



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

AGENDA
REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, JANUARY 21, 2020
ROLLING HILLS CITY HALL
2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF THE AGENDA**
4. **PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA**
5. **APPROVAL OF MINUTES**
 - A. NOVEMBER 19, 2019 REGULAR MEETING OF THE PLANNING COMMISSION.
 - B. NOVEMBER 19, 2019, FIELD TRIP MEETING OF THE PLANNING COMMISSION.
 - C. DECEMBER 09, 2019, SPECIAL MEETING OF THE PLANNING COMMISSION.
6. **RESOLUTIONS**

NONE.
7. **PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING**

NONE.

8. NEW PUBLIC HEARINGS

- A. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

9. NEW BUSINESS

- A. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING TIME EXTENSION FOR A PREVIOUSLY APPROVED PROJECT FOR SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE PERMIT ON ZONING CASE 918, LOCATED AT 20 UPPER BLACKWATER CANYON ROAD (IANNITTI).

10. OLD BUSINESS

NONE.

11. SCHEDULE FIELD TRIPS

NONE.

12. ITEMS FROM STAFF

- A. ANNOUNCEMENT OF THE CITY COUNCIL'S STRATEGIC PLANNING WORKSHOP ON SATURDAY, JANUARY 25, 2020 AT 10AM (ORAL).
- B. ANNOUNCEMENT OF THE SEXUAL HARRASSMENT AVOIDANCE TRAINING ON MONDAY, JANUARY 27, 2020 AT 5PM (ORAL).
- C. REMINDER OF THE JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING ON MONDAY, MARCH 9, 2020 AT 7PM (ORAL).
- D. NOTICE OF UPCOMING AB1234 ETHICS TRAINING (ORAL).

13. ITEMS FROM THE PLANNING COMMISSION

14. ADJOURNMENT

The meeting is adjourned to a Regular Planning Commission meeting on February 18, 2020, at 6:30 PM.

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

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

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

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Agenda Item No.: 5A
Meeting Date: 01/19/2020

**REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
6:30 PM
TUESDAY, NOVEMBER 19, 2019
ROLLING HILLS CITY HALL
2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274**

CALL MEETING TO ORDER

A regular meeting of the Planning Commission of the City of Rolling Hills was called to order by Chairman Chelf at 6:32 p.m. on Thursday, November 19, 2019 in the City Council Chamber, at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

ROLL CALL

Commissioners Present: Cooley, Seaburn and Chelf.

Commissioners Absent: Cardenas and Kirkpatrick

Others Present: Yolanta Schwartz, Planning Director.
Meredith T. Elguira, Planning and Community Services Director
Todd Leishman, Assistant City Attorney
Yohana Coronel, City Clerk

APPROVAL OF THE AGENDA

Prior to the Approval of the Agenda, the Planning Commissioners took some time to acknowledge Yolanta Schwartz's 19 years of service to the City of Rolling Hills and they thanked her for her hard work and dedication to the City. They bid her good luck on her future endeavors. In return, Yolanta thanked the Commissioners for their acknowledgements.

Commissioner Cooley moved that the Planning Commission approve the agenda as presented. Commissioner Seaburn seconded the motion, which carried without objection.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

None.

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APPROVAL OF MINUTES

October 15, 2019, Adjourned Regular Meeting of the Planning Commission.

Commissioner Cooley moved that the Planning Commission approve the minutes of the adjourned regular meeting of the Planning Commission held on October 15, 2019 as presented. Commissioner Seaburn seconded the motion, which carried without objection.

RESOLUTIONS

- A. RESOLUTION NO. 2019-16. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A LOT LINE ADJUSTMENT BETWEEN FOUR PARCELS ALONG STORM HILL LANE IN ZONING CASE NO 949, (STORM PROPERTIES, INC.)

Planning Director Yolanta Schwartz explained that the original Storm Hill Project approved in 2005 consisted of a four-lot subdivision. Today, one parcel is developed and three remain vacant. A field trip to the subject site was held and subsequent to the visit, staff was directed to present a Resolution approving the requested lot line adjustments. The proposed lot lines complies with the requirements of the Code which is in RAS-2 Zone. The proposed lot line adjustments resulted in lot size adjustments but the resulting sizes are all still in compliance with the two-acre requirement. The main purpose of the lot line adjustment is to create a shorter road which consequently has less impact. There was a community outreach conducted and residents' concerns were addressed at the Planning Commission Public Hearing. In addition, residents were informed that any potential future development impacts will be addressed as applications are reviewed and processed through the entitlement process. Lastly, infrastructure will also be installed with the proposed development.

Chairman Chelf opened item for the public comment.

Applicant Jay Ahluwalia informed the Planning Commissioners he is available to answer any questions; he also thanked Yolanta for her hard work.

- B. RESOLUTION NO. 2019-17. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A SITE PLAN REVIEW APPROVAL FOR GRADING FOR A NEW ROAD TO SERVE PROPERTIES ON STORM HILL LANE; AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING REPORTING PROGRAM, (MMRP) IN ZONING CASE NO. 950, (STORM PROPERTIES, INC.)

The previous approval was for 1,130 linear feet of road and the revised request was for 564 linear feet by 30 foot wide which met the requirements of LA County Building Code as well as the Fire Department Code. The proposed road will entirely be within parcel one, as opposed

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to the previously approved road that encroached into and disturbed all parcels. The proposed graded material will be stock piled only on Lot 1. Previous approved grading would have resulted in approximately 12,000 cubic yards; current request will result in 2,450 cubic yards of grading to be balanced on Lot 1.

Scope of work requires: undergrounding utility lines, water line, fire hydrant and sewer lines. The proposed road requires junction with Johns Canyon Road. The geometry of the driveway has changed but it was reviewed and approved by the Traffic Engineer and it is to be recommended for approval by the Traffic Safety Committee. A Mitigated Negative Declaration was also prepared and the applicant will have to implement the mitigation measures.

Chairman Chelf opened the item for public comment.

Jay Ahluwalia available for questions.

Commissioner Seaburn moved to approve Resolution 2019-16. Commissioner Cooley seconded the motion and motion carried by a voice vote.

Commissioner Seaburn moved to approve Resolution 2019-17 as recommended subject to approval of the Traffic Safety Committee and adopt MND with monitoring reporting program. Commissioner Cooley seconded the motion.

AYES:	COMMISSIONERS: Cooley, Seaburn, and Chairman Chelf.
NOES:	COMMISSIONERS: None.
ABSENT:	COMMISSIONERS: Cardenas and Kirkpatrick
ABSTAIN:	COMMISSIONERS: None.

PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

- A. ZONING CASE NO. 960.** Request for a Site Plan Review to construct a 1,789 square foot house addition and 324 square foot garage addition, and to attach an existing 978 square foot guest house to the residence for a total of 7,519 square foot residence and 1,030 square foot garage and grading of 50 cubic yards of dirt; and a Conditional Use permit (CUP) to construct a 799 square foot guest house at a property located at **13 Eastfield Drive** (Lot 53-EF) Rolling Hills, CA, (Birkett).

Planning Director Yolanta Schwartz explained that the Planning Commission visited 13 Eastfield; a developed lot. The applicant is requesting for approval of over 1,700 square foot addition to the house and 324 square foot addition to the garage for a total of over 7,500 square foot house. There is also a Conditional Use Permit request for a 799 square foot guest house. The site is located in the RAS-1 Zone. The site received variances in years past. The site is developed with a recreation court, pool and spa in rear and stable and corral on site. The existing detached garage will be attached to the existing house and the existing guest house

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will be connected to the residence through a proposed addition. The pool will remain and the spa will be lowered to be flushed with the pool elevation. The highest structure elevations are 18'-2" for the house and 15'-5" for the guest house.

During the site visit Commissioner Cooley noticed the proposed addition is adjacent to a bridle trail. The architect explained that the proposed addition will not encroach into the existing setback established by the existing guest house and that the proposed development is in compliance with the Code. The total structural lot coverage is 15%, lot coverage is 25.5% and coverage of both is 29.5%. The project is exempt from CEQA.

Chairman Chelf opened the item for public comment.

Architect for applicant Michael Stroh answered questions from Cooley regarding height and placement of the guest house. Stroh explained the guest house eave is 15.2' which is still subservient to the house.

Seaburn had no issue with the proposed project.

Commissioner Seaburn moved to approve the Resolution. Commissioner Cooley seconded the motion and motion carried by a voice vote.

AYES:	COMMISSIONERS: Cooley, Seaburn, and Chairman Chelf.
NOES:	COMMISSIONERS: None.
ABSENT:	COMMISSIONERS: Cardenas and Kirkpatrick
ABSTAIN:	COMMISSIONERS: None.

Chairman Chelf closed public comment.

NEW PUBLIC HEARINGS

NONE.

NEW BUSINESS

- A. POLICY TO MEET WITH THE CITY COUNCIL ON A THREE-YEAR FREQUENCY AND SET THE NEXT MEETING.

Yolanta Schwartz brought up a practice of Planning Commission and the City Council meeting every few years to discuss topics of concerns for both bodies. A few dates were mentioned to give the Planning Commissioners advance notice on when the meeting could take place. The Planning Commissioners were advised to start thinking of topics to discuss. Meeting could potentially take place in the month of March. Planning Commissioners preferred to have it in early March to avoid conflict with Spring Break. Number of topics to be limited to five per Planning Commissioner.

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**B. HOUSING ELEMENT UPDATE TO BE PRESENTED TO THE CITY COUNCIL
ON NOVEMBER 25, 2019.**

Planning and Community Services Director Meredith Elguira informed the Planning Commissioners that the Housing Element Update will be presented to the City Council at the November 25, 2019 meeting. The Planning Commissioners briefly discussed subject matter and how difficult it will be to figure out. The members asked for a copy of the staff report prior to the Council Meeting.

OLD BUSINESS

NONE.

SCHEDULE OF FIELD TRIPS

Director Meredith Elguira brought up a potential field trip for Trees and Views Committee on December 17, 2019. Commissioner Seaburn asked what the process entails and Chairman Chelf explained the process: go on a site visit, identify view obstruction, identify whether or not there is impact, and recommend action. Commissioner Seaburn will be out of town therefore, meeting will be postponed to the January meeting.

A. 13 EASTFIELD

Yolanta Schwartz brought up there is only one item on the Agenda in December and that is the Resolution for 13 Eastfield. A special meeting was scheduled for December 9, 2019 at 7:30 AM to approve the Resolution.

ITEMS FROM STAFF (ORAL)

**A. UPDATE ON STORM WATER MANAGEMENT GUIDELINES DEVELOPMENT FOR
THE CONSTRUCTION OF EQUESTRIAN USES.**

Yolanta Schwartz informed the Planning Commission that the consultant is currently preparing to meet with City organizations to go over guidelines to determine what is feasible. End product will be more informational and not a mandate.

ITEMS FROM THE PLANNING COMMISSION

None.

ADJOURNMENT

Hearing no further business before the Commission, Chairman Chelf adjourned the meeting at 7:08 p.m. to an adjourned special meeting of the Planning Commission scheduled to be held on Monday, December 9, 2019 beginning at 7:30 a.m. for the purpose of conducting adopting a resolution for 13 Eastfield Drive.

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The special meeting of the Planning Commission is scheduled to be held in Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

Yohana Coronel
City Clerk

Approved,

Brad Chelf
Chairman

MINUTES OF AN
ADJOURNED REGULAR MEETING
OF THE PLANNING COMMISSION
NOVEMBER 19, 2019

Chair Chelf called the meeting to order at 7:40 AM at 13 Eastfield Drive.

PRESENT FOR THE FIELD TRIP WERE:

Chairman Chelf, Commissioners Kirkpatrick, Cardenas, Cooley and Seaburn
Yolanta Schwartz, Planning Director
Meredith T. Elguira, Planning and Community Services Director
Leah Mirsch, Mayor
Michael Stroh, Architect
Birkett, Property owner

A. ZONING CASE NO. 960. Request for a Site Plan Review to construct a 1,789 square foot house addition and 324 square foot garage addition, and to attach an existing 978 square foot guest house to the residence for a total of 7,519 square foot residence and 1,030 square foot garage and grading of 50 cubic yards of dirt; and a Conditional Use permit (CUP) to construct a 799 square foot guest house at a property located at **13 Eastfield Drive** (Lot 53-EF) Rolling Hills, CA, (Birkett).

Planning Director Schwartz gave a brief overview of the proposed request. She identified areas on the plans where the additions will take place. She stated that the development will be built on existing pad, the driveway will remain the same width but the turnaround will be widened slightly, and landscaping will remain. The architect, Mike Stroh concurred and the owner, Mr. Birkett mentioned that new landscaping were just planted.

After Director Schwartz's description of the project, the group proceeded through the existing breezeway towards the back of the property where the main development will occur. Mr. Stroh and Mr. Birkett continued to explain the proposed project and explained some of the reasons for the expansion and design.

A question was asked by Commissioner Cooley about the bridle trail and the distance between the proposed addition from the trail. It was explained by the architect that a survey was conducted and stakes were put on the ground to show the property boundary

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and that the proposed addition will align with the existing guest house and maintain the same distance from the trail.

The public hearing was continued to the evening meeting on November 19, 2019 beginning at 6:30 pm.

Respectfully Submitted,

Meredith T. Elguira
Planning and Community Services Director

Date

Approved:

Brad Chelf, Chairman

Date

- DRAFT -

Agenda Item No.: 5C
Meeting Date: 01/19/2020

SPECIAL MEETING
OF THE PLANNING COMMISSION
CITY OF ROLLING HILLS
7:30 AM
MONDAY, DECEMBER 09, 2019
ROLLING HILLS CITY HALL
2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274

CALL MEETING TO ORDER

A regular meeting of the Planning Commission of the City of Rolling Hills was called to order by Chairman Chelf at 7:31 a.m. on Monday, December 09, 2019 in the City Council Chamber, at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

ROLL CALL

Commissioners Present: Cardenas, Cooley, Kirkpatrick, Seaburn, and Chairman Chelf.

Commissioners Absent: None.

Others Present: Meredith Elguira, Planning and Community Services Director.
Yohana Coronel, City Clerk

APPROVAL OF THE AGENDA

Commissioner Cooley moved that the Planning Commission approve the agenda as presented. Commissioner Cardenas seconded the motion, which carried without objection by a voice vote as follows:

AYES: COUNCILMEMBERS: Chairman Chelf, Cardenas, Cooley, Kirkpatrick and Seaburn.

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA

None.

APPROVAL OF MINUTES

None.

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RESOLUTIONS

- A. RESOLUTION NO. 2019-18. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL TO CONSTRUCT A 1,789 SQUARE FOOT HOUSE ADDITION AND 324 SQUARE FOOT GARAGE ADDITION, AND TO ATTACH AN EXISTING 978 SQUARE FOOT GUEST HOUSE TO THE RESIDENCE FOR A TOTAL OF 7,519 SQUARE FOOT RESIDENCE AND 1,030 SQUARE FOOT GARAGE AND GRADING OF 50 CUBIC YARDS OF DIRT; AND A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A 799 SQUARE FOOT GUEST HOUSE AT A PROPERTY LOCATED AT **13 EASTFIELD DRIVE** (LOT 53-EF) ROLLING HILLS, CA, (BIRKETT).

Planning Director Elguira gave a brief overview of the proposed request. On November 19, 2019 the Planning Commission directed staff to prepare a Resolution approving the proposed project. Site Plan Review request is to construct a 1,789 square-foot house addition, 324 square-foot garage addition, attach an existing 978 square foot guest house to the residence for a total of 7,519 square foot residence and 1,030 square foot garage and grading of 50 cubic yards of dirt; and Conditional Use Permit request is to construct a 799 square foot detached guest house. The project includes associated major remodel and demolition of portions of the existing residence on an existing building pad, as well as miscellaneous outdoor amenities, and larger fire turnaround area. She also noted that the applicant would also submit landscape and grading plans prior to building to the Planning Department. She proceed to recommend to the Planning Commission to approve the resolution presented before them.

Chairman Chelf opened the item for public comment.

There was not public comments.

Commissioner Cardenas moved that the Planning Commission adopt Resolution No. 2019-18 granting approval of the applicant's request in Zoning Case No. 960 at 13 Eastfield as presented. Commissioner Seaburn seconded the motion, which carried by roll call vote follows:

Commissioner vote yeas: Cooley, Kirkpatrick, Seaburn, and Chairman Chelf.

Commissioner vote nays: None.

Commissioner vote abstain: None.

PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

None.

NEW PUBLIC HEARINGS

None.

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NEW BUSINESS

None.

OLD BUSINESS

None.

SCHEDULE OF FIELD TRIPS

None.

ITEMS FROM STAFF (ORAL)

None.

ITEMS FROM THE PLANNING COMMISSION

None.

ADJOURNMENT

Hearing no further business before the Commission, Chairman Chelf adjourned the meeting at 7:34 a.m. to a regular meeting of the Planning Commission scheduled to be held on Tuesday, January 21, 2020 beginning at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

City Clerk

Approved,

Brad Chelf
Chairman



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 Item No.: 8A
Mtg. Date: 01/21/2020

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: MEREDITH T. ELGUIRA, PLANNING AND COMMUNITY SERVICES DIRECTOR

PUBLISHED: January 3, 2020

ATTACHMENTS:

- 1. Resolution No. 2020-01**
- 2. Current RHMC Chapter 17.28**

BACKGROUND

The proposed Ordinance amends Chapter 17.28 of the City of Rolling Hills Municipal Code to impose new limits on local authority to regulate Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with the provisions of Government Code sections 65852.2 and 65852.22 as amended by recently approved legislation that will take effect on January 1, 2020.

In 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. The New ADU Laws take effect January 1, 2020, and if the City's ADU Ordinance does not comply with the New ADU Laws, the City's Ordinance becomes null and void on that date as a matter of law.

The proposed Ordinance amends the City's local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22.

Failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City's Ordinance regulating ADUs and JADUs null and void.

ADU | JADU DRAFT ORDINANCE

void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs. The approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

The attached Resolution 2020-01 with the draft Ordinances (Attachments A and B to the Resolution) include changes to the City of Rolling Hills Municipal Code Chapter 17.28 substantially in the form attached.

The ADU code amendments are proposed for adoption by both Urgency Ordinance, in accordance with Government Code section 36937, subdivision (b), and, in parallel, by Non-urgency Ordinance.

ENVIRONMENTAL REVIEW

Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the Planning Commission finds that none of the "exceptions" to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the Planning Commission finds that the Ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because the City is designated for residential development and recreational uses with the exception

of City Hall Campus, LACoFD Station No. 56, Rancho Del Mar High School, and guard gates;

- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because these accessory structures will necessarily be built on an already developed lots with existing structures;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The mainly City consists of single family residential development. The highways nearest to the City are California State Route (SR) 1 (Pacific Coast Highway) and SR 213 (Western), these highways are not designated as state scenic highways and the segments near the City are not eligible for designation as state scenic highways. The City's General Plan does not identify any local scenic roadways in the City;
- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code. The City is not located on or directly adjacent to any known hazardous or contaminated sites; or
- (6) Not result in a substantial adverse change in the significance of a historical resource. The proposed Ordinance will not have a significant impact to historical resources because there are no listed historic buildings within the City boundaries.

PUBLIC NOTICING

In accordance with the requirements of Government Code section 65090, this item has been noticed in a newspaper of general circulation as of January 3, 2020. In addition, on January 17, 2020 public notices were posted at 2 Portuguese Bend Road, Rolling Hills, CA 90274.

RECOMMENDATIONS

Recommend that the City Council of the City of Rolling Hills adopt both (A) an Urgency Ordinance and (B) a Non-urgency Ordinance amending Section 17.28 of the City of Rolling Hills Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and determining the Ordinance to be exempt from CEQA.

RESOLUTION NO. 2020-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City's ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, on January 3, 2020, the City gave public notice of the public hearing for the proposed ordinance by publishing in Torrance Daily Breeze a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered; and

WHEREAS, on January 21, 2020, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because the City is designated for residential development and recreational uses with the exception of City Hall Campus, LACoFD Station No. 56, Rancho Del Mar High School, and guard gates;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because these accessory structures will necessarily be built on an already developed lots with existing structures;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The mainly City consists of single family residential development. The highways nearest to the City are California State Route (SR) 1 (Pacific Coast Highway) and SR 213 (Western), these highways are not designated as state scenic highways and the segments near the City are not eligible for designation as state scenic highways. The City’s General Plan does not identify any local scenic roadways in the City;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code. The City is not located on or directly adjacent to any known hazardous or contaminated sites; or
- (6) Not result in a substantial adverse change in the significance of a historical resource. The proposed Ordinance will not have a significant impact to historical resources because there are no listed historic buildings within the City boundaries.

Section 2. 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 is consistent with the City's adopted General Plan as the purpose of the proposed ordinance is to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 3. The Planning Commission hereby recommends that the City Council adopt the attached proposed urgency ordinance (Attachment A) entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE CITY OF ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

Section 4. The proposed ordinance entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE CITY OF ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Planning and Community Services Department, at Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills California.

Section 5. The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance (Attachment B) entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE CITY OF ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

Section 6. The proposed ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE CITY OF ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Planning and Community Services Department, at Rolling Hills City Hall, 2 Portuguese Bend Road, California.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF JANUARY 2019.

BRAD CHELF, CHAIRMAN

ATTEST:

JOHANA CORONEL, CITY CLERK

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

I certify that the foregoing Resolution No. 2020-01 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

was approved and adopted at regular meeting of the Planning Commission on January 21, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices

YOHANA CORONEL, CITY CLERK

URGENCY ORDINANCE NO. 363

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE CITY OF ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

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

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage the New ADU Laws because if the City's ordinance does not comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 and the City's ordinance regulating ADUs and JADUs becomes null and void, the City would thereafter be limited to applying the few default standards that are provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. 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; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b), after consideration and recommendation by the City's Planning Commission.

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. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the "exceptions" to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because the City is designated for residential development and recreational uses with the exception of City Hall Campus, LACoFD Station No. 56, Rancho Del Mar High School, and guard gates;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because these accessory structures will necessarily be built on an already developed lots with existing structures;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The mainly City consists of single family residential development. The highways nearest to the City are California State Route (SR) 1 (Pacific Coast Highway) and SR 213 (Western), these highways are not designated as state scenic highways and the segments near the City are not eligible for designation as state scenic highways. The City's General Plan does not identify any local scenic roadways in the City;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code. The City is not located on or directly adjacent to any known hazardous or contaminated sites; or
- (6) Not result in a substantial adverse change in the significance of a historical resource. The proposed Ordinance will not have a significant impact to historical resources because there are no listed historic buildings within the City boundaries.

Section 3. Chapter 17.28 of the Rolling Hills Municipal Code is hereby amended and restated as provided in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 4. This ordinance takes effect immediately upon its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. 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.

PASSED, APPROVED AND ADOPTED by the City Council of the Rolling Hills, California, at a regular meeting of the City Council held on the 27th day of January, 2020 by the following vote:

LEAH MIRSCH
MAYOR

ATTEST:

YOHANA CORONEL
CITY CLERK

EXHIBIT A

Amendments to Municipal Code

(follows this page)

Chapter 17.28 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 17.28.010. Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.

Section 17.28.020. Effect of Conforming.

An ADU or JADU that conforms to the standards in this section will not be:

- A. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming zoning condition, as defined in Section 17.28.030.G below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

Section 17.28.030. Definitions.

As used in this section, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

EXHIBIT A

- D. “Efficiency kitchen” means a kitchen that includes each of the following:
1. A cooking facility with appliances.
 2. A food preparation counter or counters that total at least 15 square feet in area.
 3. Food storage cabinets that total at least 30 square feet of shelf space.
- E. “Junior accessory dwelling unit” or “JADU” means a residential unit that
1. is no more than 500 square feet in size,
 2. is contained entirely within an existing or proposed single-family structure,
 3. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 4. includes an efficiency kitchen, as defined in subsection D above.
- F. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- G. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- H. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- I. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- J. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- K. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Section 17.28.040. Approvals.

The following approvals apply to ADUs and JADUs under this section:

EXHIBIT A

- A. **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in Section 17.28.050 below, it is allowed with only a building permit in the following scenarios:
1. **Converted on Single-family Lot:** Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (a) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 - (b) Has exterior access that is independent of that for the single-family dwelling.
 - (c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 2. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection A.1 above), if the detached ADU satisfies the following limitations:
 - (a) The side- and rear-yard setbacks are at least four-feet.
 - (b) The total floor area is 800 square feet or smaller.
 - (c) The peak height above grade is 16 feet or less.
 3. **Converted on Multifamily Lot:** Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling. The maximum number of converted ADUs allowed within an existing multifamily dwelling structure is equal to 25 percent of the existing multifamily dwelling units.
 4. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:

EXHIBIT A

- (a) The side- and rear-yard setbacks are at least four-feet.
- (b) The peak height above grade is 16 feet or less.

B. ADU Permit.

- 1. Except as allowed under subsection A above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Section 17.28.050 and Section 17.28.060.
- 2. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the director of planning and community services and approved by the City Council by resolution.

C. Process and Timing.

- 1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- 2. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - (a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (b) In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

Section 17.28.050. General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs that are approved under Section 17.28.040.A or B:

A. Zoning.

- 1. An ADU or JADU subject only to a building permit under Section 17.28.040.A may be created on a lot in a residential or mixed-use zone.

EXHIBIT A

2. An ADU or JADU subject to an ADU permit under Section 17.28.040.B may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- B. **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- C. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.
- D. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- E. **Owner Occupancy.**
1. All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
 2. An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 3. All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 4. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- F. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
1. The ADU or JADU may not be sold separately from the primary dwelling.

EXHIBIT A

2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
3. The deed restriction runs with the land and may be enforced against future property owners.
4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
5. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

Section 17.28.060. Specific ADU Requirements.

The following requirements apply only to ADUs that require an ADU permit under Section 17.28.040.B.

A. Maximum Size.

1. The maximum size of a detached or attached ADU subject to this Section 17.28.060 is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, subject to Section 17.28.060.A.3 below.
3. Application of other development standards in this Section 17.28.060, such as FAR or lot coverage, might further limit the size of the ADU, but

EXHIBIT A

no application of a percentage-based size restriction, FAR, lot coverage, or open-space requirement may require the ADU to be smaller than 800 square feet.

- B. **Floor Area Ratio (FAR).** No ADU subject to this Section 17.28.060 may cause the total FAR of the lot to exceed 45 percent, subject to Section 17.28.060.A.3 above.
- C. **Setbacks.**
 - 1. No part of any ADU subject to this Section 17.28.060 may be located within 30 feet of the front property line.
 - 2. No part of any ADU subject to this Section 17.28.060 may be located within four feet of a side or rear property line.
- D. **Lot Coverage.** No ADU subject to this Section 17.28.060 may cause the total lot coverage of the lot to exceed 50 percent, subject to Section 17.28.060.A.3 above.
- E. **Minimum Open Space.** No ADU subject to this Section 17.28.060 may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection Section 17.28.060.A.3 above.
- F. **Height.** No ADU subject to this Section 17.28.060 may exceed 16 feet in height above grade, measured to the peak of the structure.
- G. **Passageway.** No passageway, as defined by Section 17.28.030.H above, is required for an ADU.
- H. **Parking.**
 - 1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section 17.28.030.K above.
 - 2. Exceptions. No parking under Section 17.28.060.H.1 is required in the following situations:
 - (a) The ADU is located within one-half mile walking distance of public transit, as defined in subsection Section 17.28.030.J above.
 - (b) The ADU is located within an architecturally and historically significant historic district.
 - (c) The ADU is part of the proposed or existing primary residence or an accessory structure under Section 17.28.040.A.1 above.

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- (d) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (e) When there is an established car share vehicle stop located within one block of the ADU.
3. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those offstreet parking spaces are not required to be replaced.

I. Architectural Requirements.

- 1. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.
- 2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- 3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- 4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.
- 5. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- 6. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- 7. All windows and doors that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, (for windows and for doors) utilize frosted or obscure glass, or (for doors) opaque.
- 8. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

J. Landscape Requirements

EXHIBIT A

1. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:
 2. 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.
 3. Plant specimens for screening must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.
 4. All landscaping must be drought-tolerant.
 5. All landscaping must be from the city's approved plant list.
- K. **Historical Protections.** An ADU that is subject to this Section 17.28.060 and that is on or within 600 feet of real property that is listed in the California Register of Historic Resources is subject to all the objective standards imposed by the Secretary of Interior.

Section 17.28.070. Fees.

The following requirements apply to all ADUs and JADUs that are approved under Section 17.28.040.A or Section 17.28.040.B.

A. Impact Fees.

1. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
2. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

B. Utility Fees.

1. Converted ADUs and JADUs on a single-family lot, created under subsection Section 17.28.040.A.1 above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.

EXHIBIT A

2. All ADUs and JADUs not covered by subsection Section 17.28.070.B.1 above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

Section 17.28.080. Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective standards set forth in Section 17.28.010 through Section 17.28.070 of this chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

ORDINANCE NO. 364

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE CITY OF ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

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

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City's ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

WHEREAS, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this ordinance, including the policy considerations discussed therein, and the consideration and recommendation by the City's Planning Commission; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City has determined that the revisions to the Rolling Hills Municipal Code are exempt from environmental review.

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. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because the City is designated for residential development and recreational uses with the exception of City Hall Campus, LACoFD Station No. 56, Rancho Del Mar High School, and guard gates;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because these accessory structures will necessarily be built on an already developed lots with existing structures;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The mainly City consists of single family residential development. The highways nearest to the City are California State Route (SR) 1 (Pacific Coast Highway) and SR 213 (Western), these highways are not designated as state scenic highways and the segments near the City are not eligible for designation as state scenic highways. The City’s General Plan does not identify any local scenic roadways in the City;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code. The City is not located on or directly adjacent to any known hazardous or contaminated sites; or
- (6) Not result in a substantial adverse change in the significance of a historical resource. The proposed Ordinance will not have a significant impact to historical resources because there are no listed historic buildings within the City boundaries.

Section 3. Chapter 17.28 of the Rolling Hills Municipal Code is hereby amended and restated as provided in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 4. This ordinance shall take effect 30 days following its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. The City Council hereby directs staff to prepare, execute and file with the Los Angeles County Clerk a Notice of Exemption within five working days of first reading of this ordinance.

Section 8. 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 9. The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located at City Hall.

PASSED, APPROVED AND ADOPTED by the City Council of the Rolling Hills, California, at a regular meeting of the City Council held on the 27th day of January, 2020 by the following vote:

LEAH MIRSCH
MAYOR

ATTEST:

YOHANA CORONEL
CITY CLERK

EXHIBIT A

Amendments to Municipal Code

(follows this page)

Chapter 17.28 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 17.28.010. Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.

Section 17.28.020. Effect of Conforming.

An ADU or JADU that conforms to the standards in this section will not be:

- A. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming zoning condition, as defined in Section 17.28.030.G below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

Section 17.28.030. Definitions.

As used in this section, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

EXHIBIT A

- D. “Efficiency kitchen” means a kitchen that includes each of the following:
1. A cooking facility with appliances.
 2. A food preparation counter or counters that total at least 15 square feet in area.
 3. Food storage cabinets that total at least 30 square feet of shelf space.
- E. “Junior accessory dwelling unit” or “JADU” means a residential unit that
1. is no more than 500 square feet in size,
 2. is contained entirely within an existing or proposed single-family structure,
 3. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 4. includes an efficiency kitchen, as defined in subsection D above.
- F. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- G. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- H. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- I. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- J. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- K. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Section 17.28.040. Approvals.

The following approvals apply to ADUs and JADUs under this section:

EXHIBIT A

- A. **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in Section 17.28.050 below, it is allowed with only a building permit in the following scenarios:
1. **Converted on Single-family Lot:** Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (a) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 - (b) Has exterior access that is independent of that for the single-family dwelling.
 - (c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 2. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection A.1 above), if the detached ADU satisfies the following limitations:
 - (a) The side- and rear-yard setbacks are at least four-feet.
 - (b) The total floor area is 800 square feet or smaller.
 - (c) The peak height above grade is 16 feet or less.
 3. **Converted on Multifamily Lot:** Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling. The maximum number of converted ADUs allowed within an existing multifamily dwelling structure is equal to 25 percent of the existing multifamily dwelling units.
 4. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:

EXHIBIT A

- (a) The side- and rear-yard setbacks are at least four-feet.
- (b) The peak height above grade is 16 feet or less.

B. ADU Permit.

- 1. Except as allowed under subsection A above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Section 17.28.050 and Section 17.28.060.
- 2. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the director of planning and community services and approved by the City Council by resolution.

C. Process and Timing.

- 1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- 2. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - (a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (b) In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

Section 17.28.050. General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs that are approved under Section 17.28.040.A or B:

A. Zoning.

- 1. An ADU or JADU subject only to a building permit under Section 17.28.040.A may be created on a lot in a residential or mixed-use zone.

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2. An ADU or JADU subject to an ADU permit under Section 17.28.040.B may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- B. **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- C. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.
- D. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- E. **Owner Occupancy.**
1. All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
 2. An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 3. All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 4. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- F. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
1. The ADU or JADU may not be sold separately from the primary dwelling.

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2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
3. The deed restriction runs with the land and may be enforced against future property owners.
4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
5. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

Section 17.28.060. Specific ADU Requirements.

The following requirements apply only to ADUs that require an ADU permit under Section 17.28.040.B.

A. Maximum Size.

1. The maximum size of a detached or attached ADU subject to this Section 17.28.060 is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, subject to Section 17.28.060.A.3 below.
3. Application of other development standards in this Section 17.28.060, such as FAR or lot coverage, might further limit the size of the ADU, but

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no application of a percentage-based size restriction, FAR, lot coverage, or open-space requirement may require the ADU to be smaller than 800 square feet.

- B. **Floor Area Ratio (FAR).** No ADU subject to this Section 17.28.060 may cause the total FAR of the lot to exceed 45 percent, subject to Section 17.28.060.A.3 above.
- C. **Setbacks.**
 - 1. No part of any ADU subject to this Section 17.28.060 may be located within 30 feet of the front property line.
 - 2. No part of any ADU subject to this Section 17.28.060 may be located within four feet of a side or rear property line.
- D. **Lot Coverage.** No ADU subject to this Section 17.28.060 may cause the total lot coverage of the lot to exceed 50 percent, subject to Section 17.28.060.A.3 above.
- E. **Minimum Open Space.** No ADU subject to this Section 17.28.060 may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection Section 17.28.060.A.3 above.
- F. **Height.** No ADU subject to this Section 17.28.060 may exceed 16 feet in height above grade, measured to the peak of the structure.
- G. **Passageway.** No passageway, as defined by Section 17.28.030.H above, is required for an ADU.
- H. **Parking.**
 - 1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section 17.28.030.K above.
 - 2. Exceptions. No parking under Section 17.28.060.H.1 is required in the following situations:
 - (a) The ADU is located within one-half mile walking distance of public transit, as defined in subsection Section 17.28.030.J above.
 - (b) The ADU is located within an architecturally and historically significant historic district.
 - (c) The ADU is part of the proposed or existing primary residence or an accessory structure under Section 17.28.040.A.1 above.

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- (d) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (e) When there is an established car share vehicle stop located within one block of the ADU.
3. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those offstreet parking spaces are not required to be replaced.

I. Architectural Requirements.

- 1. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.
- 2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- 3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- 4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.
- 5. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- 6. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- 7. All windows and doors that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, (for windows and for doors) utilize frosted or obscure glass, or (for doors) opaque.
- 8. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

J. Landscape Requirements

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1. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:
 2. 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.
 3. Plant specimens for screening must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.
 4. All landscaping must be drought-tolerant.
 5. All landscaping must be from the city's approved plant list.
- K. **Historical Protections.** An ADU that is subject to this Section 17.28.060 and that is on or within 600 feet of real property that is listed in the California Register of Historic Resources is subject to all the objective standards imposed by the Secretary of Interior.

Section 17.28.070. Fees.

The following requirements apply to all ADUs and JADUs that are approved under Section 17.28.040.A or Section 17.28.040.B.

A. Impact Fees.

1. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
2. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

B. Utility Fees.

1. Converted ADUs and JADUs on a single-family lot, created under subsection Section 17.28.040.A.1 above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.

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2. All ADUs and JADUs not covered by subsection Section 17.28.070.B.1 above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

Section 17.28.080. Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective standards set forth in Section 17.28.010 through Section 17.28.070 of this chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

Chapter 17.28 - ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS ON SINGLE-FAMILY LOTS⁽⁶⁾

Sections:

Footnotes:

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Editor's note— Ord. No. 358, § 4, adopted Feb. 12, 2018, repealed Ch. 17.28 in its entirety and enacted new provisions to read as herein set out. Former Ch. 17.28, §§ 17.28.010—17.28.030 pertained to second units on single-family lots, and derived from Ord. No. 239, § 11, adopted in 1993.

17.28.010 - Purpose and applicability.

The purpose of this chapter is to implement the requirements of Government Code section 65852.2, to allow accessory dwelling units and junior accessory dwelling units in a manner that accounts for the City's unique land use characteristics including landslide susceptibility, lack of sewers, fire flow requirements, and extremely limited public infrastructure. In accordance with state law, accessory dwelling units are an accessory use to the primary use of a parcel as a one-family dwelling unit and do not exceed the allowable density for the parcel.

(Ord. No. 358, § 4, 2-12-2018)

17.28.020 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Accessory dwelling unit" means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; or
- (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Existing space" means an allowable space that can be converted to an accessory dwelling unit within the walls and roofline of any structure existing on or after January 1, 2017, that can be made safely habitable under the City's building codes at the determination of the City's building official.

"Junior accessory dwelling unit" shall mean a unit that is no more than five hundred square feet in size and contained entirely within an existing single-family dwelling.

"Owner-occupant" means a person who is domiciled at a particular residence and who is also the owner of that property. A domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another to one entrance of the accessory dwelling unit.

(Ord. No. 358, § 4, 2-12-2018)

17.28.030 - Accessory dwelling units.

- A. Generally. Accessory dwelling units shall comply with the following standards:
1. The unit is located within either the RA-S1 or RA-S2 zone;
 2. In the event the unit is rented, it shall not be rented for a period of less than thirty days;
 3. The lot shall contain a proposed or existing single-family dwelling;
 4. The accessory dwelling unit is either attached to the existing dwelling or an accessory structure, or detached from the existing dwelling and located on the same lot as the existing dwelling;
 5. Both the primary residence and the accessory dwelling unit shall permanently remain under one ownership and shall not be sold separately;
 6. Existing animal-keeping uses and structures, including, but not limited to barns, stables, run-in sheds, animal pens or other similar animal shelters, which are greater than eight hundred square feet, shall not be converted into an accessory dwelling unit. Structures eight hundred square feet or less in size may be completely converted to an accessory dwelling unit; for partial conversions, however, no portion in excess of the accessory dwelling unit may be maintained for animal-keeping uses and the structure must otherwise comply with the requirements for mixed-use structures pursuant to Section 17.16.210 of the Rolling Hills Municipal Code;
 7. The unit complies with Title 15 of the Rolling Hills Municipal Code, except that the construction of an accessory dwelling unit is not required to adhere to the grading requirements outlined in Title 15; and
 8. The sewage disposal system has been approved by the Los Angeles County Public Health Department, where applicable.
- B. Parking. Parking requirements for accessory dwelling units shall not exceed one parking space per unit. These spaces may be provided as uncovered tandem parking on a driveway, as defined in Section 17.12.200 of this title. However, on shared driveways that provide access for multiple lots, parking shall not be permitted on portions of the driveway that are used to provide access to more than one lot. No onsite parking is required for an accessory dwelling unit when one or more of the following is applicable:
1. The accessory dwelling unit is part of an existing or proposed primary single-family dwelling or accessory structure;
 2. The property is listed on the California Register of Historic Places; or
 3. The property is located within one-half mile of a public transit stop. For the purposes of this section, "public transit" shall include a bus stop with fixed route bus service.
- C. Setback. Existing garages that are converted to accessory dwelling units shall not be required to conform to setback requirements. Any existing accessory structures that are converted to accessory dwelling units and any new accessory dwelling unit structures shall conform to the setback requirements for the zone in which they are located.
- D. Size.
1. Size of Lot. Accessory dwelling units shall only be permitted on a lot with a minimum net lot area of one acre or greater. For lots with a minimum net lot area less than one acre, only an existing legal detached accessory structure may be converted into a legal accessory dwelling unit; the accessory structure shall be permitted to be expanded to eight hundred square feet.
 2. Size of Accessory Dwelling Unit. The maximum size (habitable floor area) for an accessory dwelling unit on any lot shall be no more than eight hundred square feet, but no less than four hundred fifty square feet.
- E. Development Standards. The construction of a new accessory dwelling units shall comply with the following:

1. Section 17.16.070, maximum level of site development pertaining to lot coverage and disturbance;
2. Section 17.16.080, height limitations; and
3. Section 17.16.170, maintenance of an area developed with or set aside and usable for a stable, contiguous corral and access thereto that complies with the criteria set forth in Chapter 17.18 of this title.

(Ord. No. 358, § 4, 2-12-2018)

17.28.040 - Accessory dwelling unit conditions of approval, application review, approval process and timelines.

- A. An administrative review application shall be required for an accessory dwelling unit. As set forth in Chapter 17.44, the City Manager or his/her designee shall make a decision on a complete administrative application for an accessory dwelling unit within one hundred twenty days of receipt thereof.
- B. Mandatory approval required: The City Manager or his/her designee shall approve the administrative application and issue a zone clearance permit if all of the following requirements are met:
 1. There is only one accessory dwelling unit per single-family lot, and the unit is fully contained within the space of either a single-family residence or accessory structure;
 2. The proposed accessory dwelling unit has exterior access which is independent from the existing primary residence or accessory structure;
 3. The side and rear setbacks are sufficient for fire safety;
 4. Fire sprinklers have been installed where required by the Los Angeles County Building and Fire Codes;
 5. The accessory dwelling unit complies with Section 17.28.030; and
 6. The owner occupies either the existing primary residence or the accessory dwelling unit.
 7. The proposed accessory dwelling unit will not result in any danger to the public health or safety. For the purposes of this subsection, it shall be a danger to the public health or safety to create an accessory dwelling unit on any property whose property lines fall within an active landslide area, as determined by the City's Building Department;
 8. The proposed accessory dwelling unit does not create impacts on the privacy of neighboring residences and, where applicable, the accessory dwelling unit will provide privacy mitigation measures including, but not limited to, the proposed location of the accessory dwelling unit on the lot, window and door placement and design, or screening from adjacent residential properties (via landscaping, etc.);
 9. Where the proposed ADU will be located within a new structure, the applicant will provide a new or separate utility connection directly between the accessory dwelling unit and the utility;
- C. A covenant in a form approved by the City Attorney shall be recorded with the County Recorder's Office detailing the restriction on the size and the other attributes of the accessory dwelling unit as set forth in this section. The covenant shall include a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers. An application approving the use of an accessory dwelling unit may be subject to revocation in the event of breach of the terms of the covenant or as otherwise provided in this chapter.

(Ord. No. 358, § 4, 2-12-2018)

17.28.050 - Junior accessory dwelling units.

- A. An administrative application shall be required for a junior accessory dwelling unit. As set forth in Chapter 17.44, the City Manager or his/her designee shall make a decision on a complete administrative application for a junior accessory dwelling unit within one hundred twenty days of receipt thereof.
- B. The City Manager or his/her designee shall approve the administrative application when all of the following requirements are met:
 - (1) The owner-occupant of the primary residence located on the residential lot shared by the junior accessory dwelling unit has applied for the administrative junior accessory dwelling unit application;
 - (2) The unit is constructed within the existing walls of a primary single-family dwelling and utilizes an existing bedroom in the dwelling;
 - (3) The unit includes a separate entrance from the main entrance to the structure;
 - (4) The unit includes an efficiency kitchen, which shall include all of the following:
 - (a) A sink with a maximum waste line diameter of 1.5 inches;
 - (b) A cooking facility with appliances that do not require electrical service greater than one hundred twenty volts, or natural or propane gas; and
 - (c) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior unit.
 - (5) There is only one junior accessory dwelling unit per single-family lot, and the unit is contained within the existing space of a single-family residence;
 - (6) The primary residence in which the junior accessory dwelling unit exists shall be owner-occupied; and
 - (7) Both the primary residence and the junior accessory dwelling unit shall permanently remain under one ownership and shall not be sold separately.
- C. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing single-family dwelling. For the purposes of providing service for water, sewer, or power, or for fire or life protection, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- D. This section shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.
- E. No parking space shall be required for junior accessory dwelling units.
- F. In the event the unit is rented, it shall not be rented for a period of less than thirty days.
- G. A covenant in a form approved by the City Attorney shall be recorded with the County Recorder's Office detailing the restriction on the size and the attributes of the junior accessory dwelling unit as set forth in this section. The covenant shall include a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers.

(Ord. No. 358, § 4, 2-12-2018)



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 Item No.: 9A
Mtg. Date: 01/21/2020

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: MEREDITH T. ELGUIRA, PLANNING AND COMMUNITY SERVICES DIRECTOR

SUBJECT: REQUEST FOR TIME EXTENSION

ATTACHMENTS: 1. RESOLUTION 2020-02
2. TIME EXTENSION REQUEST LETTER

ZONING CASE NO. 918: Site Plan Review, Conditional Use Permit, and Variances for grading and construction of a new residence, new four-car garage, stable, corral, and various outdoor amenities including a new pool located at 20 Upper Blackwater Canyon Road (Iannitti). Categorically exempt pursuant to Section 15303, Class 3 of the California Environmental Quality Act (CEQA).

BACKGROUND

Attached, is a letter from Mr. Dave Palacios requesting a two-year time extension to commence construction of a previously approved project described above. The Planning Commission approved this project on January 16, 2018 by Resolution No. 2018-01.

Pursuant to Sections 17.38.070, 17.42.070 and 17.46.080 of the Zoning Ordinance, approvals are valid for the time period specified by the Planning Commission or within two years of the effective date of such approval. The Planning Commission may extend such approval for a period not to exceed two years.

The applicant states that the extension is necessary in order to address the proposed changes in the project design by the property owner and respond to the required plan check submittals by the Building and Safety Department.

RECOMMENDATION

It is recommended that the Planning Commission consider the request and adopt Resolution No. 2020-02 granting a two-year extension to commence construction of this project. If granted, the project would expire on January 16, 2022.

RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING TIME EXTENSION FOR A PREVIOUSLY APPROVED PROJECT FOR A SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE PERMIT ON ZONING CASE 918, LOCATED AT 20 UPPER BLACKWATER CANYON ROAD (IANNITTI).

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Mr. Dave Palacios with respect to real property located at 20 Upper Blackwater Canyon Road requesting a two-year time extension to comply with the requirements of Resolution No. 2018-01 to commence construction of the approved project.

Section 2. The Commission considered this item at a meeting on January 21, 2020 at which time information was presented by the applicants indicating that additional time is needed to commence the project.

Section 3. The Planning Commission finds that pursuant to RHMC Section 17.46.080 the expiration would constitute an undue hardship upon the property owner; and the continuation of the approval would not be materially detrimental to the health, safety and general welfare of the public.

Section 4. Based upon information and evidence submitted, the Planning Commission grants two-year time extension.

Section 5. Except as herein amended, the provisions and conditions of Resolution No. 2018-01 shall continue to be in full force and effect.

21ST DAY OF JANUARY 2020.

BRAD CHELF, CHAIRMAN

ATTEST:

YOHANA CORONEL
CITY CLERK

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

I certify that the foregoing Resolution No. 2020-02 entitled:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
ROLLING HILLS GRANTING TIME EXTENSION FOR A PREVIOUSLY
APPROVED PROJECT FOR A SITE PLAN REVIEW, CONDITIONAL
USE PERMIT AND VARIANCE PERMIT ON ZONING CASE 918,
LOCATED AT 20 UPPER BLACKWATER CANYON ROAD (IANNITTI).

was approved and adopted at a regular meeting of the Planning Commission on
January 21, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices

YOHANA CORONEL
CITY CLERK

ATTACHMENT 2

November 13, 2019

Meredith Elguira
Yolanta Schwartz
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

Subject: 20 Upper Blackwater Canyon RH Planning Extension

Meredith and Yolanta,

This memo is in regards to the on-going project at 20 Upper Blackwater Canyon for Dominic Iannitti. The current Planning Entitlement is set to expire in January 2020 and we would like to request a two year extension at this time. Since we received our Planning Commission / City Council approval in January 2018 we have been working on the various Architectural, Engineering, and other consultant reports required to be submitted to the County of Los Angeles for review and final approval. During the preparation of these documents, and with additional discussions with the client, changes to the site plan are now desired.

The requested two year extension will provide enough time for the design team to revise the plans and reports and submit them through the County for review and approval. The current approval timeline, from the County, has been approximately 9 months from the first submission to final approval of the project.

We would be happy to be present for the Planning Commission hearing to answer any questions that they have.

Feel free to contact me directly with any questions / concerns regarding the project or any additional documents you require to place us on the Agenda.

Regards,

Dave Palacios
Project Manager

RECEIVED

NOV 20 2019

City of Rolling Hills