

## REPORT TO CITY COUNCIL

**DATE:** AUGUST 11, 2021

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NAHAN HAMBURGER, CITY MANAGER

**BY:** DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR  
JOYCE PARKER-BOZYLINSKI, PLANNING CONSULTANT

**SUBJECT:** INTRODUCTION OF ORDINANCE NO. 21-456, AMENDING ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS CONSISTENT WITH STATE LAW AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA- 01732-2020) (CITY OF AGOURA HILLS, APPLICANT)

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Staff is requesting the City Council conduct a public hearing and introduce, read by title only, and waive further reading of Ordinance No. 21-456 (ADU Ordinance). The City is the applicant for this Ordinance (Case No. ZOA-01732-2020) which modifies regulations pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with State law.

### Summary of Events and Actions Taken

Below is background information on events and actions taken related to the ADU laws:

- October 9, 2019: State laws, including Assembly Bills 68 and 881, and Senate Bill 13, were signed into law. This legislation took effect on January 1, 2020. A summary of these bills can be found in Exhibit E.
- October 23, 2019: The City Council authorized staff to apply for the California Department of Housing and Community Development (HCD) Senate Bill 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 Council Land Use/Economic Development Subcommittee (LU/EDC) received staff's update regarding a proposed Interim Ordinance and provided feedback on items to consider regarding ADU standards.

- April 22, 2020: The City Council adopted Interim Ordinance 448U, which enacted temporary development standards that replaced previous ADU development standards. It was intended to be an interim measure that preceded a full update of the zoning ordinance regulations for ADUs and JADUs in order to give the City time to further study appropriate development standards for such uses in order to address fire, traffic, and other public safety concerns. The Interim Ordinance was set to expire after 45 days, unless extended in accordance with state law.
- May 27, 2020: The City Council extended the Interim Ordinance until April 22, 2022.
- September 28, 2020: Assembly Bill 3182 (see summary in Exhibit E) was signed into law.
- July 15, 2021: The Planning Commission held a public hearing on the proposed ordinance and, after deliberations, recommended approval to the City Council without changes.

Staff was unable to present the proposed Ordinance to the LU/EDC because a change in the make of the committee would have resulted in three Councilmembers discussing aspects of either the Interim Ordinance or the proposed Ordinance, which would have been inconsistent with the Brown Act.

### Interim Ordinance

Agoura Hills Municipal Code (AHMC) §9283 specifies development standards for ADUs. The ordinance was last updated in January 2018. The City is currently operating under the Interim Ordinance, which expires April 22, 2022. Exhibit B of this report provides a summary comparison of the development standards in the Interim Ordinance and the changes that will be made by the proposed Ordinance in order to conform to the new state laws. Most of the changes in the proposed Ordinance mirror the changes in the Interim Ordinance.

### Discussion of Proposed ADU Ordinance

The ADU regulations in the proposed Ordinance (Exhibit A) will replace the existing language in AHMC §9283 in its entirety. In addition to the changes to AHMC §9283, §9120 –*Definitions* is updated consistent with State law, Chapter 2 – *Residential Land Use Districts*, is updated to allow for more than one (1) ADU on a property, Chapter 3 - *Commercial Land Use Districts* and Chapter 4 – *Open Space-Restricted District* are updated to allow for the construction of an ADU and Chapter 6 - Part II, Division 4 – *Off-street Parking, Loading and Landscaping* is updated with the new parking requirements for ADUs.

## *Permit Types*

The State established four (4) ADU types that must be processed ministerially with a building permit only. No planning permit can be required. It is important to note that for the last two categories, which allow ADUs on multifamily lots, the multifamily dwelling would need to be an existing multifamily dwelling. These provisions could not be utilized for a proposed multifamily project.

Any ADU not meeting these standards would be processed with an ADU Permit from the Planning Division and a building permit.

The four (4) Building-Permit-Only categories include:

1. Converted on Single-family Lot: One (1) ADU and one (1) JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
  - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an existing accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
  - b. Has exterior access that is independent of the single-family dwelling; and
  - c. Has side- and rear-yard setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
2. Limited Detached on Single-family Lot: One (1) detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, in addition to any JADU that might otherwise be established on the lot if the detached ADU satisfies the following limitations:
  - a. The side- and rear-yard setbacks are at least four (4) feet;
  - b. The gross area is 800 square feet or smaller; and
  - c. The peak height above grade is 16 feet or less.
3. Converted on Multifamily Lot: Multiple ADUs, within portions of existing multifamily dwelling structures, which are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one (1) converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU.

4. Limited Detached on Multifamily Lot: No more than two (2) detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
  - a. The side- and rear-yard setbacks are at least four (4) feet;
  - b. The gross area is 800 square feet or smaller; and
  - c. The peak height above grade is 16 feet or less.

#### *Junior ADU*

A JADU is limited in size to 500 square feet and must be located in an existing or proposed single-family dwelling. A JADU can include separate sanitation facilities or may share sanitation facilities with the existing single-family dwelling. A JADU must have exterior access that is independent of the single-family dwelling. In addition, a JADU is only required to have an efficiency kitchen, as defined in the definition section of the proposed amendments (Exhibit A).

There are owner-occupancy requirements for JADUs and the owner must reside in either the remaining portion of the primary residence or in the newly created JADU. JADUs are limited to one (1) per residential lot with a single-family dwelling. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, §65852.22, subd.(a)(1)).

#### *Short Term Rentals*

State law prohibits Short Term Rentals (STRs) in the ministerially approved Building-Permit-Only projects including JADUs, but for all other ADUs, the term “may” prohibit is utilized. The proposed amendment prohibits STRs in the Building-Permit-Only projects consistent with State law and a covenant will be required that includes this provision.

#### *Very High Fire Hazard Severity Zone*

When the Interim Ordinance was adopted, the Council wanted to ensure that ADUs built on properties in the Very High Fire Hazard Severity Zones (VHFHSZ) did not impact public safety. To promote public safety, and at the recommendation of the LU/EDC, the Interim Ordinance restricts new ADUs and JADUs on residentially zoned properties located within the VHFHSZ designated for Agoura Hills by the Office of State Fire Marshall (Exhibit C) to either one (1) ADU or one (1) JADU per property.

Staff is recommending a change in the approach to address ADUs in VHFHSZs. The proposed amendment considers only lots that do not have at least two (2) distinct means of vehicular access which place these lots at higher fire risk. Some, but not all of the streets with one (1) means of vehicular access including Old Agoura Chesebro Canyon north of Blythedale Road, Blythedale Road east of Chesebro Canyon, Balkins Drive east of Fairview Place, Lapworth Drive, Lota Lane, Lewis Lane and DeVore Court.

In the Liberty Canyon area, Jim Bowie Road, United Road and Oak Summit Road and in the Laura La Plante area, Laura La Plante Drive west of Lewis and Kimberly Drive in the Peacock Ridge neighborhood. Exhibit D provides an exhibit showing how the two (2) means of vehicle access will be determined.

Under the proposed Ordinance, an applicant wishing to build both an ADU and JADU on a property that does not have two (2) means of vehicle access may apply to construct both an ADU and JADU with a Fire Safety Review. As part of a Fire Safety Review, the Community Development Director would review the application to determine whether the application contains sufficient alternative fire safety measures to allow the construction of an additional ADU despite the lack of two (2) distinct means of vehicular access. The Director may consider additional off-street parking beyond those required by code, additional setbacks, additional fire safety features such as sprinklers, fire-retardant construction materials, location of a fire hydrant and fire flow, distance of ADU from street, and any other aspect of the application or property that allows for the safe construction of an additional ADU.

Alternatively, the City Council could decide that only one (1) ADU or JADU should be allowed in the entire area covered by the VHFHSZ, but still allow for the construction of a second unit through the Fire Safety Review. However, given the number of lots in the VHFHZ, this would require more staff time to process requests.

### Oak Trees

It is the policy of the City to require the preservation of all healthy oak trees unless compelling reasons justify the removal of such trees. This policy applies to the removal, pruning, cutting, and/or encroachment into the protected zone of oak trees. Staff considered options to ensure oak trees in the City continued to be protected and determined that ADUs would need to comply with the City's Oak Tree Ordinance, so no separate standards were added to the proposed amendments. Research indicates that the Cities of Calabasas and Thousand Oaks also require ADUs to comply with their oak tree protection ordinances. To date, none of the applications for ADUs have impacted oak trees.

### Equestrian Overlay - Horse-Keeping Area

One of the goals of the ADU ordinance is to allow the construction of ADUs, consistent with State law while maintaining the characteristics that make Agoura Hills unique. In order to comply with State law, the construction of an ADU should be processed without a public hearing. To meet the purpose of the Equestrian (EQ) Overlay Zone, which is to create, enhance, and protect the equestrian and rural atmosphere within the overlay area, staff is recommending that ADUs be required to comply with the minimum horse-keeping area of 1,500 square feet in the EQ Overlay Zone. However, under new State law cities must allow, at minimum, an 800 square-foot, 16-foot high ADU, with a four (4) foot side- and rear-yard setback and any restrictions must be related to public safety, so

the proposed amendments accommodate this requirement, but staff would work with a property owner to avoid the horse-keeping area.

To avoid the need for a discretionary permit, no site plan review or conditional use permit would be required to construct an ADU or allow for the minimum horse-keeping area to be optional for lots under 10,890 square feet (1/4 acre) or lots with an average slope over 25 percent. In these two instances, the Director would make the decision whether the minimum horse-keeping area was required, based solely on the objective standards of whether the lot size was under 10,890 square feet, or whether the lot had an average slope over 25 percent. Requiring ADUs to meet the requirements of the 1,500 square foot area could result in more conversions of existing spaces, either in the primary dwelling or garage or within an existing accessory structure, or property owners may decide to construct an attached, rather than detached, ADU. To date, none of the applications for ADUs in the EQ Overlay Zone have requested to encroach within a 1,500 square foot horse-keeping area.

Research found very few cities have provisions that address ADUs on horse-keeping properties. The City of Burbank allows only one (1) ADU, or one (1) Junior ADU, and prohibits the conversion of a new or existing accessory structure, such as horse stables, tack rooms, corrals, and pool house. The code does allow for permitted guest houses and garages to be converted. In addition, additions to the primary dwelling unit are permitted only in an area outside the rear 35 feet of the lot, which is the area reserved for horse-keeping. Under new State law cities must allow, at minimum, an 800 square-foot, 16-foot high ADU with four (4) foot side- and rear-yard setback, and any restrictions must be related to public safety, so staff would recommend against this approach.

The City of Los Angeles had setback standards for horse-keeping areas that required an ADU to be built closer to the house than the rear lot line, where horse-keeping areas were typically located, but removed those requirements when new 2019 State law established a maximum of four (4) foot side- and rear-yard setback requirement. Establishing setback standards would be difficult for the EQ Overlay Zone since a horse-keeping area can be located in the front, rear, and side yard in Old Agoura.

### Development Standards

The rest of the amendments have been prepared to address the requirements of State ADU law. State law requires that each local jurisdiction submit its ADU ordinance to HCD within 60 days after adoption so that HCD can verify compliance of the adopted ordinance with the State law. Failure to provide an ordinance that complies with State law would require HCD to notify the Attorney General that the local jurisdiction is in violation of State law. However, staff believes HCD would first work with the City to bring the ordinance into compliance if HCD determined changes were needed.

The following summarizes some of the new ADU regulations:

- 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 §65852.2(a)(1)(A)). The City allows for ADUs in all residential zones, as well as in the commercial-mixed use zone, and open space-restricted zone, both of which allow residential uses.
- Project Review Time Reduced: Time to process an ADU application has been reduced from 120 days to 60 days after the date the City receives a completed application. However, if 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.
- Size of ADU: A city is prohibited from creating an allowable square footage maximum for ADUs that are less than 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a two-bedroom unit. (Government Code §65852.2(c)(2)(B)(i-ii)). The minimum size of an ADU is 220 square feet for the living area of an efficiency unit plus a closet and bathroom, pursuant to State Health and Safety Code 17958.1 that relies on the definition of an efficiency unit in the California Building Code. The proposed amendment mirrors the Interim Ordinance which establishes an 850 square foot maximum for a studio or one-bedroom unit and 1,000 square foot maximum for ADUs providing a minimum of two (2) bedrooms.
- Size of Attached ADU: A new attached ADU cannot exceed 50 percent of the existing single-family dwelling or 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a two-bedroom unit, whichever is less.
- Size of Converted ADU: Current State law does not establish a size limit for the conversion of an existing accessory structure or a portion of the existing primary residence to an ADU. For example, an existing 3,000 square foot barn could be converted to an ADU without complying with the 850 and 1,000 square foot size limits. However, in order to ensure existing barns and other equestrian facilities are not impacted, staff is proposing language which would require an ADU in an existing accessory structure to meet the 850 and 1,000 square-foot size limits.
- Setbacks: New state law requires a minimum side- and rear-yard setback of four (4) feet for all ADUs except for those ADUs that are located in the same location and within the dimensions of an existing structure, which would not be required to meet the default four (4) 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 percent of the minimum yard area. For those properties in the VHFSZ, increased side- and rear-yard setbacks could be considered in the Fire Safety Review, as increasing setbacks would allow for more protection of existing structures during a fire.

- 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 §65852.2(a)(1)(D)(vii)).
- Height: State law establishes a minimum height of 16 feet for ADUs. The proposed amendments provide that a new detached ADU shall not exceed a peak height of 16 feet. 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 a peak height of 16 feet will be allowed if the actual height of the primary residence is less than 16 feet.
- Parking: One (1) parking space would be required for each ADU, unless the ADU meets one of following criteria:
  - Is within one-half (1/2) mile walking distance of public transit within the meaning of Government Code §65852.2;
  - Is within an architecturally and historically significant district;
  - Is part of the existing or proposed primary residence or built in an existing accessory structure;
  - Is located in an area where on-street parking permits are required, but not offered to an ADU occupant;
  - Is located within one (1) block of a City-approved and dedicated parking space for a car share vehicle: or
  - Is a JADU located in a single-family dwelling.
- 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 §65852.2(a)(1)(D)(xi)). For those properties in the VHFSZ, the provision of replacement parking could be considered in the Fire Safety Review. The provision of off-site parking will help ensure streets are easily accessible for emergency response and evacuation.
- Parking location: The AHMC 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 §65852.2(a)(1)(D)(x)(II)). Covered parking spaces are not required for new ADUs.

- 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 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 §65852.2(e)(1)(C)). Furthermore, a property owner may build up to two (2) detached ADUs on a lot with an existing structure (Government Code §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.
- Impact Fees: AHMC 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 proposed amendments include language that allows the City to collect development impact fees in accordance with State law (Government Code §65852.2(1)(3)(A)).
- Code Enforcement

AHMC 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 §17980.12).

### Regional Housing Needs Assessment

ADUs and JADUs can be counted towards the City's Regional Housing Needs Allocation (RHNA) Pursuant to Government Code §65852.2 subdivision (m), and §65583.1, ADUs and JADUs may be utilized towards the RHNA and Annual Progress Report (APR) pursuant to Government Code §65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU and a JADU with shared sanitation facilities, and any other unit that meets the census definition, and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey, can be credited toward the RHNA based on

the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability.

### Design Considerations

The Interim Ordinance included a provision that required a covered balcony, porch or patio, provided with an ADU, to be counted towards the total ADU square footage allowance. Staff is recommending that this provision be eliminated from the proposed Ordinance as some type of covered area over an entryway or balcony is often desired to provide shade and/or protect the entryway from weather elements, such as rain. If a covered porch or patio was enclosed to create livable space in the future, this could be addressed through code enforcement. If the Council wants to include covered balconies and porches in the ADU square footage allowance, then staff would recommend exempting a portion of the covered area to allow for a small, covered area over an entry door or patio.

In addition, some cities require garage doors to be removed when a garage is converted to an ADU, but staff recommends that the decision of whether to leave the garage door or not be left up to the property owner. Leaving the garage door would make it easier to convert the area back to a garage, should a new property owner wish to do so, and since the driveway will not be removed, leaving the garage door could help ensure the exterior design does not highlight the garage conversion. Currently, different property owners have taken different approaches, so staff has processed garage conversions with both options.

### City ADU Permits

As a matter of information, nine (9) ADU permits were issued in 2018-2019. Since January 1, 2020, when the new laws went into effect, ten (10) additional permits were issued. These include six (6) garage conversions, three (3) detached ADUs and one (1) attached ADU. The permits were issued in the following neighborhoods: Old Agoura, Morrison Ranch, Reyes Adobe, Lake Lindero, and Hillrise. There have been numerous other inquiries regarding the construction of ADUs, but no applications have been submitted.

### HCD's SB 2 Planning Grants Program

As noted in the background section of the staff report, the City Council authorized staff to apply for the HCD's SB 2 Planning Grants Program for funds (\$160,000) to facilitate the production of ADUs and the City's grant application was approved by HCD in January 2020, subject to a pending agreement. Pursuant to AB 671, the Housing Element is now required to include plans to incentivize and encourage affordable ADU rentals.

This effort could include developing a set of pre-approved and customizable plans that can be used to facilitate ADU development that is consistent with the City's design

guidelines or encouraging the creation of smaller, lower-cost ADUs by processing such units within 30 days as opposed to the required 60 days. Another option would be to offer financial incentives such as fee waivers if a property owner agreed to deed restrict the ADU as an affordable unit. Staff is seeking direction from the Council regarding which options should be pursued. If the Council wishes to pursue the development of ADU prototypes, staff would return to the Council with a Request for Proposals (RFP) seeking firms to develop the prototypes.

## CEQA

The Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21080.17, and Title 14, §15282(h) of the California Code of Regulations, which applies to the adoption of local ordinances regulating the construction of second units.

## RECOMMENDATION

Staff respectfully recommends the City Council introduce, read by title only, and waive further reading of Ordinance No. 21-456, amending Article IX (Zoning) of the Agoura Hills Municipal Code to update accessory dwelling unit regulations consistent with State law and making a finding of determination of exemption under the California Environmental Quality Act.

Attachments:     Exhibit A - Ordinance No. 21-456  
                      Exhibit B - Summary of Proposed Changes  
                      Exhibit C - Very High Fire Hazard Severity Zone (VHFHSZ) Map  
                      Exhibit D - Two Means of Access Illustration  
                      Exhibit E - Summary of Recent Changes to ADU Laws

# Exhibit A

*Ordinance No. 21-456*

## ORDINANCE NO. 21-456

### AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS CONSISTENT WITH STATE LAW 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:

WHEREAS, the State has amended Government Code Sections 65852.2 and 65852.22 multiple times in the last few years to further limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). As amended, Government Code Section 65852.2 allows the City to designate areas where new ADUs may be permitted and to establish objective standards related to parking, height, setback, landscaping, architectural review, and maximum size of units.

WHEREAS, on April 22, 2020, the City Council held a duly noticed public hearing and adopted Interim Ordinance No. 20-448U, prohibiting ADUs and JADUs, except those that meet the specific standards set forth therein. Interim Ordinance No. 20-448U was effective immediately upon its adoption and remained in effect for a period of 45 days, until June 6, 2020, pursuant to Government Code Section 65858(b).

WHEREAS, Government Code Section 65858(b) allows the City, after notice and a public hearing, to extend an interim ordinance for a period of an additional 22 months and 15 days, where the original interim ordinance was adopted after a duly noticed public hearing.

WHEREAS, on May 27, 2020, the City Council extended Interim Ordinance No. 20-448U until April 22, 2022.

WHEREAS, on July 15, 2021, the Planning Commission conducted and concluded a duly noticed public hearing concerning this Ordinance as required by law, at which the Planning Commission received testimony from City staff and all interested parties regarding the proposed Municipal Code amendment. Following the close of the public hearing the Planning Commission adopted Resolution No. 21-1258, recommending approval of the draft Ordinance.

WHEREAS, on August 11, 2021, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Ordinance as required by law.

WHEREAS, at the public hearing on August 11, 2021, the City Council received testimony from City staff and all interested parties regarding the proposed amendments.

NOW, THEREFORE, the City Council of the City of Agoura Hills hereby ordains as follows:

**Section 1.** The facts set forth in the recitals of this Ordinance are true and correct.

**Section 2.** The proposed amendments would be 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.** The following definitions in Section 9120 (Generally) of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code are hereby added or amended to read as follows, with all other definitions to remain unchanged:

*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 also includes the following:

1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code and the California Building Code; and
2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

*Accessory dwelling unit, attached.* "Accessory dwelling unit, attached" means an accessory dwelling unit that is structurally attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit, but which has independent, direct access from the exterior.

*Accessory dwelling unit, detached.* "Accessory dwelling unit, detached" means an accessory dwelling unit that is not structurally attached to the primary dwelling unit.

*Efficiency kitchen.* "Efficiency kitchen" means a kitchen that includes a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front.

*Junior accessory dwelling unit.* "Junior accessory dwelling unit" or "JADU" means 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. A junior accessory dwelling unit must have exterior access that is independent of that for the single-family dwelling.

*Dwelling, multiple-family.* “Dwelling, multiple-family” means a permanent building containing three (3) or more dwelling units. For the purposes of the accessory dwelling unit regulations in Section 9283, “dwelling, multifamily” means a permanent building with two or more dwelling units, including a duplex, but not including a single-family home with an ADU or JADU.

*Public transit.* “Public transit” means a location, including, but not limited to, a bus stop, where the public may access buses and other forms of transportation that charges set fares, run on fixed routes, and available to the public.

*Very High Fire Hazard Severity Zone.* “Very High Fire Hazard Severity Zone” means zone as defined by Government Code 51177 and designated for Agoura Hills by the Office of State Fire Marshal.

**Section 4.** Subdivision “F” of 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 Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

F. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 5.** 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 Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

C. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 6.** 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 Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

H. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 7.** Subdivision “G” of Section 9252.2 (Accessory Uses) of Part 6 (RM Residential - Medium Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

G. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 8.** Subdivision “H” of Section 9272.2 (Accessory Uses) of Part 8 (RH Residential District - High Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

H. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 9.** Section 9342.2 (Permitted Residential Uses) of Part 5 (CS-MU Commercial Shopping Center - Mixed Use District) of Chapter 3 (Commercial Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

Residential uses shall be ancillary to the commercial uses, shall meet at least the minimum standards of the CS-MU district, and only be allowed with a conditional use permit as either part of the development of a new center, or the substantial and comprehensive redevelopment, renovation or remodel of an existing center. For existing shopping centers proposing to add residential units, the existing buildings shall be required to conduct façade and other improvements to enhance the architectural and site design, and the site shall be brought up to all standards of the CS-MU district. Residential uses shall be permitted providing that resident-serving recreation and other amenities are incorporated into the center; the residential and nonresidential uses are compatible; and the residential and nonresidential portions of mixed-use buildings are seamlessly integrated by architectural design, pedestrian walkways, and landscaping. Residential uses shall be multifamily, and shall consist of apartments on the upper floors of buildings containing ground floor retail or office uses. Accessory dwelling units are allowed pursuant to Section 9283.

**Section 10.** Section 9484 (Accessory Uses) of Part 8 (OS-R Open Space-Restricted District) of Chapter 4 (Special Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

Once a conditional use permit is granted pursuant to section 9673 *et seq.*, the following accessory uses and structures shall be permitted subject to the provision of chapter 6:

- A. Accessory buildings, uses and structures;
- B. Accessory dwelling units pursuant to section 9283;
- C. Domestic animals;
- D. Limited animal husbandry, provided that the intensity of land use is low and the open character of the land is not negated;
- E. Stands for the display and sale of any agricultural products lawfully produced on said lot.

**Section 11.** The existing row for “Second units” of Section 9654.6 (Parking Allocation) of Division 4 (Off-Street Parking, Loading and Landscaping) of Part 2 (Special Regulations) of Chapter 6 (Regulatory Provisions of Article IX (Zoning) of the Agoura Hills



Municipal Code is hereby amended to read as follows, with all other provisions to remain unchanged:

<p>Accessory dwelling units</p>	<p>Unless otherwise exempted by Section 9283.5(7)(a), 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. No parking spaces are required for a JADU.</p>
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**Section 12.** Existing Sections 9283 and 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 are hereby replaced by the following new Sections 9283 through 9283.6 to read as follows:

**Section 9283. Accessory dwelling units and junior accessory dwelling units: purpose**

This Section provides standards for the development and maintenance of accessory dwelling units (ADU) and junior accessory dwelling units (JADU), in accordance with California Government Code Sections 65852.2 and 65852.22. A substantial portion of the City of Agoura Hills is located in a designated “Very High Fire Hazard Severity Zone” and this chapter ensures that ADUs and JADUs are developed and operated on adequate sites, at proper and desirable locations, and that the goals and objectives of the General Plan are observed.

**9283.1 Accessory dwelling units and junior accessory dwelling units: Approvals**

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.

1. Building Permit Only. An ADU or JADU that complies with each of the general requirements in Section 9283.3 and 9283.4 is allowed with only a building permit in the following scenarios:
  - a. Conversions on Single-family Lots: One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
    - i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or in the case of an ADU

- only, within the existing space of an existing accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
    - ii. Has exterior access that is independent of that for the single-family dwelling; and
    - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  - b. A Newly Constructed Detached ADU on Single-family Lots: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection (A)(1)(a) above), if the detached ADU satisfies the following limitations:
    - i. The side- and rear-yard setbacks are at least four feet;
    - ii. The gross floor area is 800 square feet or smaller; and  
The roof peak height above grade is 16 feet or less.
  - c. Conversions on Lots with Existing Multifamily Dwellings: Multiple ADUs within 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 converted ADU complies with state building standards for dwellings. The applicant may build at least one ADU within an existing multifamily dwelling, and up to the number of ADUs that equals 25 percent of the existing number of multifamily dwelling units in the structure.
  - d. Detached ADUs on Lots with Existing Multifamily Dwellings: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
    - i. The side- and rear-yard setbacks are at least four feet;
    - ii. The gross floor area is 800 square feet or smaller; and
    - iii. The roof peak height above grade is 16 feet or less.

2. ADU Permit/Building Permit Projects. Except as allowed under Subsection (1) above, no ADU may be created without an ADU Permit and a building permit. The ADUs developed under this section shall comply with the development standards set forth in Section 9283.5. An application for an ADU Permit for an ADU that satisfies the requirements of this Section shall be ministerially approved by the Community Development Director (or the Director's designee) within 60 days after receipt of a complete application consistent with Government Code Section 65852.2.

3. When an application to create a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

### **9283.2 Accessory dwelling units: Very High Fire Hazard Severity Zone.**

1. Where a lot or any portion thereof is located within a Very High Fire Hazard Severity Zone, only one ADU or JADU shall be permitted on the lot unless the lot has two distinct means of vehicular access (a street) such that the two distinct means of vehicular access, as measured from the lot to the point of intersection with a street, shall not overlap with each other.
  - a. An applicant wishing to build an ADU on a property which does not satisfy the requirements of Subsection (1) above may submit their application to construct an ADU for a Fire Safety Review. As part of a Fire Safety Review, the Director shall review the application to determine whether the application contains sufficient alternative fire safety measures to allow the construction of an ADU despite the lack of two distinct means of vehicular access. The Director may consider any of the following when determining whether an application contains sufficient fire safety measures to satisfy the Fire Safety Review:
    - i. Additional parking beyond those required by this Section;
    - ii. Additional side, rear, or front setbacks beyond those required by this Section;
    - iii. Additional fire safety features such as sprinklers, fire retardant construction materials, etc.;
    - iv. Location of fire hydrant and fire flow;
    - v. Distance of ADU from street;
    - vi. Any other aspect of the application or property which allows for the safe construction of an accessory dwelling unit.
2. Detached ADUs built within a Very High Fire Hazard Severity Zone must maintain a 10-foot separation between the accessory dwelling unit and any other structure.
3. Detached ADUs located within a Very High Fire Hazard Severity Zone shall provide a minimum setback of 5 feet from the side and rear lot lines.
4. For a garage, carport, or covered parking structure located within a Very High Fire Hazard Severity Zone that is converted to an ADU, onsite replacement parking spaces shall be required that comply with the minimum number of spaces stated in Section 9654.6. However, the replacement parking spaces need not be enclosed.

### **9283.3 Accessory dwelling units and Junior Accessory Dwelling Units: Site Requirements**

1. Permitted ADU and JADU Locations. ADUs and JADUs are permitted in the RV (Residential-Very Low Density), RL (Residential-Low Density), RS (Residential-Single-Family), RM (Residential-Medium Density), RH (Residential-High Density), CS-MU (Commercial Shopping Center-Mixed Use), and OS-R (Open Space-Restricted) zones or in any zone designation where residential development is allowed.

An ADU shall be located on the same lot as a detached or multifamily residential building.

2. ADU or JADU Covenant.

- a. For each new ADU approved through the building permit only process, the property owner shall record a covenant in accordance with Subsection (b) below except the property owner shall not be required to reside in either the ADU or primary dwelling unit.
- b. For each new ADU or 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 ADU or JADU, and that places the following restrictions on the property, the property owner, and all successors in interest:
  - i. the ADU or JADU shall be rented only for terms longer than 30 consecutive days,
  - ii. the ADU or JADU shall not be sold or conveyed separately from the primary residence,
  - iii. 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,
  - iv. the ADU or JADU and the property shall be maintained in accordance with all applicable laws, and
  - v. any violation will be subject to penalties as provided in the Municipal Code.

**9283.4 Junior accessory dwelling units**

1. The maximum gross floor area of any new JADU shall not exceed 500 square feet.
2. JADUs shall have exterior access that is independent from the primary dwelling.
3. A junior accessory dwelling unit is required to include an efficiency kitchen which shall include all of the following: A) A cooking facility with appliances and B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

**9283.5 Accessory dwelling units: Development Standards for ADU Permit Projects**

An ADU requiring an ADU Permit is subject to the following requirements:

1. Lot Size. All new ADUs are exempt from compliance with the minimum lot size requirements.
2. Lot Coverage. All new ADUs shall conform to the lot coverage requirements for the zoning district in which the ADU is located, except that the lot coverage requirement shall not prevent the approval of an 800 square foot ADU that meets the four-foot side and rear yard setbacks and 16-foot height limit.
3. Size. The maximum gross 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. New detached ADU in an existing legally established accessory structure: 850 square feet for a studio or one-bedroom unit; or 1,000 square feet for an ADU with more than one bedroom.
4. 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 roof peak height of 16 feet above grade.
  - 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 existing primary residence, whichever is less. An ADU not to exceed a roof peak height of 16 feet above grade shall be allowed if the actual height of the primary residence is less than 16 feet.
5. 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.
  - a. Notwithstanding these provisions, in the Old Agoura Design Overlay District, a detached ADU may be erected in the required minimum front yard provided it does not exceed more than twenty-five (25) percent of the minimum required front yard.
  - b. 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 established structure.

- c. A detached ADU must maintain a 10-foot separation from any primary dwelling unit on the lot.
6. Design and Other Improvements.
- a. The ADU's exterior building materials and colors should match those of the single-family residence.
  - b. If an automatic sprinkler system is required for the primary residence, the ADU or JADU shall also have an automatic sprinkler system.
  - c. Attached ADUs shall have exterior access that is independent from the primary dwelling. No internal access between the attached ADU and the primary residence is allowed.
  - d. ADUs shall be constructed on a permanent foundation and shall be built in compliance with the California Building Code or California Residential Code.
7. Parking Requirements. One (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence. No parking shall be required for a JADU. The required parking space for the ADU may be provided as tandem parking on an existing driveway.
- a. Parking Exemption. Notwithstanding Subsection 7 above, no additional parking space is required for an ADU that satisfies any of the following:
    - i. The ADU is located within one-half (1/2) mile walking distance of "public transit" within the meaning of Government Code Section 65852.2;
    - ii. The ADU is located within an architecturally and historically significant district;
    - iii. The ADU is part of the existing or proposed primary residence or built in an existing accessory structure;
    - iv. The ADU is located in an area where on-street parking permits are required, but not offered to an ADU occupant;
    - v. The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle.
  - b. Replacement Parking. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction an ADU or is converted into an ADU, replacement parking for the primary dwelling unit shall not be required.
8. Horse-Keeping Area. To endeavor to minimize impacts of ADUs on horse keeping uses located in the Equestrian Overlay Zone, notwithstanding Section 9592 (a), the

Community Development Director shall have the discretion to make the minimum horse keeping area optional if the size of the lot is under 10,890 square feet or if the lot has an average slope over twenty-five (25) percent.

9. Notwithstanding the standards pertaining to allowable lot coverage, allowable site coverage, minimum side and rear yard setback distances, and minimum horse-keeping area, one (1) ADU shall be allowed when that unit occupies eight hundred (800) square feet or less in gross floor area, the unit does not exceed sixteen (16) feet in height, and the unit would be located on a lot such that the rear and side yard setback distances are not less than four (4) feet consistent with Section 9283.1(1) regarding Building Permit Only ADUs.

### **9283.6 Accessory dwelling units: Fees and Utility Connections.**

1. ADUs constructed with a single-family dwelling shall be subject to standard utility-connection requirements and fees.
2. Converted ADUs and JADUs or ADUs in an existing accessory structure on a single-family lot, created under 9283.1(1) are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.
3. All ADUs and JADUs not covered by 9283.1(1) require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the gross floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.
4. If the ADU will use a private sewage disposal system, the property owner shall obtain approval by the local environmental health officer prior to submitting an application with the City.
5. The city shall not impose any development impact fees upon the development of an accessory dwelling unit less than seven hundred fifty (750) square feet. Any development impact fees charged for an accessory dwelling unit of seven hundred (750) square feet or more shall be charged proportionately in relation to the square footage of the accessory dwelling unit.”

**Section 13. CEQA.** Pursuant to the California Environmental Quality Act (“CEQA”), City staff determined that the adoption of the proposed Ordinance is exempt from environmental review under CEQA pursuant to Public Resource Code Section 21080.17, and Title 14, Section 15282(h) of the California Code of Regulations, which apply 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 Section 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.”

**Section 14. 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 15. Effective Date.** This Ordinance shall take effect thirty (30) days after passage.

**Section 16. Certification.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by 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 \_\_\_ day of \_\_\_\_\_, 2021, by the following vote to wit

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

\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice K. Lee, City Attorney



## Exhibit B

### *Summary of Proposed Changes*

**ADU ORDINANCE  
SUMMARY OF CHANGES – FOR REFERENCE ONLY**

<b>Interim ADU Ordinance</b>	<b>Proposed ADU Ordinance</b>
<b><i>Permit Process</i></b>	
<p><u>Building Permit Only:</u></p> <p>a. Conversions on Single-family Lots: One ADU or one JADU on a lot with a proposed or existing single-family dwelling, where the ADU or JADU:</p> <ul style="list-style-type: none"> <li>i. Is either: within the space of a proposed or existing single-family dwelling; or, for ADUs within the existing space of an existing accessory structure, plus up to 150 sq. ft. for ingress and egress;</li> <li>ii. Has independent exterior access; and</li> <li>iii. Has side and rear setbacks sufficient for fire and safety.</li> </ul> <p>b. New Construction: One detached ADU on a lot with a proposed or existing single-family dwelling (in addition to an JADU) where the detached ADU:</p> <ul style="list-style-type: none"> <li>i. Has 4 foot side- and rear-yard setbacks;</li> <li>ii. Is 800 sq. ft. or smaller; and</li> <li>iii. Is 16 feet or less in height.</li> </ul> <p>c. Conversions on Lots with Existing Multifamily Dwellings: Multiple ADUs within 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 converted ADU complies with state building standards for dwellings. The applicant may build at least one ADU within an existing multifamily dwelling, and up to the number of ADUs that equals 25 percent of the existing number of multifamily dwelling units in the structure.</p>	<p><u>Building Permit Only:</u></p> <p>Change in State law in late 2020 (AB 3182) allowed both an ADU and a Junior ADU under the category of Conversions on Single-family Lots instead of one ADU or one JADU. Interim Ordinance referenced the Statute so Interim Ordinance was consistent with 2020 revision.</p> <p>No change</p> <p>No change</p>

<p>d. Detached ADUs on Lots with Existing Multifamily Dwellings: No more than two detached ADUs on a lot that has an existing multifamily dwelling where the detached ADU:</p> <ul style="list-style-type: none"> <li>i. Has 4 foot side- and rear-yard setbacks;</li> <li>ii. Is 800 sq. ft. or smaller; and</li> <li>iii. Is 16 feet or less in height.</li> </ul> <p><u>Zoning Clearance/ Building Permit:</u></p> <p>All other ADUs not meeting the criteria for a Building Permit Only project</p>	<p>No change</p> <p><u>ADU Permit/Building Permit:</u></p> <p>Change in name of permit to allow better tracking of ADU/JADU</p>
<p><b><i>Location/Zoning Districts</i></b></p>	
<p>RV ( Residential - Very Low Density), RL (Residential - Low Density), RS ( Residential - Single -Family), RM (Residential -Medium Density), and RH (Residential. High Density) zones.</p> <p>An ADU shall be located on the same lot as a detached or multi -family residential building.</p>	<p>ADUs allowed in all zones where residential is allowed. CS-MU (Commercial Mixed Use) and OS-R (Open Space-Restricted) added.</p> <p>No change</p>
<p><b><i>Covenant – Building Permit Only Projects</i></b></p>	
<p>The property owner shall record a covenant placing the following restrictions on the property:</p> <ul style="list-style-type: none"> <li>1) No short term rentals allowed</li> <li>2) Unit cannot be sold or conveyed separately</li> <li>3) Owner-occupancy required for JADU</li> </ul>	<p>No change</p>
<p><b><i>Lot Size</i></b></p>	
<p>ADUs exempt from the minimum lot size requirements</p>	<p>No change</p>
<p><b><i>Lot Coverage</i></b></p>	
<p>ADUs must conform to lot coverage requirements except when lot coverage requirements would not permit construction of an 800 sq. ft. ADU, 16 feet in height, and least 4 feet from rear and side property lines.</p>	<p>No change</p>
<p><b><i>Unit Size</i></b></p>	
<p>1) New detached ADU: 850 sq. ft. for a studio or one-bedroom unit; or 1, 000 sq. ft. for an ADU with more than one bedroom.</p>	<p>No change</p> <p>Changed: ADU in Existing Accessory Structure: 850 sq. ft. for a studio or</p>

<p>2) New attached ADU 850 sq. ft. for a studio or one-bedroom unit; or 1,000 sq. ft. more than one bedroom; or 50 percent of the primary residence's living area, whichever is less.</p> <p>3) A covered balcony, porch or patio provided with an ADU shall count towards the total ADU square footage</p>	<p>one-bedroom unit; or 1,000 sq. ft. more than one bedroom</p> <p>As proposed, covered balcony, porch or patio would not count towards the total ADU square footage</p>
<p><b>Height</b></p>	
<p>Detached: Cannot exceed 16 feet measured from any grade elevation around the perimeter of the ADU</p> <p>Attached: 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.</p>	<p>Detached ADU cannot exceed a roof peak height of 16 feet above grade</p> <p>No change</p>
<p><b>Setbacks</b></p>	
<p><u>Front yard</u>: Must comply with front yard setback requirements. In the Old Agoura Design Overlay District, a detached accessory dwelling unit allowed in front yard provided it does not exceed 25 percent of front yard</p> <p><u>Side and Rear</u>: Minimum 4 foot</p> <p><u>Replacement Structure</u>: No setback required if ADU is within an existing structure or constructed in same location and same size.</p>	<p>No change</p> <p>No change</p> <p>No change</p>
<p><b>Parking Requirements</b></p>	
<p><u>Number</u>: One (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence.</p> <p><u>Location</u>: The required parking space for the ADU may be provided as tandem parking on an existing driveway.</p> <p><u>Parking Exemption</u>: Notwithstanding subsection (vii) above, no additional parking space is required for an ADU that satisfies any of the following:</p>	<p>No change</p> <p>No change</p> <p>No change</p>

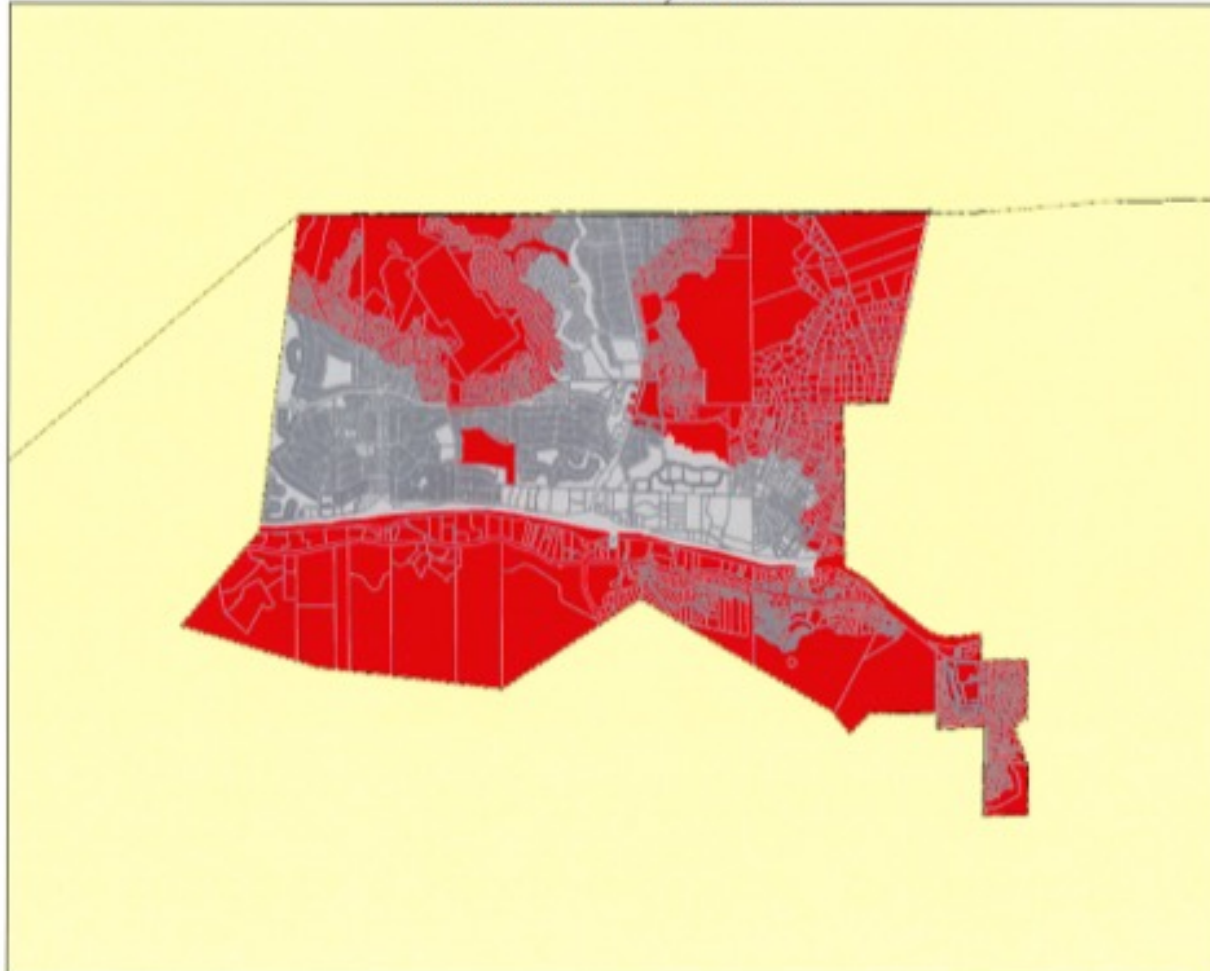
<p>a) The ADU is located within one-half (1/ 2) mile walking distance of public transit" within the meaning of Government Code Section 65852. 2;</p> <p>b) The ADU is located within an architecturally and historically significant district;</p> <p>c) The ADU is part of the existing or proposed primary residence or built in an existing accessory structure;</p> <p>d) The ADU is located in an area where on -street parking permits are required but not offered to an ADU occupant;</p> <p>e) The ADU is located within one (1) block of a City-approved and dedicated parking space for a car share vehicle.</p> <p><u>Replacement Parking.</u> When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction</p>	<p>No change</p>
<p><b><i>Design and Features</i></b></p>	
<p>1) The ADU's exterior building materials and colors shall match those of the single-family residence.</p> <p>2) If an automatic sprinkler system is required for the primary residence, the ADU shall also have an automatic sprinkler system.</p>	<p>Cannot require so eliminated</p> <p>No change</p>

## Exhibit C

*Very High Fire Hazard Severity Zone (VHFHSZ) Map*

# Agoura Hills

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



### Fire Hazard Severity Zones

Local Responsibility Area

VHFHSZ

Non-VHFHSZ

State or Federal Responsibility Areas

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 intensity of vegetation fire exposure (including firebrands) to buildings. Details on the project and specific modeling methodology can be found at <http://ftp.cdf.ca.gov/projects/hazard/severity.html>. 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 2006, the California Building Commission adopted California Building Code Chapter 7A requiring new buildings in VHFHSZs 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 where 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 fire hazard severity zones within the local jurisdiction. The process of finalizing these boundaries involved an extensive local review process, the details of which are available at <http://www.cdf.ca.gov/projects/hazard/severity> (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.



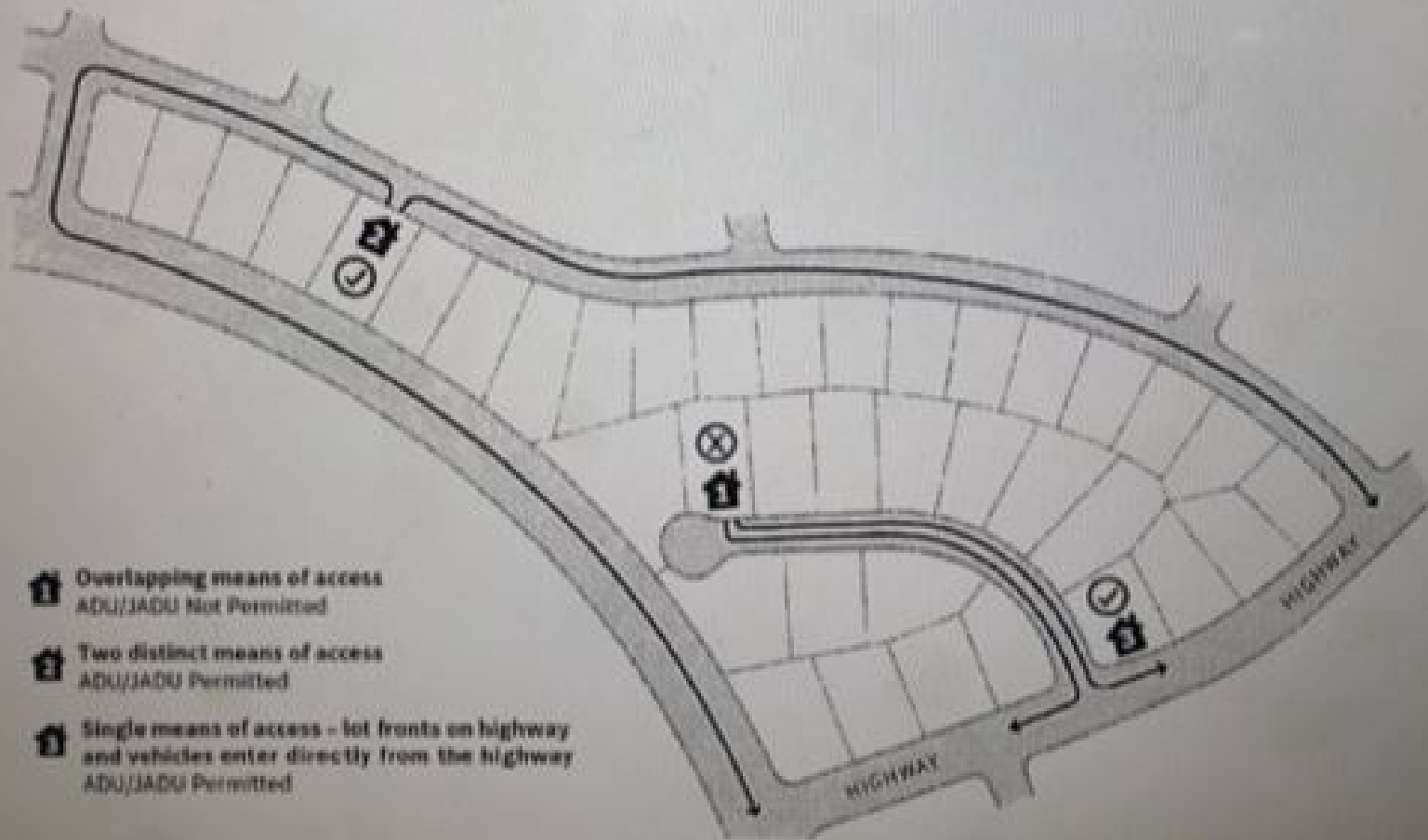
California Dept. of Forestry and Fire Protection  
Scale: 1" = 1000'  
6/20/06  
September 2006

## Exhibit D

*Two Means of Access Illustration*



**FIGURE 22.140.640-A: VEHICULAR ACCESS REQUIREMENTS IN THE VERY HIGH  
FIRE HAZARD SEVERITY ZONE**



## Exhibit E

*Summary of Recent Changes to ADU Laws*

# California Housing and Community Development

## Summary of Recent Changes to Accessory Dwelling Unit Laws<sup>1</sup>

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2021, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. The following is a summary of recent legislation that amended ADU law: AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019). Please see Attachment 1 for the complete statutory changes for AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019).

### AB 3182 (Ting)

Chapter 198, Statutes of 2020 (Assembly Bill 3182) builds upon recent changes to ADU law (Gov. Code, § 65852.2 and Civil Code Sections 4740 and 4741) to further address barriers to the development and use of ADUs and JADUs.

This recent legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days.
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met.
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, *and* without regard to the date of the governing documents.
- Provides for not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units.

### AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

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<sup>1</sup> California Department of Housing and Community Development, Accessory Dwelling Unit Handbook, December 2020. [https://www.hcd.ca.gov/policy-research/docs/adu\\_december\\_2020\\_handbook.pdf](https://www.hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Gov. Code § 65852.2, 65852.22) and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).
- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 65852.2, subd. (a)(6)).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 65852.2, subds. (c)(2)(B) & (C)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of offstreet parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Gov. Code § 65852.2, subd. (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).
- Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy Regional Housing Needs Allocation (RHNA) housing needs (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subds. (a)(3), (b), and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); former Gov. Code § 65852.22, subd. (a)(5)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).

### **AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)**

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code, § 65852.26).
- AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ. Code, § 4751).
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code, § 65583; Health & Safety Code, § 50504.5).