

ORDINANCE NO. 434

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. 17-1202, 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 December 13, 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. An attached accessory dwelling unit constructed as new space above an existing attached garage shall be located no less than five (5) feet from rear and side yard property lines, and shall comply with the required front yard setbacks of the underlying land use district. 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 provided the minimum required setbacks from property lines are met.
4. An attached accessory dwelling unit that is constructed as new space either above a portion of the single-family dwelling (excluding the garage) or as an addition to the first floor of a single-family dwelling shall comply with the required yard setbacks of the underlying land use district.
5. An attached accessory dwelling unit shall comply with the building height requirements 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, or both, may be rented. In no case shall any 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 a form acceptable to the City shall be recorded against the title in the Los Angeles County Recorder's office, declaring that: (1) the accessory dwelling unit may not be sold, transferred, or assigned separately from the single-family residence; and (2) 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 if:

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.”

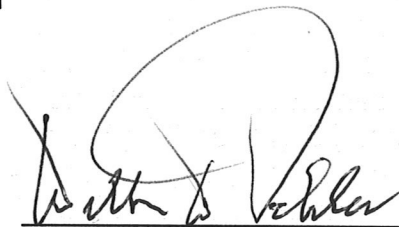
SECTION 17. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect 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 10th day of January, 2018, by the following vote to wit:

AYES: (4) Koehler, Northrup, Schwarz, Weber
NOES: (1) Buckley Weber
ABSENT: (0)
ABSTAIN: (0)

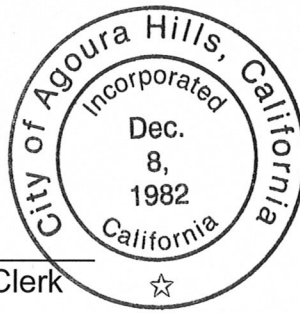


William D. Koehler, Mayor

ATTEST:

Blaney

Kimberly M. Rodrigues, MMC, City Clerk



APPROVED AS TO FORM:

Candice K. Lee

Candice K. Lee, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF AGOURA HILLS)

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing is a full, true, and correct copy of **Ordinance No. 17-434**, introduced at a regular meeting of the City Council of the City of Agoura Hills held on the 13th day of December, 2017, and, thereafter, adopted by the City Council at an Adjourned Regular City Council Meeting held on the 10th day of January, 2018, and that said Ordinance was published or posted pursuant to law.



Kimberly M. Rodrigues, MMC
City Clerk