REPORT TO CITY COUNCIL

DATE: APRIL 22, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: RAMIRO ADEVA, COMMUNITY DEVELOPMENT DIRECTOR
DOUG HOOPER, PLANNING DIRECTOR

SUBJECT: ADOPTION OF INTERIM ORDINANCE NO. 20-448U, PROHIBITING NEW ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS EXCEPT THOSE THAT SATISFY SPECIFIED STANDARDS DECLARING THE URGENCY THEREOF, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01732-2020) (CITY OF AGOURA HILLS, APPLICANT)

Staff is requesting the City Council read by title only and adopt Interim Ordinance No. 20-448U ("Interim Ordinance"). The City is the applicant for this Interim Ordinance (Case No. ZOA-01732-2020), which prohibits new accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") except for those that comply with the development standards established in the Interim Ordinance, to allow the City Council time to study and enact permanent development standards for such uses in response to changes in state law. The Interim Ordinance (attached Exhibit A) may be adopted at this meeting with a four-fifths (4/5) vote of the City Council pursuant to Government Code Section 65858.

In October 2019, Governor Newsom signed new housing legislation, including Assembly Bills 68 and 81, and Senate Bill 13, which amended Section 65852.22 of the Government Code (attached Exhibit B); amended, repealed, and added Section 65852.2 of the Government Code (attached Exhibit C); and undertook similar actions related to Health and Safety Code Section 17980.12. These measures impose new limitation on local control over ADUs and JADUs that need to be addressed with a zoning ordinance amendment pertaining to development standards for such uses.

The purpose of this report is to provide the City Council with an overview of the new ADU and JADU statutes in conjunction with the City Council's consideration of a proposed urgency measure that amends development standards for ADUs and JADUs. The proposed Interim Ordinance will establish temporary development standards to conform to the State's requirements and address areas over which local jurisdictions retain control.

This new housing legislation specified that inconsistent ADU development standards are superseded by State-mandated ADU development standards effective January 1, 2020.

Therefore, without an interim set of local development standards for new ADU applications, the City is currently limited to applying the broader, less restrictive development regulations specified in state law, regardless of the potential adverse impact to public safety and the character of the existing residential neighborhoods.

The Interim Ordinance enacts temporary development standards that replace previous ADU development standards. These new ADU development standards seek to facilitate housing opportunities in a way that protects the public safety, health, and welfare. The Interim Ordinance will be effective immediately upon adoption and will expire after 45 days, unless extended in accordance with state law. It is intended to be an interim measure that precedes a full update of the zoning ordinance regulations for ADUs and JADUs. This measure affords the City time to further study appropriate development standards for such uses in order to address fire, traffic, and other public safety concerns.

Intent of New State Law

The State Legislature has declared the housing shortage an issue of statewide significance. Increased development of ADUs and JADUs has been identified as one approach to increasing the housing supply in a way that can benefit renters (new rental opportunities) and homeowners (additional rental income for assistance with mortgage payments). The California Department of Housing and Community Development ("HCD") states that ADUs are an affordable type of home to construct in California because they do not require paying for land or major new infrastructure; they give homeowners the flexibility to share independent living areas with family members and others; they allow seniors to age in place as they require more care; and help extended families to be near one another while maintaining privacy. The new ADU and JADU statutes expand on the State's previous measures, making it easier to construct an ADU and JADU. The new statutes specify that: 1) a municipality may adopt an updated, compliant local ordinance governing ADUs and JADUs as long as the ordinance does not conflict with the provisions of state law; and 2) effective as of January 1, 2020, state standards set forth in Government Code Section 65852.2(a) apply, unless a conforming local ordinance has been adopted.

Main Components of New State Law

Below is a summary of the main components of state law, as revised by the State in 2019:

- Replacement parking can no longer be required for garages, carports, or other covered parking structures that are converted or demolished for an ADU;
- A setback of no more than four (4) feet can be required for the rear and side property lines for a new ADU;
- A local requirement that either the ADU or the primary dwelling must be owner-occupied can no longer be imposed;
- Either the JADU or the remaining portion of the single-family residence must be owner-occupied, unless the owner is a governmental agency, land trust, or housing organization;

- Floor area ratio, lot coverage, open space, and lot size cannot be used to prevent the construction of an ADU that is up to 800 square feet and 16 feet tall, with four (4)-foot rear yard and side yard setbacks;
- The default maximum size is 1,200 square feet for a detached ADU. In an existing primary dwelling, the total floor area of an attached ADU shall not exceed 50 percent of the existing primary dwelling. If established by a local agency, a maximum square-footage requirement for an ADU cannot be less than 850 square feet for a studio or one (1)-bedroom ADU, and 1,000 square feet for an ADU with at least two (2) bedrooms.

Summary of Events and City Actions Taken

Below is a timeline of recent events and actions taken related to the new ADU laws:

- October 9, 2019: State laws (AB 68, AB 881, and SB 13) were signed by the Governor, amending previous legislation governing ADUs and JADUs. This legislation took effect on January 1, 2020.

- October 23, 2019: The City Council authorized staff to apply for the HCD's SB 2 Planning Grants Program for funds to facilitate the production of ADUs, including zoning code amendments and development of resources, such as guidelines and possible prototypes. The City's grant application was approved by HCD in January 2020, subject to a pending agreement.

- February 12, 2020: The City Council received an update on recent housing legislation, including legislation pertaining to ADUs and JADUs.

- March 3, 2020: The Land Use/Economic Development Committee ("LU/EDC") received staff's update regarding the proposed Interim Ordinance and provided feedback on items to consider regarding ADU standards.

Overview of City of Agoura Hills Code Compliance with New State Laws Regulating ADUs

Enacted by the City most recently in January 2018, Agoura Hills Municipal Code Section 9283 specified development standards for ADUs. The following section of this report provides a summary of the City's currently codified development standards for ADUs and the proposed changes that will be made by the proposed Interim Ordinance in order to conform to the new state laws:

- *Permitted Zones/Areas*: State law provides local jurisdictions with the authority to designate specific areas where ADUs may be permitted. This designation may be based on the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety (Government Code Section 65852.2(a)(1)(A)). The City allows for ADUs in all residential zones. To promote public safety, and at the recommendation of the LU/EDC, the Interim Ordinance would restrict new ADUs and JADUs on residential zoned properties located within the Very High Fire

Hazard Severity Zone designated for Agoura Hills by the Office of State Fire Marshall (attached Exhibit D) to either one (1) ADU or one (1) JADU per property.

- *Project Review Time Reduced*: Time to review a completed ADU application has been reduced from 120 days to 60 days after the date the City receives a completed application (Government Code Section 65852.2(a)(3)). However, if a the application to create an ADU or JADU is submitted with an application to create a new primary dwelling on the lot, the City may delay acting on the application for the ADU or JADU until the City acts on the application to create the new primary dwelling.

- *Multiple ADUs within Multifamily Buildings*: State law requires that a local agency allow at least one (1) ADU within an existing multifamily dwelling and shall allow the creation of up to 25 percent of the existing multifamily units within the existing structure if they are constructed by converting "non-livable" space (e.g., boiler rooms, storage rooms, attics, basements, garages, laundry rooms, etc.) (Government Code Section 65852.2(e)(1)(C)). Furthermore, a property owner may build up to two detached ADUs on a lot with an existing structure (Government Code Section 65852.2(e)(1)(D)). Those units may not be taller than 16 feet and must comply with four-foot side and rear-yard setbacks.

- *Replacement Parking*: Previously, the City code required that when a parking structure (i.e., garage, carport, etc.) is demolished or converted in conjunction with the creation of an ADU, that parking must be replaced on the lot. State law now prohibits a local jurisdiction from requiring replacement parking spaces when a parking structure is demolished or converted to construct an ADU (Government Code Section 65852.2(a)(1)(D)(xi)).

- *Parking location*: The Municipal Code required covered parking locations for ADUs to be outside of the front setback. Uncovered parking spaces may be located in required yard areas, including on-site driveway areas. New state law generally requires that a local jurisdiction allow parking areas to be within setback areas or in a tandem parking configuration (Government Code Section 65852.2(a)(1)(D)(x)(II)). Covered parking spaces are not required for new ADUs.

- *Setbacks*: City code previously required a minimum five (5)-foot setback distance from the rear and side property lines for a detached ADU. New state law has reduced the required setback to four (4) feet from the rear and side property lines for all ADUs except for those ADUs that are located in the same location and within the dimensions of an existing structure, which shall not be required to meet the default four-foot setback requirement. ADUs remain prohibited in the required front yard areas, except in Old Agoura. The Old Agoura Overlay District allows for accessory structures in the front yard provided they do not exceed more than 25% of the minimum yard area.

- *Demolition and Replacement of Structures*: New state law requires that no setback can be required when an existing living area or accessory structure is replaced

with a new structure or converted for the purposes of creating an ADU so long as the replacement structure is constructed within the same location and to the same dimensions as the structure it is replacing (Government Code Section 65852.2(a)(1)(D)(vii)).

- *Floor Area Ratio ("FAR") Requirements*: New state law prohibits a local jurisdiction from imposing standards related to lot coverage, FAR, or open space where those requirements would prohibit the creation of an 800-square-foot ADU that is no more than 16 feet in height, with four-foot rear and side yard setbacks (Government Code Section 65852.2(c)(2)(C)).

- *ADU Unit Size*: For an attached ADU, the City previously allowed a maximum of 950 square feet in size, or fifty (50) percent of the primary residence's living area, whichever is less. For a detached ADU, the City allowed for a maximum size of 950 square feet. New State law establishes a default maximum size of 1,200 square feet for a detached ADU. If there is an existing primary dwelling, state law states that the total floor area of an attached ADU shall not exceed 50 percent of the existing primary dwelling. While the City has discretion to set maximum unit size, state law prohibits a local jurisdiction from setting a maximum allowable square-footage of an ADU that is less than 850 square feet for a studio or one (1)-bedroom unit, or, 1,000 square feet so long as the unit is providing a minimum of two (2) bedrooms (Government Code Section 65852.2(c)(2)(B)(i-ii)).

  While the Interim Ordinance remains in effect, staff recommends the following maximum unit sizes be adopted:

  - An attached ADU shall not exceed 1,200 square feet, or fifty (50) percent of the primary residence's living area, whichever is less.

  - A detached ADU shall not exceed 1,200 square feet.

- *Owner Occupancy*: City code did not require owners of an ADU to occupy a residence on the lot, but City code did restrict ADUs from being sold, transferred or assigned separately from the single-family residence. State law now expressly prohibits a local agency from requiring owner occupancy restrictions for ADUs, but actually still requires owner occupancy for a JADU, which by definition is constructed within a single-family residence. This means that the owner must reside in the remaining portion of the single-family residence or the JADU. This requirement is included in the proposed Interim Ordinance for the City Council's consideration (Government Code Section 65852.22(a)(2)).

- *Impact Fees*: City code allowed the collection of development impact fees for all ADUs. New State law prohibits a local agency from imposing impact fees for all ADUs that are less than 750 square feet in size. However, new state law allows impact fees to be imposed on ADUs of 750 square feet or more in size, and the fees must be charged proportionally in relation to the square-footage of the primary dwelling unit. The Interim Ordinance includes language that allows the City to

collect development impact fees in accordance with state law (Government Code Section 65852.2(f)(3)(A)).

- *State Department of Housing and Community Development*: New state law requires that each jurisdiction submit a newly adopted ADU ordinance to HCD within 60 days after adoption so that HCD can verify that the adopted ordinance complies with state law. Failure to provide an ordinance complies with state law is grounds for HCD to request revisions to the proposed ordinance to ensure compliance and if necessary, to notify the Attorney General that the local jurisdiction is in violation of State law (Government Code Section 65852.2(h)).

- *Code Enforcement*: City code previously did not prohibit the City from enforcing development standards or building standards on a structure that was illegally converted for human habitation. New state law allows a property owner to request that enforcement of a violation of a building standard be delayed for five (5) years where: 1) the ADU was built after January 1, 2020 and is in a city that had a non-compliant ADU ordinance when the ADU was built but whose ordinance is compliant at the time of the request; or 2) the ADU was built before January 1, 2020. The request to delay enforcement must show that correction of the violation is not necessary to protect health and safety. This provision of state law is effective for requests made before January 1, 2030 (Health and Safety Code Section 17980.12).

Options for Updating Agoura Hills ADU Standards

In 2019, the City received seven (7) new ADU applications, and staff anticipates the City will receive an increase in new ADU applications under the new state laws. The City must apply the State-established standards until such time as the City enacts an ordinance that conforms to state law.

Given the recent interest in building ADUs, staff proposes that the City Council adopt the draft Interim Ordinance as an interim measure so that the City can study the appropriate standards for ADUs, in order to address fire, traffic, and public safety concerns associated with the intensification of development in residential zones.

Adoption and implementation of the proposed Interim Ordinance will give staff time to formulate a long term set of City development standards that facilitate the construction of new ADUs in a manner that helps mitigate the potential impact to the residential character of the surrounding neighborhood, provides the City Council a preview of what the State has required for ADUs, and gives the City time to do more research on whether modifications to the zoning ordinance may be necessary to protect the public safety, health, and welfare.

Interim Ordinance

California Government Code Section 65858 authorizes the City Council to adopt an Interim Ordinance for the immediate preservation of the public safety, health, and welfare.

Without the proposed Interim Ordinance, planning staff will continue to be required to approve new ADUs under the new State-prescribed development standards, which could cause confusion and create adverse impacts on public safety and the surrounding community. Staff believes that the proposed Interim Ordinance will allow the City to study and establish local standards that include the required components of the new state laws while further specifying certain requirements, where the City is able to, that will allow for standards that are appropriate locally. Implementation of the Interim Ordinance will facilitate responsible development of new ADUs and JADUs, which create new housing opportunities and building types while putting in place development standards, as allowed by state law, that help preserve and protect the public health, safety, and welfare.

The Interim Ordinance would take effect immediately upon passage and adoption if passed and adopted by at least four-fifths (4/5) vote of the City Council, pursuant to Government Code Section 65858. It is staff's intent that the Interim Ordinance will become the basis for a comprehensive update to the City's ADU standards. Staff anticipates returning to the City Council in May 2020 to either extend the Interim Ordinance or adopt a permanent zoning ordinance amendment incorporating the aforementioned changes.

CEQA

The Interim Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17, and Title 14, Section 15282(h) of the California Code of Regulations, which applies to "the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code."

RECOMMENDATION

Staff respectfully recommends the City Council read by title only and adopt Interim Ordinance No 20-448U, prohibiting new accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") unless they comply with specific standards, to allow the City Council time to study and enact permanent development standards for such uses in response to new state law, and making a finding of exemption under the California Environmental Quality Act.

Attachments:
Exhibit A - Interim Ordinance No. 20-448U
Exhibit B - Government Code Section 65852.2
Exhibit C - Government Code Section 65852.22
Exhibit D - Office of State Fire Marshall VHFHSZ Map

ORDINANCE NO. 20-448U

AN INTERIM ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, PROHIBITING NEW ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS EXCEPT THOSE THAT SATISFY SPECIFIED STANDARDS, DECLARING THE URGENCY THEREOF, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. Findings and Intent.

A. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68") and Assembly Bill 881 ("AB 881") amended Government Code Sections 65852.2 and 65852.22 to further limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs").

B. State law authorizes municipalities to designate specific areas where ADUs may be permitted. This designation may be based on the adequacy of water and sewer services and the impact of ADUs and JADUs on traffic flow and public safety (Government Code Section 65852.2(a)(1)(A)).

C. Unless the City Council adopts this Interim Ordinance, the City will be required to either (i) approve new ADUs and JADUs in locations and under State-established standards that may have severe negative impacts on the surrounding community or (ii) immediately adopt permanent city-wide standards without the benefit of studying the appropriate locations and area-specific standards for such uses.

D. Property owners are likely to submit applications for new ADUs and JADUs regardless of whether the City has new regulations for such uses. With an updated zoning ordinance, these ADU and JADU applications would cause confusion regarding applicability of provisions in the City's current ADU regulations with potentially inconsistent and unfair results for property owners and residents. Without local refinements to development standards, the implementation of the ADU and JADU statutes may threaten the public safety, health, and welfare.

E. In November 2018, the Woolsey Fire destroyed 1,600 structures and burned almost 97,000 acres. Within the City's territory, nine (9) single-family residential homes were destroyed due to the Woolsey Fire. California has experienced an increase in both fire frequency and size of wildfires in recent years, and it is anticipated that climate change will exacerbate this trend. The City's partial location in a mountainous watershed area makes it susceptible to experiencing substantial damage from fires. Mountainous watershed areas experience periods of severe fire hazard when the weather consists of

high temperatures, low humidity, and high wind velocities. As a result, hotter, drier climates due to climate change are increasing the likelihood that the City will experience more severe fires. Properties located in the Very High Fire Hazard Severity Zone designated for Agoura Hills by the Office of State Fire Marshall Office are especially susceptible to fires as these properties are generally adjacent to, or near, undeveloped hillside areas where the fires spread quickly.

F. Adoption of this Interim Ordinance will facilitate the City's further study of the appropriate standards for ADUs and JADUs in order to address fire, traffic, and public safety concerns associated with the intensification of development in residential and mixed-use zones, especially in the Very High Fire Hazard Severity Zone areas. Accordingly, this Interim Ordinance is necessary to protect public safety, health, and welfare and its urgency is hereby declared.

G. To protect the public safety, health, and welfare, staff requires time to study the impact of the new state laws on the City's development standards for new ADUs and JADUs. Further study will allow staff to determine whether modifications to the zoning ordinance are necessary to protect the public safety, health, and welfare.

H. The City Council finds that the public interest, convenience, health, safety, welfare and necessity described herein require the immediate enactment of this Interim Ordinance as an urgency measure to put into effect interim development controls until completion of studies and subsequent implementation of any recommended and appropriate revisions to the zoning ordinance.

Section 2. Imposition of Interim Development Standards.

In accordance with Government Code Section 65858(a), and pursuant to the findings stated herein, the City Council hereby: 1) declares that the findings and determinations set forth above are true and correct; 2) finds that there exists a current and immediate threat to the public safety, health, and welfare; 3) finds that this Interim Ordinance is necessary for the immediate preservation of the public health, safety, and welfare, as set forth herein; and 4) declares and imposes interim development standards for the immediate preservation of the public safety, health, and welfare as set forth below:

A. Expiration. This Interim Ordinance shall expire, and its standards and requirements shall terminate, on June 6, 2020 (45 days after adoption), unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

B. Applicability. The City Council shall not approve an application for a new ADU or JADU unless it satisfies all of the applicable standards below. An application for a new ADU or JADU that satisfies each of the applicable standards below shall be approved by the City following a ministerial review for compliance. Any interim standards specified herein shall supersede any conflicting development standards as set forth in the Municipal Code including the provisions of Section 9283.

C. Definitions. Definitions set forth in Section 9120 of the Municipal Code shall apply to this Interim Ordinance. Additionally, for the purposes of this Interim Ordinance, the term "Junior accessory dwelling unit" ("JADU") shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence, excluding an attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

D. Building Permit Only Process.

i. An applicant for a new ADU or JADU shall be subject to a building permit only process if the ADU or JADU complies with the requirements of Government Code Section 65852.2(e). A JADU shall comply with the requirements of Government Code Section 65852.22. Under the "building permit only" process, applicants do not need to also obtain zoning clearance from the Planning Director. If the requirements of Government Code Section 65852.2(e) are met, the applicable fees required by subsection "x" of Section 2(F) of this ordinance are paid and the fire zone restriction specified in Section 2(E) of this ordinance is met, then the building permit shall be issued.

ii. For each new ADU approved through the building permit only process, the property owner shall record a covenant in accordance with Section 2(F)(3) of this ordinance.

iii. For each new JADU approved through the building permit only process, the property owner shall record a City Attorney-approved declaration of restrictions that specifies the size and attributes of the JADU, and that places the following restrictions on the property, the property owner, and all successors in interest: (a) the JADU shall be rented only for terms longer than 30 consecutive days; (b) the JADU shall not be sold or conveyed separately from the primary residence; (c) the property owner (other than a governmental entity, land trust or housing organization) shall reside in either the JADU or in the remaining portion of the single-family residence; (d) the JADU and the property shall be maintained in accordance with all applicable laws; and (e) any violation will be subject to penalties as provided in the Municipal Code.

E. Very High Fire Hazard Severity Zone. No ADU or JADU shall be permitted on properties located within the Very High Fire Hazard Severity Zone designated for Agoura Hills by the Office of State Fire Marshall unless all of the following requirements are met:

i. No more than one (1) ADU or one (1) JADU is allowed on properties located in the City's Very High Fire Hazard Severity Zone.

ii. All new ADUs or JADUs proposed within the City's Very High Fire Severity Zone shall comply with any applicable brush clearance requirements.

Unless otherwise required by applicable City building and fire codes, in any residential zone where new ADUs or JADUs are allowed, if fire sprinklers are required for the primary dwelling unit then fire sprinklers are also required for new ADUs or JADUs.

iii. Except for an ADU approved pursuant to the "building permit only process" described in section 2(D) of this ordinance, the ADU shall comply with all applicable requirements stated in Section 2(F) of this ordinance.

F. Development Standards for ADUs Seeking a Zoning Clearance and Building Permit.

1. Zoning Clearance / Building Permit Requirements. Before constructing or establishing an ADU under the City's local development standards, an applicant shall obtain a zoning clearance from the Planning Director and obtain a building permit. An application for a zoning clearance for an ADU that satisfies the requirements of this section shall be ministerially approved by the Planning Director (or the Director's designee) in accordance with the procedures and timelines outlined in Government Code Section 65852.2.

2. Permitted ADU Locations. ADUs are permitted in the RV (Residential-Very Low Density), RL (Residential-Low Density), RS (Residential-Single-Family), RM (Residential-Medium Density), and RH (Residential-High Density) zones. An ADU shall be located on the same lot as a detached or multi-family residential building.

3. ADU Covenant. The property owner shall record a City Attorney-approved declaration of restrictions placing the following restrictions on the property, the property owner, and all successors in interest: (a) the ADU may be rented only for terms longer than 30 consecutive days; (b) the ADU shall not be sold or conveyed separately from the primary residence; (c) the ADU and the property shall be maintained in accordance with all applicable laws; and (d) any violation will be subject to penalties as provided in the Municipal Code.

4. General ADU Development Standards.

    i. Lot Size. All new accessory dwelling units are exempt from compliance with the minimum lot size requirements.

    ii. Lot Coverage. All new accessory dwelling units shall conform to the lot coverage requirements for the zoning district in which the ADU is located, except where the application of the lot coverage requirements would not permit construction of an 800 square-foot

ADU that is 16 feet in height and located at least four (4) feet from the rear property line and four (4) feet from the side property line.

iii. Size. The maximum total floor area of any new ADU shall not exceed the following:

(a) New detached ADU: 1,200 square feet.

(b) New attached ADU: 1,200 square feet, or 50% of the primary residence's living area, whichever is less.

(c) A covered balcony, porch or patio provided with an ADU shall count towards the total ADU square-footage allowance.

iv. Height. The maximum height of any new ADU shall not exceed the following:

(a) New detached ADU: A new detached ADU shall not exceed a height of 16 feet measured from any grade elevation around the perimeter of the ADU.

(b) New attached ADU: A new attached ADU shall not exceed the height limit applicable to the primary residence or the actual height of the primary residence, whichever is less. An ADU not to exceed 16 feet in height shall be allowed if the actual height of the primary residence is less than 16 feet.

v. Setbacks. An ADU shall comply with all front yard setback requirements applicable to the lot's primary residence. Unless otherwise provided in this Section, any new attached or detached ADUs shall have a minimum setback of four (4) feet from the rear property line and four (4) feet from the side property line.

Notwithstanding these provisions, in the Old Agoura Design 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.

Notwithstanding the above, no setback shall be required for an ADU that is within an existing structure or constructed in the same location and within the same dimensions as an existing legally permitted structure.

A detached ADU must maintain a 10-foot separation from any main building on the lot.

vi. Design and Features.

a) The ADU's exterior building materials and colors shall match those of the single-family residence.

b) If an automatic sprinkler system is required for the primary residence, the ADU shall also have an automatic sprinkler system.

vii. Parking Requirements. One (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence. The required parking space for the ADU may be provided as tandem parking on an existing driveway.

viii. Parking Exemption. Notwithstanding subsection (vii) above, no additional parking space is required for an ADU that satisfies any of the following:

a) The ADU is located within one-half (1/2) mile walking distance of "public transit" within the meaning of Government Code Section 65852.2;

b) The ADU is located within an architecturally and historically significant district;

c) The ADU is part of the existing or proposed primary residence or built in an existing accessory structure;

d) The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant;

e) The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle.

ix. Replacement Parking. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted into an ADU, replacement parking for the main dwelling unit shall not be required.

x. Fees and Utility Connections.

a) The property owner shall pay all sewer, water, school district, and other applicable fees, including development impact fees as permitted under Government Code Section 65852.2(f)(3).

b) The property shall install a new or separate utility connection between the ADU and the utility, and pay all applicable connection fees or capacity charges for utilities, including water and sewer service, unless the ADU is specifically exempt from such fees under Government Code Section 65852.2(f).

c) If the ADU will use a private sewage disposal system, the property owner shall obtain approval by the local health officer prior to submitting an application with the City.

Section 3. CEQA.

The City Council determines that the adoption of this Interim Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17, and Title 14, Section 15282(h) of the California Code of Regulations which applies to "the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code."

SECTION 4. Severability Clause.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstances, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsections, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council pursuant to California Government Code Section 65858.

SECTION 6. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause its publication in accordance with applicable law. 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 22nd day of April, 2020, by the following vote to wit:

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

_____
Illece Buckley Weber, Mayor

ATTEST:

_____
Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

_____
Candice K. Lee, City Attorney

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph,

including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a

delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.

An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "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.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(*l*) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)

State of California

GOVERNMENT CODE

Section 65852.22

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a

hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

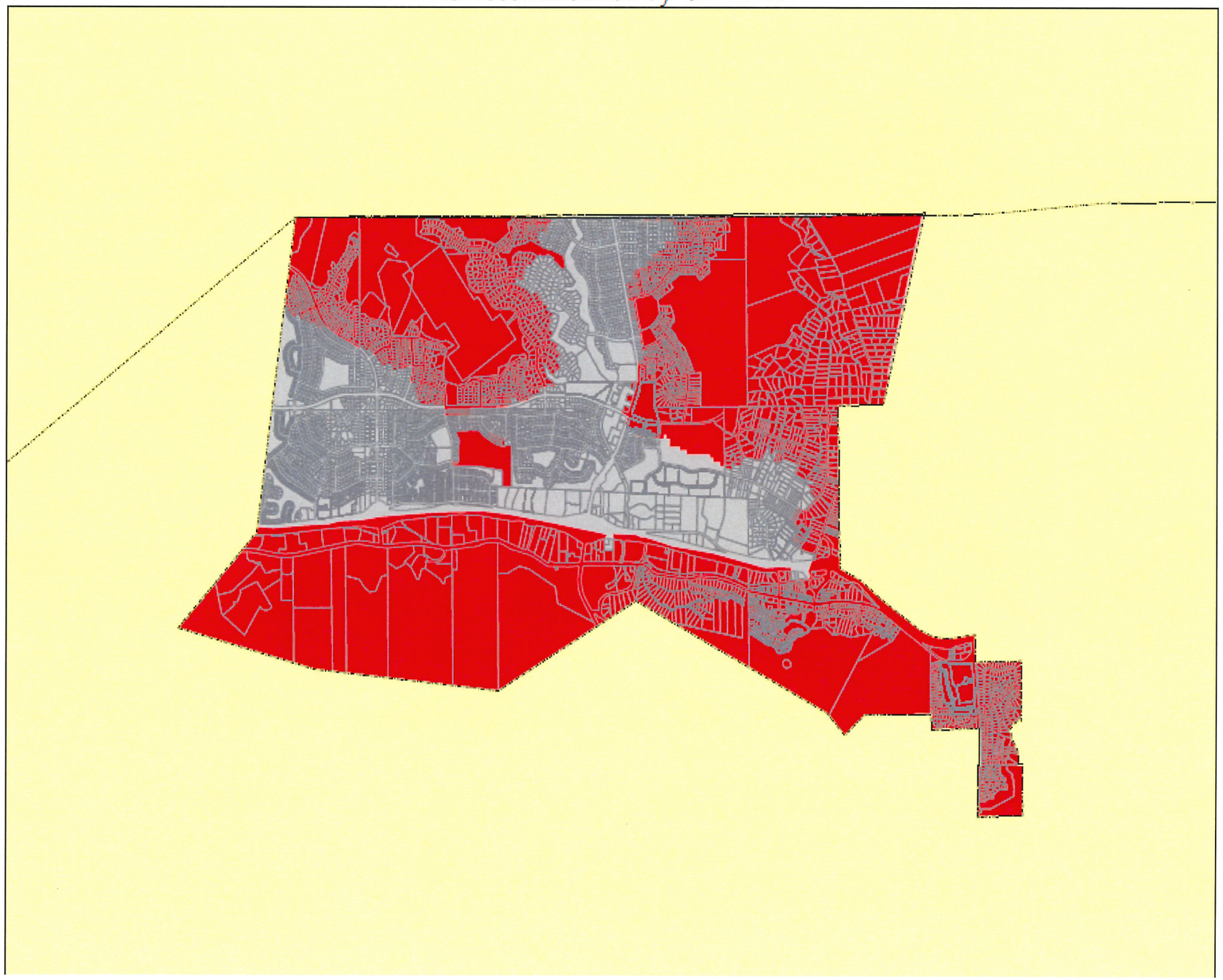
(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(Amended by Stats. 2019, Ch. 655, Sec. 2. (AB 68) Effective January 1, 2020.)

Agoura Hills

Very High Fire Hazard Severity Zones in LRA
As Recommended by CAL FIRE



Fire Hazard Severity Zones

Local Responsibility Area	State or Federal Responsibility Areas
VHFHSZ	VHFHSZ
Non-VHFHSZ	Non-VHFHSZ

City Boundary

Parcels

County Boundary

Government Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of very high fire hazard severity zones within Local Responsibility Areas (LRA). Mapping of the areas, referred to as Very High Fire Hazard Severity Zones (VHFHSZ), is based on data and models of, **potential** fuels over a 30-50 year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings. Details on the project and specific modeling methodology can be found at http://frap.cdf.ca.gov/projects/hazard/methods.htm. Local Responsibility Area VHFHSZ maps were initially developed in the mid-1990s and are now being updated based on improved science, mapping techniques, and data.

In late 2005 to be effective in 2008, the California Building Commission adopted California Building Code Chapter 7A requiring new buildings in VH FHSZs to use ignition resistant construction methods and materials. These new codes include provisions to improve the ignition resistance of buildings, especially from firebrands. The updated very high fire hazard severity zones will be used by building officials for new building permits in LRA. The updated zones will also be used to identify property whose owners must comply with natural hazards disclosure requirements at time of property sale and 100 foot defensible space clearance. It is likely that the fire hazard severity zones will be used for updates to the safety element of general plans.

This specific map is based on a geographic information system dataset that depicts final CAL FIRE recommendations for Very High FHSZs within the local jurisdiction. The process of finalizing these boundaries involved an extensive local review process, the details of which are available at http://frap.cdf.ca.gov/projects/hazard/btnet/ (click on "Continue as guest without logging in"). Local government has 120 days to designate, by ordinance, very high fire hazard severity zones within its jurisdiction after receiving the recommendation. Local government can add additional VHFHSZs. There is no requirement for local government to report their final action to CAL FIRE when the recommended zones are adopted. Consequently, users are directed to the appropriate local entity (county, city, fire department, or Fire Protection District) to determine the status of the local fire hazard severity zone ordinance.

California Teale Albers, NAD 1983
Scale 1: 12,000
at 36" x 36"
September 2011