

REPORT TO CITY COUNCIL

DATE: MAY 14, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *mk*

SUBJECT: ADOPTION OF ORDINANCE NO. 14-406; AMENDING MUNICIPAL CODE SECTIONS 9120.3.C, 9120.5.E, 9120.17.R, 9222.1, 9232.1, 9242.1, 9252.1, 9283.1, AND 9654.6.B, TO DEFINE SMALL EMPLOYEE HOUSING, CONGREGATE HOUSING, AND RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, AND TO ADOPT NEW STANDARDS FOR SMALL EMPLOYEE HOUSING AND SECOND DWELLING UNITS (CASE NO. 14-ZOA-001) (CITY OF AGOURA HILLS, APPLICANT)

At the April 9, 2014, City Council meeting, the Council introduced, read by title only, and waived further reading of Ordinance No. 14-406.

The Ordinance amends the Zoning Ordinance to define Small Employee Housing, Congregate Housing and Residential Care Facilities for the Elderly, and adopts new standards for Small Employee Housing and Second Dwelling Units.

Attached for your reference is a copy of Ordinance No. 14-406, which has been amended, as requested by the City Council, to require uncovered parking spaces for second dwelling units to be screened from public view.

RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 14-406, amending Municipal Code Sections 9120.3.C, 9120.5.E, 9120.17.R, 9222.1, 9232.1, 9242.1, 9252.1, 9283.1, and 9654.6.B, to define Small Employee Housing, Congregate Housing and Residential Care Facilities for the Elderly, and adopt new standards for Small Employee Housing and Second Dwelling Units.

Attachment: Ordinance No. 14-406 (Amended)

ORDINANCE NO. 14-406

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) AND ADOPTING NEW DEFINITIONS FOR SMALL EMPLOYEE HOUSING, CONGREGATE HOUSING AND RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, AND ADOPTING NEW STANDARDS FOR SMALL EMPLOYEE HOUSING AND SECOND DWELLING UNITS (CASE NO. 14-ZOA-001)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Zoning Ordinance Amendment ("Project") to incorporate new definitions for the terms "Small Employee Housing," "Congregate Housing" and "Residential Care Facilities for the Elderly," and new standards for Small Employee Housing and Second Dwelling Units, has no possibility of causing a significant impact on the environment. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of proposed Zoning Ordinance definitions and minor clarifications for use standards for certain implementation measures of the City's adopted Housing Element, and does not include proposed construction or proposed alteration to the physical environment. The City Council concurs with City staff's determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk, pursuant to CEQA Guidelines Section 15062, within five days of the date of this action.

Section 2. Section 9120.3.C. of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read as follows, with all other definitions in that section to remain unchanged:

- "T. *Congregate housing.* ~~"Congregate housing" shall mean a residential development for the senior citizen where services such as food preparation, dining and housekeeping are provided. A congregare unit shall be equivalent to 0.33 of a dwelling unit for density purposes shall have the same meaning as the term "congregate housing for the elderly" as defined in California Health and Safety Code Section 50062.5."~~

Section 3. A new definition of "Employee housing, small" is hereby added to Section 9120.5.E. of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code to read as follows, with all other definitions in that section to remain unchanged:

"J. *Employee housing, small.* "Employee housing, small" shall have the same meaning as the term "employee housing," as defined in California Health and Safety Code Section 17008, where such housing provides accommodations for six (6) or fewer persons.

Section 4. The definition of "Residential care facility for the elderly" in Section 9120.17.R of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read as follows, with all other definitions in that section to remain unchanged:

"L. *Residential care facility for the elderly.* "Residential care facility for the elderly" means ~~a state authorized, licensed or certified facility that provides twenty four (24) hour nonmedical care to ambulatory or nonambulatory persons in need of personal assistance, supervision or assistance essential for sustaining the activities of daily living. The facility shall include but limited to congregate dining, transportation, recreation halls and housekeeping~~ shall mean a State-licensed residential facility for the elderly, as defined in California Health and Safety Code Section 1569.2."

Section 5. Section 9222.1 of Part 3 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

"9222.1. Permitted uses.

Subject to the provisions of Chapter 6, the following are permitted uses and structures in the RV district:

- A. One (1) single-family dwelling unit per lot or a mobile home used as a caretakers unit;
- B. Crops – field, tree, bush, berry and row, including nursery stock;
- C. Day care for children, small family day care home;
- D. Home for aged persons, foster family;
- E. Light agricultural uses subject to the limitations of section 9224.1;
- F. One manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- G. Community care facilities, small-;
- H. Employee housing, small."

Section 6. Section 9232.1 of Part 4 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

"9232.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RL land use district:

- A. One (1) single-family dwelling unit per lot or a mobile home uses as a caretakers unit;
- B. Day care for children, small family day care home;
- C. Home for aged persons, foster family;
- D. Homes for children, foster family;
- E. One manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- F. Community care facilities, small;
- G. Employee housing, small."

Section 7. Section 9242.1 of Part 5 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

"9242.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RS district:

- A. One (1) single-family dwelling unit per lot or a mobile home uses as a caretakers unit;
- B. Day care for children, small family day care home;
- C. Home for aged persons, foster family;
- D. Homes for children, foster family;
- E. One manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- F. Community care facilities, small;
- G. Employee housing, small."

Section 8. Section 9252.1 of Part 6 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

"9252.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RM district:

- A. Single-family dwelling per lot;

- B. Two-family dwelling per lot;
- C. Congregate housing;
- D. Day care for children, small family day care home;
- E. Home for aged persons, foster family;
- F. Homes for children, foster family;
- G. One manufactured home (mobile home) per lot, on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- H. Community care facilities, small;
- I. Transitional housing, when such use is in a single or two-family dwelling;
- J. Supportive housing, when such use is in a single or two-family dwelling;
- K. Employee housing, small.

Section 9 Section 9283.1 of Part 9 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9283.1. Second unit standards

All second units hereafter created shall conform to the following standards:

- A. Except for density limitation, all provisions of said land use districts shall be complied with;
- B. All second units shall be connected to either public or private water and sewer facilities;
- C. Such units shall not be held under separate ownership;
- D. The maximum size of a second dwelling unit shall be ~~six hundred forty (640)~~ seven hundred (700) square feet;
- E. Second units may be attached or detached from the primary residence. A detached second unit shall comply with the development standards of section 9606;
- F. Required on-site parking for a second unit per section 9654.6 may be located in any yard area and shall not preclude required parking and access for the primary residence;
- G. The exterior building materials and colors of second units shall be ~~identical to~~ substantially the same as the primary residence.”

Section 10. Section 9654.6.B. of Division 4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“B. *Parking spaces required.* The number of off-street parking spaces shall be no less than the following:

USE

PARKING SPACES REQUIRED

Residential

Second units/~~granny flats~~

1 covered parking space per each unit. One (1) non-covered parking space may be provided in lieu of a covered parking space if located in the buildable area of the lot and screened from public view. The required parking space may also be located in the garage serving the primary residence if the two required parking spaces for the primary residence are also provided in the garage.

Section 11. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2014, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM

Candice K. Lee, City Attorney