



PLANNING DEPARTMENT

ACTION DATE: November 16, 2017

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: ZOA-01325-2017

LOCATION: Citywide

REQUEST: Request for the Planning Commission to recommend the City Council adopt an ordinance to: 1) amend Article IX (Zoning) of the Agoura Hills Municipal Code to allow and provide development standards for accessory dwelling units; and 2) make a determination of exemption under the California Environmental Quality Act.

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. ZOA-01325-2017.

I. BACKGROUND

In 2003, the City Council amended the Zoning Ordinance to allow attached or detached second dwelling units as accessory uses in every residential zoning district, per State requirements. The standards for second dwelling units were amended in 2011, and again 2014, and expanded the maximum size from 640 square feet, to 700 square feet. One (1) additional on-site parking space was required to be provided for a second dwelling unit.

In 2016, the State amended Government Code Section 65852.2 through the enactment of Senate Bill 1069, which became effective on January 1, 2017. The Government Code Section 65852.2 restricts local regulation of “accessory dwelling units” (“ADUs”), which State law had previously referred to as “second units,” and requires local jurisdictions to incorporate certain State-mandated standards into local ordinances to allow for the development of ADUs. These mandates were intended to streamline the approval of ADUs and encourage the development of ADUs, recognizing their unique importance in addressing California’s housing crisis. In 2017, the Legislature again amended Government Code Section 65852.2 with the enactment of Assembly Bill 494, which clarifies and refines the law regarding accessory dwelling units. These changes become effective on January 1, 2018.

In order to comply with State law, staff has prepared changes to Article IX (Zoning) of the Agoura Hills Municipal Code, which are included in the attached draft ordinance. The required changes within the draft ordinance are summarized in the “Zoning Ordinance Amendments” section of this report.

The Planning Commission is being asked to provide the City Council with a recommendation regarding the ordinance. Once the City adopts a new ordinance that complies with State law, the City may then apply the new local standards. Regardless of which standards apply, the City must approve or disapprove ADU applications ministerially (without public input or a hearing) within 120 days of receipt of the application.

In addition to posting notification of this public hearing item in the Acorn newspaper, three public places (Agoura Hills City Hall, Agoura Hills Library, and Agoura Hills Recreation and Event Center) and the City website, staff also mailed notification of the public hearing and a copy of this staff report to the 22 homeowners associations (or their management companies) within the City that provided their contact information.

II. ZONING ORDINANCE AMENDMENTS

Accessory dwelling units may be attached to, or detached from, a single-family residence. ADUs also may be located within a single-family residence, garage or basement. State law limits local discretion regarding conversions of existing structures and space within a single-family residence, garage or basement. In fact, no additional parking space may be required for such conversions.

The proposed ordinance is attached for reference, with deletions shown in strike-through and new text shown underlined. The standards for second units are to be deleted in their entirety and replaced with new development standards applicable for ADUs. The following key provisions of the proposed ordinance are summarized by topic.

Definitions

A new definition for an “accessory dwelling unit” or “ADU” is added to mean: “a detached or attached residential dwelling unit that provides complete, independent living facilities for one or more persons. The unit shall include permanent provisions for living, sleeping, eating, cooking and sanitation.” The term “ADU” includes efficiency units and manufactured homes, as required by Government Code Section 65852.2.

The draft ordinance also amends a number of other definitions to differentiate between accessory dwelling units, on the one hand, and accessory structures that are *not intended* to be used as a dwelling unit – defined as “accessory buildings” or “accessory structures” – on the other hand. The draft ordinance also removes outdated or unnecessary definitions.

Locations / Density

As required by State law, the draft ordinance designates areas in the City where ADUs are permitted. Under the draft ordinance, ADUs are allowed on any lot in a zoning district that authorizes the construction of accessory dwelling units, and that contains a single-family dwelling or for which a single-family dwelling is proposed. No more than one ADU is allowed on a single lot.

Consistent with existing second dwelling unit standards, ADUs would not be included as a permitted use in the Open Space-Restricted (OS-R) zoning district, which is situated in portions of the Old Agoura and Indian Hills neighborhoods. Although single-family residential use is allowed in the OS-R zone, residential use it is not considered to be the primary purpose or use of the zoning district.

Dwelling Size

The proposed maximum size of an ADU is 950 square feet. Previously, the City allowed second dwelling units to be a maximum of 700 square feet. Staff proposed 950 square-foot maximum size, which meets the State’s intent of encouraging the development of ADUs and expanding the supply of affordable housing in the City, while still maintaining the character of the single-family neighborhoods.

Additional Development Standards

An ADU may be an independent, detached structure on the parcel, or located above an existing detached garage. An ADU may also be attached to the single-family residence; or within an existing portion of the single-family residence; or within a converted garage that is attached to the single-family residence. The draft ordinance includes the following development standards for ADUs:

1. ADUs shall provide for independent exterior access.
2. Kitchen and bathroom facilities, or partial facilities for an efficiency unit, are required for ADUs.
3. Exterior building materials and colors of an ADU shall be compatible with those of the single-family residence. The City has discretion on this requirement, which is similar to the previously adopted requirement for second unit building materials and colors to be substantially the same as the primary residence.
4. Newly constructed detached ADUs shall not:
 - be erected in the front yard (except in Old Agoura, as currently allowed for new accessory buildings).
 - be located within five (5) feet from the single-family residence, rear property line, or side property line for fire access purposes.
 - exceed 14 feet in height, as currently required for accessory buildings in required yard areas.
5. No minimum setback from property lines or the single-family residence is required for an existing detached garage that is converted to an accessory dwelling unit.
6. A detached ADU constructed above an existing detached garage shall be located at least 5 feet from the side and rear property lines, and shall be subject to the building height standards of the underlying zoning district.
7. Building lot coverage standards shall not apply to prevent the construction of an ADU. Thus, a new attached or detached ADU could exceed the maximum lot coverage standards of the zoning district. However, staff is proposing that ADU building lot coverage would apply for any single-family room additions or new accessory building proposed after an ADU is constructed.
8. An attached ADU shall not exceed 50 percent of the existing living area of the primary residence, nor 950 square feet, whichever is less.
9. An attached garage that is converted to an ADU shall maintain existing or required minimum setback distances from property line, whichever is less.

10. An ADU located above an attached garage shall be located at least five (5) feet from rear and side property lines, and may extend beyond existing garage walls. This development standard is required by State law.

Parking

State law restricts the City's authority to require parking for ADUs. As allowed by State law, the draft ordinance requires that one (1) additional on-site parking space is required for an ADU, which may be: a) covered or uncovered; b) provided in tandem to other required on-site parking; or c) provided in required yard areas including the on-site driveway areas. State law prohibits local agencies from requiring *any* parking spaces for an ADU in certain instances, including (but not limited to) when the property is located within one-half mile of public transit (including bus stops), in a historic district, or within a block of a car share hub. The draft ordinance complies with these State law requirements.

As allowed by State law, if a required garage or carport that serves the primary residence is converted to or removed for the construction of an ADU, the removed parking spaces must be replaced with an equal number of on-site parking spaces on the same lot, including in required yard areas. These replacement spaces may be covered, uncovered, in tandem within a garage or within driveway areas, or provided by use of a mechanical automotive lift.

Rentals / Ownership

ADUs shall not be held under separate ownership from the primary residence. This standard is proposed to clarify that ADUs are to be treated as ancillary structures to the primary residence.

Either the primary residence on the lot, or the ADU, shall be the principal residence of the property owner. The City has discretion on this requirement. However, staff proposes this standard to help ensure property owner oversight of the ADU. As such, if either of the units is rented, either the single-family residence or the ADU must be the principle residence of the property owner.

In addition, in no case shall an ADU or the primary residence be rented for a period less than 31 days. This standard is proposed to prevent short-term rental use of either unit.

Servant Quarters / Caretaker Units / Guest Dwelling Units

Servant quarters, caretaker units and guest dwelling units are currently allowed, or conditionally allowed, in the RV and RL zoning districts in the Old Agoura neighborhood. Staff is proposing these uses be deleted as permitted uses, as they could serve the same purpose as a permitted ADU use in the same zoning districts.

III. PLANNING COMMISSION ACTION

The Planning Commission's recommendation on the draft ordinance will be forwarded to the City Council for final action. Staff would note that the City Council would retain the ability in the future to amend any provision of the City's ADU Ordinance that would remain compliant with State law.

IV. GENERAL PLAN CONSISTENCY

Staff has determined that the proposed ordinance is consistent with Goal H-3 of the General Plan Housing Element, which calls for the City to provide opportunities for a range of housing types suited to residents of varying lifestyle needs and income levels. The Ordinance also is consistent with Policy H-3.4 of General Plan Housing Element Goal H-3, which encourages the provision of second units [ADUs] in all residential districts as a means of dispersing small, affordable units throughout the community.

V. ENVIRONMENTAL ANALYSIS

Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, staff has preliminarily determined that the proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's local CEQA Guidelines, because the Ordinance implements the provisions of California Government Code Section 65852.2 and is therefore exempt pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).

VI. STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the attached draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. ZOA-01325-2017.

VII. ATTACHMENTS

- Draft Planning Commission Resolution
- Draft Ordinance

Case Planner: Doug Hooper, Planning Director

DRAFT RESOLUTION NO. 17-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE, AMENDING ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO ALLOW AND PROVIDE DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS (PREVIOUSLY "SECOND DWELLING UNITS"), AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01325-2017)

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

WHEREAS, the City of Agoura Hills initiated and prepared an ordinance to amend Article IX (Zoning) of the Agoura Hills Municipal Code to allow and provide development standards for accessory dwelling units (previously "second dwelling units") (Case No. ZOA-01325-2017). A public hearing was duly held on November 16, 2017, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given and published as required by state law; and

WHEREAS, evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing; and

WHEREAS, after the close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff reports, the recommendations and all other pertinent documents and associated actions regarding the proposed ordinance amendments; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, Planning Department staff has preliminarily determined that the draft ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's local CEQA Guidelines, because the draft ordinance implements the provisions of California Government Code Section 65852.2 and is therefore exempt pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). The Planning Commission has reviewed staff's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption; and

WHEREAS, in 2016 and 2017, the California Legislature amended Government Code Section 65852.2 to change the standards that cities and counties may impose on Accessory Dwelling Units (“ADUs”). Section 65852.2 requires cities to incorporate certain State-mandated standards into local ordinances to allow for the development of ADUs. In order to comply with State law, the City has prepared the changes to the Agoura Hills Municipal Code included in the draft ordinance; and

WHEREAS, the adoption of the draft ordinance is consistent with Government Code Section 65852.150 and is intended to streamline the approval of ADUs and expand the potential capacity for ADUs, recognizing their unique importance in addressing California’s housing needs; and

WHEREAS, in accordance with Section 9805.4 of the Agoura Hills Municipal Code, the Planning Commission determines that the draft ordinance is consistent with the objectives of Article IX (Zoning) of the Agoura Hills Municipal Code and with the City’s General Plan. The draft ordinance is consistent with Goal H-3 of the General Plan Housing Element, which calls for the City to provide opportunities for a range of housing types suited to residents of varying lifestyle needs and income levels. The draft ordinance also is consistent with Policy H-3.4 of Goal H-3, which encourages the provision of ADUs in all residential districts as a means of dispersing small, affordable units throughout the community; and

WHEREAS, the custodian of records for all materials that constitute the record of proceedings upon which the Planning Commission’s decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California, 91301.

NOW, THEREFORE, BE IT RESOLVED, based on the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the draft ordinance (Exhibit A) and make a finding of exemption under the California Environmental Quality Act.

PASSED, APPROVED and ADOPTED this 16th day of November, 2017, by the following vote to wit:

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

Curtis Zacuto, Chairperson

ATTEST:

Doug Hooper, Secretary

DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO ALLOW AND PROVIDE DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS (PREVIOUSLY "SECOND DWELLING UNITS") AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose.

A. The City of Agoura Hills ("City") previously adopted regulations governing the development of Second Dwelling Units, codified in Part 9 (Special Residential Use Standards) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code ("Municipal Code").

B. In 2016, the California Legislature amended Government Code Section 65852.2 to change the standards cities may impose on Accessory Dwelling Units ("ADUs"). Government Code Section 65852.2 requires cities to incorporate certain State-mandated standards into local ordinances to allow for the development of ADUs. In order to comply with State law, the City has prepared the changes to the Municipal Code included in this ordinance ("Ordinance").

C. In 2017, the California Legislature again amended Government Code Section 65852.2 to refine and clarify the requirements that may be imposed on ADUs.

D. The adoption of the Ordinance is consistent with Government Code Section 65852.150 and is intended to streamline the approval of ADUs and expand the potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs.

E. On November 16, 2017, the City Planning Commission of the City of Agoura Hills held a public hearing to consider the Ordinance, at which time all persons interested in the Ordinance had the opportunity to address the Planning Commission on these matters. Following receipt of public testimony, the Planning Commission closed the public hearing.

F. At the conclusion of the Planning Commission hearing and after due consideration of the testimony and the whole record, the Planning Commission adopted

Resolution No. _____, recommending that the City Council adopt the Ordinance to allow for the development of ADUs and to provide development standards for ADUs consistent with State law.

G. On _____, 2017, the City Council of the City of Agoura Hills held a public hearing to consider the Ordinance and the Planning Commission's recommendation, at which time all persons interested in the Ordinance had the opportunity to address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

SECTION 2. General Plan Consistency.

In accordance with Section 9805.4 of the Agoura Hills Municipal Code, the Planning Commission determined, and the City Council hereby agrees and finds, that the Ordinance is consistent with the objectives of Article IX (Zoning) of the Agoura Hills Municipal Code and with the City General Plan. The Ordinance is consistent with Goal H-3 of the General Plan Housing Element, which calls for the City to provide opportunities for a range of housing types suited to residents of varying lifestyle needs and income levels. The Ordinance is consistent with Policy H-3.4 of Goal H-3, which encourages the provision of ADUs in all residential districts as a means of dispersing small, affordable units throughout the community.

SECTION 3. CEQA Findings.

Planning Department staff has preliminarily determined that the Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's local CEQA Guidelines, because the Ordinance implements the provisions of California Government Code Section 65852.2 and is therefore exempt pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). The City Council has reviewed staff's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption. The City Council directs that a Notice of Exemption be filed with the County Clerk of Los Angeles County in accordance with CEQA Guidelines.

SECTION 4. The definition of "Accessory building or accessory structure" in subdivision C of Section 9120.1 of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Municipal Code is hereby amended to read:

"C. Accessory building or accessory structure. "Accessory building" or "accessory structure" means a subordinate building, excluding an accessory dwelling unit, located on a building site, the use of which is customarily related to that of a main building or to the use of the land."

SECTION 5. A new definition is hereby added to subdivision C.1 of Section 9120.1 of Part 3 (Definitions) of Chapter 1 (Introductions) of Article IX (Zoning) of the Municipal Code to read as follows, with all other definitions in Section 9120.1 to remain unchanged:

"C.1. Accessory Dwelling Unit. "Accessory Dwelling Unit" or "ADU" means a detached or attached residential dwelling unit that provides complete, independent living facilities for one or more persons. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU shall include an "efficiency unit" and a "manufactured home" as required by Government Code Section 65852.2"

SECTION 6. Subdivision "C" (Caretaker) of Section 9120.3 of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Municipal Code is hereby deleted, with the lettering of all remaining subdivisions of Section 9120.3 to be revised accordingly.

SECTION 7. Subdivision "G" (Dwelling, guest) of Section 9120.4 of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Municipal Code is hereby deleted, with the lettering of all remaining subdivisions of Section 9120.4 to be revised accordingly.

SECTION 8. Subdivision "F" (Second unit) of Section 9120.18 of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Municipal Code is hereby deleted, with the lettering of all remaining subdivisions of Section 9120.18.S to be revised accordingly.

SECTION 9. Section 9222.2 (Accessory Uses) of Part 3 (RV Residential-Very Low Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Municipal Code is hereby amended in its entirety to read as follows:

"9222.2 Accessory uses.

Subject to the provisions of section 9281 et seq. and chapter 6, the following accessory uses and accessory structures shall be permitted:

- A. Accessory buildings, accessory uses, and accessory structures;
- B. Domestic animals;
- ~~C. One (1) guest dwelling per lot, subject to the provisions of section 9283 et seq. An additional servant quarters, second dwelling unit, or caretaker dwelling unit shall not be permitted.~~
- ~~D.C. Home occupations;~~
- ~~E. Servant quarters, subject to the provisions of section 9283 et seq. An additional guest dwelling, second dwelling unit or caretaker dwelling shall not be permitted.~~

~~F.D.~~ Garage sales, not to exceed two (2) in any calendar year;

~~G.E.~~ Private greenhouses, horticultural collections, flower and vegetable gardens;

~~H.F.~~ One (1) ~~second~~ accessory dwelling unit, subject to the provisions of Section 9283 et seq.;"

~~I.~~ One (1) caretaker dwelling unit per lot, when developed as an accessory use to the primary residence, on not less than ten (10) acres with a maximum building size of one thousand two hundred (1,200) square feet with not more than one thousand (1,000) square feet used for living area. Said dwelling shall be in accordance with section 9120.3.C, and shall not be rented or otherwise used as a separate dwelling unit. A deed restriction in a form approved by the city shall be executed and recorded prior to the issuance of a building permit which states that the unit shall not be rented or otherwise used as a separate dwelling unit. An additional guest dwelling, second dwelling unit or servant quarters shall not be permitted.

SECTION 10. Subdivision C of Section 9232.2 (Accessory Uses) of Part 4 (RL Residential-Low Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Municipal Code is hereby amended to read as follows, with all other subsections to remain unchanged:

"C. One (1) ~~habitable accessory building for a guest dwelling, servant quarter, or~~ second accessory dwelling unit, subject to the provisions of section 9283 et seq."

SECTION 11. Subdivision H of Section 9242.2 (Accessory Uses) of Part 5 (RS Residential-Single-Family District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Municipal Code is hereby amended to read as follows, with all other subsections to remain unchanged:

"H. One (1) ~~second~~ accessory dwelling unit, subject to the provisions of section 9283 et seq."

SECTION 12. Subdivision G of Section 9252.2 of Part 6 (RM Residential-Medium Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Municipal Code is hereby amended to read as follows, with all other subsections to remain unchanged:

"G. One (1) ~~second~~ accessory dwelling unit, subject to the provisions of section 9283 et seq."

SECTION 13. Subdivision H of Section 9272.2 of Part 8 (RH Residential-High Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Municipal Code is hereby amended to read as follows:

"H. One (1) ~~second~~ accessory dwelling unit, subject to the provisions of section 9283 et seq."

SECTION 14. Section 9283 of Part 9 (Special Residential Use Standards) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Municipal Code is hereby amended in its entirety to read as follows:

"9283. Accessory dwelling units; purpose.

The purpose of the following standards for accessory dwelling units is to provide for the development of additional housing units within existing residential neighborhoods. In addition, these standards establish criteria that guarantee that accessory dwelling units will be compatible with the neighborhood in which they will be located and the community as a whole, and protect the general health, safety and welfare."

SECTION 15. Section 9283.1 of Part 9 (Special Residential Use Standards) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

"9283.1. Accessory dwelling unit standards.

A ministerial permit shall be issued for accessory dwelling units that conform to the following standards:

- A. An accessory dwelling unit shall be permitted on any lot in a zoning district that authorizes the construction of accessory dwelling units and that contains a single-family dwelling or for which a single-family dwelling is proposed.
- B. No more than one accessory dwelling unit shall be built on a single lot.
- C. The establishment of an accessory dwelling unit shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential land use consistent with the existing general plan and zoning designation for the lot.
- D. Accessory dwelling units shall provide for independent exterior access.
- E. Accessory dwelling units shall contain kitchen and bathroom facilities, or partial facilities if the accessory dwelling unit is considered an efficiency unit.

F. Accessory dwelling units shall be connected to either public or private water and sewer facilities, but they shall not be considered new residential uses for the purpose of calculating connection fees or capacity charges for utilities. A new or separate utility connection directly between the accessory dwelling unit and the utility shall not be required for conversions of existing accessory buildings approved in accordance with subdivision Q of this section. A private sewage disposal system shall require approval from the local health department.

G. The exterior building materials and colors of accessory dwelling units shall be compatible with those of the single-family residence.

H. The maximum size of a detached accessory dwelling unit shall not exceed nine hundred fifty (950) square feet and shall not include more than two bedrooms.

I. Detached accessory dwelling unit standards:

1. A detached accessory dwelling unit shall not: (i) be erected in the required minimum front yard, (ii) be located within five (5) feet of any main building, rear lot line or side lot line, nor (iii) exceed fourteen (14) feet in height unless constructed above an existing detached garage.

No minimum setback from property lines or main building is required for an existing detached garage that is converted to an accessory dwelling unit.

A detached accessory dwelling unit that is constructed above an existing detached garage shall be located at least five (5) feet from the side and rear property lines, and shall be subject to the building height standards of the underlying district.

Notwithstanding these provisions, in the Old Agoura Overlay District, a detached accessory dwelling unit may be erected in the minimum front yard provided it does not exceed more than twenty-five (25) percent of the minimum front yard.

2. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

3. Building lot coverage standards of the underlying land use district shall not apply to prevent the construction of an accessory dwelling unit. Nonetheless, the lot coverage of an accessory dwelling unit shall be added to the lot coverage of the primary residence in determining whether the lot coverage requirement for the property as a whole would allow for a future addition to the single-family dwelling, or the construction of an accessory building or structure excluding an accessory dwelling unit.

J. Attached accessory dwelling unit standards:

1. The maximum floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the living area of the proposed or existing single-family dwelling, nor exceed nine hundred fifty (950) square feet, whichever is less.
2. Attached accessory dwelling units that are part of an attached garage conversion or a conversion of existing space above an attached garage shall maintain existing yard setbacks of the converted garage or existing space, or the required yards of the underlying land use district, whichever is less.
3. The rear and side yard setbacks of an attached accessory dwelling unit constructed as new space above an existing attached garage shall be no less than five (5) feet. An attached accessory dwelling unit that is proposed above an existing attached garage can be constructed wholly or partly above the garage, and may extend beyond the existing garage walls.
4. Attached accessory dwelling units that are not part of an attached garage conversion, conversion of existing space above an attached garage, or constructed as new space above an existing attached garage shall comply with yard setbacks of the underlying land use district.

L. Local building code requirements shall apply to accessory dwelling units. However, an accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence.

M. The following parking standards shall apply.

1. One (1) on-site parking space shall be required for an accessory dwelling unit, which shall be required in addition to the required parking for the single-family dwelling unit. Parking for an accessory dwelling unit may be: covered or uncovered; provided in tandem to other required on-site parking; or provided in required yard areas including the on-site driveway areas. For purposes of this section, covered parking shall not: (i) be erected in the required minimum front yard of the district; (ii) be within ten (10) feet of any single family dwelling or rear lot line; (iii) be within five (5) feet of any side lot line; (iv) exceed fourteen (14) feet in height; nor (v) exceed the lot coverage requirements of the underlying land use district.
2. No parking space is required for an accessory dwelling unit that is:
 - i. Located within one-half mile of public transit;

- ii. Located within an architecturally and historically significant historic district;
 - iii. Part of the existing or proposed primary residence or an existing accessory building (e.g., a basement or garage conversion);
 - iv. Located within one block of a parking area specifically designated for a car share vehicle; or
 - v. Located in an area where the City requires on-street parking permits but does not offer the permits to the occupants of the accessory dwelling unit.
3. If required parking for the existing single-family dwelling is removed in conjunction with the construction of an accessory dwelling unit, the removed parking spaces must be replaced with an equal number of on-site parking spaces. The replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, required yard areas, covered, uncovered, tandem within a garage or within on-site driveway areas, or provided by the use of a mechanical automotive parking lift. Covered replacement parking spaces shall not: (i) be erected in the required minimum front yard of the district; (ii) be within ten (10) feet of any main building or rear lot line; (iii) be within five (5) feet of any side lot line; (iv) exceed fourteen (14) feet in height; nor (v) exceed the lot coverage requirements of the underlying land use district.
- N. For the purposes of this section, "living area" means the interior habitable area of a dwelling unit, including basements and attics but not including a garage or an accessory building.
- O. Accessory dwelling units shall not be held under separate ownership from the single-family dwelling. Either the single-family residence or the accessory dwelling unit may be rented, provided that either the single-family residence or the accessory dwelling unit is the principal residence of the property owner. In no case shall the rented dwelling unit be rented for a period of less than 31 days.
- P. Within 30 days following the issuance of a building permit for the accessory dwelling unit, a covenant in the a form acceptable to the City shall be recorded against the title in the Los Angeles County Recorder's office, declaring that (1) the property owner must occupy either the single-family residence or the accessory dwelling unit if either unit is offered for rent; (2) the accessory dwelling unit may not be sold, transferred, or assigned separately from the single-family residence; and (3) such restrictions shall run with the land and be binding upon all future owners. A copy of the recorded covenant shall be filed with the office of the City Clerk.

Q. Notwithstanding any other development standard required by this section, an accessory dwelling unit that satisfies all of the following requirements shall be approved ministerially with a building permit:

1. It is located on a lot zoned for single-family use that contains a single-family residence;
2. It is the only accessory dwelling unit on the lot;
3. It is contained within the existing space of an existing residence or accessory building, including, but not limited to, a studio, pool house, or other similar structure.
4. It has independent exterior access; and
5. It has side and rear setbacks sufficient for fire safety."

SECTION 16. Section 9606 (Accessory buildings) of Division 6 (Accessory Structures) of Part 1 (In General) of Chapter 6 (Regulatory Provisions) of Article IX (Zoning) of the Municipal Code is hereby amended in its entirety to read as follows:

"9606. Accessory buildings.

~~Accessory buildings, and e~~Except as otherwise regulated by this chapter, accessory buildings, which have been defined by this Code to exclude accessory dwelling units, shall be subject to the following regulations:

- A. Accessory buildings shall not be erected in any minimum yard requirement, except a rear yard.
- B. An accessory building, up to one (1) story or fourteen (14) feet in height may not occupy more than twenty-five (25) percent of a minimum rear yard plus forty (40) percent of the buildable area.
- C. No accessory building shall be located closer than ten (10) feet to any main building or rear lot line nor shall it be located closer than five (5) feet to any side lot line.
- D. Notwithstanding section 9606.A, in the Old Agoura Overlay District, accessory buildings may be erected in the minimum front yard, provided that they do not exceed one (1) story or fourteen (14) feet in height and not occupy more than twenty-five (25) percent of the minimum front yard plus forty (40) percent of the buildable area in combination with any other accessory buildings on the site. No accessory building shall be located closer

than ten (10) feet to any main building or front property line nor shall it be located closer than five (5) feet to any side lot line."

SECTION 17. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 18. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this Ordinance, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

SECTION 19. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this proposed Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council Members voting for and against this Ordinance and the City Clerk shall post in the office of the Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council Members voting for and against this Ordinance or amendment at least until the day of such publication. The City Clerk shall submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017, by the following vote to wit:

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

Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney