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 | **CITY COUNCIL** | **CITY OF ROLLING HILLS**
Adjourned City Council Meeting | **Tuesday, December 14, 2021** | **6:00 PM**

All Councilmembers will participate in-person wearing masks per Los Angeles County Health Department's Health Officer Order effective Saturday, July 17, 2021. The meeting agenda is available on the City's website. The City Council meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here: https://www.rolling-hills.org/government/agenda/index.php

Members of the public may submit written comments in real-time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Recordings to City Council meetings can be found here: https://cms5.revize.com/revize/rollinghillsca/government/agenda/index.php

Next Resolution No. 1286 *Next Ordinance No. 374*

1. CALL TO ORDER

2. ROLL CALL

PLEDGE OF ALLEGIANCE

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

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

4. CONSENT CALENDAR

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

4.A. REGULAR MEETING MINUTES OF NOVEMBER 22, 2021.
RECOMMENDATION: Approve as presented.

11.22.2021_CCMinutes.pdf

4.B. PAYMENT OF BILLS
RECOMMENDATION: Approve as presented.
Check COUNCIL REPORT 12-13-2021rv1_EJ-signed.pdf

4.C. RECEIVE AND FILE AN UPDATE ON FUEL LOAD REDUCTION FROM THE PVP LAND CONSERVANCY FOR PHASE 1, PHASE II, AND PHASE III.
RECOMMENDATION: Receive and file.
PVPLC Reducing Fuel Load Project Update -2021.pdf

4.D. RECEIVE AND FILE A REPORT ON THE JOINT EFFORT TO HIRE A HOUSING/LOCAL CONTROL LOBBYIST
RECOMMENDATION: Receive and file.
RFP_JointPeninsulaLobbyist_2021-08-27_assembled.pdf

4.E. RECEIVE AND FILE AGREEMENT WITH CHAMBERS GROUP FOR ENVIRONMENTAL CONSULTING SERVICES
RECOMMENDATION: Receive and file.
Agreement for Planning Services - Chambers-EXECUTED.pdf

5. EXCLUDED CONSENT CALENDAR ITEMS

6. COMMISSION ITEMS

7. PUBLIC HEARINGS

7.A. CONSIDER ADOPTING URGENCY ORDINANCE NUMBER 372U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND URGENCY ORDINANCE NUMBER 373U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO CONSIDER ORDINANCE NUMBER 372 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND ORDINANCE NUMBER 373 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO
RECOMMENDATION:

- **ADOPT URGENCY ORDINANCE NUMBER 372U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**
- **ADOPT URGENCY ORDINANCE NUMBER 373U - AN URGENCY**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

- **WAIVE FULL READING AND INTRODUCE FOR FIRST READING BY TITLE ONLY ORDINANCE NO. 372 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**
- **WAIVE FULL READING AND INTRODUCE FOR FIRST READING BY TITLE ONLY ORDINANCE NO. 373 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**

2021-16_PC_RESOLUTION_SB_9.pdf
SB 9 Urgency Ordinance No 372U.DOCX
SB 9 Fire Code Urgency Ordinance No 373U.DOCX
SB 9 Ordinance No 372.DOCX
SB 9 Fire Code Ordinance No 373.DOCX

8. OLD BUSINESS

9. NEW BUSINESS

10. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

11. MATTERS FROM STAFF

12. CLOSED SESSION

13. ADJOURNMENT

Next regular meeting: Monday, January 10, 2022 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Public Comment is welcome on any item prior to City Council action on the item.
Documents pertaining to an agenda item received after the posting of the agenda are availablefor review in the City Clerk's office or at the meeting at which the item will be considered.
In compliance with the Americans with Disabilities Act (ADA), if you need special assistance toparticipate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.A
Mtg. Date: 12/14/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CHRISTIAN HORVATH,**

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

SUBJECT: **REGULAR MEETING MINUTES OF NOVEMBER 22, 2021.**

DATE: **December 14, 2021**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
11.22.2021_CCMinutes.pdf

MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, NOVEMBER 22, 2021

1. CALL TO ORDER

The City Council of the City of Rolling Hills met in person on the above date at 7:00 p.m.

Mayor Bea Dieringer presiding.

2. ROLL CALL

Present:	Mayor Dieringer, Mayor Pro Tem Black, Pieper, Mirsch, and Wilson
Absent:	None.
Staff Present:	Elaine Jeng, City Manager
	Jane Abzug, City Attorney
	Christian Horvath, City Clerk
	John Signo, Planning Director
	Ashford Ball, Senior Management Analyst
	Stephanie Grant, Code Enforcement/Planner
Residents:	Annie Occiphinti, Alfred Visco

PLEDGE OF ALLEGIANCE BY MAYOR DIERINGER

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

No public comment.

4. CONSENT CALENDAR

A. REGULAR MEETING MINUTES OF NOVEMBER 08, 2021.

Mayor Dieringer pulled Items 4F and 4H for discussion.

MOTION: Councilmember Pieper motioned to approve Item 4A with 3 typographical corrections. Seconded by Councilmember Wilson.

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

B. PAYMENT OF BILLS.

C. REPUBLIC SERVICES RECYCLING TONNAGE REPORT FOR OCTOBER 2021.

D. APPROVE ANNUAL REPORT FOR FISCAL YEAR 2020-2021 TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD AS MANDATED BY THE LOS ANGELES COUNTY MUNICIPAL STORM WATER PERMIT ORDER NO. R4-2012-0175, AMENDED BY ORDER WQ 2015-0075.

E. APPROVE AN AMENDED AGREEMENT WITH LANCE, SOLL & LUNGHARD, LLP (LSL) TO PERFORM ANNUAL AUDIT FOR FISCAL YEAR 2020-2021 FOR AN AMOUNT NOT TO EXCEED $17,623.

G. APPROVE PROJECT PLANS, SPECIFICATIONS FOR REMOVING THE EXISTING NON-OPERABLE STANDBY GENERATOR AND DIRECT STAFF TO ADVERTISE FOR CONSTRUCTION BIDS.

MOTION: Councilmember Pieper motioned to approve Items 4B, 4C, 4D, 4E and 4G. Seconded by Mayor Pro Tem Black.

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

F. APPROVE AN AMENDED PLANNING SERVICES CONTRACT WITH MICHAEL BAKER INTERNATIONAL FOR A NOT-TO-EXCEED AMOUNT OF $10,240.

MOTION: Mayor Pro Tem Black motioned to approve Item 4F. Seconded by Councilmember Pieper.

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

H. RECEIVE AND FILE REPORT ON THE PROGRESS TO HIRE A LANDSCAPE ARCHITECT TO INVENTORY THE CITY HALL CAMPUS IRRIGATION SYSTEM AND PROVIDE RECOMMENDATIONS FOR LANDSCAPING IMPROVEMENTS.

MOTION: Councilmember Pieper motioned to approve Item 4H. Seconded by Councilmember Wilson.

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

5. COMMISSION ITEMS

A. ZONING CASE NO. 21-12: REQUEST FOR PLANNING COMMISSION CONSIDERATION AND APPROVAL OF RESOLUTION NO. 2021-15 APPROVING SITE PLAN REVIEW FOR 442 CUBIC YARDS OF GRADING FOR A PROJECT LOCATED AT 79 EASTFIELD DRIVE (GONZALEZ).

MOTION: Councilmember Pieper motioned to receive and file Item 5A. Seconded by Councilmember Mirsch.

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

6. PUBLIC HEARINGS

NONE.

7. OLD BUSINESS

A. REVIEW AND DISCUSS SB9 DRAFT ORDINANCE.

Direction: Councilmember Pieper, with concurrence from the Council, directed staff to agendize a Council meeting at 6pm on December 14, 2021 for consideration of a final ordinance.

8. NEW BUSINESS

A. CONSIDER RECOMMENDATION FROM THE CITY COUNCIL PERSONNEL COMMITTEE FOR APPOINTMENTS TO THE PLANNING COMMISSION.

MOTION: Councilmember Pieper motioned to re-appoint Abby Douglass and Greg Kirkpatrick,for another term. Seconded by Councilmember Mirsch.

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

B. CONSIDER CHAMBERS TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE CITY'S 6TH CYCLE HOUSING ELEMENT AND THE UPDATED SAFETY ELEMENT AND DIRECT STAFF TO EXECUTE A STANDARD PROFESSIONAL SERVICES CONTRACT WITH CHAMBERS TO ENGAGE SERVICES.

MOTION: Councilmember Pieper motioned to allow staff to approve scope of work and direct City Attorney to draft contract. Seconded by Mayor Pro Tem Black.

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

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

A. FIRE FUEL COMMITTEE REPORT OUT ON NOVEMBER 10 AND NOVEMBER 17, 2021 COMMITTEE MEETINGS AND DISCUSS PROHIBITING FUTURE PLANTING OF HIGH HAZARD PLANTS, AS LISTED IN THE LOS ANGELES COUNTY FIRE DEPARTMENT READY! SET! GO! BROCHURE. (BLACK & MIRSCH)

Public Comment: Residents Alfred Visco, Gene Honbo, Arlene Honbo

MOTION: Councilmember Mirsch motioned to direct City Attorney to prepare an ordinance prohibiting planting of new high fire hazard plants including: Pine, Pampas Grass, Palm, Juniper, Acacia, Eucalyptus, Cedar, Cypress and Italian Cypress (leaving out Wisteria and Bougainvillea.) Seconded by Councilmember Pieper.

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

MOTION: Councilmember Pieper motioned to receive and file committee report. Seconded by Councilmember Wilson.

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

NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Mayor Dieringer reported on Peninsula Public Safety Meeting regarding evacuation map, final draft of Peninsula White Paper on Utilities vulnerabilities, and discussion on potential wildfire camera network. Councilmember Wilson elaborated on the wildfire camera network.

Mayor Pro Tem Black expressed concerns related to members meeting with City Manager for extended periods of time.

10. MATTERS FROM STAFF

A. REPORT ON SMALL FIRE AT OR NEAR 15 FLYING MANE THAT TOOK PLACE ON SEPTEMBER 30, 2021. (VERBAL REPORT)

City Manager Jeng also updated Council on Holiday Open House planning and LA County Department of Public Health COVID-19 guidelines.

11. CLOSED SESSION

12. ADJOURNMENT

Hearing no further business before the City Council, the meeting was adjourned at 9:27 p.m. The next regular meeting of the City Council is scheduled to be held on Tuesday, December 14, 2021 beginning at 6:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California. It will also be available via City's website link at: https://www.rolling-hills.org/government/agenda/index.php

Respectfully submitted,

_____
Christian Horvath
City Clerk

Approved,

_____
Bea Dieringer
Mayor

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.B
Mtg. Date: 12/14/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CHRISTIAN HORVATH,**

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

SUBJECT: **PAYMENT OF BILLS**

DATE: **December 14, 2021**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
Check COUNCIL REPORT 12-13-2021rv1_EJ-signed.pdf

CITY OF ROLLING HILLS
AP22-046, ACH22-047, AP22-048
Check Run 11-24-2021 through 12-13-2021

Check No.	Check Date	Payee	Descritption	Amount
027281	11/24/2021	Abila	October 2021 Accounting Software	192.94
027282	11/24/2021	Bennett Landscape	Extra Landscaping repaired broken sprinkler RH planter	98.80
027283	11/24/2021	Delta Dental	December 2021 Dental Insurance	538.94
027284	11/24/2021	Jimenez Consulting Solutions, LLC	Professional Services - August 24 - September 15, 2021	1,050.00
027285	11/24/2021	County of Los Angeles	October 2021 Animal care Housing Costs	120.23
027286	11/24/2021	County of Los Angeles	October 2021 Coyote Control	823.90
027287	11/24/2021	Standard Insurance Company	December 2021 Life Insurance	198.60
027288	11/24/2021	Vantagepoint Transfer Agents - 306580	Deferred Compensation - 11-02-2021	691.37
027288	11/24/2021	Vantagepoint Transfer Agents - 306580	Deferred Compensation - 11-16-2021	691.37
027288	11/24/2021	Vantagepoint Transfer Agents - 306580	Deferred Compensation - 11-30-2021	691.37
027289	11/24/2021	Vision Service Plan - (CA)	December 2021 Vision Insurance	108.85
027290	11/24/2021	Willdan Inc.	Professional services through August 2021 Project#110782	14,588.00
027291	12/13/2021	Alan Palermo Consulting	November 2021 Svcs - City Hall, Sewer, Block Captain	2,720.00
027292	12/13/2021	Bennett Landscape	December 2021 Landscape services	660.00
027293	12/13/2021	Best Best & Krieger LLP	CODE ENFORCEMENT & GENERAL SERVICES NOVEMBER 2021	10,526.00
027293	12/13/2021	Best Best & Krieger LLP	November 2021 Services View Presentation	2,926.00
027293	12/13/2021	Best Best & Krieger LLP	Services November 2021 Land Use	2,646.70
027294	12/13/2021	Cox Communications	Phone Services November 26 - December 25, 2021	150.05
027295	12/13/2021	Daily Breeze	September & November Advertising Legal CLS	2,453.36
027296	12/13/2021	Forum Info-Tech. Inc./Levelcloud	November 2021 RH Cloud Hosting	4,423.85
027296	12/13/2021	Forum Info-Tech. Inc./Levelcloud	October 2021 RH Cloud Hosting	4,093.09
027297	12/13/2021	County of Los Angeles	September 2021 Building and Safety Services	13,372.82
027298	12/13/2021	LA County Sheriff's Department	October 2021 Law Enforcement Services	30,597.68
027298	12/13/2021	LA County Sheriff's Department	Traffic Enforcement Special Events 10-8-21 to 10-28-21	2,483.69
027299	12/13/2021	Lisa's Bon Appetit	Christmas Event 12-13-2021	3,689.60
027300	12/13/2021	MMASC	Membership A.Ball 2022	90.00
027301	12/13/2021	MV CHENG AND ASSOCIATES	November 2021 Monthly Accounting Services	9,467.50
027301	12/13/2021	MV CHENG AND ASSOCIATES	October 2021 Monthly Accounting Services	6,815.00
027302	12/13/2021	Race Communications	November & December 2021 Internet charges	2,040.00
027303	12/13/2021	TRIO EVENT RENTAL	Christmas Party Rental 12-13-2021	871.15
ACH20211102CALPERS	11/24/2021	CalPERS	CALPERS RETIREMENT PAYPERIOD ENDING 11-02-2021	2,400.64
ACH20211124GAS	11/24/2021	The Gas Company	Gas Usage 10-7-2021 to 11-8-2021	115.96
ACH20211127SCE	11/24/2021	Southern California Edison	Electricity Usage 10/18/2021 to 11/16/2021	314.01
ACH211201CALPERS	12/1/2021	CalPERS	December 2021 CalPers EFT-Health Insurance	6,976.95
PR Link	12/3/2021	PR LINK - Payroll & PR Taxes	Payroll Processing Fee 11/17/21 to 11/30/21	190.76
PR Link	12/3/2021	PR LINK - Payroll & PR Taxes	Pay Period -November 11/17/21 to 11/30/21	16,497.97
Report Total				**146,317.15**

I, Elaine Jeng, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of
146,317.15 for the payment of above items.

Elaine Jeng, P.E., City Manager

Agenda Item No.: 4.C
Mtg. Date: 12/14/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ASHFORD BALL, SENIOR MANAGEMENT ANALYST**

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

SUBJECT: **RECEIVE AND FILE AN UPDATE ON FUEL LOAD REDUCTION FROM THE PVP LAND CONSERVANCY FOR PHASE 1, PHASE II, AND PHASE III.**

DATE: **December 14, 2021**

BACKGROUND:
The City has received services from the Palos Verdes Peninsula Land Conservancy for vegetation removal that mitigates wildfire hazards for the past 3 years (2019, 2020, and 2021). Conservancy staff members implement fuel modification work as required by County Department of Agriculture Weights and Measures as part of landowner responsibilities for fuel modification near adjacent homes and beyond. PVP Land Conservancy has focused on the removal of invasive plants such as Acacia, Mustard and other Non-native plants.

DISCUSSION:
In the spring of 2021, The Palos Verdes Peninsula Land Conservancy (Conservancy) proposed a third phase of fuel load reduction work in the Palos Verdes Nature Preserve abutting the City of Rolling Hills. City Council approved the second amendment contract for the third phase of work on June 28, 2021. The third phase was completed this Fall 2021 and the document attached to this item serves as a report and update of the work completed, including phases one and two which were completed in the Spring of 2021.

-For Phase 1 approximately 18 acres of fuel load reduction and maintenance were implemented with 16 of those acres for mowing and 2 acres for regrowth treatment.

- For Phase 2 approximately 15 acres of fuel load reduction and maintenance were implemented with 14 of those acres for mowing and 1 acre for regrowth treatment.

- For Phase 3 approximately 7.5 acres of fuel load reduction and maintenance were implemented with 5.5 of those acres for mowing and 2 acres for regrowth treatment.

This yields a total of 35.5 acres of mowing and 5 acres of treatment for re-growth for a grand total of 40.5 acres completed.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
PVPLC Reducing Fuel Load Project Update -2021.pdf

Update on Fuel Load Reduction

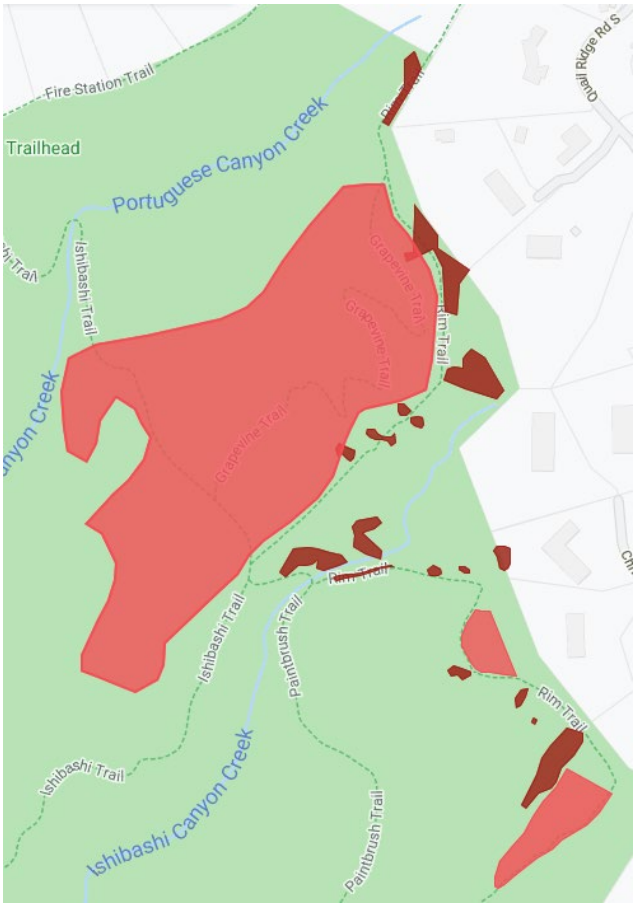
2021

Submitted by the Palos Verdes Peninsula Land Conservancy

In the spring of 2021, The Palos Verdes Peninsula Land Conservancy (Conservancy) proposed a third phase of fuel load reduction work in the Palos Verdes Nature Preserve abutting the City of Rolling Hills. The third phase was completed in the fall of 2021 and this document serves as a report and update of the work completed, including phase one and two, which were completed in the spring of 2021.

Phase 1

Approximately 18 acres of fuel load reduction maintenance were implemented. Of the 18 acres, 2 acres of previously removed acacia areas were monitored for regrowth (and treated) and 16 acres of mustard and non-native grasses were mowed. All sites had biological monitoring surveys done before any work was implemented.

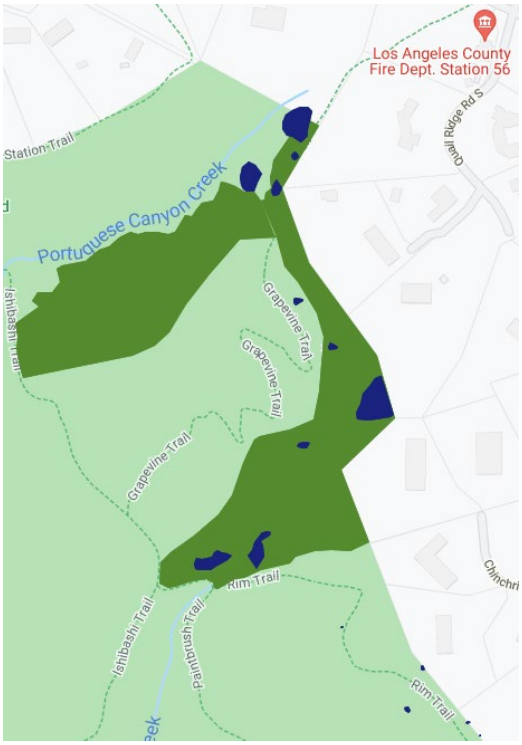


Mowed areas in pink. Monitored areas in red

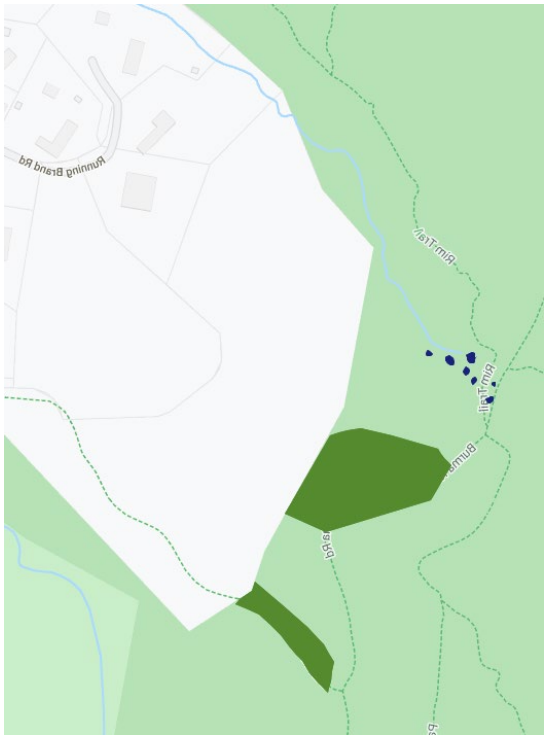
2

Phase 2

Approximately 15 acres of fuel load reduction maintenance were implemented. Of the 15 acres, 1 acre of previously removed acacia areas were monitored for regrowth (and treated) and 14 acres of mustard and non-native grasses were mowed. All sites had biological monitoring surveys done before any work was implemented.



Mowed areas in green. Monitored areas in dark blue



Mowed areas in green. Monitored areas in dark blue

4

Phase 3

Approximately 7.5 acres of fuel load reduction were implemented. Of the 7.5 acres, 2 acres were Acacia removal and 5.5 acres were mowing of mustard and non-native grasses. The site is currently being monitored for Acacia regrowth. All sites had biological monitoring surveys done before any work was implemented.

Acacia Removal Site in Red Polygon and Mowing in Blue Polygon

6

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.D
Mtg. Date: 12/14/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **ASHFORD BALL, SENIOR MANAGEMENT ANALYST**

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

SUBJECT: **RECEIVE AND FILE A REPORT ON THE JOINT EFFORT TO HIRE A HOUSING/LOCAL CONTROL LOBBYIST**

DATE: **December 14, 2021**

BACKGROUND:
The State of California is focusing on the housing crisis. In recent years, state legislators have drafted numerous housing bills that have changed the unique characteristics of communities without local consideration regarding public health and safety. The Palos Verdes Peninsula is comprised of four cities: Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills Estates, and Rolling Hills. The Request for Proposal (RFP) constructed was a joint effort between Palos Verdes Estates, Rancho Palos Verdes, and Rolling Hills and now is just between Rolling Hills and Rancho Palos Verdes. Our two cities recognize the State of California's efforts to address the housing crisis and support initiatives for achieving workable solutions. The city believes densification must be balanced by capacity assessments that include utilities, transportation, natural disaster risks and proximity to job centers.

DISCUSSION:
On September 8, 2021 the city posted a Request for Proposal (RFP) on the website for Lobbyist services between Palos Verdes Estates and Rancho Palos Verdes. The city received 2 inquiries for proposals. One from Joe A. Gonsalves & Son on 9/14/2021 and another on 9/23/2021 from Renne Public Policy Law Group (RPPG). Our group first met to discuss the proposals on Thursday September 30, 2021. At that time, Palos Verdes Estates was in the midst of a staffing transition for their City Manager and undecided about their continued involvement.

On Thursday October 14, 2021, Rolling Hills, Rancho Palos Verdes, and Palos Verdes Estates met and discussed if the group could expect collaboration from Palos Verdes Estates in the endeavor of soliciting services from a housing lobbyist. The new City Manager of Palos Verdes Estates informed staff they still had not made a determination. The meeting was concluded by scheduling another call with the possible addition of Rolling Hills Estates to the team.

On November 4, 2021, Rolling Hills met with all the Peninsula Cities and discussed the possibility of a housing lobbyist in collaboration with all four cities. Both Palos Verdes Estates and Rolling Hills

Estates were not interested in pursuing housing lobbyist services.

The city and Rancho Palos Verdes later scheduled and conducted interviews with RPPG and Gonsalves. The Gonsalves meeting was on Thursday November 11, 2021 and the meeting with RPPG was on Thursday November 18, 2021.

The city is waiting for Rancho Palos Verdes to present a report at their next City Council meeting before corresponding with them and determining next steps in choosing a candidate. Staff will present the proposal of the candidate chosen at a later date.

FISCAL IMPACT:
None.

RECOMMENDATION:
Receive and file.

ATTACHMENTS:
RFP_JointPeninsulaLobbyist_2021-08-27_assembled.pdf

REQUEST FOR PROPOSALS

STATE LOBBYIST ON LEGISLATIONS RELATING TO LOCAL CONTROL AND HOUSING FOR THE THREE PENINSULA CITIES

PROPOSALS DUE 3 PM, SEPTEMBER 23, 2021

BACKGROUND

The Palos Verdes Peninsula is comprised four cities: Palos Verdes Estates, Rancho Palos Verdes Rolling Hills Estates and Rolling Hills. This Request for Proposal is a joint effort between three of the four Peninsula cities: Palos Verdes Estates, Rancho Palos Verdes and Rolling Hills with Rolling Hills leading the solicitation effort.

The Peninsula is located southwest of the City of Los Angeles with an approximate population of 65,000. The Peninsula is primarily comprised of residential zones and open space. The area is entirely located within a Cal Fire designated Very High Fire Hazard Severity Zone (VHFHSZ). Residential activities are the major land use in the Peninsula.

The State of California is focusing on the housing crisis. In recent years, state legislators have drafted numerous housing bills that have or will dramatically change unique characteristics of communities without consideration for local constraints with respect to public health and safety.

The Peninsula cities recognize the State of California's efforts in addressing the housing crisis and support initiatives in achieving workable solutions. Eroding land use authority and local control however, is a one-size-fits all approach that only removes checks and balances on development projects but not address the affordability of housing. The three Peninsula cities (Joint Cities) believe densification must be balanced by local capacity assessments including utility infrastructure, transportation infrastructure, natural disaster risks, and proximity to job centers.

The Joint Cities are seeking to leverage resources to share a state lobbyist to preserve the characteristics of the Peninsula community and have a voice at the State level to offer solutions from a local perspective.

SECTION 1
Purpose / Scope of Work

Through this Request for Proposal, the Joint Cities are seeking proposals from firms to provide government relations and lobbying services in order to assist the Joint Cities to: (1) build relationships with state elected and appointed officials; (2) advance the joint cities legislative priorities in Attachment A (Rancho Palos Verdes Policy Platform); and (3) provide political communication and coalition support.

SECTION 2
Scope of Work

- Review and analyze legislations affecting the interests, business and affairs of the Joint Cities related to housing and local land use and keep the joint cities advised of the status of all such legislation.
- Seek to influence legislative and administrative action taken by the State in connection with local government issues with an emphasis on protecting local land use control.
- Perform duties customarily performed by legislative advocates and governmental affairs representatives on behalf of the Joint Cities to the best of the consultant's ability, experience and expertise.
- Work closely with the City Councils, City Managers, and key staff to develop a detailed legislative strategic plan.
- Develop and evaluate strategies for the support, opposition, or amending of pending legislation and regulations.
- Review all existing and proposed state policies, programs and legislations, including bills and amendments, and identify those issues that may affect the Joint Cities, or its citizens and regularly inform the joint cities on these matters.
- Advise the Joint Cities of significant actions taken by the California Legislature in matters of interest to the client and recommend appropriate actions for the joint cities.
- Respond to issues and assist the Joint Cities in providing appropriate communication to key legislators and regulators including individual and joint communications on bills that one or all three cities take a position on.
- Engage in advocacy on behalf of the Joint Cities on state matters and on client sponsored legislative proposals.
- Meet with members of the Legislature and officers of state government when necessary to advocate the Joint Cities legislative policies and objectives.
- Schedule meetings between City Councils, City Mangers, and members of the Legislature and officers of state government when necessary to advocate the Joint Cities legislative policies and objectives.
- Assume full responsibility for preparation of reports required by lobbyist pursuant to the Fair Political Practice Act.
- Concurrent with monthly invoices and in order to process monthly invoices, submit timely periodic reports (either monthly, quarterly, or as circumstance demand, more frequently) summarizing significant legislative and governmental developments affecting the joint cities and describing specific activities of lobbyist on the Joint Cities' behalf.

SECTION 3
PROPOSAL REQUIREMENTS

1. Understanding of the Scope of Work:
   Firms shall provide a narrative to the approach to complete the Scope of Work efficiently and economically.

2. Organization, Credentials and Experience:
   Provide a summary of the Firm's qualifications, credentials, and related past experience. Describe the firm, including the personnel who will be assigned to the contract. Provide a list of three of the firm's projects within the last five years of similar scope and content.

3. Fees:
   Under separate cover, provide a rate proposal for the scope of work. The cost proposal shall be identified for each task. The proposed cost budget shall present the labor rates and proposed labor hours of proposed staff for each work task described in the consultant's proposal, as well as other direct costs.

4. Additional Information:
   Firms are to review the sample Professional Services Agreement (Attachment 5) and provide comments and or questions as a part of the firm's proposal. See Section 6 of this RFP.

SECTION 4
PROPOSAL PROCEDURE

All proposals are due no later than 3pm on September 23, 2021. The Joint Cities reserve the right to extend the deadline. The Joint Cities will respond to request for clarification in written RFP addendum(s) as needed. All inquiries for clarification shall submitted in writing via email to the City of Rolling Hills Senior Management Analyst by 12pm on September 15, 2021. The City will post any addendums to the RPF to the City of Rolling Hills website. Consultants planning to submit a proposal are required to refer to the website to verify that they have received all addendums issued for this RFP. Proposals shall be emailed to the Senior Management Analyst.

Ashford Ball
Senior Management Analyst
City of Rolling Hills
aball@cityofrh.net
310 377-1521

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the agreement between the City of Rolling Hills and the firm selected. The Joint

Cities reserve the right without prejudice to reject any or all proposals. No reimbursement will be made by the Joint Cities for costs incurred in the preparation of the response to this Request for Proposal. Submitted materials will not be returned and become the property of the Joint Cities.

SECTION 5
SELECTION CRITERIA

Proposals will be selected based on sound approach to meeting the scope of work, the ability to demonstrate efficiency use of resources, the relevant experience of proposed personnel, and dedication of personnel to complete the project within the specified timeframe. Firms may be asked to participate in an interview with the Joint Cities. If necessary, interviews are tentatively scheduled for the week of October 4, 2021.

SECTION 6
ATTACHMENTS

Attachment A City of Rancho Palos Verdes Resolution on Housing and Local Land Use Legislative Platform
Attachment B Sample Professional Services Agreement

RESOLUTION NO. 2021-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, ADOPTING THE CITY'S HOUSING AND LOCAL LAND USE LEGISLATIVE PLATFORM

WHEREAS, the City Council has an interest in weighing in on state, federal, and regional legislative issues that impact the City and its residents; and

WHEREAS, the Council annually takes action on numerous legislative proposals brought forward throughout the year; and

WHEREAS, the City of Rancho Palos Verdes is committed to maintaining and enhancing a high quality of life and safety for all residents; and

WHEREAS, the City of Rancho Palos Verdes recognizes the State of California is in a housing crisis due to reduced housing stock as well as lack of affordable housing; and

WHEREAS, the Legislature of the State of California has proposed a number of bills addressing a range of planning and zoning issues that are typically addressed by local jurisdictions' general plan and zoning code to attempt to mitigate the housing crisis; and

WHEREAS, the majority of these planning and zoning bills usurp the authority of local jurisdictions to determine for themselves the local land use practices that best suit their cities and residents, as well as imposing unfunded mandates on jurisdictions; and

WHEREAS, the City has the tools, knowledge, and policies in place to continue to plan and develop innovative solutions to mitigate the housing crisis that, with the preservation of local land use authority, consider the City's unique geographic, geologic, and infrastructure constraints; and,

WHEREAS, on August 4, 2020, the City of Rancho Palos Verdes adopted Resolution No. 2020-46, expressing opposition to proposed planning and zoning legislation that usurps local control and imposes unfunded mandates, and expressing support for actions to further strengthen local democracy, authority and control; and

WHEREAS, the City Council continues to take an active advocacy role relating to housing and local land use legislative policies proposed by the State Legislature.

NOW, THEREFORE, the City Council of the City of Rancho Palos Verdes does hereby resolve as follows:

Section 1: The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2: The City Council hereby adopts and approves the City's Housing and Local Land Use Legislative Platform attached and incorporated herein by this reference (Attachment A), as the official housing and local land use legislative policy of the City of Rancho Palos Verdes. This Platform may be used to build a coalition intended to protect local control.

Section 3: The City Council therefore hereby adopts the following findings:

A. The City of Rancho Palos Verdes opposes proposed planning and zoning legislation that usurps local control and imposes unfunded mandates.

B. The City supports actions to further strengthen local democracy, authority, and control.

C. The City would support housing policies which include funded mandates or created funded programs such as Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) to assist local planning efforts.

D. The City would support policies that provide incentives to cities such as additional tax revenue or tax breaks and policies which grant concessions to existing policies for adoption of pro-housing policies.

E. The City would support policies or grants directed toward developers to incentivize the creation of affordable housing.

F. The City would support policies which expand programs such as Project Homekey, which repurpose existing buildings into an affordable housing option.

G. The City would support policies and programs which provide social services and mental health services to help unhoused persons be eligible for, acquire, and maintain affordable housing.

H. The City would support policies or programs that allow city and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas to support our communities.

Section 4: The Housing and Local Land Use Legislative Platform will be used to guide legislative advocacy related to housing and local land use authority.

Section 5: The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and its certification to be entered in the Book of Resolutions of the City Council of the City.

PASSED, APPROVED AND ADOPTED THE 6TH DAY OF JULY 2021.

Eric Alegria, Mayor

ATTEST:

Teresa Takaoka, City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Teresa Takaoka, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2021-31 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on July 6, 2021.

Teresa Takaoka, City Clerk

CITY OF RANCHO PALOS VERDES

CITY OF RANCHO PALOS VERDES HOUSING AND LOCAL LAND USE LEGISLATIVE PLATFORM

DATE ADOPTED: Resolution No. 2021-31 on July 6, 2021.

EXECUTIVE SUMMARY

In response to the housing crisis and recent legislation proposed by the California Legislature:

- The City of Rancho Palos Verdes opposes proposed planning and zoning legislation that usurps local control and imposes unfunded mandates.
- The City supports actions to further strengthen local democracy, authority, and control.
- The City would support housing policies which include funded mandates or create funded programs such as Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) to assist local planning efforts.
- The City would support policies that provide incentives to cities such as additional tax revenue or tax breaks and policies which grant concessions to existing policies for adoption of pro-housing policies.
- The City would support policies or grants directed toward developers to incentivize the creation of affordable housing.
- The City would support policies which expand programs such as Project Homekey, which repurpose existing buildings into an affordable housing option.
- The City would support policies and programs which provide social services and mental health services to help unhoused persons be eligible for, acquire, and maintain affordable housing.
- The City would support policies or programs that allow city and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas to support our communities.

BACKGROUND

The City of Rancho Palos Verdes is located on the Palos Verdes Peninsula in Los Angeles County, California, and incorporated in 1973. The City is primarily comprised of

residential zones and open space, is nearly entirely located within a Cal Fire-designated Very High Fire Hazard Severity Zone (VHFHSZ), and is partially located in the state-designated coastal zone. Moreover, approximately 1,200 acres of the City is within the Portuguese Bend Landslide complex, the largest and fastest moving landslide in North America.

The City of Rancho Palos Verdes recognizes that California is in the middle of a housing crisis. Housing stock cannot meet present demand and lack of affordable housing makes existing stock cost prohibitive. The Legislature has an apparent focus on passing laws which aim to mitigate the housing crisis through rescission of local land use authority and oversight to streamline the process of constructing additional units. These laws create a one-size-fits-all approach that fail to consider local authority and essential local oversight, including constraints faced by local agencies such as infrastructure limitations.

The City is committed to maintaining and enhancing a high quality of life and safety for all residents as reflected in its General Plan, updated as of 2018. Local land use authority is essential to ensuring that all new developments are suitable and safe for our community, and to allow the City and developers to work together to find the most mutually beneficial arrangement for all residents in the City.

Development within the City faces a number of unique challenges. Despite this, the City has a vibrant and well-planned mix of residential, commercial, and industrial uses.

There are 8,274 acres of land within the City of Rancho Palos Verdes. The City has determined that 1,710 acres (or 20%) of land are not suitable for development. These include Natural Environment/Hazard Areas which are lands designated as “Hazard,” “Open Space Hillside” and “Open Space Preserve” by the Land Use Element.

The areas designated “Hazard” possess extreme physical constraints, such as active landslide[1], sea cliff erosion hazard, and extreme slopes of 35 percent and greater.

The areas designated “Open Space Hillside” are subject to extreme physical constraints and are maintained as open space, with very light-intensity uses permitted, such as landscaping, agriculture, passive recreational activities, and very minor structures, for the protection of the public health, safety, and welfare.

The areas designated “Open Space Preserve” encompass the City’s Palos Verdes Nature Preserve, which is approximately 1,400 acres of permanent open space. The City’s Preserve is enrolled in the State’s Natural Communities Conservation Plan and the

[1] The Portuguese Bend Landslide is one of the largest and most active landslides in the country and encompasses over two of the City's roughly 14 square miles, moves at a rate between hundredths of an inch per year and tens of feet per year. This movement is especially noticed by motorists, cyclists and pedestrians who travel along Palos Verdes Drive South. The City continuously maintains a safe roadway through the area at a cost of about a half million dollars per year. An above-ground sewer trunk line is in jeopardy of failing with land movement that has the potential to cause a significant environmental catastrophe due to its close proximity to the Pacific Ocean.

Federal Habitat Conservation Plan (NCCP/HCP) and is encumbered with restrictions, held in perpetuity, for the preservation and protection of natural resources and habitat.

Residential activities are the major land use in the City, with existing and proposed residential uses encompassing approximately 5,500 acres (66.5% of the total land area). The predominance of residential use and related density ranges is based on several factors: the ability of residential activity to produce low environmental stress, the geographic location of the community with no major transportation facilities, the geology of the site, lack of market potential for any major commercial development, and need for support facilities to meet the community's demand.

As such, it is vital that local control be maintained to ensure public health and safety. One-size-fits-all legislation with ministerial review requirements cannot take into account the unique geographic, geologic, and infrastructure constraints required for a project to be successful and to maintain or enhance public safety.

RECENT LEGISLATIVE POSITIONS

On August 4, 2020, the City Council adopted Resolution No. 2020-46 expressing opposition to proposed planning and zoning legislation that usurps local control and imposes unfunded mandates and expressing support for actions to further strengthen local democracy, authority, and control. It furthermore declares that, should the state continue to pass legislation that attacks local municipal authority, control and revenue, the City of Rancho Palos Verdes will support actions such as a ballot measure that would limit the state's ability to control local activities and strengthen local democracy and authority.

The City has registered its strong opposition to the current practice of the Legislature of proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of zoning authority that has been granted to them.

While the City appreciates the work of the Legislature to propose policies intended to mitigate the housing crisis, sweeping and ministerial measures cannot properly assess their impact on individual communities and their general plans. Streamlined ministerial approval may be a preferred housing solution for the Legislature, but such development may have significantly detrimental effects on public health and safety. The City is concerned that increasing density by-right will not allow sufficient oversight of infrastructure to ensure that capacities can meet increased residential populations.

In local land use planning and zoning, many factors must be considered. The City must maintain its local land use authority to ensure that all developments meet all safety standards and that related traffic changes do not have undue influence on egress paths in the event of an evacuation, particularly within the VHFHSZ and the Portuguese Bend Landslide complex, and with considerations for limitations on existing infrastructure.

During the 2020-2021 legislative session, as of June 15, 2021, the City has taken positions on nine bills relating to housing and land use (see Attachment A).

In general, the City has supported housing legislation which seeks to increase local oversight and flexibility, such as Assemblymember Muratsuchi's Assembly Constitutional Amendment No. 7 which would amend the State Constitution to require certain local land use controls and zoning regulations remain within incorporated communities when in conflict with general laws. The City also supported Senator Allen's Senate Bill No. 809, which would allow cities and counties to exchange land for regional housing need allocation (RHNA) shares for compensation of the development of that land.

The City has opposed legislation that erodes local land use authority, such as Senator Atkins' SB 9, which would require ministerial approval of lot splits and duplexes in single-family residential zoned areas. The City is deeply concerned that bills such as SB 9, which would potentially quadruple density in single-family zoning by-right would have detrimental effects on the City's infrastructure capacity, particularly in the event of an emergency. Increasing density without the ability for the City to properly plan for it will negatively impact public safety in a community like Rancho Palos Verdes, and its residents' quality of life.

One-size-fits all laws inherently fail to consider the needs of individual communities and their general plans. Furthermore, the current practice of mandating streamlined local processes does nothing to address encouraging actual affordable development of those properties. The Legislature should consider bills that incentivize affordable developments and provide local agencies the ability to zone for such developments. The tone of recent bills, such as making it easier to build an accessory dwelling unit (ADU) on a property, does not guarantee that it will be sold below market rate, thereby affordable. In fact, it appears ADU's are being rented above market rates throughout Los Angeles or being used for other uses than housing (i.e. gyms, studios, pool cabanas, etc. because of State-mandated relaxed zoning laws). Upzoning parcels is likely to increase the value of the underlying land, which then makes new construction unnecessarily more expensive and over time, raises the values and rents throughout the neighborhoods, making affordable housing even less likely to be built.

The current legislative preference for by-right approvals in favor of increasing density, fails to consider the nuances in individual communities, potentially risking public safety, and does nothing to inherently promote affordable housing, which is vital to recover from the housing crisis and is the purported aim of this approach.

POTENTIAL LEGISLATIVE SOLUTIONS

The City is supportive of legislation which seeks to preserve local land use authority and flexibility, giving choices and incentives to cities. Ultimately, the City would support legislation which would allow local governments to adopt proposed legislation if the requirements are suitable in their individual jurisdictions. Local planning departments have the knowledge and skills to prepare creative solutions to the housing crisis that best

serve their communities. By-right zoning legislation undermines their ability to exercise the city's local land use authority and problem-solve based on their city's unique geographic, geologic, and infrastructure constraints, but with state support, they have the capacity to help alleviate the housing crisis.

The City would additionally continue to support legislation that provides financial assistance to implement new directives, or programs similar to Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) that provide funding to help cities accelerate housing production. The City would also support legislation that provides incentives to cities, such as additional tax revenue or tax breaks. Unfunded mandates are a financial burden to cities which make them difficult to implement successfully.

The Legislature may also consider adopting policies which grant concessions to cities based on adoption of pro-housing policies. For example, if a city were to utilize their local land use authority to upzone a certain amount of land in a commercial corridor, they could be exempt from policies such as requiring ministerial approval of ADUs. This will further local land use flexibility and grants additional incentives to local governments to adopt pro-housing policies. The City is supportive of legislation that increases land use flexibility such as regional trust and/or trade policies, similar to Senator Allen's SB 809.

The City would also support legislation aimed at developers to encourage sustainable, cost-effective development of affordable housing in safe locations across the state. Legislation which seeks to expand existing programs such as Project Homekey, or similar programs that repurpose existing buildings or underutilized commercial property (i.e. surface parking lots or single-story shopping centers) into affordable housing are also viable solutions. Additionally, the Legislature should consider policies and programs which provide social services and mental health resources to help unhoused persons be eligible for, acquire, and maintain affordable housing.

Cities have the tools, knowledge, and policies in place to continue to plan and develop innovative solutions to mitigate the housing crisis: solutions that best serve the city and the residents. If, for example, a city observes that there seems to be a surplus of parking spaces in shopping centers, they could re-zone the land to be mixed-use residential. The city may also determine that they could lower their parking requirements in certain areas due to traffic patterns and/or location of transit. When cities are allowed to keep their local land use authority, they will continue to plan and develop new solutions that address their specific constraints, and the state could reward cities for taking such actions with additional tax revenue or tax breaks or policy concenssions.

Regional housing needs and legislation increasing density must be balanced by local capacity assessments including traffic conditions, sewer conditions, school district capacity, ingress/egress capacity, and water supply, among others. Legislation should re-focus efforts toward developing programs for cities and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas that can support our communities.

CONCLUSION

During recent legislative sessions, the City has opposed planning and zoning legislation that usurps local control and imposes unfunded mandates. The City was founded to protect local authority and to preserve the character of Rancho Palos Verdes. Local oversight of planning and zoning is essential to ensure that every development is suitable and safe for the community, to protect the health and safety of all residents.

The City is supportive of policies which strengthen local democracy, authority, and control. The City would additionally consider supporting policies which include funded mandates, legislation aimed at developers to encourage creation of affordable housing, the expansion of programs such as Project Homekey, and the creation of programs to improve social and mental health services for unhoused persons.

The City of Rancho Palos Verdes looks forward to working with the Legislature to have an open dialogue about viable solutions to the state's housing crisis, while maintaining all residents' high quality of life.

ATTACHMENT A: CITY POSITIONS ON HOUSING BILLS
As of July 6, 2021, for 2021 Legislative Session

AB 215 (Chiu) would require a jurisdiction with low regional housing needs progress to have a mid-cycle consultation with the California Department of Housing and Community Development (HCD). The City **opposed** this bill because it is an intrusion into local control and self-determination, most specifically with the usage of the pro-housing designation as a mandatory requirement for low RHNA compliance, and by unnecessarily adding assessments of jurisdictions' compliance with RHNA.

AB 989 (Gabriel) would create a state appeals board that could overturn local government's denial of certain housing projects. The City **opposed** this bill because it would establish a new procedural enforcement mechanism that is exempt from public oversight and review. The state appeals board would allow one hearing officer to substitute their judgement about the public health or safety of a community and overturn the City's denial following procedures that are not subject to public review and comment.

AB 1258 (Nguyen) would subject final RHNA plans to judicial review. The City **supported** this bill, given the significant impact a housing element has on local governments' planning and development, it is reasonable to have an opportunity for judicial review of RHNA decisions.

AB 1295 (Muratsuchi) would prohibit cities or counties from entering into residential development agreements in VHFHSZs. The City **commented** on this bill, as the City supported the goal of the bill to enhance safety standards in VHFHSZs, though more information is needed about the definition of "development" pertaining to reconstruction of existing structures, and for clarification of the effect of the bill on RHNA.

ACA 7 (Muratsuchi) would amend the State Constitution to allow certain land use controls and zoning regulations to supersede general law, preserving local land use authority. The City **supported** this bill for the recognition of local and use authority and flexibility for municipalities, as ACA 7 would allow cities' local ordinances to prevail over general law if they are in conflict.

SB 9 (Atkins) would require ministerial approval of lot splits and duplexes in single-family residential zoning. The City **opposed** this bill on the grounds that it overrides local control of zoning codes and circumvents the California Environmental Quality Act (CEQA) to allow such subdivision ministerially without public input or consideration. Such development may have severe consequences for public safety, especially in a VHFHSZ.

SB 10 (Wiener) would allow cities to upzone by ordinance in transit-rich areas or urban infill sites. The City **opposed** this bill because it waives CEQA requirements and may allow cities to supersede voter approved initiatives.

SB 12 (McGuire) would impose significant fire hazard planning responsibilities on local governments. The City **opposed** this bill because of its effect on local land use authority.

SB 55 (Stern) would prohibit the creation or approval of a new commercial or residential development in a VHFHSZ. The City **opposed** this bill because while the City supports fire safety measures, such a prohibition infringes on local land use authority.

SB 556 (Dodd) would require cities to make streetlight poles, traffic signal poles, utility poles, and support structures available to telecommunications providers. The City **opposed** this bill because it would circumvent City oversight, and to protect the public's investment through City infrastructure, oversight and control of the public rights-of-way must remain local. Additionally, the bill does not encourage or incentivize telecommunications companies to service unserved and underserved communities and inherently conflicts with federally-mandated local authority to manage the right-of-way and to comply with existing Federal Communications Commission (FCC) decisions.

SB 809 (Allen) would allow cities and counties to enter into multijurisdictional agreements to assist with meeting RHNA shares whereby one jurisdiction exchanges land in return for financial compensation to develop that land. The City **supported** this bill because it grants cities flexibility in meeting RHNA shares.

CITY OF ROLLING HILLS
PROFESSIONAL SERVICES AGREEMENT

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

1. RECITALS:

A. The CITY desires to contract the CONSULTANT for _____

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

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

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

2. SCOPE OF WORK

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

3. COST

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

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

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

4. METHOD OF PAYMENT

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

5. SUBCONTRACTING

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

6. COMMENCEMENT OF WORK

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

7. PERFORMANCE TO SATISFACTION OF CITY

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

8. COMPLIANCE WITH LAW

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

9. ACCOUNTING RECORDS

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

10. OWNERSHIP OF DATA

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

11. TERM OF CONTRACT

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

12. TERMINATION

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

13. ASSIGNABILITY

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

14. AMENDMENT

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

15. NON-SOLICITATION CLAUSE

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

16. INDEMNITY

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

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

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

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

17. INSURANCE

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

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

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

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

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

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

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

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

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

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

18. ENFORCEMENT OF AGREEMENT

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

19. CONFLICTS OF INTEREST

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

20. INDEPENDENT CONTRACTOR

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

21. ENTIRE AGREEMENT OF THE PARTIES

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

22. NOTICES.

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

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

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

CONSULTANT: _____

23. GOVERNING LAW

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

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

CITY OF ROLLING HILLS CONSULTANT

CITY MANAGER

_____ _____
ELAINE JENG, PE

DATE:_____ DATE:_____

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
MICHAEL JENKINS, CITY ATTORNEY

Agenda Item No.: 4.E
Mtg. Date: 12/14/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **STEPHANIE GRANT , ADMINISTRATIVE CLERK**

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

SUBJECT: **RECEIVE AND FILE AGREEMENT WITH CHAMBERS GROUP FOR ENVIRONMENTAL CONSULTING SERVICES**

DATE: **December 14, 2021**

BACKGROUND:
On November 22, 2021, the City Council considered an agreement with Chambers Group to provide environmental consulting services for the City's 6th Cycle Housing Element and Safety Element update.

DISCUSSION:
The Chambers Group was selected as the environmental consultant to assist the City with preparation of the environmental document for adoption of the City's updated Housing and Safety elements because of the firm's high level of experience and expertise. Attached is the executed agreement between the City and Chambers Group. Chambers Group has begun work on the environmental document which will be brought to the City Council early next year for consideration along with the Housing and Safety elements.

FISCAL IMPACT:
The City would fund the $45,493.62 from the General Fund. In the proposed budget for FY 2021-2022, the total amount was programmed to update the General Plan elements.

RECOMMENDATION:
Receive and file.

ATTACHMENTS:
Agreement for Planning Services - Chambers-EXECUTED.pdf

AGREEMENT FOR PROFESSIONAL SERVICES

PLANNING SERVICES

This Agreement is made and entered into by and between the City of Rolling Hills (hereinafter referred to as the "City"), and Chambers Group, Inc., a California Corporation (hereinafter referred to as "Consultant").

RECITALS

A. The City does not have the personnel able and available to perform the services required under this Agreement.

B. The City desires to contract for consulting services for certain projects relating to planning.

C. The Consultant warrants to the City that it has the qualifications, experience, and facilities to perform properly and timely the services under this Agreement.

NOW, THEREFORE, the City and the Consultant agree as follows:

1.0 SCOPE OF THE CONSULTANT'S SERVICES. The Consultant agrees to provide the services and perform the tasks set forth in the Scope of Work, attached to and made part of this Agreement as Exhibit A, except that, to the extent that any provision in Exhibit A conflicts with this Agreement, the provisions of this Agreement shall govern. The Scope of Work may be amended from time to time in writing and signed by both parties by way of written amendment to this Agreement.

2.0 TERM OF AGREEMENT. This Agreement will become effective upon execution by both parties and will remain in effect for a period of one year from said date unless otherwise expressly extended and agreed to by both parties or terminated by either party as provided herein.

3.0 CITY AGENT. The City Manager, or her designee, for the purposes of this Agreement, is the agent for the City; whenever approval or authorization is required, Consultant understands that the City Manager, or her designee, has the authority to provide that approval or authorization.

4.0 COMPENSATION FOR SERVICES. The City shall pay the Consultant for its professional services rendered and costs incurred pursuant to this Agreement in accordance with Exhibit B, the Scope of Work's fee and cost schedule for the services attached to and made part of this Agreement subject to a do not exceed amount in the amount of $45,493.62. No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager, or her designee.

4.1 The Consultant shall submit to the City, by no later than the 10th day of each month, its bill for services itemizing the fees and costs incurred during the previous month. The City shall pay the Consultant all uncontested amounts set forth in the Consultant's bill within 30 days after it is received.

5.0 CONFLICT OF INTEREST. The Consultant represents that it presently has no interest and shall not acquire any interest, direct or indirect, in any real property located in the City which may be affected by the services to be performed by the Consultant under this Agreement. The Consultant further represents that in performance of this Agreement, no person having any such interest shall be employed by it.

5.1 The Consultant represents that no City employee or official has a material financial interest in the Consultant's business. During the term of this Agreement and as a result of being awarded this contract, the Consultant shall not offer, encourage, or accept any financial interest in the Consultant's business by any City employee or official.

5.2 If a portion of the Consultant's services called for under this Agreement shall ultimately be paid for by reimbursement from and through an agreement with a developer of any land within the City or with a City franchisee, the Consultant warrants that it has not performed any work for such developer/franchisee within the last 12 months, and shall not negotiate, offer, or accept any contract or request to perform services for that identified developer/franchisee during the term of this Agreement.

6.0 TERMINATION. Either the City Manager or the Consultant may terminate this Agreement, without cause, by giving the other party ten (10) days written notice of such termination and the effective date thereof.

6.1 In the event of such termination, all finished or unfinished documents, reports, photographs, films, charts, data, studies, surveys, drawings, models, maps, or other documentation prepared by or in the possession of the Consultant under this Agreement shall be returned to the City. Consultant shall prepare and shall be entitled to receive compensation pursuant to a close-out bill for services rendered in a manner reasonably satisfactory to the City and fees incurred pursuant to this Agreement through the notice of termination.

6.2 If the Consultant or the City fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Consultant or the City violate any of the covenants, agreements, or stipulations of this Agreement, the Consultant or the City shall have the right to terminate this Agreement by giving written notice to the other party of such termination and specifying the effective date of such termination. The Consultant shall be entitled to receive compensation in accordance with the terms of this Agreement for any work satisfactorily completed hereunder. Notwithstanding the foregoing, the Consultants shall not be relieved of liability for damage sustained by virtue of any breach of this Agreement and any payments due under this Agreement may be withheld to off-set anticipated damages.

7.0 INSURANCE.

7.1 Without limiting Consultant's obligations arising under paragraph 8 - Indemnity, Consultant shall not begin work under this Agreement until it obtains policies of insurance required under this section. The insurance shall cover Consultant, its agents, representatives, and employees in connection with the performance of work under this Agreement, and shall be maintained throughout the term of this Agreement. Insurance coverage shall be as follows:

7.1.1 General Liability Insurance insuring City of Rolling Hills, its elected and appointed officers, agents, and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from Consultant's actions under this Agreement, whether or not done by Consultant or anyone directly or indirectly employed by Consultant. Such insurance shall have a combined single limit of not less than $1,000,000.

7.1.2 Automobile Liability Insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement in an amount of not less than $1,000,000 combined single limit for each occurrence. If Consultant or Consultant's employees will use personal automobiles in any way on this project, Consultant shall obtain evidence of personal automobile liability coverage for each such person.

7.1.3 Worker's Compensation Insurance for all Consultant's employees to the extent required by the State of California. If the Consultant has no employees for the purposes of this Agreement, the Consultant shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto and incorporated herein by reference as "Exhibit B." Consultant shall similarly require all authorized subcontractors pursuant to this Agreement to provide such compensation insurance for their respective employees.

7.1.4 Professional Liability Coverage for professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors, or omissions which may arise from the Consultant's operations under this Agreement, whether such operations are by the Consultant or by its employees, subcontractors, or subconsultants. The amount of this insurance shall not be less than one million dollars ($1,000,000) on a claims-made annual aggregate basis, or a combined single-limit-per-occurrence basis. When coverage is provided on a "claims made basis," Consultant will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover Consultant for all claims made by City arising out of any errors or omissions of Consultant, or its officers, employees, or agents during the time this Agreement was in effect.

7.2 Deductibility Limits for policies referred to in subparagraphs 7.1.1 and 7.1.2 shall not exceed $5,000 per occurrence.

7.3 Additional Insured. City of Rolling Hills, its elected and appointed officers, agents, and employees shall be named as additional insureds on policies referred to in subparagraphs 7.1.1 and 7.1.2.

7.4 Primary Insurance. The insurance required in subparagraphs 7.1.1 and 7.1.2 shall be primary and not excess coverage.

7.5 Evidence of Insurance. Consultant shall furnish City, prior to the execution of this Agreement satisfactory evidence of the insurance required issued by an insurer authorized to do business in California, and an endorsement to each such policy of insurance evidencing that each carrier is required to give City at least 30 days prior written notice of the cancellation of any policy during the effective period of the Agreement. All required insurance policies are subject to approval of the City Attorney. Failure on the part of Consultant to procure or maintain said insurance in full force and effect shall constitute a material breach of this Agreement or procure or renew such insurance, and pay any premiums therefore at Consultant's expense.

8.0 INDEMNIFICATION. Consultant shall indemnify, defend with counsel approved by City, and hold harmless City, its officers, officials, employees and volunteers from and against all liability, loss, damage, expense, cost (including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with Consultant's negligent or willful misconduct during performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, regardless of City's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the City. Should City in its sole discretion find Consultant's legal counsel unacceptable, then Consultant shall reimburse the City its costs of defense, including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation. The Consultant shall promptly pay any final judgment rendered against the City (and its officers, officials, employees and volunteers) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

9.0 GENERAL TERMS AND CONDITIONS.

9.1 Non-Assignability. The Consultant shall not assign or transfer any interest in this Agreement without the express prior written consent of the City.

9.2 Non-Discrimination. The Consultant shall not discriminate as to race, creed, gender, color, national origin or sexual orientation in the performance of its services and duties pursuant to this Agreement, and will comply with all applicable laws, ordinances and codes of the federal, state, county and city governments.

9.3 Compliance with Applicable Law. The Consultant and the City shall comply with all applicable laws, ordinances and codes of the federal, state, county and city governments.

9.4 Independent Contractor. This Agreement is by and between the City and the Consultant and is not intended, and shall not be construed, to create the relationship of agency, servant, employee, partnership, joint venture or association, as between the City and the Consultant.

9.4.1 The Consultant shall be an independent contractor, and shall have no power to incur any debt or obligation for or on behalf of the City. Neither the City nor any of its officers or employees shall have any control over the conduct of the Consultant, or any of the Consultant's employees, except as herein set forth, and the Consultant expressly warrants not to, at any time or in any manner, represent that it, or any of its agents, servants, or employees are in any manner employees of the City, it being distinctly understood that the Consultant is and shall at all times remain to the City a wholly independent contractor and the Consultant's obligations to the City are solely such as are prescribed by this Agreement. Each Consultant employee shall remain in the fulltime employ of Consultant, and the City shall have no liability for payment to such Consultant employee of any compensation or benefits, including but not limited to workers' compensation coverage, in connection with the performance of duties for the City.

9.5 Copyright. No reports, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Consultant.

9.6 Legal Construction.

9.6.1 This Agreement is made and entered into in the State of California and shall in all respects be interpreted, enforced, and governed under the laws of the State of California.

9.6.2 This Agreement shall be construed without regard to the identity of the persons who drafted its various provisions. Each and every provision of this Agreement shall be construed as though each of the parties participated equally in the drafting of same, and any rule of construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

9.6.3 The article and section, captions and headings herein have been inserted for convenience only and shall not be considered or referred to in resolving questions or interpretation or construction.

9.6.4 Whenever in this Agreement the context may so require, the masculine gender shall be deemed to refer to and include the feminine and neuter, and the

singular shall refer to and include the plural.

9.7 Counterparts. This Agreement may be executed in counterparts and as so executed shall constitute an agreement which shall be binding upon all parties hereto.

9.8 Final Payment Acceptance Constitutes Release. The acceptance by the Consultant of the final payment made under this Agreement shall operate as and be a release of the City from all claims and liabilities for compensation to the Consultant for anything done, furnished or relating to the Consultant's work or services. Acceptance of payment shall be any negotiation of the City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by the City shall not constitute, nor be deemed, a release of the responsibility and liability of the Consultant, its employees, sub-consultants, and agents for the accuracy and competency of the information provided or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by the City for any defect or error in the work prepared by the Consultant, its employees, sub-consultants, and agents.

9.9 Corrections. In addition to the above indemnification obligations, the Consultant shall correct, at its expense, all errors in the work which may be disclosed during the City's review of the Consultant's report or plans. Should the Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by the City, and the cost thereof shall be charged to the Consultant.

9.10 Files. All files of the Consultant pertaining to the City shall be and remain the property of the City. The Consultant will control the physical location of such files during the term of this Agreement and shall provide City with the files upon termination of the Agreement. Consultant will be entitled to retain copies of such files upon termination of this Agreement in accordance with law.

9.11 Waiver; Remedies Cumulative. Failure by a party to insist upon the performance of any of the provisions of this Agreement by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such party's right to demand compliance by such other party in the future. No waiver by a party of a default or breach of the other party shall be effective or binding upon such party unless made in writing by such party, and no such waiver shall be implied from any omissions by a party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach or period of time specified. All of the remedies permitted or available to a party under this Agreement, or at law or in equity, shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right of remedy.

9.12 Mitigation of Damages. In all such situations arising out of this Agreement, the parties shall attempt to avoid and minimize the damages resulting from

the conduct of the other party.

9.13 Partial Invalidity. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

9.14 Attorneys' Fees. The parties hereto acknowledge and agree that each will bear his/her or its own costs, expenses, and attorneys' fees arising out of and/or connected with the negotiation, drafting and execution of the Agreement, and all matters arising out of or connected therewith except that, in the event any action is brought by any party hereto to enforce this Agreement, the prevailing party in such action shall be entitled to reasonable attorneys' fees and costs in addition to all other relief to which that party or those parties may be entitled.

9.15 Entire Agreement. This Agreement constitutes the whole agreement between the City and the Consultant, and neither party has made any representations to the other except as expressly contained herein. Neither party, in executing or performing this Agreement, is relying upon any statement or information not contained in this Agreement. Any changes or modifications to this Agreement must be made in writing appropriately executed by both the City and the Consultant.

9.16 Warranty of Authorized Signatories. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign.

10.0 NOTICES. Any notice required to be given hereunder shall be deemed to have been given by depositing said notice in the United States mail, postage prepaid, and addressed as follows:

CITY:	CONSULTANT:
Elaine Jeng, P.E.,	Victoria Boyd
City Manager	Project Manager
2 Portuguese Bend Road	5 Hutton Centre Drive, Suite 750
Rolling Hills, CA 90274	Santa Ana, CA 92707
TEL (310) 377-1521	TEL (949) 261-5414 ext. 7220
FAX (310) 377-2866	

11.0. DISCLOSURE REQUIRED. (City and Consultant initials required at 11.1)

11.1 Disclosure Required. By their respective initials next to this paragraph, City and Consultant hereby acknowledge that Consultant is a "consultant" for the purposes of the California Political Reform Act because Consultant's duties would require him or her to make one or more of the governmental decisions set forth in Fair Political Practices Commission Regulation 18700.3(a) or otherwise serves in a staff capacity for which disclosure would otherwise be required were Consultant employed by the City. Consultant hereby acknowledges his or her assuming-office, annual, and

leaving-office financial reporting obligations under the California Political Reform Act and the City's Conflict of Interest Code and agrees to comply with those obligations at his or her expense. Prior to consultant commencing services hereunder, the City's Manager shall prepare and deliver to consultant a memorandum detailing the extent of Consultant's disclosure obligations in accordance with the City's Conflict of Interest Code.

City Initials EHJ
Consultant Initials

11.2 Disclosure Not Required. By their initials next to this paragraph, City and Consultant hereby acknowledge that Consultant is not a "consultant" for the purpose of the California Political Reform Act because Consultant's duties and responsibilities are not within the scope of the definition of consultant in Fair Political Practice Commission Regulation 18700.3(a) and is otherwise not serving in staff capacity in accordance with the City's Conflict of Interest Code.

City Initials EHJ
Consultant Initials

This Agreement is executed on November 22, 2021, at City of Rolling Hills, California.

CITY OF ROLLING HILLS:

Elaine Jeng, P.E., City Manager

CONSULTANT:

By: Mike McEntee, President

ATTEST:

Christian Horvath, City Clerk

APPROVED AS TO FORM:

Michael Jenkins, City Attorney

EXHIBIT A

SCOPE OF SERVICES

Scope of Work

Project Understanding

The City of Rolling Hills is updating both the General Plan Housing and Safety Elements, and is requesting preparation of an Initial Study/Mitigated Negative Declaration (IS/MND), in order to comply with CEQA for the adoption of the updated elements. It is our understanding that the IS/MND will evaluate policies with no specific projects at this time, however, depending on HCD's ruling, changes to the City Zoning Map may need to be analyzed for compliance with the Regional Housing Needs Assessment (RHNA) allocation. If finalized project information allows for additional technical analysis to boost substantial information in the IS/MND (i.e. specific housing development locations are identified), this can be provided to the City and an additional scope and cost will be prepared.

Housing Element Update

It is our understanding that the City is in the process of updating its 6th cycle Housing Element to cover the 2021-2029 planning cycle. The Housing Element will include the policies, strategies, and actions that the City will undertake to facilitate the construction of new housing and preservation of existing housing to meet the needs of the current and future population. Based on RHNA numbers, the City is required to plan for 45 homes, including 29 affordable to lower income households. It is still unknown exactly how the City will meet its RHNA allocation.

Safety Element Update

It is our understanding that throughout history, the City has dealt with various natural hazards including earthquakes, wildfires, droughts, and land movement. Developments in high landslide areas have occurred and the City has been identified as being located in a "Very High Fire Hazard Severity Zone (VHFHSZ)". As a result, the City has amended its building and safety codes to include special requirements such as fire-rates materials for new construction.

Approach to the Scope of Work

Chambers Group will perform the applicable tasks identified in the Request for Proposal (RFP). Based on our experience with similar types of Projects, we believe that the appropriate CEQA document for the Proposed Project would be a Mitigated Negative Declaration (MND). Chambers Group will commence work on this Proposed Project as soon as we receive written Notice to Proceed (NTP). We will accomplish the scope of work, which consolidates the tasks, as described in the following scope.

Task 1: Project Initiation

Task 1.1: Initial Meeting and Data Acquisition

After receiving NTP, the Chambers Group Project Manager, Victoria Boyd, will be prepared to meet with the City, for a Project Initiation/Kick-Off Meeting via teleconference to discuss the project description, specific project issues, upcoming construction schedules and CEQA schedule; as well as receive any pertinent project information or reports.

Chambers Group will review all available Project-related data and reports provided by the City. Following the review of existing data, any gaps in the data and recommendation for correcting the gaps would be discussed with the City. Chambers Group will work closely with the City to determine what additional data must be collected in support of the CEQA document being prepared. It is assumed that the documents are accurate, and that Chambers Group can use these documents in the environmental analysis of the Project.

Task 1.2: Project Description

Chambers Group will develop a comprehensive description for the Project that will form the basis for the analysis of the potential impacts on the environment, based on the information provided by the City. The Project Description will

include a narrative and graphical presentation of the proposed Project, including components, location and boundaries, regional and vicinity maps, and a statement of the Project goals and objectives.

Deliverables: Meeting notes from the initial meeting. A finalized Project schedule based on items discussed during the initial meeting. One electronic portable document format (PDF) copy and one electronic copy in Microsoft Word format of the Project Description for one round of review by the City.

Task 2: Preparation of the Appropriate CEQA Document and Supporting Technical Studies

Task 2.1: Administrative Draft IS

Utilizing the Project Description completed under Task 1, Chambers Group will prepare an Administrative Draft IS pursuant to the requirements of the Public Resources Code and State CEQA Guidelines. Based on the results of the IS, Chambers Group will prepare an IS Checklist to confirm the preparation of an appropriate CEQA Documentation for the Proposed Project, an MND in this case. The IS will be prepared using the most recent revision of the IS Environmental Checklist Form suggested in the CEQA Guidelines Appendix G.

In compliance with CEQA Section 15063, the IS will contain the following, in brief form:

- A description of the Project, including the location of the Project;
- An identification of the environmental setting;
- A preliminary identification of environmental effects by use of a checklist, matrix, or other method, with some evidence to support the entries; and
- A preliminary discussion of the ways to mitigate the significant effects identified; if any.

The environmental factors outlined in the CEQA checklist include:

Aesthetics	GHG Emissions	Public Services
Agricultural and Forestry Resources	Hazards and Hazardous Materials	Recreation
Air Quality	Hydrology and Water Quality	Transportation
Biological Resources	Land Use and Planning	TCRs
Cultural Resources	Mineral Resources	Utilities and Service Systems
Energy	Noise	Wildfire
Geology and Soils	Population and Housing	Mandatory Findings of Significance

Meetings: This task includes one meeting with City staff to discuss the IS and Chamber Group's recommendation as to the appropriate CEQA document for the Project.

Deliverables: One electronic PDF copy and one electronic copy in Microsoft Word format, and five bound copies of the Administrative Draft IS for one round of review by the City.

Task 2.2: Prepare Administrative Draft MND

If one or more significant impacts are identified during the IS process, including the results from the technical studies, CEQA allows the preparation of an MND when those impacts can be mitigated to a less than significant level.

The following is a list of the required contents of an MND:

- a brief description of the project;
- the location of the project (preferably shown on a map);

- the name of the project proponent;
- a finding that the project will not have a significant effect on the environment;
- mitigation measures included in the project to avoid potentially significant effects; and
- a copy of the IS.

For each CEQA environmental checklist discipline item, the existing environmental setting of the project site and surroundings will be characterized from the existing literature base and a site visit by an environmental analyst. An environmental impacts analysis will be prepared for each checklist entry. Based on CEQA defined significance criteria, Chambers Group will determine the potential for any adverse or significant adverse impacts and present mitigation measures to reduce any such impacts to a level below significance.

Meetings: This task includes participation in up to four check in meetings with City staff to discuss the administrative draft MND.

Deliverables: One electronic PDF copy and one electronic copy in Microsoft Word format, one unbound copy, five bound copies, and 15 compact discs (CDs) of the Administrative Draft MND for one round of review by the City.

Task 3: Tribal Consultation

Task 3.1: Senate Bill 18 (SB 18) Native American Consultation

Senate Bill 18 (SB 18) was signed into law in 2004 and requires City and County governments to consult with California Native American tribes early in the planning process of general plans, specific plans, and amendments to either of these types of planning tools. The intent of the bill was to provide structured and consistent methods for providing Native American tribes an opportunity to participate in local land use decisions at an early planning stage. Early involvement of the tribes is intended to allow for consideration of cultural places in the land-use planning process. Tribes have 90 days to respond to an SB 18 consultation request. The nature of SB 18 consultation is to ask local tribes to inform an agency where significant cultural areas are located with the intent of protecting them. This type of information is highly confidential to the tribes and their willingness to divulge important data is directly correlated with the relationship the tribe has with the respective City or County. This relationship value also extends to the cultural resources team assisting with the consultation effort. Chambers Group has been working with southern California tribal groups for many years, and has developed positive working relationships with the various tribal groups throughout the area.

Our recommended scope of work includes requesting a search of the sacred lands files at the Native American Heritage Commission (NAHC), preparing notification letters for the City, and keeping detailed information on responses and follow up questions for the tribe. This data will be provided to the City in the form of a Tribal Consultation Memo which will be submitted after the 90-day response window ends. Based on experience working with the City, we anticipate that the NAHC will return a list of contacts with approximately 25 tribal points of contact. Chambers Group will prepare up to 25 SB 18 letters with the expectation that up to three respondents will request conferencing with the City. Chambers Group anticipates the need for setting up to three separate conference calls with tribes, and coordinating the conclusion of consultation through emails. Should any Tribes request a site visit it is assumed that the City will cover this expense and provide the tribe(s) an opportunity to visit the site at their expense. Should the City require further support to meet with the Tribes, or require further calls to conclude consultation, a contract augment may be required.

Task 3.2: Assembly Bill 52 (AB 52) Tribal Consultation

Assembly Bill 52 (AB 52) required an update to Appendix G to include a new category titled "Tribal Cultural Resources" (TRCs). As a Lead Agency the City is required to conduct AB 52 consultation with requesting tribal groups on a government-to-government basis. In support of the City, Chambers Group will prepare and send notification letters to the list of tribes in which the City has identified for notification under AB 52. If a tribal group affirms a request for consultation the lead agency is required to initiate consultation within 30 days of the request. The intent of this legislation is to require agencies to consult early on in a project with Native American Tribes so their information can

be considered from the beginning of an agency's CEQA review. It differs from SB 18 in that AB 52 consultation is required for all projects requiring a CEQA Initial Study rather than projects requiring just specific or general plans, or their amendments. Chambers Group has proven success in consulting with tribes to determine if there are TCRs on-site and coordinating with tribes and lead agencies to develop mitigation measures (when needed) to ensure the project objectives are in accordance with CEQA. Due to the similarities between AB 52 and SB 18 notification processes, efficiencies can be found in preparing combined consultation letters should agency procedures allow. Chambers Group will prepare up to 20 AB 52 letters with the expectation that up to three respondents will request conferencing with the City. Chambers Group anticipates setting up to three separate conference calls with tribes, and coordinating the conclusion of consultation through emails. As it cannot be assured that the same three tribes will request consultation under SB 18 and AB 52, Chambers Group assumes that a combined total of six respondents will request consultation under one or the other legal structures. Should any Tribes request a site visit it is assumed that the City will cover this expense and provide the tribe(s) an opportunity to visit the site at their expense. Should the City require further support to meet with the Tribes, or require further calls to conclude consultation, a contract augment may be required.

Assumptions:

- This proposal includes a request of the NAHC to provide a list of points of contact to request information regarding the proposed Project area under SB 18. The number of contacts assumed in this scope of work is 25 recipients. Additional addressees may require substantial additional time to coordinate, and may require additional fees.
- This proposal includes SB 18 consultation support with requesting tribal groups, and includes time for meeting with City Staff and tribal members in an online forum for up to three respondents. Additional respondents may require substantial additional time to coordinate, and may require additional fees.
- This proposal assumes the City will provide a list of points of contact to request information regarding the proposed Project area under AB 52. The number of contacts assumed in this scope of work is 20 recipients. Additional addressees may require substantial additional time to coordinate, and may require additional fees.
- This proposal includes AB 52 consultation support with requesting tribal groups, and includes time for meeting with City Staff and tribal members in an online forum for up to three respondents. Additional respondents may require substantial additional time to coordinate, and may require additional fees.
- The City will provide Chambers Group with confirmation on the Project footprint at the time of authorization or NTP. It is assumed that this information will not change once Chambers Group has initiated the tasks above.
- This proposal does not include cultural resources testing, data recovery, analysis, monitoring, or similar programs.

Task 4: Draft Appropriate CEQA Document and Corresponding Notices

After receipt of one set of integrated comments on the Administrative Draft MND from the City, Chambers Group will then revise the MND accordingly. Chambers Group will prepare and distribute copies of the Draft MND to the City, State Clearinghouse, County Clerk, and affected public agencies.

For submittal to the State Clearinghouse (Office of Planning and Research [OPR]), Chambers Group will draft a Notice of Intent (NOI), Notice of Completion (NOC), Summary Form, and the MND with associated appendices. Chambers Group can submit these electronically on behalf of the City. The City must approve Chambers Group as a submitter on the OPR CEQANet Web portal. For submittal to the County Clerk, documents will be sent via mail pending the status of public access to County buildings. Chambers Group will prepare the NOI for distribution during the public review to agencies, interested parties, and property owners (if applicable) adjacent to the Project from an approved distribution list confirmed by the City. We assume that the City will provide the list of adjacent property owners to be included in the mailings. We assume up to no more than 40 mailings of the NOI via regular mail to adjacent property owners, agencies, and other interested parties. To comply with the CEQA guidelines, the City must distribute the NOI through at least one of the following methods:

- Publication at least one time in a newspaper of general circulation in the area affected by the Project.
- Posting of the notice on and off-site in the area where the project is located.
- Direct mailing to the owners and occupants of property contiguous to the project.

Fees associated with coordinating and publishing to public newspapers, websites, or posting of a physical notice at the Project will require a change order as these tasks are not included in this scope and associated fees for newspaper postings vary.

Note: AB 52 Tribal Consultation must begin prior to public review.

Deliverables: An electronic PDF copy, one unbound copy, five bound copies, and 15 CDs of the MND with appendices for the City. One electronic copy of the NOC, NOI, and Summary Form for OPR submittal. One NOI to be filed with the County Clerk. Up to 40 NOIs to be sent via regular mail.

Task 5: Responses to Comments and Final CEQA Document

Based upon comments received from public review, responses to the comments will be prepared. A draft of these responses will be provided to the City for review. It is assumed that Chambers Group will coordinate with City to address public comments received and comments will be addressed based on available data. We anticipate no more than 15 comment letters with an average of five comments each (75 comments total) will be received and addressed. The cost estimate for this task is based on the assumption that no new technical analysis will be required in response to the public comments. If more comments than assumed are received or additional analysis will be required to respond to comments, Chambers Group will coordinate with the City to identify comments to be addressed by the Chambers Group team and/or provide these services under a separate scope and fee.

Upon receipt of one complete set of comments from the City on the responses, a Final MND will be prepared. This document combined with the Draft MND will constitute the Final MND to be used by the City when considering approval of the project.

Deliverables: One electronic Microsoft Word copy of the Draft Response to Comments for one round of review by the City. One electronic PDF copy, one unbound, five bound and five CDs with copies of the Final MND with appendices for the City.

Task 6: Mitigation Monitoring and Reporting Program (if required)

Following preparation of the MND, Chambers Group will prepare a Draft Mitigation Monitoring and Reporting Program (MMRP) as required by CEQA for review by the City. The Final MMRP incorporating the City's comments will be incorporated into the Final MND.

Deliverables: One electronic PDF copy and one Microsoft Word copy of the Draft MMRP for one round of review by the City. The Final MMRP will be incorporated into Final MND.

Task 7: Findings and Filings

Notice of Determination (NOD)

The NOD is filed following the City's decision to carry out or approve the project for which the MND has been prepared. Chambers Group will prepare the NOD and will file the NOD with the State Clearinghouse and the County Clerk.

Deliverables: One Microsoft Word copy of the Draft NOD for one round of review by the City. An electronic PDF copy of the NOD for the City. One NOD to be filed with the State Clearinghouse and one with the County Clerk. Up to 40 NODs to be sent via regular mail.

No Effect Determination

Pursuant to Fish and Game Code section 711.4, subdivision (c)(1), all project proponents including public agencies subject to CEQA shall pay a filing fee for each project. The filing fee is waived, however, if the project will have no effect on fish and wildlife. If no effect is determined, a No Effect Determination (NED) Request form is submitted to the California Department of Fish and Wildlife (CDFW).

Chambers Group recommends early communication with CDFW during the CEQA process. Chambers Group has assisted Clients, who believed that their projects would have no effect on fish and wildlife, with contacting CDFW early in the CEQA process in order to allow CDFW sufficient time to review the project and make a determination (usually 30 days). The State Clearinghouse or County Clerk will not accept a NOD filed by any lead agency unless it is accompanied by one of the following: (1) a check with the correct Fish and Wildlife filing fee payment, (2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or (3) a form documenting the determination that the project will have no effect on fish and wildlife. Chambers Group will assist the City in preparing and submitting the NED form to CDFW for the Proposed Project. If the Project is determined to not qualify for a NED, the City will be responsible for Fish and Game filing fees.

Deliverables: One Microsoft Word copy of the Draft NED for one round of review by the City. One electronic PDF copy of the NED Request and one electronic PDF copy of the Draft MND with appendices.

Task 8: Attendance at Public Hearings

Chambers Group's Technical Advisor, Corinne Lytle Bonine and Project Manager, Victoria Boyd will attend one Planning Commission hearing and one City Council hearing to answer any questions that decision makers have on the Proposed Project's environmental document and impacts analysis. If needed, technical staff may also join in attendance at hearings at an additional cost. This scope assumes that hearings would be no longer than three hours each. Chambers Group may also attend any other additional meetings requested by the City on a time and materials basis.

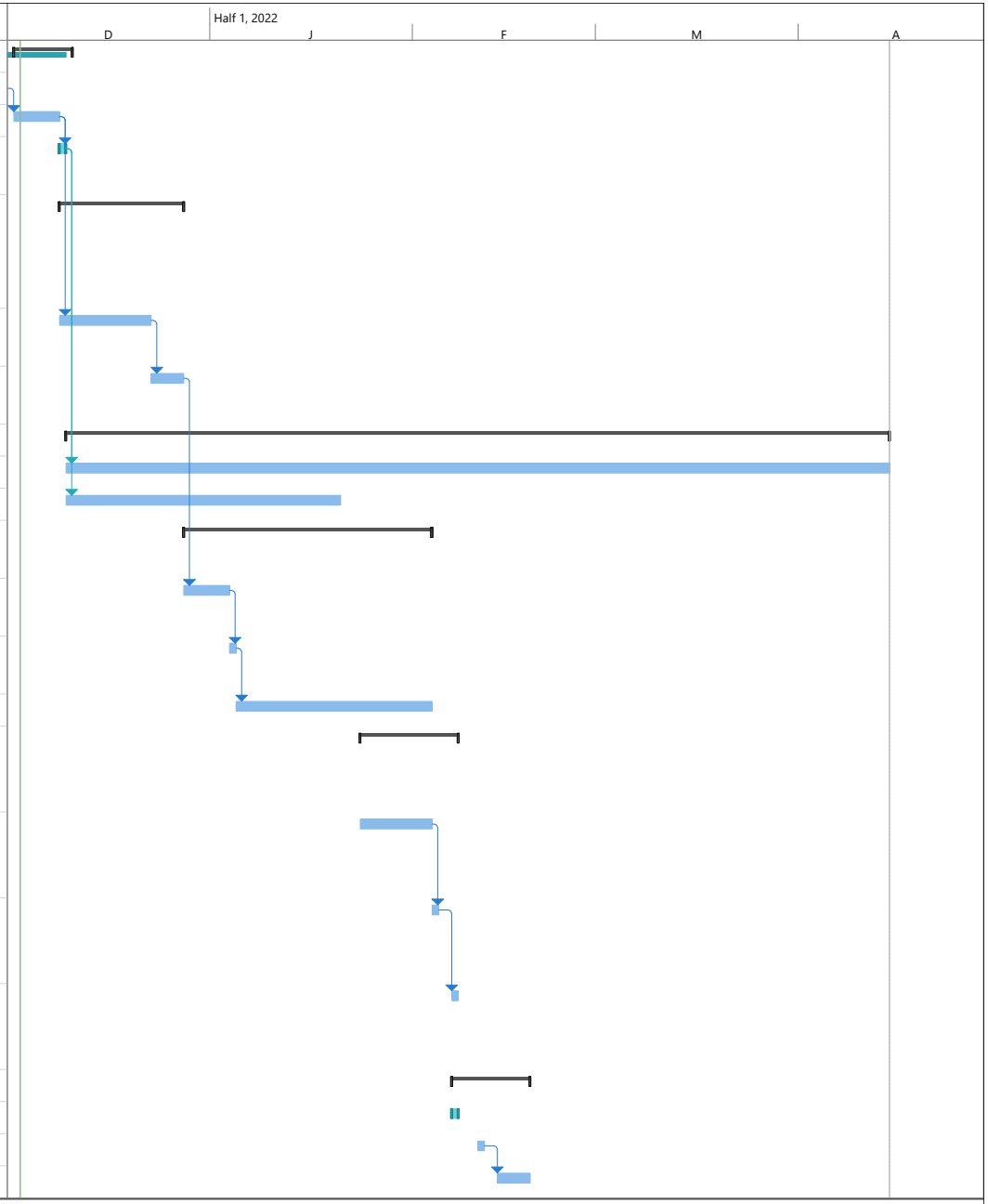
Task 9: Analyze Specific Projects/Zoning Map Changes for Housing Sites (Optional Task)

It is understood that the City may have a need for Chambers Group to analyze specific projects and / or zoning map changes for housing sites, depending on HCD's ruling. However, depending on project type and location, the scope and cost can vary greatly. Therefore, we have provided a range of additional cost analysis that may be required if specific details are provided.

Service	Approximate Cost*
Additional Analysis in IS/MND	$2,000 - $6,000
Air Quality / Greenhouse Gas / Energy Analysis / Noise	$4,000 - $10,000
Biological Survey and Technical Memorandum	$5,000 - $15,000
Cultural Report	$5,000 - $20,000
Traffic Study (VMT Only or LOS Only)	$20,000 - $50,000

*Actual costs will depend on the project features, level of analysis required, required meetings and public hearings, and level of agency coordination required.

ID	Task Name	Duration	Start	Finish	Predecessors
1	**Task 1: Project Initiation**	**7 days**	**Thu 12/2/21**	**Fri 12/10/21**	
2	Initial Meeting	1 day	Wed 12/2/20	Wed 12/2/20	
3	Project Description	1 wk	Thu 12/2/21	Wed 12/8/21	2
4	City Review of Project Description	1 day	Thu 12/9/21	Thu 12/9/21	3
5	**Task 2: Preparation of the Appropriate CEQA Document and Supporting Technical Studies**	**13 days**	**Thu 12/9/21**	**Mon 12/27/21**	
6	Prepare Admin Draft IS/MND	2 wks	Thu 12/9/21	Wed 12/22/21	3
7	City Review of Admin Draft IS/MND	3 days	Thu 12/23/21	Mon 12/27/21	6
8	**Tasks 3: Tribal Consult**	**90 days**	**Fri 12/10/21**	**Thu 4/14/22**	
9	SB 18	90 days	Fri 12/10/21	Thu 4/14/22	4
10	AB 52	30 days	Fri 12/10/21	Thu 1/20/22	4
11	**Task 4: Public Draft IS/MND and Notices**	**28 days**	**Tue 12/28/21**	**Thu 2/3/22**	
12	Prepare Public Draft IS/MND and Notices	1 wk	Tue 12/28/21	Mon 1/3/22	7
13	City Review of Public Draft IS/MND And Notices	1 day	Tue 1/4/22	Tue 1/4/22	12
14	Public Circulation	30 edays	Tue 1/4/22	Thu 2/3/22	13
15	**Task 5: Response to Comments and Final IS/MND**	**11 days**	**Mon 1/24/22**	**Mon 2/7/22**	
16	Prepare Draft Final IS/MND with Response to Comments and MMRP	9 days	Mon 1/24/22	Thu 2/3/22	
17	City Review of Draft Final IS/MND with Response to Comments and MMRP	1 day	Fri 2/4/22	Fri 2/4/22	16
18	Prepare Final MND with Response to Comments and MMRP	1 day	Mon 2/7/22	Mon 2/7/22	17
19	**Task 6: Public Hearings**	**10 days**	**Mon 2/7/22**	**Fri 2/18/22**	
20	Planning Commission	1 day	Mon 2/7/22	Mon 2/7/22	
21	City Council	1 day	Fri 2/11/22	Fri 2/11/22	
22	Prepare and submit NOD	1 wk	Mon 2/14/22	Fri 2/18/22	21



Project: City of Rolling Hills
Date: Fri 12/3/21

Task
Split
Milestone
Summary
Project Summary
Inactive Task
Inactive Milestone
Inactive Summary
Manual Task
Duration-only
Manual Summary Rollup
Manual Summary
Start-only
Finish-only
External Tasks
External Milestone
Deadline
Progress
Manual Progress

EXHIBIT B

FEE AND COST SCHEDULE

Fee Schedule

The services described in each task will be performed on a fixed fee basis. The costs for each task are shown below. A Standard Rate Sheet is provided on the following page.

Task	Fee
Task 1: Project Initiation	$4,024.00
Task 2: Preparation of the Appropriate CEQA Document and Supporting Technical Studies	$8,272.59
Task 3: Tribal Consultation (SB 18 and AB 52)	$6,034.00
Task 4: Draft Appropriate CEQA Document and Corresponding Notices	$5,894.75
Task 5: Responses to Comments and Final CEQA Document	$7,785.00
Task 6: Mitigation Monitoring and Reporting Program (if required)	$2,224.00
Task 7: Findings and Filings	$2,583.50
Task 8: Attendance at Public Hearings	$4,540.00
Task 9: Analyze Specific Projects/Zoning Map Changes for Housing Sites	See Above
Subtotal	*$41,357.84*
Contingency Fee (10%)	$4,135.78
Total without Optional Task	**$45,493.62**

Project Deliverables

Deliverables for each task item including number of copies of documents, number of rounds for review, and notices prepared, are all described above under each respective task item.

Billing Rates

Effective January 2022

STAFF. Charges for all professional, technical, and administrative personnel directly charging time to the project will be calculated and billed on the basis of the following staff category hourly "Billing Rates." Billing Rates include fringe benefits, burden, and fee.

Staff Title	Rate	Staff Title	Rate
Senior Director	$236.00	GIS Technician 4	$158.00
Director	$210.00	GIS Technician 3	$131.00
Project Manager 3	$200.00	GIS Technician 2	$116.00
Project Manager 2	$180.00	GIS Technician 1	$105.00
Project Manager 1	$160.00		
Environmental Planner 7	$197.00	Cultural Resources Specialist 7	$176.00
Environmental Planner 6	$176.00	Cultural Resources Specialist 6	$155.00
Environmental Planner 5	$166.00	Cultural Resources Specialist 5	$145.00
Environmental Planner 4	$145.00	Cultural Resources Specialist 4	$127.00
Environmental Planner 3	$123.00	Cultural Resources Specialist 3	$111.00
Environmental Planner 2	$112.00	Cultural Resources Specialist 2	$100.00
Environmental Planner 1	$101.00	Cultural Resources Specialist 1	$79.00
Biologist/Botanist 7	$197.00	Project Controls Specialist	$100.00
Biologist/Botanist 6	$176.00	Project Assistant/Tech Editor	$89.00
Biologist/Botanist 5	$166.00	Word Processor	$79.00
Biologist/Botanist 4	$145.00	Clerical/Technician	$68.00
Biologist/Botanist 3	$123.00		
Biologist/Botanist 2	$112.00		
Biologist/Botanist 1	$101.00		
Restoration Construction			
Qualified Applicator (QAL)	$105.00		
Foreman	$85.00		
Restoration Laborer/*Prevailing Maintenance Labor*	$47.00		

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.A
Mtg. Date: 12/14/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MICHAEL JENKINS , CITY ATTORNEY**

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

SUBJECT:

CONSIDER ADOPTING URGENCY ORDINANCE NUMBER 372U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND URGENCY ORDINANCE NUMBER 373U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO

CONSIDER ORDINANCE NUMBER 372 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND ORDINANCE NUMBER 373 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO

DATE: **December 14, 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 City Council adopt 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, and directed staff to present the updated draft ordinance to the Planning Commission.

On December 7, 2021, the Planning Commission held a public hearing to review the draft ordinance. Members of the public, including representatives from the RHCA, participated in the hearing and provided comments. As a result of testimony, the ordinance has been revised to eliminate certain requirements in the architectural and landscaping sections. These changes are reflected in the attached ordinances.

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 not split and developed with two detached 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:
- ADOPT URGENCY ORDINANCE NUMBER 372U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA
- ADOPT URGENCY ORDINANCE NUMBER 373U - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA
- WAIVE FULL READING AND INTRODUCE FOR FIRST READING BY TITLE ONLY

ORDINANCE NO. 372 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

- WAIVE FULL READING AND INTRODUCE FOR FIRST READING BY TITLE ONLY ORDINANCE NO. 373 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

ATTACHMENTS:
2021-16_PC_RESOLUTION_SB_9.pdf
SB 9 Urgency Ordinance No 372U.DOCX
SB 9 Fire Code Urgency Ordinance No 373U.DOCX
SB 9 Ordinance No 372.DOCX
SB 9 Fire Code Ordinance No 373.DOCX

RESOLUTION NO. 2021-16

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.

PASSED, APPROVED, AND ADOPTED THIS 7TH DAY OF DECEMBER 2021.

BRAD CHELF, CHAIRMAN

ATTEST:

CHRISTIAN HORVATH
CITY CLERK

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 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 (a)(10)(G)(i) 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 with low profile silhouette and exterior three-rail fences.

(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.

(J) **Landscaping**.

Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way or bridle trails) 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.

(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)(i) 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 with low profile silhouette and exterior three-rail fences.

(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.

(J) **Landscaping**. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way or bridle trails) 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.

(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.

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

I certify that the foregoing Resolution No. 2021-16 entitled:

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 ACTION TO BE EXEMPT CEQA.

was approved and adopted at a regular meeting of the Planning Commission on December 7, 2021, by the following roll call vote:

AYES: CARDENAS, DOUGLASS, KIRKPATRICK, AND CHAIRMAN CHELF.

NOES: NONE.

ABSENT: COOLEY.

ABSTAIN: NONE.

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

Administrative Offices.

CHRISTIAN HORVATH, CITY CLERK

URGENCY ORDINANCE NO. 372U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECITALS

A. The City of Rolling Hills, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

B. In 2021, the California Legislature approved, and the Governor signed into law, Senate Bill 9 ("SB 9"), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

C. SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects and, among other things, exempts property located in the Very High Fire Hazard Severity Zone unless the site complies with fire-safety mitigation measures; and

D. SB 9 takes effect on January 1, 2022, and preempts any conflicting city ordinance; and

E. The City desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

F. There is a current and immediate threat to the public health, safety, and welfare based on the passage of SB 9 because if the City does not adopt appropriate objective standards for urban lot splits and two-unit projects under SB 9 as of January 1, 2022, the City would thereafter be limited to applying the few objective standards that already exist in its code, which did not anticipate and were not enacted with ministerial urban lot splits and two-unit projects in mind; and

G. The approval of urban lot splits and two-unit projects based solely on the City's default standards, without appropriate regulations governing lot configuration, unit size, height, setback, landscape, and architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety; and

H. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council in accordance with Government Code section 36937, subdivision (b).

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. 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 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 with low profile silhouette and exterior three-rail fences.

(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.

(J) **Landscaping**.

Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way or bridle trails) 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.

(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 3. 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 with low profile silhouette and exterior three-rail fences.

(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.

(J) **Landscaping**. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way or bridle trails) 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.

(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.

(iii) All utilities must be underground.

(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 4. This ordinance takes effect immediately upon its adoption, but with the terms of the ordinance becoming operative on January 1, 2022.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 6. Under California Government Code sections 65852.21, subd. (j), and 66411.7, subd. (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, City Council finds the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

Section 7. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED AND ADOPTED by the City Council of Rolling Hills, California, at a adjourned regular meeting of the City Council held on the 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City of Rolling Hills

_____
Bea Dieringer, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

_____
Michael Jenkins, City Attorney

URGENCY ORDINANCE NO. 373U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECITALS

A. The California Building Standards Code, Title 24 of the California Code of Regulations, establishes the minimum regulations for the design and construction of buildings and structures in California; and

B. California Health and Safety Code Sections 17958.7, 18941.5, and 13143.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

C. The City Council desires to adopt by reference Title 32, of the Los Angeles County Code, as amended and in effect on January 1, 2020, adopting the California Fire Code, 2019 Edition (Part 9 of Title 24 of the California Code of Regulations) and the International Fire Code, 2018 Edition ("California Fire Code with Local Amendments"); this adoption with such local amendments is reasonably necessary to assure the fire code is tailored to the particular safety needs of the City as required by its unique climatic, geological, and topographical conditions; and

D. The City Council also desires to adopt additional local amendments to the California Fire Code with Local Amendments to specifically address the threats of wildfire by establishing more restrictive fire-safety mitigation measures on lots and structures with projects proceeding under Senate Bill 9 ("SB 9"), which adds Government Code sections 65852.21 and 66411.7 to allow up to five units on a lot that previously allowed one primary dwelling; such local amendments are reasonably necessary to assure the fire code is tailored to the particular safety needs of the City as required by its unique climatic, geological, and topographical conditions.

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

Section 1. Chapter 15.04 (Building Code) of Title 15 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.

Section 2. **Justification for Modification**. Pursuant to California Health and Safety Code Sections 17958.7, 18941.5, and 13143.5, the City Council hereby finds that the changes and modifications to the California Building Standards Code adopted herein through amendments are reasonably necessary because of following specified local climatic, geological or topographical conditions:

1. Climate. The City is located in a Very High Fire Hazard Severity Zone in Southern California where the local climate is characterized by hot, dry summers, often resulting in drought conditions, followed by strong Santa Ana winds, often resulting in hazardous fire conditions, as well as heavy winter rains, often resulting in expansive soil conditions. This climate predisposes the area to large destructive fires (conflagration).

2. Topography / Geology. The City is comprised of an almost entirely residential community built on hills, with narrow and winding roadways which tend to slow response times for fire apparatus and complicates firefighter access to buildings. This same terrain tends to slow resident evacuation time. The City is heavily treed with thick vegetative undergrowth, creating increased fuel loading during the summer months. The City contains canyons and steep slopes, which influence how fires behave. Canyons provide narrow openings that accelerate winds, making fires spread more quickly and easily. Further, when a fire ignites at the bottom of a steep slope, it spreads more quickly upwards because it can preheat the upcoming fuels with rising hot air. Lastly, the hilly topography is characterized by geological instability.

   These topographical/geological conditions combine to create a situation, which places fire department response time and resident evacuation time at risk, and makes it necessary to provide increased fire safety measures to protect occupants and property especially when considering the increased density of persons and structures afforded by SB 9.

Section 3. **Statement of Urgency** The City Council declares that it is necessary to the public peace, safety, and welfare that this ordinance be adopted as an urgency measure, to take effect immediately by a four-fifths vote of the Council. It is essential that the City have in effect at the earliest possible date building standards which contain those modifications necessitated by the area's local topographic, geologic, and climatic conditions. In the absence of immediate effectiveness, building permits may be issued for construction that does not adhere to the necessary modified standards, to the detriment of the public health, safety, and welfare.

Section 4. **CEQA.** The City Council finds that this Ordinance is not a "project" subject to the California Environmental Quality Act (CEQA). The Ordinance does not qualify as a project because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378, subd. (a).) In the alternative, the City Council finds that the Ordinance falls within the "common sense" exemption set forth in State CEQA Guidelines section 15061, subdivision (b)(3), which exempts activity from CEQA where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The City Council also finds that the

Ordinance is exempt under CEQA Guidelines sections 15307 and 15308 as an action taken to protect the environment and natural resources. Here, the amendments are more restrictive than the California Building Standards Code and are necessary to address the particular safety needs of the City, including the need to facilitate the necessary and proper evacuation of persons and their animals in the event of a uncontrolled wildfire and to significantly reduce the risk of flame or heat transmission sufficient to ignite structures and buildings in the event of a uncontrolled wildfire within the City.

Section 5. Effective Date. Pursuant to Government Code section 36937, this ordinance shall take effect upon adoption by a four-fifths vote of the city council.

Section 6. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 7. Notice and Filing. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933 and shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED by the City Council of Rolling Hills, California, at a adjourned regular meeting of the City Council held on the 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City of Rolling Hills

_____
Bea Dieringer, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

_____

Michael Jenkins, City Attorney

ORDINANCE NO. 372

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADDING CHAPTERS 16.50 (SB 9 URBAN LOT SPLITS) AND 17.45 (SB 9 TWO-UNIT PROJECTS) TO THE ROLLING HILLS MUNICIPAL CODE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECITALS

A. The City of Rolling Hills, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

B. In 2021, the California Legislature approved, and the Governor signed into law, Senate Bill 9 ("SB 9"), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

C. SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects and, among other things, exempts property located in the Very High Fire Hazard Severity Zone unless the site complies with fire-safety mitigation measures; and

D. The City desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

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 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 with low profile silhouette and exterior three-rail fences.

(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.

(J) **Landscaping**.

Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way or bridle trails) 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.

(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 with low profile silhouette and exterior three-rail fences.

(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.

(J) **Landscaping**. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way or bridle trails) 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.

(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.

(iii) All utilities must be underground.

(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. This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 5. Under California Government Code sections 65852.21, subd. (j), and 66411.7, subd. (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, City Council finds the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

Section 6. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED AND ADOPTED by the City Council of Rolling Hills, California, at a adjourned regular meeting of the City Council held on the 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City of Rolling Hills

_____
Bea Dieringer, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

_____

Michael Jenkins, City Attorney

ORDINANCE NO. 373

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 15.04 (BUILDING CODE) TO ADOPT THE LOS ANGELES COUNTY FIRE CODE BY REFERENCE AND MAKE LOCAL AMENDMENTS THERETO; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECITALS

A. The California Building Standards Code, Title 24 of the California Code of Regulations, establishes the minimum regulations for the design and construction of buildings and structures in California; and

B. California Health and Safety Code Sections 17958.7, 18941.5, and 13143.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

C. The City Council desires to adopt by reference Title 32, of the Los Angeles County Code, as amended and in effect on January 1, 2020, adopting the California Fire Code, 2019 Edition (Part 9 of Title 24 of the California Code of Regulations) and the International Fire Code, 2018 Edition ("California Fire Code with Local Amendments"); this adoption with such local amendments is reasonably necessary to assure the fire code is tailored to the particular safety needs of the City as required by its unique climatic, geological, and topographical conditions; and

D. The City Council also desires to adopt additional local amendments to the California Fire Code with Local Amendments to specifically address the threats of wildfire by establishing more restrictive fire-safety mitigation measures on lots and structures with projects proceeding under Senate Bill 9 ("SB 9"), which adds Government Code sections 65852.21 and 66411.7 to allow up to five units on a lot that previously allowed one primary dwelling; such local amendments are reasonably necessary to assure the fire code is tailored to the particular safety needs of the City as required by its unique climatic, geological, and topographical conditions.

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

Section 1. Chapter 15.04 (Building Code) of Title 15 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.

Section 2. **Justification for Modification**. Pursuant to California Health and Safety Code Sections 17958.7, 18941.5, and 13143.5, the City Council hereby finds that the changes and modifications to the California Building Standards Code adopted herein through amendments are reasonably necessary because of following specified local climatic, geological or topographical conditions:

1. Climate. The City is located in a Very High Fire Hazard Severity Zone in Southern California where the local climate is characterized by hot, dry summers, often resulting in drought conditions, followed by strong Santa Ana winds, often resulting in hazardous fire conditions, as well as heavy winter rains, often resulting in expansive soil conditions. This climate predisposes the area to large destructive fires (conflagration).

2. Topography / Geology. The City is comprised of an almost entirely residential community built on hills, with narrow and winding roadways which tend to slow response times for fire apparatus and complicates firefighter access to buildings. This same terrain tends to slow resident evacuation time. The City is heavily treed with thick vegetative undergrowth, creating increased fuel loading during the summer months. The City contains canyons and steep slopes, which influence how fires behave. Canyons provide narrow openings that accelerate winds, making fires spread more quickly and easily. Further, when a fire ignites at the bottom of a steep slope, it spreads more quickly upwards because it can preheat the upcoming fuels with rising hot air. Lastly, the hilly topography is characterized by geological instability.

   These topographical/geological conditions combine to create a situation, which places fire department response time and resident evacuation time at risk, and makes it necessary to provide increased fire safety measures to protect occupants and property especially when considering the increased density of persons and structures afforded by SB 9.

Section 3. **CEQA.** The City Council finds that this Ordinance is not a "project" subject to the California Environmental Quality Act (CEQA). The Ordinance does not qualify as a project because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378, subd. (a).) In the alternative, the City Council finds that the Ordinance falls within the "common sense" exemption set forth in State CEQA Guidelines section 15061, subdivision (b)(3), which exempts activity from CEQA where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The City Council also finds that the Ordinance is exempt under CEQA Guidelines sections 15307 and 15308 as an action taken to protect the environment and natural resources. Here, the amendments are more restrictive than the California Building Standards Code and are necessary to address the particular safety needs of the City, including the need to facilitate the necessary and proper evacuation of persons and their animals in the event of a uncontrolled wildfire and to significantly reduce the risk of flame or heat transmission sufficient to ignite structures and buildings in the event of a uncontrolled wildfire within the City.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

Section 5. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 6. Notice and Filing. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933 and shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED by the City Council of Rolling Hills, California, at a adjourned regular meeting of the City Council held on the 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City of Rolling Hills

_____
Bea Dieringer, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

_____
Michael Jenkins, City Attorney