



Office of the City Clerk
30001 Ladyface Court
Agoura Hills, CA 91301

CERTIFICATION

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 attached eight (8) pages of **Ordinance No. 20-448U**; *An Ordinance of the City Council 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*, are a full, true and correct copy of the Ordinance adopted by the City Council at its Regular Meeting held at 6:00 p.m. on Wednesday, April 22, 2020, and is duplicate original of the ordinance on file and of record in the Office of the City Clerk.



Kimberly M. Rodrigues, MPPA, MMC
City Clerk

Dated: April 24, 2020

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: 850 square feet for a studio or one-bedroom unit; or 1,000 square feet for an ADU with more than one bedroom.
 - (b) New attached ADU: 850 square feet for a studio or one-bedroom unit; or 1,000 square feet for an ADU with more than one bedroom; 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: (5) Buckley Weber, Weber, Anstead, Lopez, Northrup
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

ATTEST:



Kimberly M. Rodrigues, MMC, City Clerk





Alice Buckley Weber, Mayor

APPROVED AS TO FORM:



Candice K. Lee, City Attorney