TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR
       JULIA STEWART, ASSISTANT CITY ATTORNEY

THRU: RAYMOND R. CRUZ, CITY MANAGER

SUBJECT: SECOND READING, WAIVE FULL READING AND ADOPT ORDINANCE NO. 358 - AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING TITLES 15 AND 17 OF THE ROLLING HILLS MUNICIPAL CODE TO REGULATE AND ALLOW ACCESSORY DWELLING UNITS (ADU) IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW, IN ZONING CODE AMENDMENT NO. 2017-03

AND

RESOLUTION NO. 1220 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING RESOLUTION NO. 1218 TO ESTABLISH A FEE FOR PROCESSING ACCESSORY DWELLING UNIT APPLICATIONS.

DATE PUBLISHED: JANUARY 11, 2018 AND FEBRUARY 1, 2018

ATTACHMENTS:
A. ORDINANCE NO. 358.
B. RESOLUTION NO. 1220.

RECOMMENDATION
It is recommended that the City Council waive full reading and conduct the second reading of the ordinance, continue the public hearing and following public testimony and discussion adopt the ordinance; and adopt the resolution setting an application fee for ADUs; or provide other direction to staff.
CITY COUNCIL ACTION

Ordinance No. 358 was introduced for first reading at a public hearing at the City Council meeting on January 22, 2018. The language of the ordinance assists in the regulation of accessory dwelling units within the City of Rolling Hills. Following the request for public testimony and discussion on January 22, 2018, members of the City Council directed staff to allow only one ADU per lot maximum and move items (3), (4), and (5) from section 17.28.040 C to section 17.28.040 B as items B(7), B(8), and B(9), and delete the remainder of section 17.28.040 C. These three items include prohibiting ADUs in an active landslide area, requiring privacy impacts to be mitigated with ADU placement, and requiring a new or separate utility connection directly between the accessory dwelling unit and the utility. These changes were made verbally and were included in the official first reading of the ordinance. See Attachment A.

Ordinance No. 358, for City Council’s consideration upon second reading, will allow adoption of the ordinance regulating accessory dwellings units within the City of Rolling Hills in accordance with state law. Resolution No. 1220, for City Council’s consideration, will allow adoption of a resolution to introduce an ADU application submission fee.

ADU APPLICATION PROCESSING FEE CONSIDERATION

There is currently no fee for administrative review of ADU applications. Staff was directed by the City Council at the January 22, 2018 meeting to amend the City’s master fee resolution to incorporate a processing fee to reflect the cost in staff time processing these applications. The amended fee resolution for the City Council to consider is attached. The resolution fee is $375, which reflects an amount comparable to fees collected for similar types of development applications. See Attachment B.

NOTICES

The public hearing for the first reading of the ADU Ordinance was noticed in the Palos Verdes Peninsula News and published on January 11, 2018 at which time the public hearing was continued to the City Council meeting on February 12, 2018. An informational paragraph about the ADU Ordinance was included in three of the City’s Newsletters. Further, the Agenda, staff report, and Ordinance No. 358 were posted on the City’s Website and emailed to those that signed up for notifications about “Pending Ordinances.” The public hearing for the fee resolution was noticed in the Palos Verdes Peninsula News and published on February 1, 2018, As was also done for the ADU Ordinance, information referencing the fee resolution amendment was included in the City’s Newsletter. The Agenda, staff report, and Resolution No. 1220 were posted on the City’s Website and emailed to interested parties and those that signed up for notifications about “Pending Ordinances.”
ORDINANCE NO. 358

AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING TITLES 15 AND 17 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW, IN ZONING CODE AMENDMENT NO. 2017-03.

The City Council of the City of Rolling Hills does ordain as follows:

Section 1. Chapter 15.44 (Second Units on Single-Family Lots) of Title 15 (Buildings and Construction) of the Rolling Hills Municipal Code is hereby repealed in its entirety.

Section 2. A new subsection R. is added to Section 17.16.030 of Chapter 17.16 (Residential Agriculture-Suburban Zone) of Title 17 (Zoning) of the Rolling Hills Municipal Code is to read as follows:

R. Accessory dwelling units subject to Chapter 17.28.

Section 3. Section 17.24.040 of Chapter 17.24 (Nonconforming Uses and Structures) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby amended to add a subsection (C), to read as follows:

17.24.040 - Limits on structures nonconforming due to standards.

C. An existing accessory structure which is a legal nonconforming structure, due to its size, may be brought into conformity with the provisions of this title; specifically, where the size of the legal nonconforming structure is reduced through the conversion of an adequate portion of the legal nonconforming accessory structure into a legal accessory dwelling unit (pursuant to Chapter 17.28 of this title).

Section 4. Chapter 17.28 (Second Units on Single-Family Lots) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby repealed and replaced to read as follows:

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

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.

17.28.020 – Definitions.
"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 500 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.

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 30 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 800 square feet, shall not be converted into an accessory dwelling unit. Structures 800 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 1 acre or greater. For lots with a minimum net lot area less than 1 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 800 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 800 square feet, but no less than 450 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.

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 120 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.

Section 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 120 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 120 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 30 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.

Section 5. Subsection (D) of Section 17.44.020 of Chapter 17.44 (Zone Clearance) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby amended to read as follows:

D. All other miscellaneous projects and structures, including, but not limited to architectural features and elements, porches and patios not higher than twelve inches above the natural grade, driveways, entryways, outdoor barbecues and fire places, gazebos, pilasters, service yard, boundary fences, hardscape, drainage devices, solar panels and similar structures, provided the construction thereof does not trigger grading (except that the construction of an accessory dwelling unit is not required to adhere to the grading requirements outlined in Title 15), is not part of a development plan which otherwise requires a discretionary approval, such as site plan review, conditional use permit or a variance and meet all the requirements of this title.
Section 6. Subsection (F) of Section 17.44.020 of Chapter 17.44 (Zone Clearance) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby added to read as follows:

F. Creation of either an accessory dwelling unit or a junior accessory dwelling unit, as specified in Chapter 17.28.

Section 7. Section 17.44.050 of Chapter 17.44 (Zone Clearance) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby amended to read as follows:

17.44.050 - Proceedings.

A. Upon acceptance of a complete application for zone clearance, the City Manager or designee shall review the application for conformance with the provisions of this title. The application shall be reviewed solely for the purpose of assuring that the proposed use or structure is in compliance with the requirements of this title and other provisions of this code. No public hearing on the application shall be required.

B. Administrative review for accessory dwelling units and/or junior accessory dwelling units shall be completed within 120 days of receipt of a complete application and subject to the provisions outlined in Chapter 17.28.

Section 8. Subsection (e) of section 17.46.020 of Chapter 17.46 (Site Plan Review) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby amended to read as follows:

e. Structures and uses listed in Section 17.16.140 (Permitted projections), Section 17.16.150 (Structures and driveways permitted within setbacks), Chapter 17.28 (Accessory dwelling units), and Section 17.44.020 (Zone clearance) of this title.

Section 9. Subsection (C) of section 17.46.040 of Chapter 17.46 (Site Plan Review) of Title 17 (Zoning) of the Rolling Hills Municipal Code is hereby amended to read as follows:

C. The Commission shall act to approve, conditionally approve or deny the application. The Commission may impose such conditions on an approval as it deems necessary to assure compliance with the requirements of this title. The Commission may condition approval to require site plan review for any future construction on the lot, regardless of whether site plan review would ordinarily be applicable to such construction. Notwithstanding any such condition, if future construction requires a variance or a conditional use permit, a site plan review is not also required.

Further, notwithstanding any such condition on a discretionary plan review, the City Manager or designee may, without site plan review, approve the following construction provided that such construction meets the development standards of this title and no discretionary review is otherwise required under this title:

1. Structures ancillary to the primary residence such as trellises, barbecues, fireplaces, fountains, and similar minor amenities where the cumulative total of all such improvements does not exceed three hundred square feet;

2. Hardscape improvements, walkways and pathways that do not exceed standards in this title;

Ordinance No. 358 – ADU
3. Garden and decorative walls not to exceed three feet in height;
4. Play areas (excluding sport courts) not to exceed one thousand square feet in area and which do not require more than a total of fifty cubic yards of dirt;
5. Creation of an accessory dwelling unit and junior accessory dwelling unit, as specified in Chapter 17.28;
6. Similar minor improvements determined by the City Manager or designee to not have greater impacts on the property than those enumerated above.

Section 10. Rolling Hills Municipal Code Chapter 17.28 in the list of Chapters at the beginning of Title 17, ZONING (table of contents chapter list) shall be amended to read as follows:

17.28 – Accessory Dwelling Units and Junior Accessory Dwelling Units on Single – Family Lots.

Sections:

17.28.010 – Purpose and Applicability.

17.28.020 – Definitions.

17.28.030 – Accessory Dwelling Units.

17.28.040 – Accessory Dwelling Unit Conditions of Approval, Application Review, Approval Process and Timelines.

17.28.050 – Junior Accessory Dwelling Units.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF FEBRUARY 2018.

ATTEST:

JAMES BLACK, M.D., MAYOR

YVETTE HALL, CITY CLERK
STATE OF CALIFORNIA  )
COUNTY OF LOS ANGELES  ) §§
CITY OF ROLLING HILLS  )

I certify that the foregoing Ordinance No. 358 entitled:

AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING TITLES 15 AND 17
OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY
DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE
WITH STATE LAW, IN ZONING CODE AMENDMENT NO. 2017-03.

was approved and adopted at a regular meeting of the City Council on February 12th, 2018 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.

YVETTE HALL
CITY CLERK
RESOLUTION NO. 1220

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING RESOLUTION NO. 1218 TO ESTABLISH A FEE FOR PROCESSING ACCESSORY DWELLING UNIT APPLICATIONS

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. At its regular meeting on January 22, 2018, the City Council of Rolling Hill introduced Ordinance No. 358, an ordinance regulating accessory dwelling units and junior accessory dwelling units.

B. On February 12, 2018 the City Council conducted duly noticed public hearings and accepted and considered all public testimony on the issue. The City of Rolling Hills desires to regulate accessory dwelling units and junior accessory dwelling units and to require the payment of a processing fee by each applicant.

Section 2. The City Council desires to set and control the fees charged for the processing of accessory dwelling unit applications in the City of Rolling Hills.

Section 3. The City Council hereby amends Resolution No. 1218 by adding a fee for the processing of accessory dwelling unit applications as set forth below:

<table>
<thead>
<tr>
<th>38. Accessory Dwelling Unit or</th>
<th>$375 (processing fee)</th>
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<tbody>
<tr>
<td>Junior Accessory Dwelling Unit</td>
<td></td>
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Section 4. The City Council finds that the foregoing fee reflects the actual costs associated with processing an application for an accessory dwelling unit.

PASSED, APPROVED, AND ADOPTED this ___ day of February, 2018.

____________________________________
James Black, M.D.
Mayor

ATTEST:

Yvette Hall
City Clerk

Resolution No. 1220 1

11/12
I certify that the foregoing Resolution No. 1220 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING RESOLUTION NO. 1218 TO ESTABLISH A FEE FOR PROCESSING ACCESSORY DWELLING UNIT APPLICATIONS

was approved and adopted at a regular meeting of the City Council on February __, 2018 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.

YVETTE HALL
INTERIM CITY CLERK