TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR
      JULIA STEWART, ASSISTANT PLANNER

SUBJECT: PUBLIC HEARING REGARDING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO THE ROLLING HILLS MUNICIPAL CODE TO AMEND TITLES 15 AND 17 TO REGULATE AND ALLOW FOR ACCESSORY DWELLING UNITS (ADU) IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW.

DATE PUBLISHED: DECEMBER 7, 2017

ATTACHMENT:

A) RESOLUTION NO. 2017-23 PROPOSED AMENDMENTS TO TITLES 15 AND 17 OF THE ROLLING HILLS MUNICIPAL CODE (recommended that the City Council adopt an Ordinance regulating Accessory Dwelling Units).

BACKGROUND

Within the last decade California state legislators have been concerned over the lack of housing available at affordable rental and mortgage rates. The average home price in California is 2½ times higher than the national average. Similarly, rental rates in California are 50% higher than the national average, with Los Angeles being particularly high and identified as one of the top 10 highest rental rates in the nation. In recognition of the fact that accessory dwelling units provide housing at below market prices within existing neighborhoods – and allowing them in single-family or multifamily residential zones would provide much needed additional rental stock in
California – state legislators passed a series of senate and assembly bills relative to accessory dwelling units.

Senate Bill 1069 and Assembly Bill 2299\(^1\) define an accessory dwelling unit (ADU) as an attached or detached residential dwelling unit which shall include provisions for living, sleeping, cooking, eating and sanitation. It may also include an efficiency unity or manufactured home. Accessory dwelling units are not intended for separate sale from a primary residence, meaning these units are not meant to be condominiums or subdivided for separate sale. ADUs are intended to provide additional rental housing options. These Bills authorize a local agency to provide (by ordinance) for the creation of second units in single family and multifamily residential zones, otherwise a local agency can default to state-law provisions. If a local agency decides to adopt its own ADU ordinance, then state law requires that the ordinance include specified provisions regarding areas where ADUs may be located, standards (including the imposition of parking standards), and lot density – among other things. These laws are currently in effect, so if cities do not pass ordinances refining how these senate and assembly bills are implemented, the state law is the overriding regulation, even if it is in conflict with local land use ordinances and general plans.

Assembly Bill 2406 defines Junior Accessory Dwelling Units (JADUs). These are units no more than 500 square feet which are located within an existing residential structure and include at least one bedroom of that existing structure. Like ADUs, JADUs must have provisions for living, sleeping, cooking, eating, and sanitation. JADUs are always attached and might typically be thought of as efficiency units. JADUs are exempt from any parking requirements. Additionally, they must have access independent from the existing residential structure access.

The City of Rolling Hills is not required to enact an ordinance regarding ADUs and JADUs. If no ordinance is passed by the City, the State laws are the current regulations in place. State law provides that ADUs may be created in areas zoned to allow single-family use; apart from City Hall and the Association parcel, the rest of the City is zoned for single-family residential use. As such, without a City ordinance, the entire City would be subject to state-law regulations. While some state-law provisions do contain regulatory language related to ADU development, they are general and do not address City-specific concerns the way a City ordinance would. The Planning Commission is presently asked to consider whether it would like to adopt a City-specific ADU resolution or default to the ADU provisions outlined in Government Code sections 65852.2 & 65852.22.

\(^1\) These Bills were subsequently amended by clean-up legislation (SB 229, signed on October 8, 2017), to define "tandem parking," address garages which are converted to ADUs, and authorize the Department of Housing and Community Development to receive and comment on ordinances submitted to it, among other things. This memo addresses the provisions outlined in the most current language of Government Code section 65852.2, as amended by SB 1069, AB 2299 and SB 229.
DISCUSSION

I. Accessory Dwelling Units

While state law dictates much of what can be approved relating to ADUs, the City can regulate some specific areas if it chooses to adopt an ADU ordinance. Furthermore, the ADU statutes serve as a “minimum requirement,” the purpose of which is to promote the development of ADUs; the City could take a variety of actions beyond the ADU statutes that promote ADUs (such as possible reductions in fees, less restrictive parking requirements, or designation of unit sizes). If the City decides to adopt a resolution regulating ADUs and JADUs it must do so under the parameters of the state senate and assembly bills. The draft resolution attached to this staff report incorporates those mandatory sections of law required by the bills, while also addressing certain City-specific concerns by imposing standards on ADUs that include (but are not limited to) parking, height, setback, lot coverage, and unit size. These areas of regulation have been summarized in detail, below:

1. Zoning.

If the City decides to regulate ADUs, it may designate those areas in the City where ADUs are authorized to be permitted (i.e., in single-family zones). The designation of areas may be based on criteria that could include, but are not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety.\(^2\) With that said, standards must not be designed or applied in a manner that burdens the development of ADUs.

In the proposed resolution, ADUs are generally permitted throughout the City – since the entire City is designated as a single-family zone. However, if any portion of the property lies within an active landslide area, an ADU may be denied to advance public safety interests. (JADUs would still be allowed in these areas due to no increase in square footage of an existing residence).

2. Development Standards.
   a. Lot Requirements.

For the purposes of drafting permissible ADU regulations, the City cannot conclude that ADUs will exceed the allowable density for the lot upon which they are located, and thereby preclude or prohibit their construction. The City may establish minimum and maximum unit size requirements for both detached and attached accessory dwelling units – so long as the minimum unit size would not prevent at least an efficiency unit to be constructed.\(^3\) Per state law, detached ADUs cannot exceed 1,200

\(^2\) Government Code section 65852.2(a)(1)(A)
\(^3\) According to Health and Safety Code section 17958.1, “efficiency units” must be at least 150 square feet in size.
square feet, while the size of an attached ADU cannot exceed 50% of the proposed/existing single-family dwelling or 1,200 square feet.

Because the maximum size of guesthouses, cabanas, and recreational rooms in the current zoning code is 800 square feet, staff has included in the proposed resolution that an ADU be no larger than 800 square feet (since this requirement would not burden the creation of ADUs, as is required by state law). The proposed resolution does not differentiate between detached or attached ADUs. The resolution also proposes a minimum ADU size of 450 square feet. Further, the resolution as currently proposed allows ADUs only on lots with a minimum net lot area of 1 acre or greater. For parcels with a minimum lot area less than 1 acre, the proposed resolution would only allow an existing legal detached residence or accessory structure to be converted to an ADU.

The maximum ADU size currently allowable under state regulations is 1,200 square feet. The minimum ADU size is 150 square feet. Lowering the minimum ADU unit size to what is currently allowed by the state, 150 square feet, might make it possible for a larger number of ADUs to be constructed on a larger property. Alternatively, raising the maximum square footage for an ADU to 1,200 square feet, could result in fewer ADUs on larger lots but also might allow for more persons to reside within the City. The Planning Commission may, as a change to the proposed resolution, recommend a different minimum and/or maximum unit size, or size ranges applicable to either attached or detached ADUs.⁴

b. **Setbacks & Height.**

Under state law, "no setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage."⁵

The City’s existing single-story height restrictions on single-family residences (including garages), precludes the construction of an ADU above a garage. Therefore, the proposed resolution provides that when an existing garage is converted to accessory dwelling units, it 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.

c. **Miscellaneous Development Standards.**

State law prohibits the sale or conveyance of an ADU separate from the primary residence; and prohibits the City from requiring a passageway in conjunction with the

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⁴ As an aside, typical maximum unit sizes range from 800-1,200 square feet (according to the Department of Housing and Community Development)
⁵ Government Code section 65852.2(a)(1)(D)(vii)
construction of an ADU. State law also permits the City to impose certain development standards on ADUs, so long as such standards do not prohibit or restrict the construction of ADUs, or impose standards in addition to those allowed by state law.

With that said, the proposed resolution generally requires that ADUs comply with the following additional development standards:

i. The proposed accessory dwelling unit is located within either the RA-S1 or RA-S2 zone on a lot with a minimum net lot area of 1 acre or greater and the lot contains an existing or proposed single-family dwelling;

ii. 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;

iii. Existing animal-keeping uses and structures, including, but not limited to barns, stables, run-in sheds, animal pens or other similar animal shelters, shall not be converted into an accessory dwelling unit if the animal keeping structure exceeds 800 square feet. Additionally, any partial conversion of a stable will result in the prohibition of animal keeping in the resulting mixed-use structure. In the Los Angeles County Health and Safety Code a human dwelling cannot be located adjacent to a structure used for animal-keeping purposes. Therefore, a clarification was made in the proposed resolution that allows for some barn conversions but gives direction about any use of a remnant portion of the barn;

iv. The unit complies with Title 15 of the Rolling Hills Municipal Code (Building and Construction Code) with a special ADU-only exception for grading; and

v. The sewage disposal system has been approved by the Los Angeles County Public Health Department, where applicable

3. Parking.

According to state law, the City cannot require parking separate from parking required for primary dwelling if an ADU is: (i) located within half a mile of “public transit;”\(^6\) (ii) located within an “architecturally and historically significant historic district;”\(^7\) or (iii) part of an existing primary residence or an existing accessory structure.

For ADUs not described above, parking requirements shall not exceed one parking space per unit or bedroom; furthermore, off-street parking shall be permitted in setback areas in locations determined by the City or through tandem parking on a driveway.

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\(^6\) See Government Code section 65852.2(d)(1); note, however, that this term is not defined. With that said, transit stops generally include bus lines and metro light rail stations.

\(^7\) See Government Code section 65852.2(d)(2); note, however, that this term is not defined.
The draft resolution proposes one parking space per unit as uncovered tandem parking; alternatively, the Planning Commission could require one parking space per bedroom, reduce parking requirements in general, or alleviate ADU parking requirements altogether. Additionally, since state law does not provide for a definition of "public transit," the City could conceive of its own definition – such as requiring that the public transit stop provide transit services, and that the services be provided within 15-minute intervals or better, etc.


Whether or not the City has ADU regulations in place, state law requires that when a complete permit application for an ADU is received by the City, the application must be approved or disapproved ministerially (i.e., "over the counter"), within 120 days after receiving the application. Where the ADU meets certain specific requirements, the City must approve the application – as is required by state law:

a. There is only one accessory dwelling unit per single-family lot, and the unit is fully contained within the existing space of either a single-family residence or accessory structure;

b. The proposed accessory dwelling unit has exterior access which is independent from the existing primary residence or accessory structure;

c. The side and rear setbacks are sufficient for fire safety;

d. Fire sprinklers have been installed where required by the Los Angeles County California Building and Fire Codes;

e. The accessory dwelling unit complies with Section 17.28.020 (which are provisions discussed above-Development Standards) with allowed exceptions; and

f. The owner occupies either the existing primary residence or the accessory dwelling unit.

For all other ADUs which do not meet the above requirements, the City may deny the application or, as stated in the proposed resolution, predicates acceptance of an application upon a finding of all of the following factors (otherwise the application shall be denied):

a. The owner-occupant of the primary residence located on the residential lot shared by the accessory dwelling unit has applied for the administrative accessory dwelling unit application;

b. That the accessory dwelling unit meets the criteria enumerated in Section 17.28.020 (development standards);

c. 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;
d. The proposed accessory dwelling unit does not create unreasonable privacy intrusions for 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.); and

e. The applicant will provide a new or separate (underground) utility connection directly between the accessory dwelling unit and the utility.

5. Fees Related to ADUs.

For ADUs within existing structures, the City may not require an applicant to install a new or separate utility connection directly between the ADU and the utility. For ADUs within new structures, the City may require an applicant to install a new or separate utility connection directly between the ADU and the utility. The connection fee or capacity charge shall be “proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.”

All impact fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact. Furthermore, the City cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

The proposed resolution has been drafted with these provisions in mind. However, staff has not determined what the appropriate impact fee, if any, for ADUs would be.

ADU Application Processing Fee Consideration

There is currently no fee for administrative review. However, the proposed and current ADU regulations have the potential for a marked increase in development cases submitted to the Planning staff in need of immediate review. The City Council has the authority to adjust the City’s fee schedule to include an ADU application fee if it deems it necessary to help offset unforeseen costs caused by an intensified workload. City staff will bring this matter to the City Council if the proposed resolution or similar ordinance is recommended by the Planning Commission.

6. Other General Requirements.

The proposed resolution also contains provisions which would:

a. Prevent the ADU from being rented for a period of less than 30 days;

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8 Government Code section 65852.2(f)(2)(B)
b. Require that a covenant be recorded with the County Recorder’s Office detailing the restriction on the size and attributes of the accessory dwelling unit, including a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family dwelling, and a statement that the deed restriction may be enforced against future purchasers.

II. Junior Accessory Dwelling Units

Under state law, JADUs are not considered to be second units and are not subject to the same restrictions as ADUs. Again, the City is not required to adopt a resolution specific to JADUs - it may elect to defer to state law on the matter. However, if the City does adopt a resolution, the state law controlling JADUs gives the City much more regulatory ability and discretion. For this reason, staff has included provisions regulating JADUs in the proposed resolution. In summary, the proposed resolution allows the City to:

1. Limit the number of JADUs to one per existing single-family residence;
2. Require owner-occupancy of the single-family residence in which the JADU is located;
3. Prohibit the sale of the JADU separate from the sale of the single-family residence;
4. Require the inclusion of an existing bedroom in the JADU;
5. Require that the JADU have a separate entrance;
6. Require that the JADU have an efficiency kitchen (as proposed in resolution) or full kitchen, if desired to include by Planning Commission;
7. Require 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;
8. Prohibit rental of the JADU for a period of less than 30 days; and
9. Require that a covenant be recorded with the County Recorder’s Office detailing the restriction on the size and attributes of the junior accessory dwelling unit as set forth in this section.

However, the resolution cannot require additional parking, or consider JADUs to be a separate or new dwelling unit for the purposes of fire or life protection, or for the purposes of water, sewer or power connection fees. Upon receiving an application for a JADU, the City shall either approve or disapprove the application ministerially (without discretionary review) within 120 days after receiving it.

III. Additional Zoning Code Amendments and Additions

Chapters 15 and 17 of the Rolling Hill Municipal Code are proposed to be amended to accommodate the regulation of accessory dwelling units. These changes
have been included in the proposed resolution. The following are a few specific changes to be noted for the purposes of understanding the content of the proposed resolution:

- Chapter 15.44 has been repealed; it was duplicative of Section 17.28 and it does not conform to state law.
- Section 17.16.030 has been amended to add accessory dwelling units to the list of permitted uses within the RA-S zones.
- In light of current ADU legislation, Section 17.24.040 has been amended to allow residents to partially convert legal nonconforming accessory structures into ADUs, thereby helping to bring their nonconforming structures into compliance. Many properties contain accessory structures which were legally constructed but are larger than allowed by current code. These structures are considered legal nonconforming. The amendment to this section will encourage persons to bring their properties into compliance while also providing a viable location for accessory dwelling units.
- Section 17.44.020 has been amended to remove “driveway trellises” because the fire department no longer allows them. This amended section also exempts ADUs from certain grading requirements for ADU construction and fire prevention purposes only. Lastly, an addition to this section requires ADUs to undergo review for a zone clearance permit.
- Currently, administrative review of zone clearance applications must take place within 30 days. The proposed resolution would make ADU construction subject to a zone clearance permit. Because state law permits the City to consider ADU applications within 120 days, Section 17.44.050 has been amended to provide the City with 120 days within which to consider an ADU zone clearance application.
- As mentioned above, an application for the creation of an ADU must be considered ministerially and, under state law, may not be subject to discretionary review. For this reason, Section 17.46.020 has been amended to exempt ADU applications from the City’s site plan review requirements.
- Section 17.46.040 has been amended to allow construction of ADUs without any discretionary review and allow over-the-counter approval of an ADU application that meets all necessary requirements even if a “no further development” condition was previously placed on the property via a prior Planning Commission or City Council action.

**ORDINANCE REVIEW PROCESS**

Pursuant to the City’s Zoning Ordinance, a Zone Text amendment requires at least one public hearing before the Planning Commission and two public hearings before the City Council. Planning Commissions role is advisory to the City Council, and its recommendation is memorialized in a Resolution with recommendation to the City Council to prepare and adopt an Ordinance. Normally, once a Resolution is adopted by the Planning Commission recommending adoption of an Ordinance, staff schedules a public hearing before the City Council. However, in this case, the law requires that any ordinance a municipality adopts must be reviewed by the Department of Housing and Community Development. Therefore, prior to submitting the Ordinance to the City
Council, staff will forward the Planning Commissions recommended language to the HCD for review and comment. Following their review, the Ordinance will be taken to the City Council. If substantial changes are requested by the HCD staff will bring the language with amendments back to the Planning Commission, otherwise staff will schedule a hearing before the City Council.

RECOMMENDATION
It is recommended that the Planning Commission review the staff report, open the public hearing, take public testimony and adopt Planning Commission Resolution No. 2017-23 (Attachment 1) recommending that the City Council adopt an Ordinance reflecting the proposed resolution and amending Title 17 Zoning and Title 15 Building and Construction of the Rolling Hills Municipal Code in order to allow and regulate accessory dwelling units.

NOTICES
The public hearing was noticed in the Palos Verdes Peninsula News and an informational paragraph included in the past two City’s Newsletters. The Agenda, staff report and the Resolution were posted on the City’s Website and emailed to those that signed up for notifications about “Pending Ordinances”.

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RESOLUTION NO. 2017-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO THE ROLLING HILLS MUNICIPAL CODE TO AMEND TITLES 15 AND 17 OF THE ROLLING HILLS MUNICIPAL CODE TO PROVIDE FOR ACCESSORY DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW.

The Planning Commission does hereby resolve and order as follows:

Section 1. Due to recent State legislation, staff has initiated this text amendment to replace the term "second unit" with "accessory dwelling unit" and amend Titles 15 and 17 of the Rolling Hills Municipal Code to provide for accessory dwelling units in the RA-S zones, in conformance with state law.

Section 2. The Zoning Ordinance text amendments are consistent with the goals, policies, and objectives of the General Plan because accessory dwelling units do not exceed the allowable density for the lot upon which they are located as specifically provided in state law and provide another housing opportunity to address the housing crisis in the region. Furthermore, amending the City’s existing rules to provide for new provisions of state law does not impede the City’s ability to achieve its general plan goals. Adoption of the ordinance would allow homeowners in Rolling Hills to provide an affordable housing option to alleviate the housing shortage in the state.

Section 3. On December 19, 2017, the Planning Commission conducted a duly noticed public hearing and accepted and considered all of the public testimony on the issue.

Section 4. The Planning Commission does hereby find and declare as follows:

A. In the face of California’s severe housing crisis, Assembly Bills ("AB") 2299 and 2406, and Senate Bill ("SB") 1069 collectively and significantly impact local authority to regulate accessory dwelling units and were drafted to apply a clear standard for the accessory dwelling unit permit review process, regardless of whether a local government has an adopted ordinance or not. Specifically, Government Code section 65852.150(b) states, “[i]t is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”
B. Signed by the Governor on September 27, 2016, AB 2299 and SB 1069 went into effect on January 1, 2017. Pursuant to Government Code section 65852.2(a)(1), a local ordinance providing for the creation of accessory dwelling units in single-family and multifamily zones must comply with the provisions of Government Code section 65852.2, otherwise the ordinance is null and void.

C. In 1983 and 1993, the City enacted Chapters 15.44 and 17.28, respectively, to prohibit the creation of second units in single-family zones. Pursuant to former Government Code section 65852.150(c), the authorization for such a prohibition was conditioned on findings acknowledging that such action may limit housing opportunities, as well as further findings that specific adverse impacts on the public health, safety, and welfare would result from allowing second units within the City. Because “second units” would negatively impact geologic stability, traffic, fire safety, density, sewer, and fire flow requirements, the City established findings sufficient to prohibit “second units” under state law. However, because the legislature has determined that ADUs can provide for additional rental housing stock, the provisions which enabled the prohibitions provided for in Section 65852.150(c) have now been repealed.

D. The City’s current ordinance banning accessory dwelling units must be amended in order to conform to state law.

Section 5. Under California Public Resources Code (CPRC) 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 the State Accessory Dwelling Unit law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the state accessory dwelling unit law.

Section 6. Based on the foregoing, the Planning Commission of the City of Rolling Hills hereby recommends that the City Council approve Zoning Text Amendment 2017-03.

Section 7. 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 8. 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 9. 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 10. 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 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 an existing 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.

For the purposes of this subsection (B), a new or separate utility connection directly between the accessory dwelling unit and the utility is not required.

If any of the requirements in this section have not been met, then the City Manager or his/her designee have the option of approving the administrative application for an accessory dwelling unit, subject to the provisions in subsection (C), below.

C. Optional approval required: For accessory dwelling units that do not meet all of the criteria in subsection (B) above, the City Manager or his/her designee shall approve the administrative application and issue a zone clearance permit when all of the following requirements are met:

1. The owner-occupant of the primary residence located on the residential lot shared by the accessory dwelling unit has applied for the administrative accessory dwelling unit application;
2. The accessory dwelling unit meets the criteria enumerated in Section 17.28.030;
3. 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;
4. 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.);
(5) 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;
(6) The owner occupies either the existing primary residence or the accessory dwelling unit.

D. 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 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, with an interior entry to the main living area;
(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 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 11. 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 12. 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 13. 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 14. 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 15. 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;
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.

PASSED, APPROVED AND ADOPTED THIS _______ DAY OF ________, 2017.

__________________________
BRAD CHELF
CHAIRMAN

ATTEST:

__________________________
YVETTE HALL
CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in section 17.54.070 of the Rolling Hills Municipal Code and Code of Civil Procedure Section 1094.6.
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF ROLLING HILLS  

I certify that the foregoing Resolution No. 2017-23 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO THE ROLLING HILLS MUNICIPAL CODE TO AMEND TITLES 15 AND 17 OF THE ROLLING HILLS MUNICIPAL CODE TO PROVIDE FOR ACCESSORY DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW.

was approved and adopted at a regular meeting of the Planning Commission on __________, 2017 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