6 inches (4,114.8 mm) may be allowed for protected tree species adjacent to access roads. Any applicable tree-trimming permit from the appropriate agency is required.

B. Notwithstanding paragraph A above, for projects under Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects), a lot must have direct access through its own paved driveway with a width of at least 30 feet connecting with direct access to a paved right of way or fire apparatus access road with a width of at least 40 feet, exclusive of shoulders.

6. Section 903.3.1.3 (NFPA 13D sprinkler systems) is amended to read as follows:

Section 903.3.1.3 NFPA 13D sprinkler systems.

A. Automatic sprinkler systems installed in one- and two family dwellings, Group R-3, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 35

B. For all projects under Chapters 16.50 (SB 9 Urban Lot Splits) and 17.45 (SB 9 Two-Unit Projects), all enclosed structures on site must have automatic sprinkler systems installed in accordance with NFPA 13D as amended in Chapter 35.

15.20.050 Violations.

Every person violating any provision of the Fire Code or of any permit or license granted hereunder, or any rule, regulation or policy promulgated pursuant hereto, is guilty of a misdemeanor unless such violation is declared to be an infraction by ~~Section 5101.1 of~~ the Fire Code. Each such violation is a separate offense for each and every day during any portion of which such violation is committed, continued or permitted, and conviction of any such violation shall be punishable by a fine not to exceed one thousand dollars or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment.

15.20.060 Responsibility.

Any person who personally or through another willfully, negligently, or in violation of law sets a fire, allows a fire to be set, or allows a fire kindled or attended by such person to escape from his or her control, allows any hazardous material to be handled, stored or transported in a manner not in accordance with nationally recognized standards, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the Chief, or willfully or negligently allows the continuation of a violation of the Fire Code and amendments thereto is liable for the expense of fighting the fire or for the expenses incurred during a hazardous materials incident, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person and is collectible by the public agency incurring such expense in the same manner as in the case of an obligation under a contract, expressed or implied.