City of Rolling Hills INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521

AGENDA
Regular Planning Commission Meeting

PLANNING COMMISSION
Tuesday, October 15, 2024

CITY OF ROLLING HILLS
6:30 PM

The meeting agenda is available on the City's website. The Planning Commission meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here: https://www.rolling-hills.org/government/agenda/index.php

Members of the public may submit written comments in real-time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Recordings to Planning Commission meetings can be found here: https://www.rolling-hills.org/government/agenda/index.php

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

This is the appropriate time for the Chair or Commissioners to approve the agenda as is or reorder.

5. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

6. PUBLIC COMMENTS ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject thatdoes not appear on this agenda for action. Each speaker will be permitted to speak only once. Writtenrequests, if any, will be considered first under this section.

7. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Chair or any Commissioner may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Chair will call on anyone wishing to address the Commission on any Consent Calendar item on the agenda, which has not been pulled by Commission for discussion.

7.A. APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION REGULAR MEETING OF OCTOBER 15, 2024

RECOMMENDATION: Approve as presented.

CL_AGN_241015_PC_AffidavitofPosting.pdf

7.B. APPROVE THE MINUTES FOR THE SEPTEMBER 17, 2024, PLANNING COMMISSION MEETINGS

RECOMMENDATION: Approve as presented.

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8. EXCLUDED CONSENT CALENDAR ITEMS

9. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETING

10. NEW PUBLIC HEARINGS

10.A. ZONING CASE NO. 24-074: SITE PLAN REVIEW FOR CONSTRUCTION, GRADING, STABLE ACCESS, AND OTHER IMPROVEMENTS; CONDITIONAL USE PERMITS FOR A RECREATIONAL GAME COURT (TENNIS COURT), STABLE WITH LOFT GREATER THAN 200 SQUARE FEET, CORRAL GREATER THAN 550 SQUARE FEET, AND AN EXISTING BUILDING TO BE CONVERTED TO A MIXED USE BUILDING (GUEST HOUSE/RECREATION ROOM); AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS, AND DEVIATIONS FROM THE CONDITIONS FOR A CONDITIONAL USE PERMIT PER ROLLING HILLS MUNICIPAL CODE SECTION 17.16.210(A) FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

RECOMMENDATION: It is recommended that the Planning Commission open the public hearing, take public testimony, and provide direction to staff and the applicant. A resolution is provided in Attachment 3 in case the Commission wishes to approve the project with conditions.

Attachment 1: PL_ADR_240306_2PossumRidge_ZC23-150_RadiusMap.pdf
Attachment 2: PL_ADR_2PossumRidgeRd_ZC24-074_241004_PC_DevelopmentTable_Phase2_D3.pdf
Attachment 3: 2024-14_PC_Resolution_2PossumRidgeRd_ZC24-074_Whitcombe_D.pdf
Attachment 4: 2024-05_PC_Resolution_2PossumRidgeRd_ZC23-150_Whitcombe_F_E.pdf
Attachment 5A: PL_ADR_241004_2PossumRidgeRd_ZC24-074_LetterFromShirleyLanger_Received10.04.24.pdf
Attachment 5B: CL_AGN_240319_PC_Item10A_PublicComment01.pdf
Attachment 6: PL_ADR_2PossumRidgeRd_241006_EDA_Review_LandscapePlanRevisions.pdf
Attachment 7: PL_ADR_241010_2PossumRdigeRd_ZC24-074_ArchitecturalPlans_Submitted10.10.24.pdf
Attachment 8: PL_ADR_241009_2PossumRidgeRd_ZC24-074_Plans_Civil_Submitted10.09.24.pdf
Attachment 9: PL_ADR_241009_2PossumRidgeRd_ZC24-074_LandscapeHeightExhibit.pdf

10.B. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 17.28 OF THE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH RECENT CHANGES IN STATE LAW; AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 21080.17 OF THE PUBLIC RESOURCES CODE

RECOMMENDATION:

Open the public hearing, receive public testimony, close the public hearing, and by motion:

1. **Find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17.**
2. **Adopt a resolution (Attachment 1) recommending that the City Council adopt the proposed ordinance that is attached thereto as Exhibit "A."**

Attachment 1 - 2024-13_PCResolution_ADU_Ordinance_241015.pdf
Exhibit A to PC Resolution 2024-13: 385_ADU Ordinance_D.pdf
Exhibit A to Ord 385:
PL_SUB_ADU_2024_ADU_Ordinance_Amendment_241015_ExhibitA_Clean.pdf
Attachment 2:
PL_SUB_ADU_2024_ADU_Ordinance_Amendment_241015_Comparison_Redline.pdf
Attachment 3: 381_ADU Ordinance_F_E.pdf

11. OLD BUSINESS

12. NEW BUSINESS

12.A. DISCUSSION ON BUILDING HEIGHT

RECOMMENDATION: Discuss and provide direction.

Attachment 1: PL_SUB_BH_RHMC_Section_17.16.080_Height_limitation..pdf
Attachment 2: PL_SUB_BH_RHMC_Chapter_17.12_Code_Definitions.pdf
Attachment 3: PL_SUB_STA_Stable_Comparison.pdf

13. SCHEDULE FIELD TRIPS

14. ITEMS FROM STAFF

15. ITEMS FROM THE PLANNING COMMISSION

16. ADJOURNMENT

Next meeting: Tuesday, November 19, 2024 at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

All of the above resolutions and zoning case items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.A
Mtg. Date: 10/15/2024

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION REGULAR MEETING OF OCTOBER 15, 2024**

DATE: **October 15, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_AGN_241015_PC_AffidavitofPosting.pdf

Administrative Report

7.A., **File #** 2499 **Meeting Date**: 10/15/2024

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations below.

Legislative Body	Planning Commission
Posting Type	Regular Meeting Agenda
Posting Location	2 Portuguese Bend Road, Rolling Hills, CA 90274 City Hall Window City Website: https://www.rolling-hills.org/government/agenda/index.php https://www.rolling-hills.org/government/city_council/city_council_archive_agendas/index.php
Meeting Date & Time	OCTOBER 15, 2024 6:30pm

As City Clerk of the City of Rolling Hills, I declare under penalty of perjury, the document noted above was posted at the date displayed below.

Christian Horvath, City Clerk

Date: October 11, 2024

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.B
Mtg. Date: 10/15/2024

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **APPROVE THE MINUTES FOR THE SEPTEMBER 17, 2024, PLANNING COMMISSION MEETINGS**

DATE: **October 15, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_MIN_240917_PC_FT_F.pdf
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Minutes
Rolling Hills Planning Commission
Tuesday, September 17, 2024
Field Trip Meeting 7:36 a.m.
18 Eastfield Drive

1. CALL MEETING TO ORDER

The Planning Commission of the City of Rolling Hills met at 18 Eastfield Drive on the above date, and the meeting was called to order at 7:36 a.m. with Commissioner Cardenas presiding.

2. ROLL CALL

Commissioners Present:	Douglass, Cooley, Cardenas
Commissioners Absent:	Chair Chelf, Vice Chair Kirkpatrick
Staff Present:	John F. Signo, AICP, Director of Planning & Community Services

3. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA – NONE

4. FIELD TRIPS

4.A. APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION FIELD TRIP MEETING OF SEPTEMBER 17, 2024

Unanimous voice vote to accept item.

4.B. ZONING CASE 24-063: REQUEST FOR APPROVAL FOR A VARIANCE TO CONSTRUCT SOLAR BATTERIES AND RELATED EQUIPMENT IN THE SIDE YARD SETBACK FOR A PROPERTY LOCATED AT 18 EASTFIELD DRIVE, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15303 (LOT 69-A-EF) (RICH)

Public Present:	Aaron De La Torre (18 Eastfield Drive) Paul Kinkelaar (2 Roundup Road)

Presentation by Director Signo on the proposed project.

Commissioners and the public walked the site. Commissioners made no decision and continued the item to the evening meeting.

5. ADJOURNMENT: 7:52 A.M.

The meeting was adjourned at 7:52 a.m. to the regular meeting of the Planning Commission scheduled to be held on Tuesday, September 17, 2024, beginning at 6:30 p.m. at City Hall.

Respectfully submitted,

_____
Christian Horvath, City Clerk

Approved,

_____
Brad Chelf, Chair

Minutes
Rolling Hills Planning Commission
Tuesday, September 17, 2024
Regular Meeting 6:30 p.m.

1. CALL MEETING TO ORDER

The Planning Commission of the City of Rolling Hills met in person in the Council Chambers at City Hall at 2 Portuguese Bend Road on the above date at 6:30 p.m. Chair Chelf presiding.

2. ROLL CALL

Commissioners Present:	Cooley, Cardenas, Douglass, Vice Chair Kirkpatrick, Chair Chelf
Commissioners Absent:	None
Staff Present:	John F. Signo, AICP, Director of Planning & Community Services
	Christian Horvath, City Clerk / Executive Assistant to the City Manager
	Scott Shapses, Assistant City Attorney

3. PLEDGE OF ALLEGIANCE

Director Signo led the Pledge of Allegiance.

4. APPROVE ORDER OF THE AGENDA

Chair Chelf approved the order of the agenda. Without objection, so ordered.

5. BLUE FOLDER ITEMS (SUPPLEMENTAL) – NONE

6. PUBLIC COMMENTS ON NON-AGENDA ITEMS – NONE

7. CONSENT CALENDAR

7.A. APPROVE AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION REGULAR MEETING OF SEPTEMBER 17, 2024

7.B. APPROVE THE MINUTES FOR THE JUNE 18, 2024, PLANNING COMMISSION MEETINGS

7.C. ZONING CASE NO. 22-20: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A TWO-YEAR TIME EXTENSION FOR PREVIOUSLY APPROVED ZONING CASE NO. 22-20 FOR A SITE PLAN REVIEW FOR CONSTRUCTION OF A 1,583-SQUARE-FOOT ADDITION AND REMODEL TO AN EXISTING RESIDENCE, MAXIMUM FIVE-FOOT-HIGH RETAINING WALL, POOL/SPA IN EXCESS OF 800 SQUARE FEET, GRADING, AND OTHER IMPROVEMENTS; AND VARIANCES TO CONSTRUCT IN THE FRONT YARD SETBACK AND FOR A FIVE-FOOT-HIGH RETAINING WALL TO BE CONSTRUCTED IN THE FRONT AND SIDE SETBACK AREA FOR A PROPERTY LOCATED AT 16 SOUTHFIELD DRIVE, ROLLING HILLS, CA 90274, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 33-SF) (BURGOYNE)

Motion to approve Consent Calendar by Vice Chair Kirkpatrick, seconded by Commissioner Cooley. Motion carried unanimously with the following vote:

AYES: Cooley, Cardenas, Douglass, Kirkpatrick, Chair Chelf
NOES: None
ABSENT: None

8. EXCLUDED CONSENT CALENDAR ITEMS – NONE

9. PUBLIC HEARINGS ON ITEMS CONTINUED FROM PREVIOUS MEETINGS – NONE

10. NEW PUBLIC HEARINGS

10.A. ZONING CASE 24-063: REQUEST FOR APPROVAL FOR A VARIANCE TO CONSTRUCT SOLAR BATTERIES AND RELATED EQUIPMENT IN THE SIDE YARD SETBACK FOR A PROPERTY LOCATED AT 18 EASTFIELD DRIVE, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15303 (LOT 69-A-EF) (RICH)

Presentation by Director Signo

Motion to approve Resolution 2024-12 as is by Commissioner Cardenas, seconded by Vice Chair Kirkpatrick. Motion carried unanimously with the following vote:

AYES: Cooley, Cardenas, Douglass, Kirkpatrick, Chair Chelf
NOES: None
ABSENT: None

11. OLD BUSINESS – NONE

12. NEW BUSINESS – NONE

13. SCHEDULED FIELD TRIPS – NONE

14. ITEMS FROM STAFF – NONE

15. ITEMS FROM THE PLANNING COMMISSION – NONE

16. ADJOURNMENT: 7:00 P.M.

The meeting was adjourned at 7:00 p.m. to the Planning Commission meeting on Tuesday, October 15, 2024, beginning at 6:30 p.m. at City Hall.

Respectfully submitted,

_____
Christian Horvath, City Clerk

Approved,

_____
Brad Chelf, Chair

Agenda Item No.: 10.A
Mtg. Date: 10/15/2024

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **ZONING CASE NO. 24-074: SITE PLAN REVIEW FOR CONSTRUCTION, GRADING, STABLE ACCESS, AND OTHER IMPROVEMENTS; CONDITIONAL USE PERMITS FOR A RECREATIONAL GAME COURT (TENNIS COURT), STABLE WITH LOFT GREATER THAN 200 SQUARE FEET, CORRAL GREATER THAN 550 SQUARE FEET, AND AN EXISTING BUILDING TO BE CONVERTED TO A MIXED USE BUILDING (GUEST HOUSE/RECREATION ROOM); AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS, AND DEVIATIONS FROM THE CONDITIONS FOR A CONDITIONAL USE PERMIT PER ROLLING HILLS MUNICIPAL CODE SECTION 17.16.210(A) FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)**

DATE: **October 15, 2024**

BACKGROUND:
This item was originally part of Zoning Case No. 23-150 approved by the Planning Commission on April 16, 2024 (Phase 1). During that review, the Commission approved the residential addition and other improvements to the western portion of the site. The recreational game court (tennis court) and new stable were removed from the plan to be considered at a later date (Phase 2). The Planning Commission provided direction and suggested: (1) swapping the locations of the recreational game court and existing stable; and (2) demolishing the existing stable and other structures to accommodate new development.

Zoning and Lot Area

The property is located in the southern portion of the City at the northwestern intersection of Portuguese Bend Road and Crest Road West. The property is traversed by Possum Ridge

Road and is zoned RAS-2. The lot area excluding the roadway easement is 4.2 acres (181,429 square feet (SF)). For development purposes the net lot area is 3.5 acres (151,990 SF). The net lot area is used for calculations throughout this report.

Existing Development
Records show the existing residence was constructed in 1949. Additions to the residence and other structures were built in the later years with significant improvements made in the 1970s. The property is currently developed with eight buildings and a transformer/generator summarized as follows:

- Main residence (3,660 SF)
  - Original 1,700 SF built in 1949 with attached garage and 900 SF of open porches
- Main residence extension
  - Connected by a breezeway; possibly added in 1975 or 1978
  - Building permits show 884 SF added in 1975
  - 1,000 SF addition and remodel in 1975
  - 96 SF added to master bedroom and 440 SF for family room in 1978
- Detached garage (built in 1975)
- Stable with loft (1,890 SF built in 1994)
- Farm equipment garage/shop (884 SF, built in 1975)
- Two storage sheds
  - 120 SF garden storage shed built in 1954
  - 300 SF hobby room built in 1975
- Enclosed cabana (225 SF)
- Transformer/generator

Phase 1 Approval
On April 16, 2024, the Planning Commission adopted Resolution No. 2024-05 (Attachment 4) approving ZC No. 23-150 for the following:

- Site Plan Review
  - 2,570 SF of additions to an existing residence
  - New 1,950 SF basement
  - 1,200 SF swimming pool with a 5-foot-high wall along a slope
  - 170 SF outdoor kitchen
  - 335 SF fire pit
  - Maximum three-foot-high retaining walls
  - 795 SF of covered decks/porches
  - 5,058 cubic yards (CY) of grading
  - New hardscape including an expansion of the driveway and motor court
  - Landscaping
  - Other improvements
- Variances
  - Construction in the front and rear yard setbacks for additions to the residence, covered porches/decks, swimming pool, and lightwell access.

Minor Modification to ZC 23-150
Subsequent to the Planning Commission's approval, the applicant modified the project prior to building plan check. The modifications are considered minor and were processed administratively pursuant to Condition D of Resolution No. 2024-05: "Minor modifications are subject to approval by the City Manager or his or her designee." The following minor modifications were made:

- Added an attached pergola at the 170 SF outdoor kitchen;
- Relocated firepit (200 SF) to be surrounded by swimming pool (1,340 SF) in the same general area;
    - Pool equipment to be in an underground vault next to pool; and
- Enlarged basement to include one larger basement (instead of two smaller areas) for a total of 3,365 square feet.

Staff approved the modifications because the pergola above the outdoor kitchen is attached to the residence and does not require discretionary review. The firepit was originally north of the swimming pool, but will now be surrounded by the pool on three sides. The basement is entirely underneath the building footprint and will not be visible from outside. Additional grading for the enlarged basement is needed, but excavation for a basement is exempt from grading calculations.

DISCUSSION:

After the March 19th Planning Commission meeting, the applicant decided to move forward with the addition to the residence and postpone the conditional use permits for the stable addition (which was proposed at the time), corral, and recreational game court (tennis court). For purposes of this review, the Planning Commission is only considering the site plan review for construction, grading, stable access, and other improvements. Items approved under Phase 1 are already approved.

Site Plan Review

The applicant is requesting a Phase 2 Site Plan Review for construction of:

- 6,000 SF tennis court on western, developed portion of the lot
- Conversion of an existing 1,075 SF stable to a mixed-use guest house and recreation room
    - Loft to be removed and plate height lowered
- 3,380 SF stable on eastern undeveloped portion of the lot
    - Includes 800 SF tack room in the loft

Conditional Use Permits

Per RHMC Section 17.16.040, conditional use permits (CUPs) are required for the following:

- Stable over 200 SF subject to Section 17.16.060
- Corral over 550 SF subject to Section 17.18.060
- Recreational game courts (tennis court)
- Mixed-use structure used as a guest house and recreation room subject to Section 17.16.200

Variances

- Encroachment into the front yard setback
- Encroachment into the rear yard setback
- Deviation from the conditions for accessory uses found in Section 17.16.200

MUNICIPAL CODE COMPLIANCE

Grading and Stabilization

The western portion of the site is already disturbed and developed, however, grading is

needed for the tennis court in the amount of 1,120 CY cut and 138 CY fill. The stable requires 443 CY cut and 1,050 CY fill. In total, Phase 2 includes 2,113 CY cut and 2,113 CY fill for a total of 4,226 CY.

Disturbance

An additional 26,300 SF of disturbance is needed bringing the total to 73,800 SF or 48.56%. Per Section 17.16.070, the disturbed area may be a maximum of 50 percent of the net lot area, provided that no more than fifty percent of the slopes resulting from the grading are greater (steeper) than 3:1, or three units horizontal (run) to one unit vertical (rise). The area for the tennis court and new barn will be less than 3:1 while certain portions of 2:1 slope are needed to transition to natural grade.

Height

The finished roof height of the proposed stable is 25 feet. The existing stable to be converted to a mixed-use building will be lowered to one story and the loft will be removed.

Storm Water Management

This application is subject to the General Permit requirements for storm water management, where the State requires that a Storm Water Pollution Prevention Plan be submitted and a permit obtained, due to grading on one or more acres of land. This application is also subject to the City's Low Impact Development (LID) ordinance requirements for retention of water on site, and the City's Water Efficient Landscaping Ordinance where the applicants must implement low water usage planting and devices and certify compliance. All of these requirements will be monitored at the plan check review process and during construction.

Lot Coverage

The structural net lot coverage is proposed at 20,282 SF or 13.34% (20% max. permitted). The total lot coverage proposed (structural and flatwork) will be 36,979 SF or 24.33% (35% max. permitted).

Utility Lines / Septic Tank

It will be a requirement that utility lines be placed underground. Septic tank review is done by the County Health Department.

Rolling Hills Community Association Review

Rolling Hills Community Association will review this project at a later date.

Environmental Review

The project is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the proposed Project includes a new stable, corral, recreational game court, and related improvements. Accordingly, the Project qualifies for the

exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Much of the site has already been graded and developed.

Planning Commission Responsibilities

When reviewing a development application, the Planning Commission must consider whether the proposed project meets the criteria for a Site Plan Review, Conditional Use Permit, and Variance, as attached below.

SITE PLAN REVIEW CRITERIA

RHMC Section 17.46.010 - Purpose.

The site plan review process is established to provide discretionary review of certain development projects in the City for the purposes of ensuring that the proposed project is consistent with the City's General Plan; incorporates environmentally and aesthetically sensitive grading practices; preserves existing mature vegetation; is compatible and consistent with the scale, massing and development pattern in the immediate project vicinity; and otherwise preserves and protects the health, safety and welfare of the citizens of Rolling Hills.

RHMC Section 17.46.050 - Required findings.

1. The Commission shall be required to make findings in acting to approve, conditionally approve, or deny a site plan review application.
2. No project which requires site plan review approval shall be approved by the Commission, or by the City Council on appeal, unless the following findings can be made:
3. The project complies with and is consistent with the goals and policies of the general plan and all requirements of the zoning ordinance;
4. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. Lot coverage requirements are regarded as maximums, and the actual amount of lot coverage permitted depends upon the existing buildable area of the lot;
5. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences;
6. The project preserves and integrates into the site design, to the greatest extent possible, existing topographic features of the site, including surrounding native vegetation, mature trees, drainage courses and land forms (such as hillsides and knolls);
7. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area;
8. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course;
9. The project preserves surrounding native vegetation and mature trees and supplements these elements with drought-tolerant landscaping which is compatible with and enhances the rural character of the community, and landscaping provides a buffer or transition area between private and public areas;
10. The project is sensitive and not detrimental to the convenient and safe movement of pedestrians and vehicles; and

11. The project conforms to the requirements of the California Environmental Quality Act.

CONDITIONAL USE PERMIT CRITERIA

RHMC Section 17.42.50 - Basis for approval or denial of conditional use permit .

The Commission (and Council on appeal), in acting to approve a conditional use permit application, may impose conditions as are reasonably necessary to ensure the project is consistent with the General Plan, compatible with surrounding land use, and meets the provisions and intent of this title. In making such a determination, the hearing body shall find that the proposed use is in general accord with the following principles and standards:

1. That the proposed conditional use is consistent with the General Plan;
2. That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, buildings or structures;
3. That the site for the proposed conditional use is of adequate size and shape to accommodate the use and buildings proposed;
4. That the proposed conditional use complies with all applicable development standards of the zone district;
5. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities;
6. That the proposed conditional use observes the spirit and intent of this title.

CRITERIA FOR APPROVAL OF A VARIANCE

RHMC Section 17.38.050 - Required Variance findings.

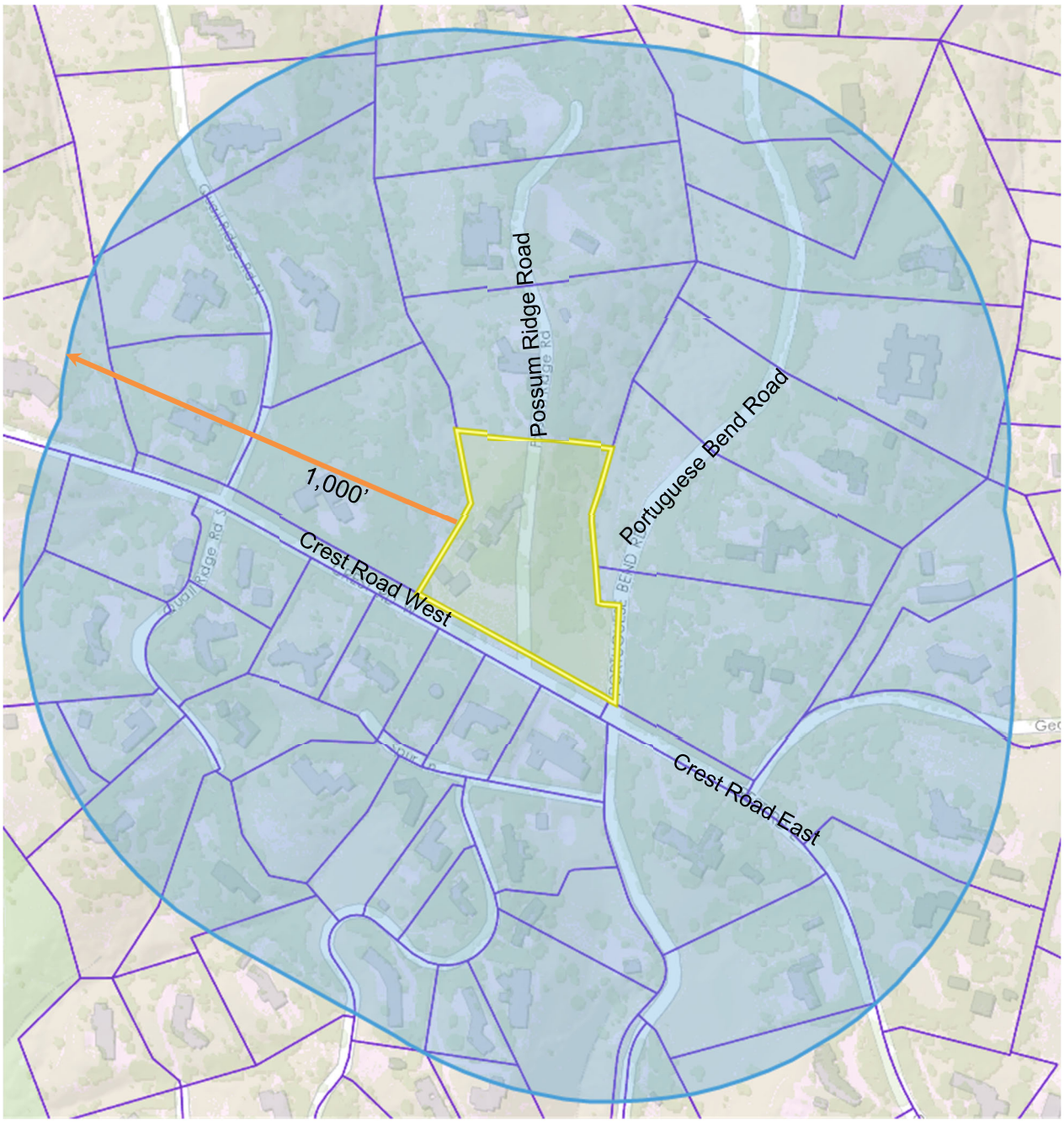
In granting a variance, the Commission (and Council on appeal) must make the following findings:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone;
2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is 4 denied the property in question;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity;
4. That in granting the variance, the spirit and intent of this title will be observed;
5. That the variance does not grant special privilege to the applicant;
6. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities; and
7. That the variance request is consistent with the general plan of the City of Rolling Hills.

FISCAL IMPACT:
None.

RECOMMENDATION:
It is recommended that the Planning Commission open the public hearing, take public testimony, and provide direction to staff and the applicant. A resolution is provided in Attachment 3 in case the Commission wishes to approve the project with conditions.

ATTACHMENTS:
Attachment 1: PL_ADR_240306_2PossumRidge_ZC23-150_RadiusMap.pdf
Attachment 2: PL_ADR_2PossumRidgeRd_ZC24-074_241004_PC_DevelopmentTable_Phase2_D3.pdf
Attachment 3: 2024-14_PC_Resolution_2PossumRidgeRd_ZC24-074_Whitcombe_D.pdf
Attachment 4: 2024-05_PC_Resolution_2PossumRidgeRd_ZC23-150_Whitcombe_F_E.pdf
Attachment 5A: PL_ADR_241004_2PossumRidgeRd_ZC24-074_LetterFromShirleyLanger_Received10.04.24.pdf
Attachment 5B: CL_AGN_240319_PC_Item10A_PublicComment01.pdf
Attachment 6: PL_ADR_2PossumRidgeRd_241006_EDA_Review_LandscapePlanRevisions.pdf
Attachment 7: PL_ADR_241010_2PossumRdigeRd_ZC24-074_ArchitecturalPlans_Submitted10.10.24.pdf
Attachment 8: PL_ADR_241009_2PossumRidgeRd_ZC24-074_Plans_Civil_Submitted10.09.24.pdf
Attachment 9: PL_ADR_241009_2PossumRidgeRd_ZC24-074_LandscapeHeightExhibit.pdf



City of Rolling Hills **ROLLING HILLS, CA 90274**

TITLE VICINITY MAP **CASE NO.** Zoning Case No. 23-150

Site Plan Review, Conditional Use Permits, Variances

OWNER Whitcombe

ADDRESS 2 Possum Ridge Road, Rolling Hills 90274 **SITE**

DEVELOPMENT TABLE Zoning Case No. 24-074 2 Possum Ridge Road				
SITE PLAN REVIEW **VARIANCE**	**EXISTING**	**PHASE 1**	**PHASE 2**	**TOTAL**
RA-S-1 Zone	PRIOR TO ZC 2-150	ZC 23-150 ADDITION TO RESIDENCE, SWIMMING POOL, AND OTHERS	ZC 24-074 NEW STABLE. TENNIS COURT, MIXED USE BUILDING	
Net Lot Area	151,990 SF	--	--	151,990 SF
Residence	3,660 SF	2,570 SF	0 SF	6,230 SF
Attached Garage	1,080 SF	-190 SF	0 SF	890 SF
Swimming Pools/Spa	0 SF	1,200 SF*	0 SF	1,340 SF*
Pool Equipment	0 SF	80 SF	0 SF	80 SF
Guest House	0 SF	0 SF	0 SF	0 SF
Cabana	217 SF	0 SF	0 SF	217 SF
Stable minimum: 450 SF	1,060 SF	0 SF	2,305 SF	3,380 SF
Recreation Court	0 SF	0 SF	6,000 SF	6,000 SF
Attached Covered Porches	185 SF	795 SF	0 SF	980 SF
Entryway/Porte Cochere, Breezeways	0 SF	0 SF	0 SF	0 SF
Attached Trellises	0 SF	0 SF	0 SF	0 SF
Detached Structures:				0 SF
Shed 1	360 SF	0 SF	0 SF	360 SF
Shed 2	185 SF	0 SF	0 SF	185 SF
Shed 3	880 SF	0 SF	0 SF	880 SF
Outdoor Kitchen	0 SF	170 SF	0 SF	170 SF
Fire Pit	0 SF	335 SF*	0 SF	200 SF*
Service Yard	90 SF	0 SF	0 SF	90 SF
Mixed Use Building	0 SF	0 SF	1,075 SF	1,075 SF
Basement Area	0 SF	1,950 SF	0 SF	3,365 SF*
Depth of Basement	--	10 FT	--	10 FT
Driveway	4,535 SF	4,140 SF	2,200 SF	10,874 SF
Paved Walkways, Patio Areas, Courtyards	2,500 SF	2,690 SF	0 SF	4,013 SF 5,190
Pool Decking	0 SF	1,810 SF	0 SF	1, 810 SF
Other Paved Driveways, Road Easements, Parking Pads	0 SF	0 SF	0 SF	0 SF

DEVELOPMENT TABLE Zoning Case No. 24-074 2 Possum Ridge Road				
Grading	0 CY	1,943 CY CUT 1,875 CY FILL 3,818 CY TOTAL	2,113 CY CUT 2,113 CY FILL 4,226 CY TOTAL	8,044 CY (both phases)
Structural Lot Coverage (20% maximum with deductions)	7,725 SF (5.08%)	4,880 SF (3.21%)	9,380 SF (6.17%)	20,282 SF (13.34%)^
Flatwork Lot Coverage	7,035 SF (4.63%)	8,640 SF (5.68%)	2,200 SF (1.45%)	16,697 SF (10.99%)^
Total Lot Coverage (Structures & Flatwork) (35% max. w/ deductions)	14,760 SF (9.71%)	13,520 SF (8.90%)	11,580 SF (7.62%)	36,979 SF (24.33%)^
Total Disturbed Area (40% maximum)	34,700 SF (22.83%)	12,800 SF (8.42%)	26,300 SF (48.56%)	73,800 SF (48.56%)”
Main Residence Building Pad 1 (30% Maximum Guideline)	Pad Area: 23,900 SF 7,725 SF (32.32%)	Pad Area: 22,930 SF 4,880 SF (10.42%)	Pad Area: 51,730 SF 7,075 SF (38.24%)	51,730 SF 16,479 SF (31.86%)
Main Residence Building Pad 2	0	0	Pad Area: 8,055 SF 3,380 SF (41.96%)	8,055 SF 3,380 SF (41.96%)

*A minor modification was approved after Phase 1 to enlarge the basement and modify the swimming pool and firepit. The firepit is now surrounded on three sides by the swimming pool.
^Due to some overlap, calculations for coverage between the phases do not add up. Rely on the total.
“Code allows up to 50% provided 50% of grading results in no more than 2:1 slope.

RESOLUTION NO. 2024-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 24-074 FOR A SITE PLAN REVIEW AND CONDITIONAL USE PERMITS FOR A RECREATIONAL GAME COURT, STABLE WITH LOFT GREATER THAN 200 SQUARE FEET, CORRAL GREATER THAN 550 SQUARE FEET, AND AN EXISTING BUILDING TO BE CONVERTED TO A MIXED USE BUILDING; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS, AND DEVIATIONS FROM THE CONDITIONS FOR A CONDITIONAL USE PERMIT PER ROLLING HILLS MUNICIPAL CODE SECTION 17.16.210(A) FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

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

Section 1. On September 4, 2024, an application was duly filed by Megan Campbell, Campbell Architects Inc. ("Applicant"), on behalf of the property owner, John D. Whitcombe, with respect to real property located at 2 Possum Ridge Road, Rolling Hills (LOT 123-RH) requesting: Site Plan Review for construction, grading, stable access, and other improvements; Conditional Use Permits for a recreational game court (tennis court), stable with loft greater than 200 square feet, corral greater than 550 square feet, and an existing building to be converted to a mixed use building (guest house/recreation room); and Variances for construction in the front and rear yard setbacks, and deviations from the conditions for a conditional use permit per Rolling Hills Municipal Code Section 17.16.210(a).

Section 2. The lot is unusually shaped being traversed by Possum Ridge Road and having frontage on Crest Road West and Portuguese Bend Road. The net lot area is 3.49 acres (151,990 square feet), which excludes roadway easements and ten feet along property lines. Possum Ridge Road has a 50-foot-wide roadway easement which divides the property into two parts. The western part is developed and the eastern part is vacant. The lot has one 47,900-square-foot building pad (Pad 1) developed with the main residence, stable, and other improvements. A second building pad (Pad 2) is proposed for a new stable and corral on the eastern part of the property. The property is developed with a main residence, detached garage, stable with loft, enclosed cabana, accessory structures used for storage, and a service yard.

Section 3. On April 16, 2024, the Planning Commission adopted Resolution No. 2024-05 approving a Phase 1 project for an addition to the main residence and other improvements. The tennis court and new stable were part of the Phase 1 project, but removed for consideration at a later date. Phase 2 is for the project contained herein.

Section 4. The Planning Commission conducted duly noticed public hearings to consider the application at its field trip meeting and regular meeting on October 15, 2024. Neighbors within a 1,000-foot radius were notified of the public hearings and a notice was

published in the Daily Breeze on October 4, 2024. The applicants were notified of the public hearings in writing by first class mail and the applicants were in attendance at the hearings.

Section 5. The Project is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the proposed Project includes a new stable, corral, recreational game court, and related improvements. Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Much of the site has already been graded and developed.

Section 6. Site Plan Review. Site Plan Review is required for construction of any new building or structure pursuant to Rolling Hills Municipal Code (RHMC) Section 17.46.020(A). The Project is for a new stable, corral, recreational game court, and related improvements. With respect to the Site Plan Review for the development, the Planning Commission hereby makes the following findings:

A. The Project complies with and is consistent with the goals and policies of the General Plan and all requirements of the zoning ordinance.

The proposed development is compatible with the General Plan and Zoning ordinance. The proposed structures comply with the General Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures. The development is located on the existing building pad, which will reduce the visual impact from neighboring properties.

The Project conforms to Zoning Code lot coverage requirements. The net lot area of the lot is 151,990 square feet (3.49 acres) per RHMC Section 17.16.060(A). The structural net lot coverage is proposed at 20,282 square feet or 13.34% (20% max. permitted) excluding exempt structures; and the total lot coverage proposed, including flatwork, would be 36,979 square feet or 24.33% (35% max. permitted). The disturbed area is 73,800 square feet or 48.56% (50% max permitted provided that no more than fifty percent of the slopes resulting from the grading are greater (steeper) than 3:1, or three units horizontal (run) to one unit vertical (rise)). The area for the tennis court and new barn will be less than 3:1 while certain portions of 2:1 slope are needed to transition to natural grade.

B. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. Lot coverage requirements are regarded as maximums, and the actual amount of lot coverage permitted depends upon the existing buildable area of the lot.

The topography and the configuration of the lot have been considered, and the project will not adversely affect or be materially detrimental to adjacent uses, buildings, or structures; the project will be on an existing building pad which enables project elements to be the least intrusive to surrounding properties. Further, the project will be a sufficient distance from nearby

residences so views and privacy of surrounding neighbors will not be impacted. The lot has an existing building pad which is disturbed with the remaining area either landscaped or left in a natural state. The proposed stable will be located at a southeastern portion of the site below adjacent roadways.

C. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences.

The proposed development, as conditioned, is harmonious in scale and mass with the site, and is consistent with the scale of the neighborhood when compared to new residences in the vicinity of said lot. The development plan takes into consideration the visibility of the project from Portuguese Bend Road, Crest Road West, and Possum Ridge Road. Significant portions of the lot will be left undeveloped or landscaped.

D. The project preserves and integrates into the site design, to the greatest extent possible, existing topographic features of the site, including surrounding native vegetation, mature trees, drainage courses and land forms (such as hillsides and knolls).

There will be no significant changes to the overall drainage features on the lot. The proposed project is located on an existing building pad with a new pad being created for the barn and corral. Grading will be balanced on site. There will be minimal impact to site design, vegetation, and mature trees. The property will be landscaped in accordance with the approved landscape plan.

E. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area.

Grading will be balanced on site. The project has been designed to follow natural contours to the extent feasible.

F. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course.

Grading will be balanced on site. Existing drainage channels will not be affected nor redirected. Additional hardscape will direct stormwater toward existing drainage channels.

G. The project preserves surrounding native vegetation and mature trees and supplements these elements with drought-tolerant landscaping which is compatible with and enhances the rural character of the community, and landscaping provides a buffer or transition area between private and public areas.

Surrounding native vegetation and mature trees will not be affected or will be replaced. New vegetation will be installed in accordance with the approved landscape plan. The development will be considerate of the environment and will enhance the rural character of the community. As such, the rural character of the community is maintained and privacy is maintained with neighbors.

H. The project is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles.

There are no changes to the existing circulation patterns for pedestrians or vehicles. The driveway will be widened and motor court enlarged to provide better vehicular circulation and more off-street parking.

I. The project conforms to the requirements of the California Environmental Quality Act (CEQA).

The Project is exempt from the CEQA Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including single family residence and accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the Project includes a new stable, corral, recreational game court, and an existing barn to be converted into a mixed-use building. Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Much of the site has already been graded and developed.

Section 7. Conditional Use Permit Findings. RHMC Section 17.16.040(A)(3, 5-7) require a Conditional Use Permit for a mixed-use structure, recreational game court, stable over 200 square feet, and corral over 550 square feet, respectively. A mixed-use building is subject to the requirements in Section 17.16.210; a stable over 200 square feet is subject to the requirements in Section 17.18.060; and a corral over 550 square feet is subject to the requirements in Section 17.18.090. The Applicant is proposing to convert an existing stable to a mixed-use building to be used as a guest house and recreation room, construct a 6,000-square-foot recreational game court on the southwestern portion of the lot, and a 3,380-square-foot stable and corral on the southeastern portion of the lot. Given the foregoing, in accordance with RHMC Section 17.42.050, the Planning Commission makes the following findings:

A. That the proposed conditional use is consistent with the General Plan.

The granting of a Conditional Use Permit for the proposed uses is consistent with the purposes and objectives of the Zoning Ordinance and General Plan because the use is consistent with similar uses in the community, and meets all the applicable code development standards for such use. The Project is compatible with existing land uses as other properties in the same zone have such accessory uses. The Project is consistent with Open Space and Conservation Element Goal 2, which aims for expanded opportunities for outdoor recreation.

B. That the nature, condition and development of adjacent uses, buildings and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, building or structures.

The nature, condition, and development of adjacent structures have been considered, and the Project will not adversely affect or be materially detrimental to these adjacent uses, buildings, or

structures because the proposed uses are located on a developed property with sufficient proximity to neighboring buildings and structures.

C. That the site for the proposed conditional use is of adequate size and shape to accommodate the uses and buildings proposed.

The proposed conditional uses comply with all applicable development standards in the RAS-2 Zone. The net lot area is 151,990 square feet and is adequate to support the proposed uses. The property is developed and adequate in size and shape to accommodate the proposed uses and buildings.

D. That the proposed conditional use complies with all applicable development standards of the zone district.

The proposed conditional uses comply with all applicable development standards of the RAS-2 Zone, with exception to the variances requested herein.

The proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities. That the proposed uses are consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities because the Project site is not listed on the current State of California Hazardous Waste and Substances Sites List.

E. That the proposed use is consistent with the portions of the Los Angeles County Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities.

Granting the proposed conditional use for the project will be consistent with the applicable portions of the Los Angeles County Hazardous Waste Management Plan related to siting criteria for hazardous waste facilities. The project site is not listed on the current State of California Hazardous Waste and Substances Sites List. The proposed project would not constitute a hazardous waste facility.

F. That the proposed conditional use observes the spirit and intent of this title.

The proposed project allows the Applicant the ability to enjoy rights enjoyed by other residents in the City. The proposed uses are consistent with the residential character of the City.

Section 8. Variance Findings. Section 17.38.050 sets forth the required findings for granting Variances for a portion of the proposed project to be constructed in the front and rear yard setbacks for the recreational game court, stable and corral. Section 17.16.040(A)(3, 5-7) permits conditional uses subject to certain requirements. The applicant is seeking relief from the conditions for conditional use permits found in Section 17.16.210(A), including: subsection 7(b), locating the recreational game court in the front yard setback; subsection 7(c), locating the recreational game court within 50 feet from a street easement; and subsection 7(h) exceeding a

total cut and fill of 750 cubic yards. With respect to this request for Variances, the Planning Commission finds as follows:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone.

There are extraordinary circumstances applicable to this property. Unlike most properties in the RAS-2 Zone, the subject property is traversed by a roadway easement creating two smaller sections each with front yard setbacks along the easement. The existing residence already encroaches into the front yard setback, and the existing accessory buildings already encroach into the rear yard setback. The proposed project would encroach into the required front and rear yard setbacks; however, these areas are already developed and disturbed. The proposed stable would encroach into the front and rear yard setbacks due to the narrowness of the site caused by the roadway easement. The main residence and accessory structures on the western portion of the property is accessible from a driveway on Possum Ridge Road.

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question.

The proposed project is consistent with the existing development on the site which already encroaches into the front yard setback. The proposed stable is located in a narrow portion on the eastern side of the lot, which is traversed by a road. Thus, encroachment into the front and rear yard setbacks is necessary. The variance requests are necessary for preservation and enjoyment of property rights consistent with other properties in the same vicinity and zone.

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

Granting a variance for encroachment into the front and rear yard setbacks will not be detrimental to the public welfare and will not be injurious to properties in the vicinity because it is consistent with the encroachments by the existing residence and structures. Further, the project will improve the appearance of the property by connecting buildings into a larger mass. Landscaping will be provided to screen structures from Crest Road West.

D. That in granting the variance, the spirit and intent of this title will be observed.

The granting of the variance will allow for a development that is harmonious in scale and mass with the site, the proposed project is visually harmonious with adjacent properties and in scale with adjacent residential development.

E. That the variance does not grant special privilege to the applicant.

The variance does not grant special privileges for the Applicant; the proposed project is an expansion of the existing development which already encroaches into the front and

rear yard setbacks. The sports court requires a variance to encroach into the front and rear yard setbacks because of the narrowness of the eastern section of the property caused by the roadway easement which traverses the property. The project, together with the variance, will be compatible with the objectives, policies, general land uses, and programs specified in the General Plan.

F. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities.

Granting a variance for the project will be consistent with the applicable portions of the Los Angeles County Hazardous Waste Management Plan related to siting criteria for hazardous waste facilities. The project site is not listed on the current State of California Hazardous Waste and Substances Sites List. The proposed project would not constitute a hazardous waste facility.

G. That the variance request is consistent with the General Plan of the City of Rolling Hills.

Approvals granting the variance to allow encroachments into the front and rear yard setbacks will be consistent with the General Plan of the City of Rolling Hills, which encourages residential uses.

Section 9. Based upon the foregoing findings, and the evidence in the record, the Planning Commission hereby approves Zoning Case No. 24-074 subject to the following conditions:

A. Approval for the Site Plan Review, Conditional Use Permits, and Variances shall expire within two years from the effective date of approval as defined in RHMC Section 17.38.070 of the Zoning Ordinance unless otherwise extended pursuant to the requirements of this section.

B. If any condition of this resolution is violated, the entitlement granted by this resolution shall be suspended and the privileges granted hereunder shall lapse and upon receipt of written notice from the City, all construction work being performed on the subject property shall immediately cease, other than work determined by the City Manager or his/her designee required to cure the violation. The suspension and stop work order will be lifted once the Applicant cures the violation to the satisfaction of the City Manager or his/her designee. In the event that the Applicant disputes the City Manager or his/her designee's determination that a violation exists or disputes how the violation must be cured, the Applicant may request a hearing before the City Council. The hearing shall be scheduled at the next regular meeting of the City Council for which the agenda has not yet been posted; the Applicant shall be provided written notice of the hearing. The stop work order shall remain in effect during the pendency of the hearing. The City Council shall make a determination as to whether a violation of this Resolution has occurred. If the Council determines that a violation has not occurred or has been cured by the time of the hearing, the Council will lift the suspension and the stop work order. If the Council determines that a violation has occurred and has not yet been cured, the Council shall provide

the Applicant with a deadline to cure the violation; no construction work shall be performed on the property until and unless the violation is cured by the deadline, other than work designated by the Council to accomplish the cure. If the violation is not cured by the deadline, the Council may either extend the deadline at the Applicant's request or schedule a hearing for the revocation of the entitlements granted by this Resolution pursuant to Chapter 17.58 of the Rolling Hills Municipal Code (RHMC).

C. All requirements of the Building and Construction Ordinance, the Zoning ordinance, and of the zone in which the subject property is located must be complied with unless otherwise a variance to such requirement has been approved.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file at City Hall and approved by the Planning Commission on March 19, 2024 and October 15, 2024, except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and Safety for plan check review shall conform to the approved development plan. All conditions of the Site Plan Review, Conditional Use Permits, and Variance approvals shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto a separate sheet and included in the building plans submitted to the Building Department for review and shall be kept on site at all times.

Any proposed modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed with staff so that staff can determine whether the modification is minor or major in nature. Minor modifications are subject to approval by the City Manager or his or her designee. Major modifications are subject to approval by the Planning Commissioner after a public hearing. Applicant shall not implement modifications or changes to the approved project without the appropriate approval from the City Manager or designee or the Planning Commission, as required.

E. Prior to submittal of final working drawings to Building and Safety Department for issuance of building and grading permits, the plans for the project shall be submitted to City staff for verification that the final plans are in compliance with the plans approved by the Planning Commission.

F. A licensed professional preparing construction plans for this project for Building Department review shall execute a Certificate affirming that the plans conform in all respects to this Resolution approving this project and all of the conditions set forth herein and the City's Building Code and Zoning Ordinance.

Further, the person obtaining a building and/or grading permit for this project shall execute a Certificate of Construction stating that the project will be constructed according to this Resolution and any plans approved therewith.

G. Structural lot coverage of the lot shall not exceed 20,282 square feet or 13.34% of the net lot area (20% maximum). The flatwork coverage is 16,697 square feet or 10.99%. The total lot coverage proposed, including structures and flatwork, shall not exceed 36,979 square feet or 24.33% (35% maximum).

H. The lot is already developed and the total disturbed area will be 73,800 square feet or 48.56% (maximum 50% permitted provided that no more than fifty percent of the slopes resulting from the grading are greater (steeper) than 3:1, or three units horizontal (run) to one unit vertical (rise)). Grading for this project shall not exceed 2,113 cubic yards of cut and 2,113 cubic yards of fill for a total of 4,226 cubic yards balanced on site.

I. The total proposed building pad coverage for the residential main pad is 16,479 square feet or 31.86%, which exceeds the 30% maximum guideline. The total proposed building pad coverage for the stable pad will be 3,380 or 41.96%, which exceeds the maximum 30% guideline.

J. A driveway access shall be provided per the Fire Department requirements and the driveway shall be roughened and the first 20 feet of the driveway shall not exceed 7% in slope.

K. Access to the stable and to the corral shall be decomposed granite or 100% pervious roughened material; it shall not be wider than 12 feet.

L. A minimum of five-foot level path and/or walkway, which does not have to be paved, shall be provided around the entire perimeter of all of the proposed structures, including the detached garage and stable, or as otherwise required by the Fire Department.

M. The applicant shall comply with all requirements of the Low Impact Development requirements for storm water management on site (RHMC Chapter 8.32).

N. Hydrology, soils, geology and other reports, as required by the Building and Public Works Departments, and as may be required by the Building Official, shall be prepared.

O. Prior to issuance of a final construction approval of the project, all graded slopes shall be landscaped. Prior to issuance of building permit, the landscaping plan shall meet the requirements of the City, shall be submitted to the City in conformance with Fire Department Fuel Modification requirements, and shall be approved by the City's landscape consultant.

P. The project shall be landscaped, and continually maintained in substantial conformance with the landscaping plan on file approved by the City's landscape consultant. A detailed landscaping plan shall provide that any trees and shrubs used in the landscaping scheme for this project shall be planted in a way that screens the project development from adjacent streets and neighbors, such that shrubs and trees as they mature do not grow into a hedge or impede any neighbors' views and the plan shall provide that all landscaping be maintained at a height no higher than the roof line of the nearest project structure. In addition, the landscaping plan shall provide for screening of development with vegetation not to exceed 10 feet in height, and that the vegetation used for screening shall be planted in an off-set manner,

so as to prevent it, as it grows from forming a solid hedge. The landscaping plan shall utilize to the maximum extent feasible, plants that are native to the area, are water-wise and are consistent with the rural character of the community. Plants listed as high hazardous plants under RHMC Section 8.30.015 are prohibited.

Q. The applicant shall submit a landscaping performance bond or other financial obligation, to be kept on deposit by the City, in the amount of the planting plus irrigation plus 15%. The bond shall be released no sooner than two years after completion of all plantings, subject to a City staff determination that the plantings required for the project are in substantial conformance with approved plans and are in good condition.

A Certificate of Completion shall be submitted by the project designer or contractor prior to final landscape installation inspection.

R. The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC).

S. Pursuant to Chapter 8.30 of the RHMC, the property shall at all times be maintained free of dead trees and vegetation.

T. The setback lines and roadway easement lines in the vicinity of the construction for this project shall remain staked throughout the construction. A construction fence may be required.

U. Perimeter easements, including roadway easements and trails, if any, shall remain free and clear of any improvements to advance equestrian use and emergency preparedness for evacuation within the City. Where RHCA has demonstrated authority over the easement, the City's Planning Director may grant relief from this condition upon satisfactory proof of permission from RHCA and a legitimate showing that there is no need for the condition to advance equestrian uses and emergency preparedness.

V. Minimum of 65% of any construction materials must be recycled or diverted from landfills. The hauler of the materials shall obtain City's Construction and Demolition permits for waste hauling prior to start of work and provide proper documentation to the City.

W. *During construction*, conformance with the air quality management district requirements, storm water pollution prevention practices, county and local ordinances and engineering practices so that people or property are not exposed to undue vehicle trips, noise, dust, objectionable odors, landslides, mudflows, erosion, or land subsidence shall be required.

X. *During construction*, to the extent feasible, all parking shall take place on the project site, on the new driveway and, if necessary, any overflow parking may take place within the unimproved roadway easements along adjacent streets, and shall not obstruct neighboring driveways, visibility at intersections or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. To the extent feasible, a minimum of 4' wide path, from the edge of the roadway pavement, for

pedestrian and equestrian passage shall be available and be clear of vehicles, construction materials and equipment at all times.

Y. *During construction*, the property owners shall be required to schedule and regulate construction and relate traffic noise throughout the day between the hours of 7 AM and 6 PM, Monday through Saturday only, when construction and mechanical equipment noise is permitted, so as not to interfere with the quiet residential environment of the City of Rolling Hills.

Z. Prior to demolition of the existing structures, an investigation shall be conducted for the presence of hazardous chemicals, lead-based paints or products, mercury and asbestos-containing materials (ACMs). If hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, remediation shall be undertaken in compliance with California environmental regulations and policies.

AA. The property owner and/or his/her contractor/applicant shall be responsible for compliance with the no-smoking provisions in the Municipal Code. The contractor shall not use tools that could produce a spark, including for clearing and grubbing, during red flag warning conditions. Weather conditions can be found at: **http://www.wrh.noaa.gov/lox/main.php?suite=safety&page=hazard_definitions#FIRE.** It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions.

AB. Development shall drain in accordance with the approved grading and drainage plan. Drainage dissipaters shall be constructed outside of any easements. The drainage system shall be approved by the Department of Building and Safety. If an above ground swale and/or dissipater is required, it shall be designed in such a manner as not to cross over any equestrian trails or discharge water onto a trail, shall be stained in an earth tone color, and shall be screened from any trail, road and neighbors' view to the maximum extent practicable, without impairing the function of the drainage system.

AC. *During construction*, dust control measures shall be used to stabilize the soil from wind erosion and reduce dust and objectionable odors generated by construction activities in accordance with South Coast Air Quality Management District, Los Angeles County and local ordinances and engineering practices.

AD. *During construction*, an Erosion Control Plan containing the elements set forth in Section 7010 of the 2022 County of Los Angeles Uniform Building Code shall be followed to minimize erosion and to protect slopes and channels to control storm water pollution.

AE. The property owners shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of storm water drainage facilities and septic tank.

AF. The applicant shall pay all of the applicable Building and Safety and Public Works Department fees and Palos Verdes Peninsula Unified School District fees, if any.

AG. Prior to final inspection of the project, “as graded” and “as constructed” plans and certifications shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the Planning Commission approved plans. In addition, any modifications made to the project during construction, shall be depicted on the “as built/as graded” plan.

AH. The applicants shall execute an Affidavit of Acceptance of all conditions of the Variance approval, or the approval shall not be effective.

AI. All conditions of this Resolution, when applicable, must be complied with prior to the issuance of a grading or building permit from the Building and Safety Department.

AJ. Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Code of Civil Procedure Section 1094.6.

AK. To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Rolling Hills, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney’s fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this permit. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

AL. The recreational game court (sports court) shall comply with all requirements in Section 17.16.210, unless otherwise approved herein. Lighting for the sports court is prohibited. The walkway leading to the recreational game court is for pedestrians only and not for vehicles. The walkway shall have a maximum width of 6 feet and shall have obstructions such as steps, posts or raised curbs to prevent vehicular access.

AM. The stable and corral shall comply with all requirements in Sections 17.18.060 and 17.18.090, unless otherwise approved herein.

AN. New landscaping in the Rolling Hills Community Association (RHCA) easement is prohibited unless previously approved by RHCA. Landscaping not approved by RHCA in the easement shall be removed from the final landscape plan.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF OCTOBER, 2024.

_____
BRAD CHELF, CHAIRPERSON

ATTEST:

_____
CHRISTIAN HORVATH, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2024-14 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 24-074 FOR A SITE PLAN REVIEW AND CONDITIONAL USE PERMITS FOR A RECREATIONAL GAME COURT, STABLE WITH LOFT GREATER THAN 200 SQUARE FEET, CORRAL GREATER THAN 550 SQUARE FEET, AND AN EXISTING BUILDING TO BE CONVERTED TO A MIXED USE BUILDING; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS, AND DEVIATIONS FROM THE CONDITIONS FOR A CONDITIONAL USE PERMIT PER ROLLING HILLS MUNICIPAL CODE SECTION 17.16.210(A) FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

was approved and adopted at a regular meeting of the Planning Commission on March 19, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

_____
CHRISTIAN HORVATH, CITY CLERK

RESOLUTION NO. 2024-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-150 FOR A SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE GREATER THAN 999 SQUARE FEET, NEW BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, RETAINING WALLS, COVERED DECKS/PORCHES, GRADING, HARDSCAPE, LANDSCAPE, AND OTHER IMPROVEMENTS; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

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

Section 1. On December 28, 2023, an application was duly filed by Megan Campbell, Campbell Architects Inc. ("Applicant"), on behalf of the property owner, John D. Whitcombe, with respect to real property located at 2 Possum Ridge Road, Rolling Hills (LOT 123-RH) requesting: a Site Plan Review to construct 2,570 square feet of additions to an existing residence, a new 1,950-square-foot basement, 1,200-square-foot swimming pool with a 5-foot-high wall along a slope, 1,635 square feet of additions to connect an existing stable to an accessory building, 778-square-foot addition to the stable loft for a tack room, 170-square-foot outdoor kitchen, 335-square-foot fire pit, maximum three-foot-high retaining walls, 795 square feet of covered decks/porches, 5,058 cubic yards of grading, new hardscape including an expansion of the driveway and motor court, landscaping, and other improvements; conditional use permits for a stable with loft greater than 200 square feet, corral, and a recreational game court; and variances for construction in the front and rear yard setbacks for the additions to the residence and stable, covered porches/decks, swimming pool, lightwell access, and sports court.

Section 2. The lot is unusually shaped being traversed by Possum Ridge Road and having frontage on Crest Road West and Portuguese Bend Road. The net lot area is 3.49 acres (151,990 square feet), which excludes roadway easements and ten feet along property lines. Possum Ridge Road has a 50-foot-wide roadway easement which divides the property into two parts. The western part is developed and the eastern part is vacant. The lot has one 47,900-square-foot building pad (Pad 1) developed with the main residence, stable, and other improvements. The property is developed with a 3,660-square-foot main residence, 890-square-foot detached garage, 1,940 square-foot stable with a 793-square-foot storage loft, 225-square-foot enclosed cabana, 735 square feet of accessory structures used for storage, and a 90-square-foot service yard. The existing driveway is 4,535 square feet.

Section 3. The Planning Commission conducted duly noticed public hearings to consider the application at its field trip meeting and regular meeting on March 19, 2024. Neighbors within a 1,000-foot radius were notified of the public hearings and a notice was published in the Daily Breeze on March 7, 2024. The applicants were notified of the public hearings in writing by first class mail and the applicants were in attendance at the hearings. At

the March 19, 2024 meeting, the Planning Commission continued the public hearing to April 16, 2024, and advised the applicant to address: the visibility of the recreational game court at the corner of Possum Ridge Road, Portuguese Bend Road, and Crest Road; stable size; height of the stable and residence; drainage; and construction parking.

Subsequently, the applicant decided to move forward with the addition to the residence but postpone the conditional use permits for the barn addition, corral, and recreational game court. As such, the barn addition, corral, and recreational game court are not part of the revised project. On April 16, 2024, the Planning Commission considered the addition to the residence along with the other improvements, and provided direction to the applicant on the conditional use permit requests.

Section 4. The Project is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the proposed Project includes additions to the residence, a new swimming pool, hardscape, grading, and other residential improvements. Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Much of the site has already been graded and developed.

Section 5. Site Plan Review. Site Plan Review is required for construction of any new building or structure pursuant to Rolling Hills Municipal Code (RHMC) Section 17.46.020(A). The Project is for an addition to the residence, new basement, swimming, driveway expansion, and other improvements. With respect to the Site Plan Review for the development, the Planning Commission hereby makes the following findings:

A. The Project complies with and is consistent with the goals and policies of the General Plan and all requirements of the zoning ordinance.

The proposed development is compatible with the General Plan and Zoning ordinance. The proposed structures comply with the General Plan requirement of low profile, low-density residential development with sufficient open space between surrounding structures. The development is located on the existing building pad, which will reduce the visual impact from neighboring properties.

The Project conforms to Zoning Code lot coverage requirements. The net lot area of the lot is 151,990 square feet (3.49 acres) per RHMC Section 17.16.060(A). The structural net lot coverage is proposed at 19,030 square feet or 12.5% (20% max. permitted) excluding exempt structures; and the total lot coverage proposed, including flatwork, would be 33,045 square feet or 21.7% (35% max. permitted). The disturbed area is 60,470 square feet or 39.8% (40% max permitted).

B. The project substantially preserves the natural and undeveloped state of the lot by minimizing building coverage. Lot coverage requirements are regarded as maximums, and the actual amount of lot coverage permitted depends upon the existing buildable area of the lot.

The topography and the configuration of the lot have been considered, and the project will not adversely affect or be materially detrimental to adjacent uses, buildings, or structures; the project will be on an existing building pad which enables project elements to be the least intrusive to surrounding properties. Further, the project will be a sufficient distance from nearby residences so views and privacy of surrounding neighbors will not be impacted. The lot has an existing building pad and 31.25% of the lot will be disturbed with the remaining area either landscaped or left in a natural state.

C. The project is harmonious in scale and mass with the site, the natural terrain and surrounding residences.

The proposed development, as conditioned, is harmonious in scale and mass with the site, and is consistent with the scale of the neighborhood when compared to new residences in the vicinity of said lot. The development plan takes into consideration the visibility of the project from Portuguese Bend Road, Crest Road West, and Possum Ridge Road. Significant portions of the lot will be left undeveloped or landscaped.

D. The project preserves and integrates into the site design, to the greatest extent possible, existing topographic features of the site, including surrounding native vegetation, mature trees, drainage courses and land forms (such as hillsides and knolls).

There will be no significant changes to the overall drainage features on the lot. The proposed project is located on an existing building pad. There will be minimal impact to site design, vegetation, and mature trees. The property will be landscaped in accordance with the approved landscape plan.

E. Grading has been designed to follow natural contours of the site and to minimize the amount of grading required to create the building area.

Grading will be balanced on site with exception to 68 cubic yards of export needed to create the basement and swimming pool, which is exempt. The project has been designed to follow natural contours of the site and minimize grading.

F. Grading will not modify existing drainage channels nor redirect drainage flow, unless such flow is redirected into an existing drainage course.

Grading will be balanced on site with exception to 68 cubic yards of export needed to create the basement and swimming pool, which is exempt. Existing drainage channels will not be affected nor redirected. Additional hardscape will direct stormwater toward existing drainage channels.

G. The project preserves surrounding native vegetation and mature trees and supplements these elements with drought-tolerant landscaping which is compatible with and enhances the rural character of the community, and landscaping provides a buffer or transition area between private and public areas.

Surrounding native vegetation and mature trees will not be affected or will be replaced. New vegetation will be installed in accordance with the approved landscape plan. The development will be considerate of the environment and will enhance the rural character of the community. As such, the rural character of the community is maintained and privacy is maintained with neighbors.

H. The project is sensitive and not detrimental to the convenience and safety of circulation for pedestrians and vehicles.

There are no changes to the existing circulation patterns for pedestrians or vehicles. The driveway will be widened and motor court enlarged to provide better vehicular circulation and more off-street parking.

I. The project conforms to the requirements of the California Environmental Quality Act (CEQA).

The Project is exempt from the CEQA Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including single family residence and accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the Project includes additions to the residence, a new swimming pool, hardscape, grading, and other residential improvements. Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Much of the site has already been graded and developed.

Section 6. Variance Findings. Section 17.38.050 sets forth the required findings for granting Variances for a portion of the proposed project to be constructed in the front and rear yard setbacks for the additions to the residence, covered porches/decks, swimming pool, and lightwell access. With respect to this request for Variances, the Planning Commission finds as follows:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone.

There are extraordinary circumstances applicable to this property. Unlike most properties in the RAS-2 Zone, the subject property is traversed by a roadway easement creating two smaller sections each with front yard setbacks along the easement. The existing residence already encroaches into the front yard setback, and the existing accessory buildings already encroach into the rear yard setback. The proposed project would encroach into the required front and rear yard setbacks; however, these areas are already developed and disturbed. The

main residence on the western portion of the property is accessible from a driveway on Possum Ridge Road. The existing eastern section of the residence already encroaches into the front yard setback, meaning the addition will be consistent with the appearance of the existing property.

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question.

The proposed project, including additions, is consistent with the existing development on the site which already encroaches into the front and rear yard setbacks. The variance requests are necessary for preservation and enjoyment of property rights consistent with other properties in the same vicinity and zone.

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

Granting a variance for encroachment into the front and rear yard setbacks will not be detrimental to the public welfare and will not be injurious to properties in the vicinity because it is consistent with the encroachments by the existing residence and structures. Further, the project will improve the appearance of the property by connecting buildings into a larger mass. Landscaping will be provided to screen structures from Crest Road West.

D. That in granting the variance, the spirit and intent of this title will be observed.

The granting of the variance will allow for a development that is harmonious in scale and mass with the site, the proposed project is visually harmonious with adjacent properties and in scale with adjacent residential development.

E. That the variance does not grant special privilege to the applicant.

The variance does not grant special privileges for the Applicant; the proposed project is an expansion of the existing development which already encroaches into the front and rear yard setbacks. The project, together with the variance, will be compatible with the objectives, policies, general land uses, and programs specified in the General Plan.

F. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities.

Granting a variance for the project will be consistent with the applicable portions of the Los Angeles County Hazardous Waste Management Plan related to siting criteria for hazardous waste facilities. The project site is not listed on the current State of California Hazardous Waste and Substances Sites List. The proposed project would not constitute a hazardous waste facility.

G. That the variance request is consistent with the General Plan of the City of Rolling Hills.

Approvals granting the variance to allow encroachments into the front and rear yard setbacks will be consistent with the General Plan of the City of Rolling Hills, which encourages residential uses.

Section 7. Based upon the foregoing findings, and the evidence in the record, the Planning Commission hereby approves Zoning Case No. 23-150 subject to the following conditions:

A. Approval for the Site Plan Review and Variances shall expire within two years from the effective date of approval as defined in RHMC Section 17.38.070 of the Zoning Ordinance unless otherwise extended pursuant to the requirements of this section.

B. If any condition of this resolution is violated, the entitlement granted by this resolution shall be suspended and the privileges granted hereunder shall lapse and upon receipt of written notice from the City, all construction work being performed on the subject property shall immediately cease, other than work determined by the City Manager or his/her designee required to cure the violation. The suspension and stop work order will be lifted once the Applicant cures the violation to the satisfaction of the City Manager or his/her designee. In the event that the Applicant disputes the City Manager or his/her designee's determination that a violation exists or disputes how the violation must be cured, the Applicant may request a hearing before the City Council. The hearing shall be scheduled at the next regular meeting of the City Council for which the agenda has not yet been posted; the Applicant shall be provided written notice of the hearing. The stop work order shall remain in effect during the pendency of the hearing. The City Council shall make a determination as to whether a violation of this Resolution has occurred. If the Council determines that a violation has not occurred or has been cured by the time of the hearing, the Council will lift the suspension and the stop work order. If the Council determines that a violation has occurred and has not yet been cured, the Council shall provide the Applicant with a deadline to cure the violation; no construction work shall be performed on the property until and unless the violation is cured by the deadline, other than work designated by the Council to accomplish the cure. If the violation is not cured by the deadline, the Council may either extend the deadline at the Applicant's request or schedule a hearing for the revocation of the entitlements granted by this Resolution pursuant to Chapter 17.58 of the Rolling Hills Municipal Code (RHMC).

C. All requirements of the Building and Construction Ordinance, the Zoning ordinance, and of the zone in which the subject property is located must be complied with unless otherwise a variance to such requirement has been approved.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file at City Hall and approved by the Planning Commission on April 16, 2024, except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and Safety for plan check review shall conform to the approved development plan. All conditions of the Site Plan Review and Variance approvals shall be incorporated into the building

permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto a separate sheet and included in the building plans submitted to the Building Department for review and shall be kept on site at all times.

Any proposed modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed with staff so that staff can determine whether the modification is minor or major in nature. Minor modifications are subject to approval by the City Manager or his or her designee. Major modifications are subject to approval by the Planning Commissioner after a public hearing. Applicant shall not implement modifications or changes to the approved project without the appropriate approval from the City Manager or designee or the Planning Commission, as required.

E. Prior to submittal of final working drawings to Building and Safety Department for issuance of building and grading permits, the plans for the project shall be submitted to City staff for verification that the final plans are in compliance with the plans approved by the Planning Commission.

F. A licensed professional preparing construction plans for this project for Building Department review shall execute a Certificate affirming that the plans conform in all respects to this Resolution approving this project and all of the conditions set forth herein and the City's Building Code and Zoning Ordinance.

Further, the person obtaining a building and/or grading permit for this project shall execute a Certificate of Construction stating that the project will be constructed according to this Resolution and any plans approved therewith.

G. Structural lot coverage of the lot shall not exceed 12,605 square feet or 8.29% of the net lot area (20% maximum). The flatwork coverage is 15,675 square feet or 10.31%. The total lot coverage proposed, including structures and flatwork, shall not exceed 28,280 square feet or 18.61% (35% maximum).

H. The lot is already developed and the total disturbed area will be 47,500 square feet or 18.61% (maximum 40%). Grading for this project shall not exceed 1,943 cubic yards of cut and 1,875 cubic yards of fill for a total of 3,818 cubic yards. Export of 68 cubic yards for the basement and swimming pool is exempt.

I. The total proposed building pad coverage for the residential main pad is 12,605 square feet or 26.92% which is still below the 30% maximum guideline.

J. A driveway access shall be provided per the Fire Department requirements and the driveway shall be roughened and the first 20 feet of the driveway shall not exceed 7% in slope.

K. Access to the stable and to the corral shall be decomposed granite or 100% pervious roughened material; it shall not be wider than 12 feet.

L. A minimum of five-foot level path and/or walkway, which does not have to be paved, shall be provided around the entire perimeter of all of the proposed structures, including the detached garage and stable, or as otherwise required by the Fire Department.

M. The applicant shall comply with all requirements of the Low Impact Development requirements for storm water management on site (RHMC Chapter 8.32).

N. Hydrology, soils, geology and other reports, as required by the Building and Public Works Departments, and as may be required by the Building Official, shall be prepared.

O. Prior to issuance of a final construction approval of the project, all graded slopes shall be landscaped. Prior to issuance of building permit, the landscaping plan shall meet the requirements of the City, shall be submitted to the City in conformance with Fire Department Fuel Modification requirements, and shall be approved by the City's landscape consultant.

P. The project shall be landscaped, and continually maintained in substantial conformance with the landscaping plan on file approved by the City's landscape consultant. A detailed landscaping plan shall provide that any trees and shrubs used in the landscaping scheme for this project shall be planted in a way that screens the project development from adjacent streets and neighbors, such that shrubs and trees as they mature do not grow into a hedge or impede any neighbors' views and the plan shall provide that all landscaping be maintained at a height no higher than the roof line of the nearest project structure. In addition, the landscaping plan shall provide for screening of development with vegetation not to exceed 10 feet in height, and that the vegetation used for screening shall be planted in an off-set manner, so as to prevent it, as it grows from forming a solid hedge. The landscaping plan shall utilize to the maximum extent feasible, plants that are native to the area, are water-wise and are consistent with the rural character of the community. Plants listed as high hazardous plants under RHMC Section 8.30.015 are prohibited.

Q. The applicant shall submit a landscaping performance bond or other financial obligation, to be kept on deposit by the City, in the amount of the planting plus irrigation plus 15%. The bond shall be released no sooner than two years after completion of all plantings, subject to a City staff determination that the plantings required for the project are in substantial conformance with approved plans and are in good condition.

A Certificate of Completion shall be submitted by the project designer or contractor prior to final landscape installation inspection.

R. The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC).

S. Pursuant to Chapter 8.30 of the RHMC, the property shall at all times be maintained free of dead trees and vegetation.

T. The setback lines and roadway easement lines in the vicinity of the construction for this project shall remain staked throughout the construction. A construction fence may be required.

U. Perimeter easements, including roadway easements and trails, if any, shall remain free and clear of any improvements to advance equestrian use and emergency preparedness for evacuation within the City. Where RHCA has demonstrated authority over the easement, the City's Planning Director may grant relief from this condition upon satisfactory proof of permission from RHCA and a legitimate showing that there is no need for the condition to advance equestrian uses and emergency preparedness.

V. Minimum of 65% of any construction materials must be recycled or diverted from landfills. The hauler of the materials shall obtain City's Construction and Demolition permits for waste hauling prior to start of work and provide proper documentation to the City.

W. *During construction*, conformance with the air quality management district requirements, storm water pollution prevention practices, county and local ordinances and engineering practices so that people or property are not exposed to undue vehicle trips, noise, dust, objectionable odors, landslides, mudflows, erosion, or land subsidence shall be required.

X. *During construction*, to the extent feasible, all parking shall take place on the project site, on the new driveway and, if necessary, any overflow parking may take place within the unimproved roadway easements along adjacent streets, and shall not obstruct neighboring driveways, visibility at intersections or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. To the extent feasible, a minimum of 4' wide path, from the edge of the roadway pavement, for pedestrian and equestrian passage shall be available and be clear of vehicles, construction materials and equipment at all times.

Y. *During construction*, the property owners shall be required to schedule and regulate construction and relate traffic noise throughout the day between the hours of 7 AM and 6 PM, Monday through Saturday only, when construction and mechanical equipment noise is permitted, so as not to interfere with the quiet residential environment of the City of Rolling Hills.

Z. Prior to demolition of the existing structures, an investigation shall be conducted for the presence of hazardous chemicals, lead-based paints or products, mercury and asbestos-containing materials (ACMs). If hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, remediation shall be undertaken in compliance with California environmental regulations and policies.

AA. The property owner and/or his/her contractor/applicant shall be responsible for compliance with the no-smoking provisions in the Municipal Code. The contractor shall not use tools that could produce a spark, including for clearing and grubbing, during red flag warning conditions. Weather conditions can be found at: **http://www.wrh.noaa.gov/lox/main.php?suite=safety&page=hazard_definitions#FIRE.** It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions.

AB. Development shall drain in accordance with the approved grading and drainage plan. Drainage dissipaters shall be constructed outside of any easements. The drainage system shall be approved by the Department of Building and Safety. If an above ground swale and/or dissipater is required, it shall be designed in such a manner as not to cross over any equestrian trails or discharge water onto a trail, shall be stained in an earth tone color, and shall be screened from any trail, road and neighbors' view to the maximum extent practicable, without impairing the function of the drainage system.

AC. *During construction*, dust control measures shall be used to stabilize the soil from wind erosion and reduce dust and objectionable odors generated by construction activities in accordance with South Coast Air Quality Management District, Los Angeles County and local ordinances and engineering practices.

AD. *During construction*, an Erosion Control Plan containing the elements set forth in Section 7010 of the 2022 County of Los Angeles Uniform Building Code shall be followed to minimize erosion and to protect slopes and channels to control storm water pollution.

AE. The property owners shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of storm water drainage facilities and septic tank.

AF. The applicant shall pay all of the applicable Building and Safety and Public Works Department fees and Palos Verdes Peninsula Unified School District fees, if any.

AG. Prior to final inspection of the project, "as graded" and "as constructed" plans and certifications shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the Planning Commission approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan.

AH. The applicants shall execute an Affidavit of Acceptance of all conditions of the Variance approval, or the approval shall not be effective.

AI. All conditions of this Resolution, when applicable, must be complied with prior to the issuance of a grading or building permit from the Building and Safety Department.

AJ. Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Code of Civil Procedure Section 1094.6.

AK. To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Rolling Hills, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion,

elect to defend any such action with attorneys of its choice. The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this permit. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

AL. The pool equipment shall be relocated next to the swimming pool and shall have direct access from outside. Basement space outside of the footprint of the building is prohibited, with exception to the lightwell.

AM. A minimum of 6,265 square feet of new pervious surface shall be provided to meet low impact development (LID) standards. Future expansion of the driveway or motor court is prohibited unless previously approved by the City. Connection to the stable and corral shall be decomposed granite or 100% pervious roughened material; it shall not be less than 6 feet wide and no wider than 12 feet.

AN. The city cannot grant permission to use or encroach into the Rolling Hills Community Association easements. The applicant shall contact the Association regarding building regulations and easement policy.

AO. Prior to plan check submittal, the applicant shall demolish a portion of the main residence or a portion of the stable in order to create a separation of 35 feet between each structure.

AP. There shall be no parking of vehicles used for construction on Possum Ridge Road.

PASSED, APPROVED AND ADOPTED THIS 16th DAY OF APRIL, 2024.

BRAD CHELF, CHAIRPERSON

ATTEST:

CHRISTIAN HORVATH, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2024-05 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-150 FOR A SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE GREATER THAN 999 SQUARE FEET, NEW BASEMENT, SWIMMING POOL, OUTDOOR KITCHEN, RETAINING WALLS, COVERED DECKS/PORCHES, GRADING, HARDSCAPE, LANDSCAPE, AND OTHER IMPROVEMENTS; AND VARIANCES FOR CONSTRUCTION IN THE FRONT AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 2 POSSUM RIDGE ROAD, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 123-RH) (WHITCOMBE)

was approved and adopted at a regular meeting of the Planning Commission on April 16, 2024, by the following roll call vote:

AYES: Cardenas, Cooley, Vice Chair Kirkpatrick, Chair Chelf

NOES: None

ABSENT: Douglass

ABSTAIN: None

and in compliance with the laws of California was posted at the following:

Administrative Offices.

CHRISTIAN HORVATH, CITY CLERK

To Whom This May Concern, Oct 4, 2024

I am opposing the building of the sport court at # 2 Possum Ridge Road. I feel that this is not compatible with the rural atmosphere of Rolling Hills, Because of the high visibility on both sides of the Roads, Mainly Possum Ridge Rd & Crest Rd.

I feel this will detract from the cities allure. and reputation.

By approving this project the city is opening the door for future sports courts.

Lights and fences will make Rolling Hills look like a Country club.

Sincerely

Shirley Langer

6 Possum Ridge Rd
310 - 738-0027

RECEIVED
OCT 04 2024
City of Rolling Hills
by

Christian Horvath

From: Amanda Huh <ahuh12@gmail.com>
Sent: Tuesday, March 19, 2024 12:26 PM
To: John Signo; City Clerk
Subject: 2 Possum Ridge

Hi John,

It was a pleasure to speak with you today. Here are the points that I wanted to bring up for the meeting:

1. The roof line from the barn is a 2nd story and attaching it to the house makes it seem like a 2 story home. The overall height of the house from the flags seems quite high. We would love to maintain the ranch style aesthetic and hope that the height of the home will not block the entire view for those around the house.

2. Access to possum ridge during construction- our street is really a one way road so we want to make sure that we will have access and not be blocked during construction. Will their trucks have access through crest instead of possum ridge? We have already had issues of being blocked by trucks from 4 Possum Ridge and have been stuck behind it for 30mins+. Also our neighbors blocked our driveway once and we had an emergency with our toddler and had to go to urgent care, but could not leave because we could not drive out, which was quite a dangerous situation to be put in. Since we have small children and this project seems extensive, we want to make sure that this will be safe and have easy access to our home.

3. We are concerned about the build out of the tennis court on the east side of possum ridge as well as the pool. This season we had a lot of drainage issues with water running down our street, which caused a lot of erosion on the hill side. We are worried that the tennis court as well as the pool will cause more drainage issues and runoff down our street since there will be a lot of concrete coverage and because our street does not have a lot of structural drainage. Also we want to make sure that the tennis court does not encroach on the set back to the street and around the trails etc... We are a bit concerned about the 10 foot walls going around the tennis court as it will change the aesthetic of the community especially since Rolling Hills already offers tennis courts to the entire community for use. In addition, we are worried about the lighting that a tennis court would need; their home already has quite unusually bright spotlights around their barn and garage that shine directly towards the street, which you can see driving up from crest and portuguese bend.

Thank you,
Amanda Huh

Thank you,
Amanda

EDA
ENVIRONMENTAL DESIGN ASSOCIATES

DATE: October 6, 2024
TO: John Signo
FIRM: City of Rolling Hills
FROM: Carrie Mandarino
PROJECT: 2 Possum Ridge Road
SUBJECT: Preliminary Landscape Plan Revisions

Dear John,

I reviewed the revised preliminary landscape plan for 2 Possum Ridge Road. The project has been revised to include a new barn on the eastern portion and a new sports court (tennis court) on the western side. In addition to my comments below, please refer the applicant to the initial review attached for further explanation.

The following corrections have not been completed:

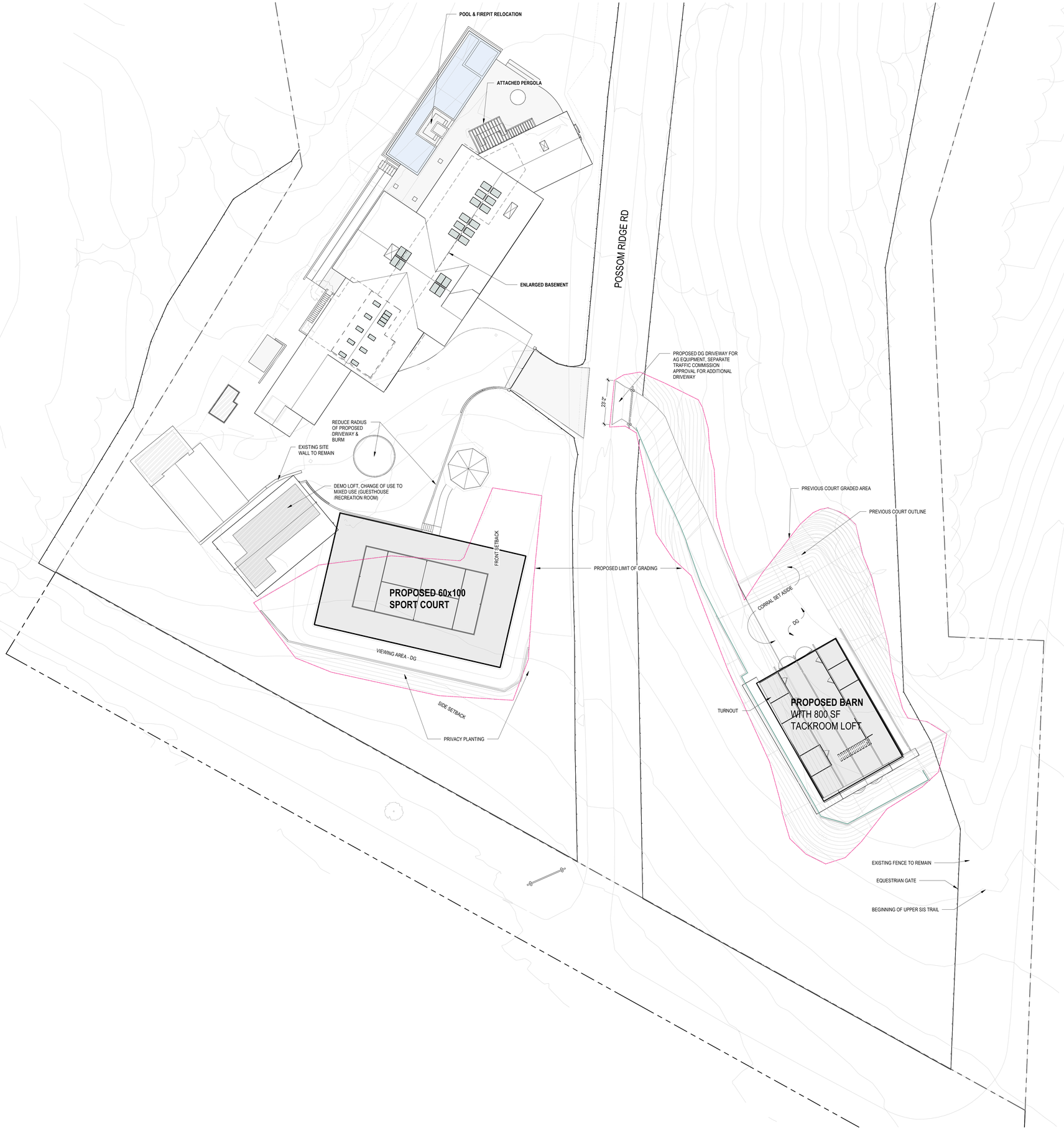
- Landscape is shown in the RHCA easement.
- Trees above the roof ridge height are on the plan: Olives, Quercus agrifolia, and Platanus racemosa. Fruit trees specified must remain below roof ridge height.
- Hedges are not allowed. Increase the spacing in between and create irregular groups of: Laurus nobilis, Prunus lyonii, and Rhamnus alaterus.
- Irrigation plan not provided, see initial review.
- Sheet L1.2 Water calculations was not submitted. See initial review for corrections to calculations. In the ETWU calculation, Lippa ground cover should have a low .3 plant factor, and Marathon turfgrass a high .8 plant factor. The pool should have a 1.0 ETAF (1.0 plant factor and 1.0 irrigation efficiency).

City required notes were added to the plan.

If you have any questions regarding this review, please contact me.

Respectfully submitted,

Carrie Mandarino, RLA #4769



MINOR MODIFICATION TO PH1 RES. # 2024-05
ATTACHED PERGOLA AT OUTDOOR KITCHEN
RELOCATION OF POOL AND FIREPIT
BASEMENT ENLARGEMENT (STILL UNDER BUILDING FOOTPRINT)

PHASE 2 SCOPE
CHANGE OF USE OF EXISTING STABLE TO MIXED USE (REC ROOM GUESTHOUSE)
(INCLUDES REMOVAL OF LOFT)
NEW BARN ON UNDEVELOPED SIDE OF LOT (EAST OF POSSUM RIDGE)
NEW SPORT COURT ON MAIN HOUSE SIDE OF LOT

VARIANCES: BARN & COURT ENCROACHMENT INTO SETBACK
CUP: SPORT COURT
CHANGE OF USE: STABLE TO REC ROOM CONVERSION
CONDITION OF APPROVAL: HEIGHT OF LANDSCAPE ALONG CREST

SCOPING SITE PLAN PHASE 2 01
1" = 20'-0"

WHITCOMBE RESIDENCE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

DRAFT PH 2 SCOPING
SITE PLAN
SCALE: 1" = 20'-0"

DESIGNER:
Campbell ARCHITECTS

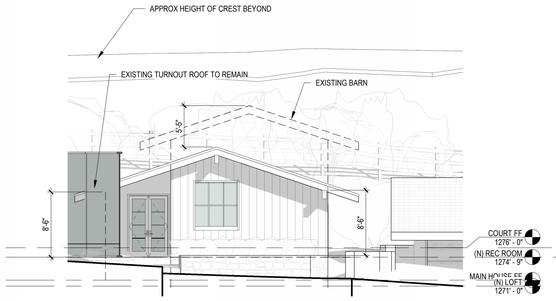
10.15.24 PLANNING

REV. #	DATE	DESCRIPTION

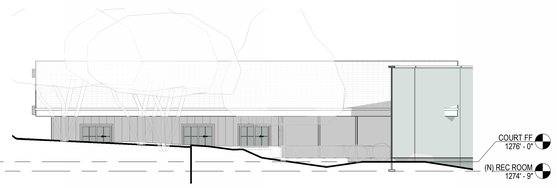
pA1-01

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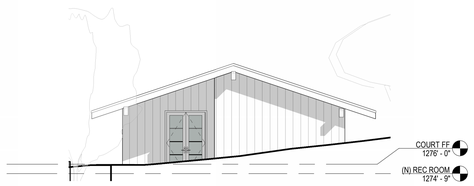
10/9/2024 11:19:20 AM



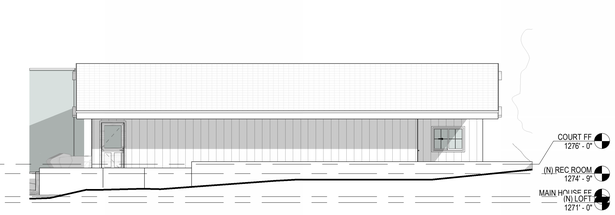
NORTHEAST (FRONT) ELEVATION 07
1/8" = 1'-0"



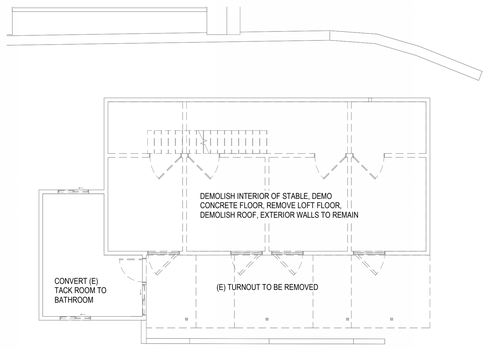
NORTHWEST (SIDE) ELEVATION 06
1/8" = 1'-0"



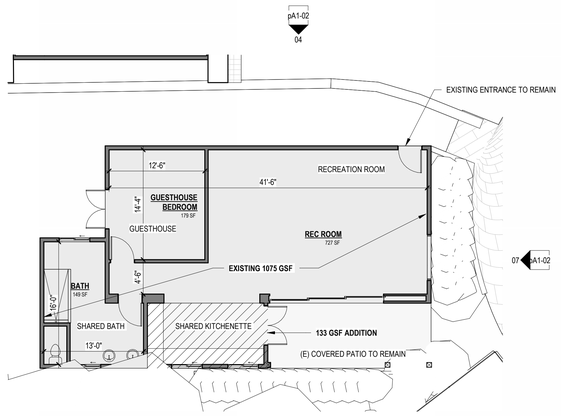
SOUTHWEST (REAR) ELEVATION 05
1/8" = 1'-0"



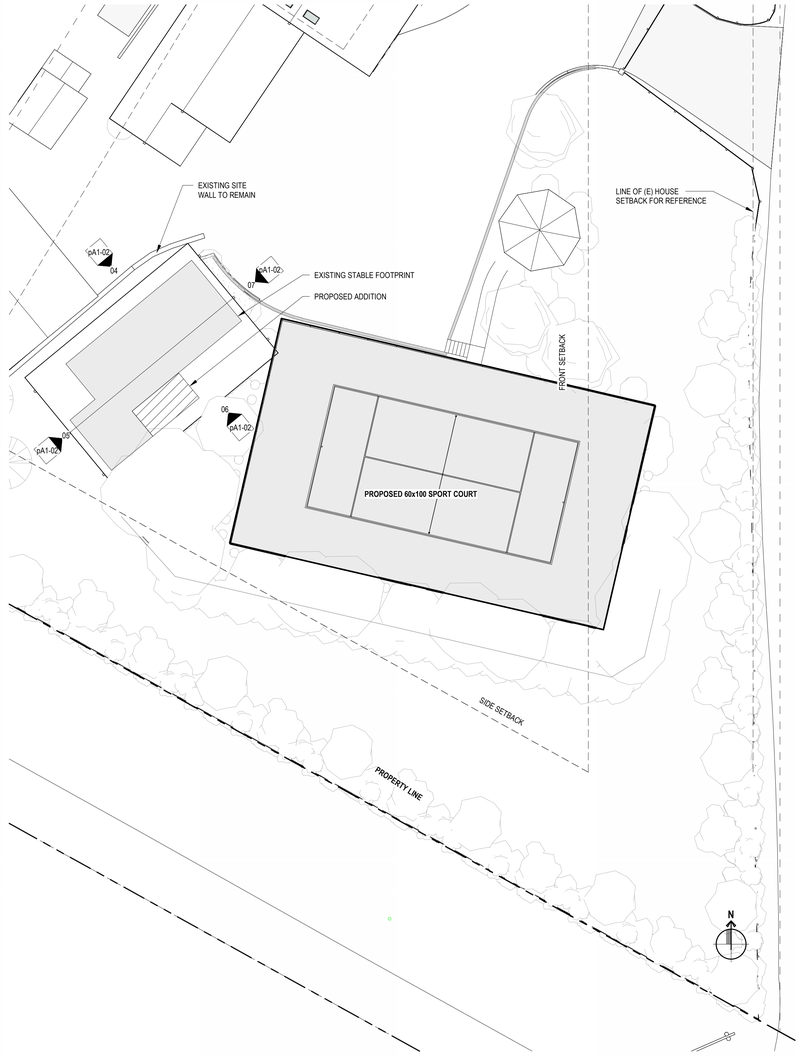
SOUTHEAST (SIDE) ELEVATION 04
1/8" = 1'-0"



(E) STABLE REFERENCE PLAN 03
1/8" = 1'-0"



STABLE CONVERSION REC ROOM 02
1/8" = 1'-0"



COURT AND REC ROOM SITE PLAN 01
1/16" = 1'-0"

WHITCOMBE RESIDENCE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

COURT & REC ROOM
SCALE: As indicated

DESIGNER:
Campbell ARCHITECTS

10.15.24 PLANNING

REV. #	DATE	DESCRIPTION

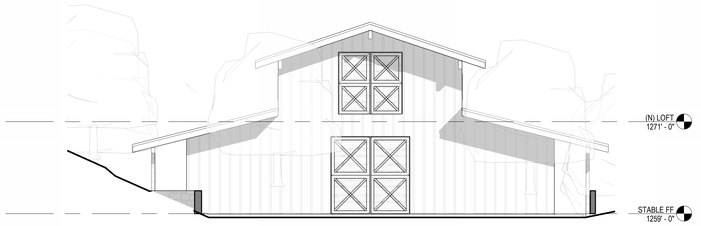
pA1-02

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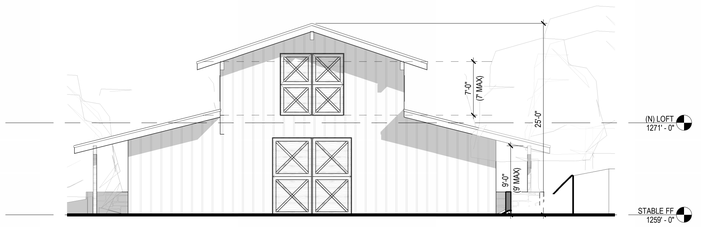
STABLE W SIDE 07
1/8" = 1'-0"



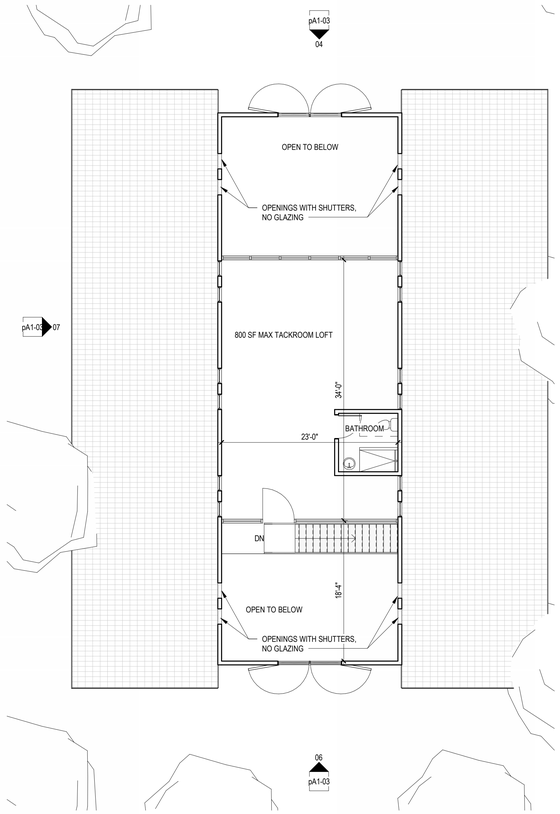
STABLE S REAR 06
1/8" = 1'-0"



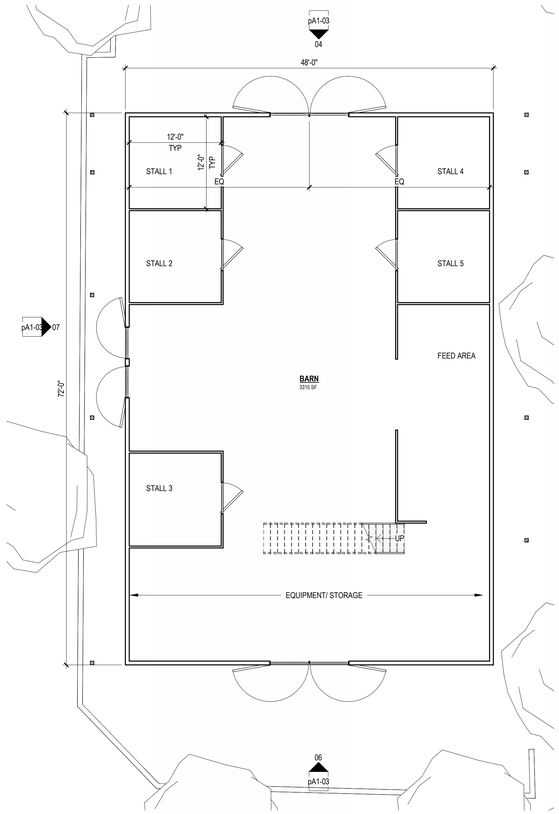
STABLE E SIDE 05
1/8" = 1'-0"



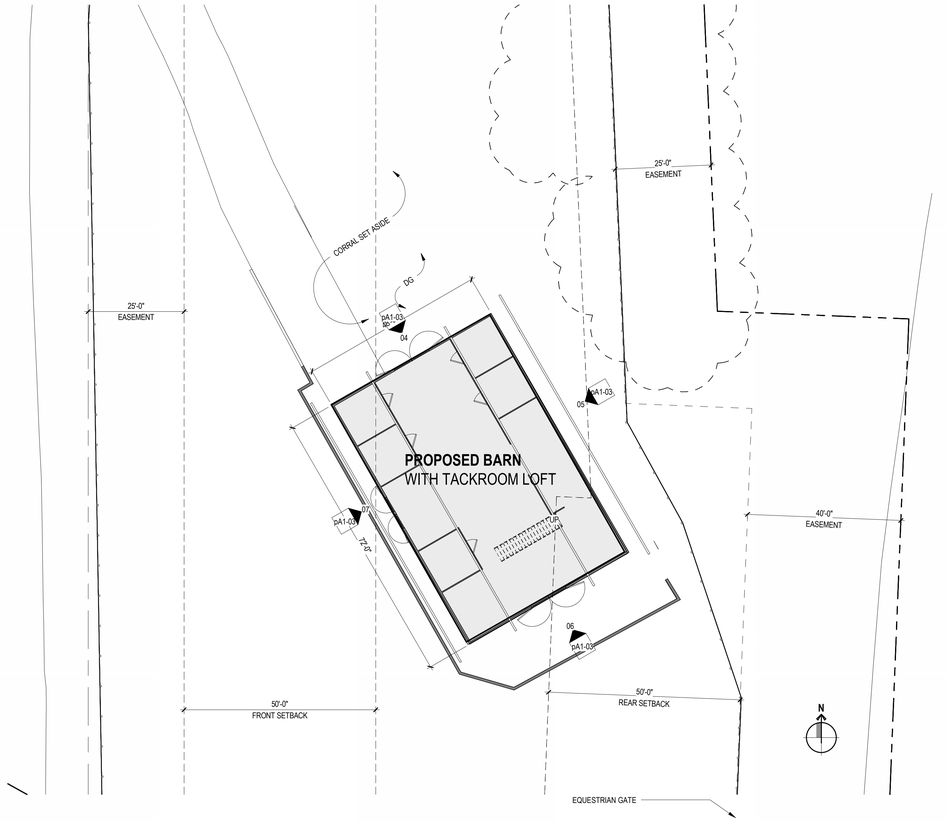
STABLE N FRONT 04
1/8" = 1'-0"



(N) LOFT 03
1/8" = 1'-0"



STABLE 02
1/8" = 1'-0"



ENLARGED BARN SITE 01
1/16" = 1'-0"

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

STABLE PLAN AND ELEVATIONS

SCALE: As indicated

DESIGNER:

Campbell ARCHITECTS

10.15.24 PLANNING

REV. #	DATE	DESCRIPTION

pA1-03

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10/9/2024 11:19:32 AM

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274



OVERALL SITE PLAN
SCALE: 1" = 30'

GRAPHIC SCALE
30 0 30 60
(IN FEET)
1 inch = 30 ft.

VICINITY MAP ADDRESSES

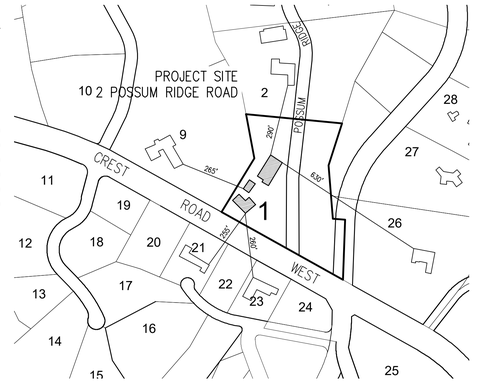
1	#2 POSSUM RIDGE ROAD	21	#1 SPUR LANE
2	#4 POSSUM RIDGE ROAD	22	NON-RESIDENTIAL
3	#6 POSSUM RIDGE ROAD	23	#3 SPUR LANE
4	#8 POSSUM RIDGE ROAD	24	#2 CREST ROAD WEST
5	#10 POSSUM RIDGE ROAD	25	#1 CREST ROAD EAST
6	#5 QUAIL RIDGE ROAD NORTH	26	#2 CREST ROAD EAST
7	#3 QUAIL RIDGE ROAD NORTH	27	#44 PORTUGUESE BEND ROAD
8	#1 QUAIL RIDGE ROAD NORTH	28	#42 PORTUGUESE BEND ROAD
9	#1 CREST ROAD WEST	29	#40 PORTUGUESE BEND ROAD
10	#3 CREST ROAD WEST	30	#38 PORTUGUESE BEND ROAD
11	#12 CREST ROAD WEST	31	#36 PORTUGUESE BEND ROAD
12	#3 QUAIL RIDGE ROAD SOUTH	32	#34 PORTUGUESE BEND ROAD
13	#5 QUAIL RIDGE ROAD SOUTH	33	#7 WAGON LANE
14	#9 QUAIL RIDGE ROAD SOUTH	34	#5 WAGON LANE
15	#11 QUAIL RIDGE ROAD SOUTH		
16	#2 SPUR LANE		
17	#8 QUAIL RIDGE ROAD SOUTH		
18	#2 QUAIL RIDGE ROAD SOUTH		
19	#1 QUAIL RIDGE ROAD SOUTH		
20	#10 CREST ROAD WEST		

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- LIMIT OF GRADING
- PROPOSED STABLE
- (E) RESIDENCE
- (E) DETACHED STRUCTURE
- 1235 (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- 1252.0BW / 1254.0TW / 1265 (P) GRADES
- (P) CONTOURS
- (P) RETAINING WALL
- (P) SPORTS COURT
- (P) PAVERS
- (P) DRAINAGE
- EXISTING / PROPOSED DISTURBED AREA.
- PAD 1 AREA
- PAD 2 AREA

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER



VICINITY MAP
SCALE: 1" = 500'

RECORD OWNER:
DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA. 90274

PROPERTY ADDRESS:
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA. 90274

LEGAL DESCRIPTION:
APN: 7569-008-004
TRACT: ROLLING HILLS TRACT MB 201, PG 29-35
LOT: 123

CONSULTANTS:
CIVIL ENGINEER: **DAN BOLTON, PE 62290**
BOLTON ENGINEERING CORP.
25834 NARBONNE AVE. STE. 210
LOMITA, CA. 90717
ARCHITECT: **CAMPBELL ARCHITECTS, INC.**
PO BOX 7554
TORRANCE, CA. 90504

ZONING SUMMARY:

ZONE:	RAS-2	
SETBACKS:	FRONT:	50'
	REAR	50'
	SIDE	20'
	EQUESTRIAN	25' FROM SIDE ROADWAY EASEMENT OR REAR PROPERTY LINE.
REQUIRED REVIEW:	SITE PLAN REVIEW:	NEW STRUCTURES GRADING WALLS
	VARIANCE:	STABLE IN SETBACK
CONDITIONAL USE PERMIT:		STABLE

WORK DESCRIPTION:
New sport court, new stable, new corral, new stable access, associate grading, retaining walls and site improvements. Remodel existing stable to mixed use, with addition.

LOW IMPACT DEVELOPMENT
DESIGNATED PROJECT: NO
SELECTED BMPs:

INDEX OF SHEETS

C0.0	OVERALL SITE PLAN
C0.1	EXISTING SITE CONDITIONS
C1.0	PRELIMINARY GRADING PLAN
C1.1	COLOR CUT/FILL MAP
C2.0	SECTIONS

Revisions	By

BOLTON ENGINEERING CORP.
BEC

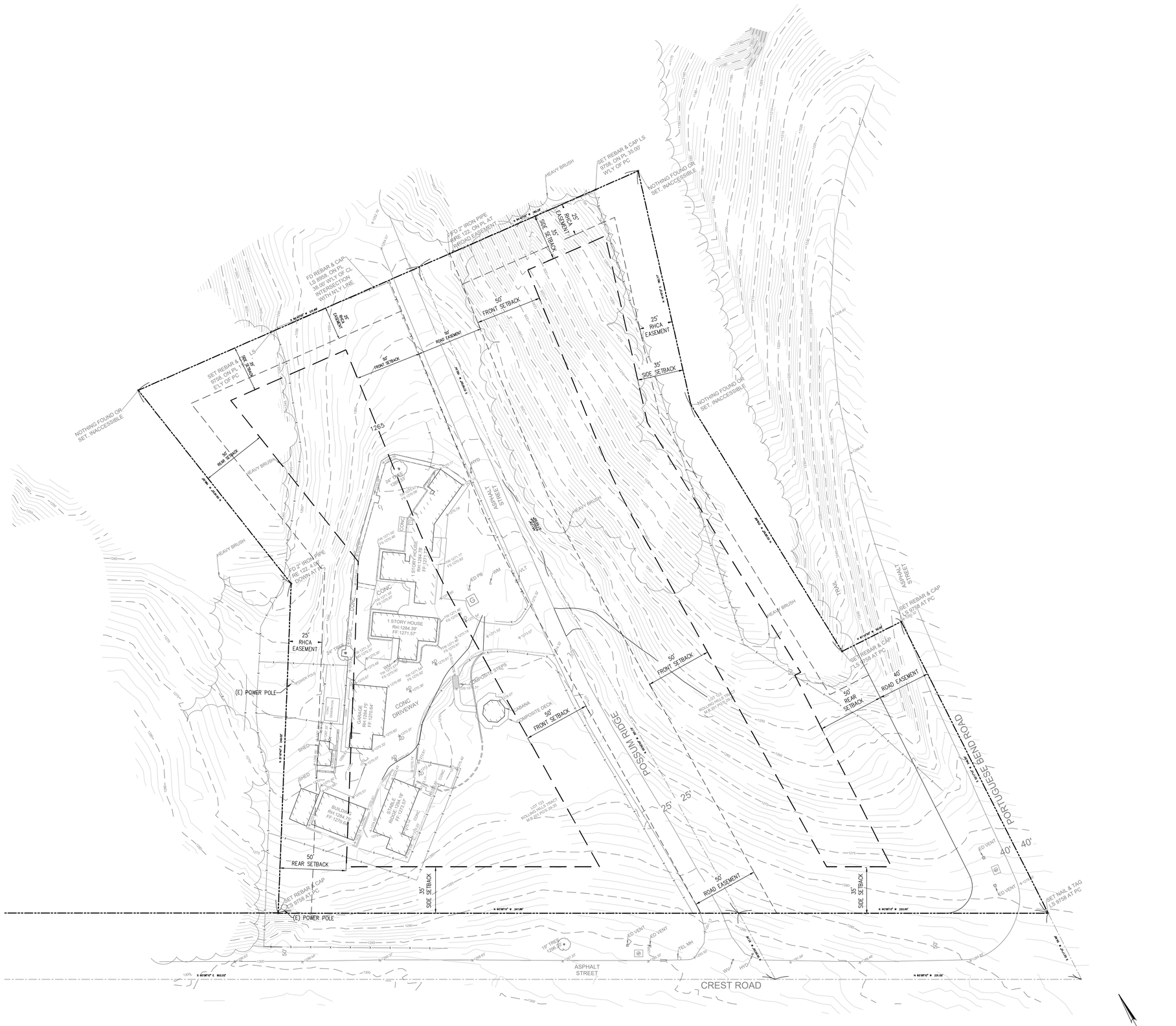
CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

title: OVERALL SITE PLAN
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

Date: October 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No: 23318
Sheet: C0.0
Of 6 Sheets

J:\23318_Whitcombe-2 Possum Ridge\dwg\Planning\23318_CIVIL 2A.dwg 10/8/2024 3:



EXISTING SITE CONDITIONS
SCALE: 1" = 30'

GRAPHIC SCALE
30 0 30 60
(IN FEET)
1 inch = 30 ft.

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- (E) STRUCTURE
- 1235 (E) MAJOR CONTOUR
- + 1271.53' (E) MINOR CONTOUR
- (E) SPOT ELEVATION
- (E) RETAINING WALL
- (E) FREE-STANDING WALL
- (E) WOOD FENCE
- (E) CHAINLINK FENCE
- DISTURBED AREA.
- PAD AREA

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
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NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

Revisions	By

BOLTON ENGINEERING CORP.

BEC

CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

TITLE: EXISTING SITE CONDITIONS
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

Date: October 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 23318
Sheet: C0.1
Of 6 Sheets

J:\23318_Whitcombe-2 Possum Ridge\dwg\Planning\23318_CIVIL 2A.dwg 10/8/2024 3:



RETAINING WALLS
WALL HEIGHT COMPUTATION

WALL	H, height Max. (ft.)	H, height Avg.(ft.)	L, length (feet)	A HxL (sq.ft.)
WALL A	3.0'	2.5'	300'	750
WALL B	3.0'	2.5'	165'	413
WALL C	3.0'	2.5	90'	225

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- LIMIT OF GRADING
- PROPOSED STABLE
- (E) RESIDENCE
- (E) DETACHED STRUCTURE
- 1235 — (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- 1252.0BW 1254.0TW — (P) GRADES
- 1265 — (P) CONTOURS
- (P) RETAINING WALL
- (P) SPORTS COURT
- (P) PAVERS
- (P) DRAINAGE
- EXISTING PROPOSED — DISTURBED AREA.
- PAD 1 AREA
- PAD 2 AREA

ACRONYMS

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CONC	CONCRETE
ED	SOCAL EDISON
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EM	ELECTRIC METER
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BOS	BOTTOM OF STEP
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TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

PRELIMINARY GRADING PLAN
SCALE: 1" = 20'

FOR PLANNING PURPOSES ONLY

Revisions	By

BOLTON ENGINEERING CORP.

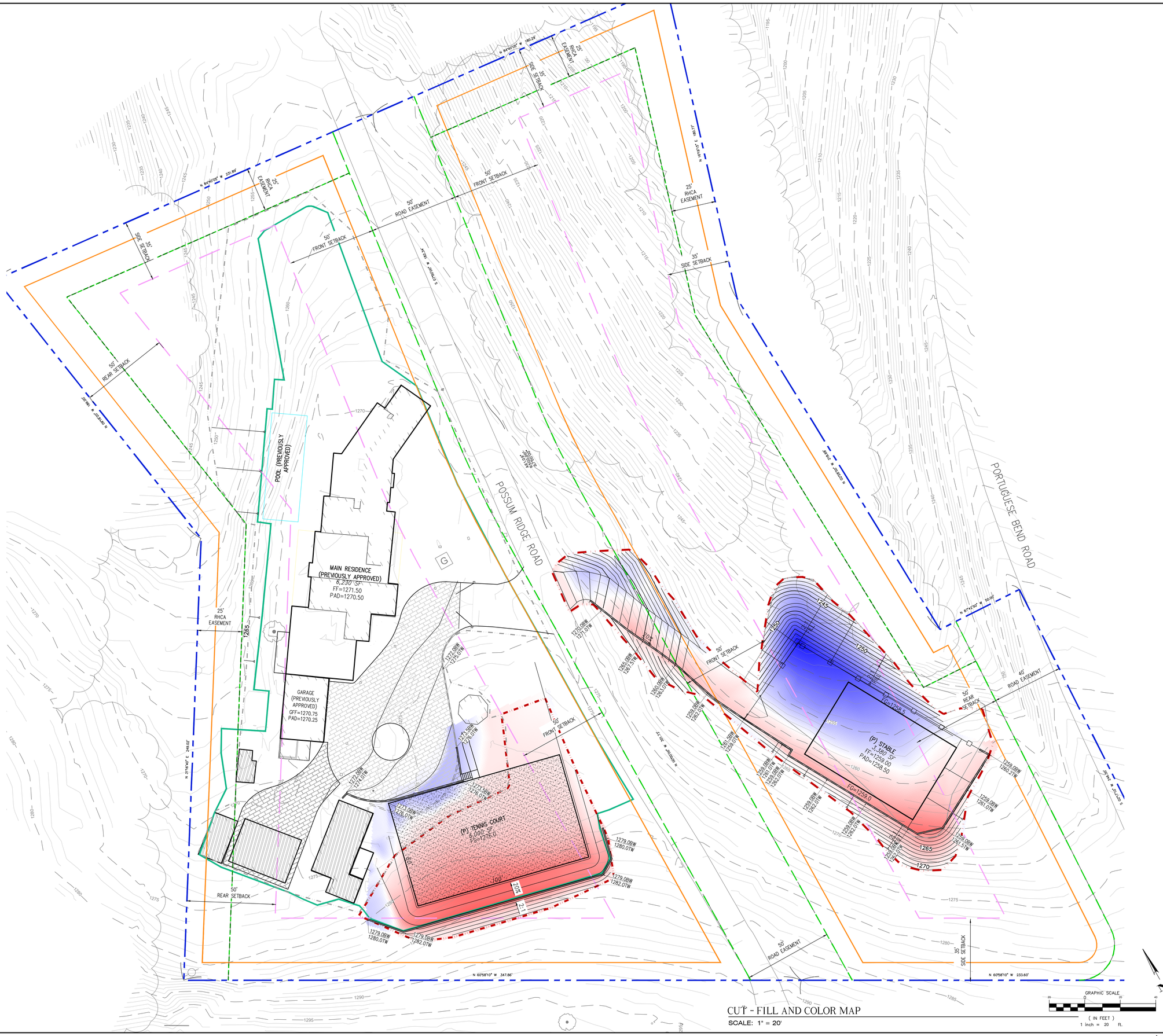
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CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

TITLE: PRELIMINARY GRADING PLAN
NEW STABLE & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

Date: October 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No. 23318
Sheet C1.0
Of 6 Sheets

J:\23318_Whitcombe-2 Possum Ridge\dwg\Planning\23318_CIVIL 2A.dwg 10/8/2024 3:



CUT - FILL AND COLOR MAP
SCALE: 1" = 20'

LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- LIMIT OF GRADING
- (E) RESIDENCE
- (P) RESIDENTIAL ADDITION
- (E) DETACHED STRUCTURE
- (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- 1252.0BW / 1254.0TW (P) GRADES
- 1265 (P) CONTOURS
- (P) RETAINING WALL
- (P) POOL
- (P) CONCRETE
- (P) DRAINAGE
- (P) CUT AREA **14,865 S.F.**
- (P) FILL AREA **14,175 S.F.**
- (P) BUILDING PAD LIMIT
- (P) NET LOT AREA

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
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Revisions	By

BOLTON ENGINEERING CORP.

BEC

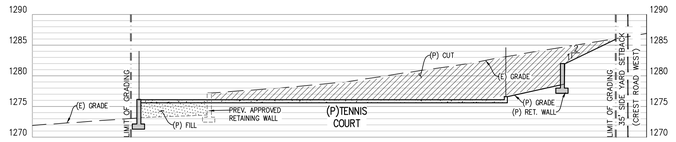
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ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

TITLE: CUT – FILL AND COLOR MAP
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

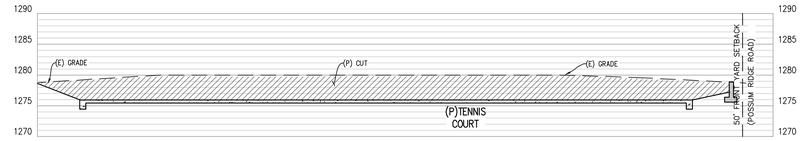
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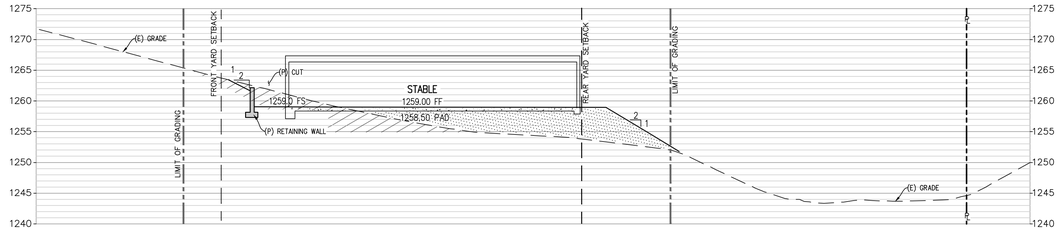
SECTION B- TENNIS COURT

SCALE: 1" = 10'



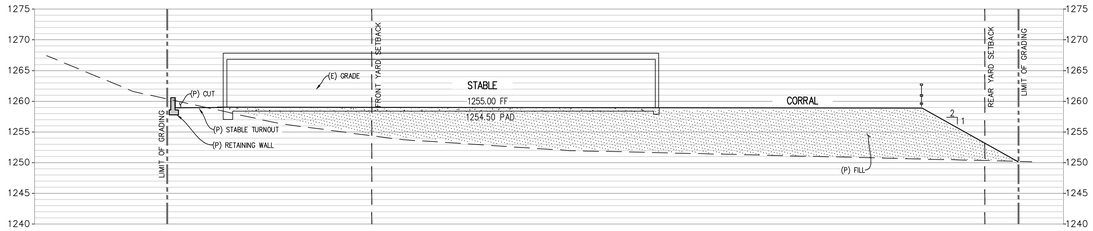
SECTION A- TENNIS COURT

SCALE: 1" = 10'



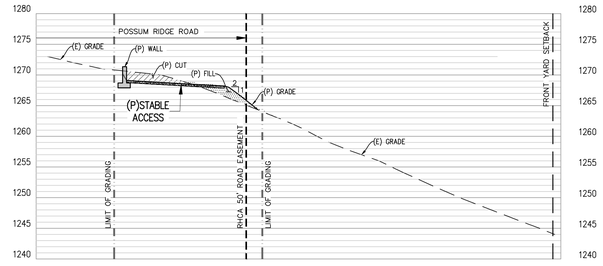
SECTION C - STABLE

SCALE: 1" = 10'



SECTION D - STABLE

SCALE: 1" = 10'



SECTION E - STABLE ACCESS

SCALE: 1" = 10'

ACRONYMS

CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
ED	SOCAL EDISON
EG	EDGE OF GUTTER
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
LTT	LEAD, TACK & TAG
NG	NATURAL GROUND
TOS	TOP OF STEP
BOS	BOTTOM OF STEP
TW	TOP OF WALL
TC	TOP OF CURB
VLT	VAULT
WM	WATER METER

Revisions	By

BOLTON ENGINEERING CORP.

BEC

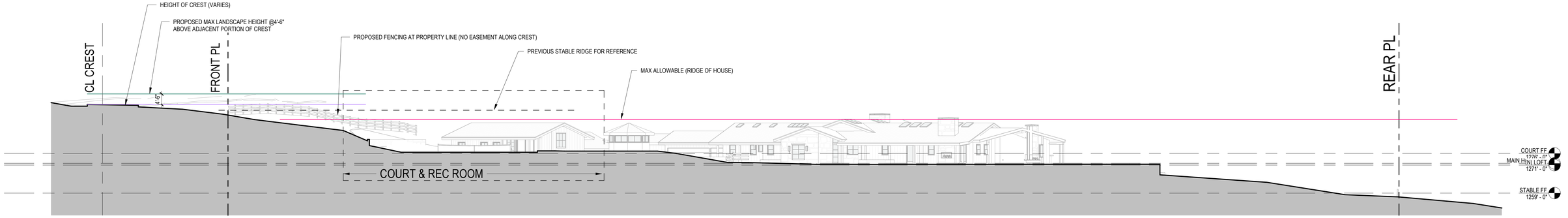
CLIENT: DOUG WHITCOMBE
2 POSSUM RIDGE ROAD
ROLLING HILLS, CALIF.

FOR PLANNING PURPOSES ONLY

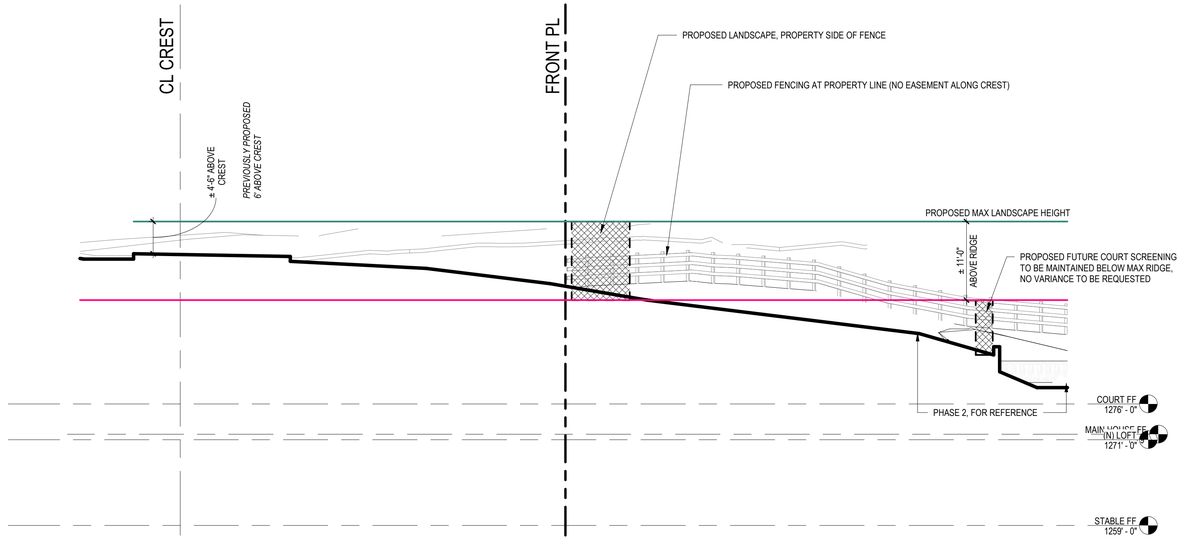
TITLE: SITE SECTIONS
NEW ADDITIONS & TENNIS COURT
2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

Date: October 8, 2024
Scale: AS SHOWN
Drawn: JPD
Checked: DJB
Job No: 23318
Sheet: C2.0
Of 6 Sheets

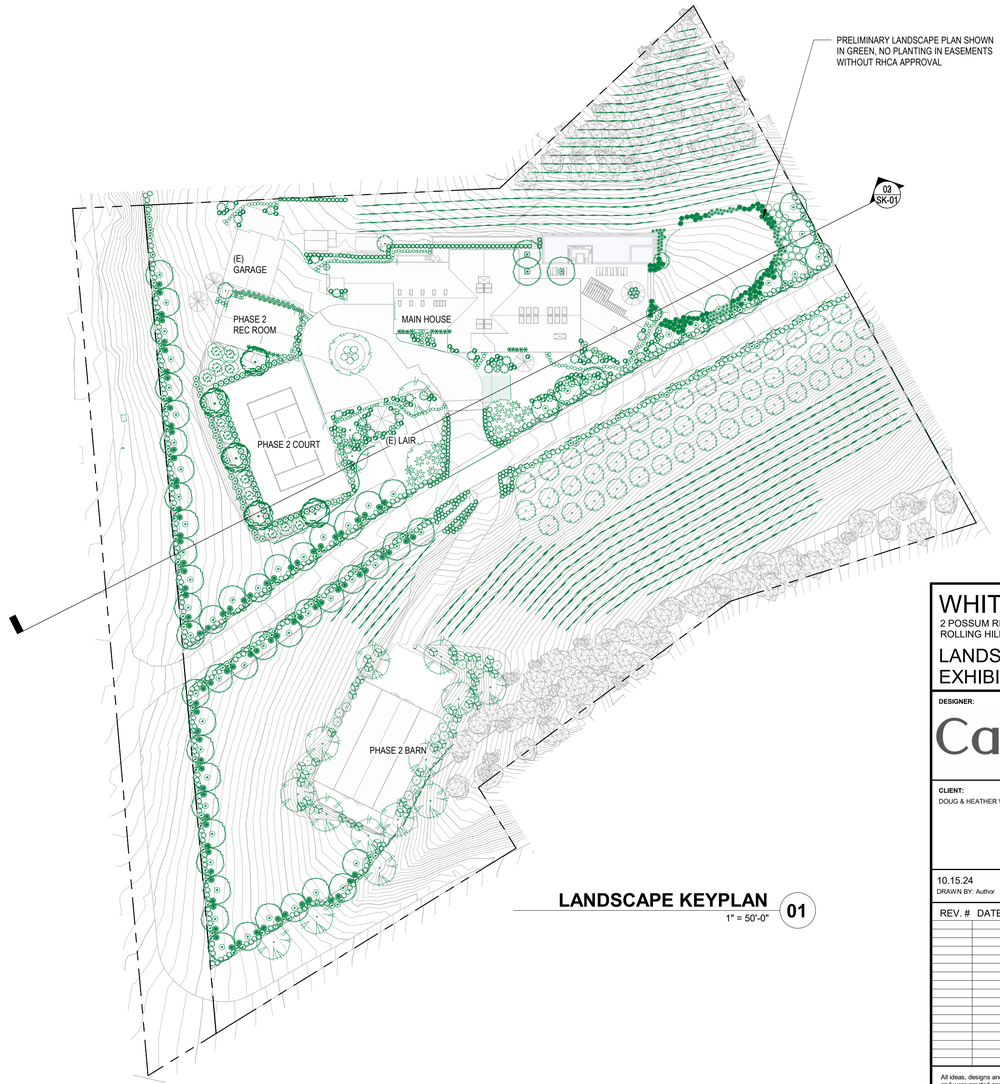
J:\23318_Whitcombe-2 Possum Ridge\dwg\Planning\23318_CIVIL 2A.dwg 10/8/2024 3:



SITE SECTION 03
1" = 20'-0"



ENLARGED SECTION 02
1" = 10'-0"



LANDSCAPE KEYPLAN 01
1" = 50'-0"

WHITCOMBE RESIDENCE

2 POSSUM RIDGE ROAD
ROLLING HILLS, CA 90274

LANDSCAPE HEIGHT EXHIBIT

SCALE: As indicated

DESIGNER:
Campbell ARCHITECTS

CLIENT:
DOUG & HEATHER WHITCOMBE

10.15.24 PLANNING
DRAWN BY: Author

REV. #	DATE	DESCRIPTION

SK-01

All ideas, designs and plans indicated or represented by these drawings are owned by and are property of the Architect and were created and developed for use in connection with the specified project. None of such ideas, designs or plans shall be used for any purpose whatsoever without the written permission of the Architect.

10/8/2024 12:20:18 PM

Agenda Item No.: 10.B
Mtg. Date: 10/15/2024

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 17.28 OF THE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH RECENT CHANGES IN STATE LAW; AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 21080.17 OF THE PUBLIC RESOURCES CODE**

DATE: **October 15, 2024**

BACKGROUND:

The proposed Ordinance included as Attachment 1 will amend Chapter 17.28 of the Rolling Hills Municipal Code (RHMC) to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs"). The Planning Commission's action serves as a recommendation to the City Council.

Chapter 17.28 of the RHMC was last amended by City Council on January 9, 2023, with adoption of Ordinance No. 381 (Attachment 3).

DISCUSSION:

In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law as summarized below.

AB 2533 – Unpermitted ADUs and JADUs

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is

based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code, § 66332(a)–(f).)

SB 1211 – Replacement Parking Requirements; Multifamily ADUs

Replacement Parking

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Gov. Code, § 66314(d)(11).)

Multifamily ADUs

SB 1211 further defines *livable space* in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for 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 …." The term "livable space" is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: "'Livable space' means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation." (See amended Gov. Code, § 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an *existing* multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, § 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a *proposed* multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, § 66323(a)(4).)

Landscaping Requirements

Other than addressing the items affected by AB 2533 and SB 1211, the Ordinance remains largely unchanged with exception to the landscape section which has been deleted. The section requires an abundant amount of vegetation to be planted around an ADU, which may

be in conflict with recent changes to Fire Department requirements to keep buildings away from fire fuel. Additionally, new trees could cause view preservation concerns with neighboring properties. Deleting the section does not preclude owners from planting vegetation around an ADU so long as Fire Department requirements are met and neighboring views are protected.

Other Changes

- *"Livable space"*: Added definition.
- Fees: Clarification that the City may charge a fee, including "the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution."
- *Septic System*: "If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years."
- *Owner Occupancy*: No longer required if an ADU meets the Ordinance and was created on or after January 1, 2020.
- *Rent Reporting*: Applicants must provide the City with an estimate of the projected annualized rents. This is required within 90 days after January 1 following the issuance of a building permit.
- *Setbacks*: Changed to be consistent with the setback of an existing structure, if existing structure is nonconforming. If no existing structure, then the setback remains 4 feet for side and rear, and 30 feet for front yard setback.
    - This section was deleted but should be considered: "If the front yard setback is the only location on the lot where an ADU may be lawfully constructed, then the ADU may encroach into the required front yard setback as necessary to enable the construction of an eight hundred square foot unit."
- *Windows and Doors*: Cannot have direct line of sight to an adjoining residential property.
- *Allowed Stories*: One story allowed, however, if the ADU is attached to a primary residence with more than one story (e.g., basement), then it may also have a basement.
- *Utilities*: Clarification that utilities may need to be separate from main residence and subject to connection and fee requirements of the utility provider.
- *Formatting Changes*: Minor formatting changes were made throughout as provided in the redlined version (Attachment 2).

Next Steps & Recommendation

Both AB 2533 and SB 1211 take effect January 1, 2025. To remain valid, the City's ADU ordinance must comply with requirements imposed by AB 2533 and SB 1211. Adopting the proposed ordinance (Exhibit A to Attachment 1) ensures that the City's ADU ordinance will be valid under AB 2533 and SB 1211. For these reasons, staff is recommending that the Planning Commission adopt the attached resolution (Attachment 1), to recommend that the City Council adopt the proposed ordinance.

ENVIRONMENTAL REVIEW:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

FISCAL IMPACT:
The ordinance amendment brings the Municipal Code into compliance with State law which protects the City from legal challenges.

RECOMMENDATION:

Open the public hearing, receive public testimony, close the public hearing, and by motion:

1. Find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17.
2. Adopt a resolution (Attachment 1) recommending that the City Council adopt the proposed ordinance that is attached thereto as Exhibit "A."

ATTACHMENTS:
Attachment 1 - 2024-13_PCResolution_ADU_Ordinance_241015.pdf
Exhibit A to PC Resolution 2024-13: 385_ADU Ordinance_D.pdf
Exhibit A to Ord 385:
PL_SUB_ADU_2024_ADU_Ordinance_Amendment_241015_ExhibitA_Clean.pdf
Attachment 2:
PL_SUB_ADU_2024_ADU_Ordinance_Amendment_241015_Comparison_Redline.pdf
Attachment 3: 381_ADU Ordinance_F_E.pdf

RESOLUTION NO. 2024-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

WHEREAS, the City of Rolling Hills, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes local agencies to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("2019 ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in February 2020, the City Council adopted Ordinance Nos. 364U and 364, which updated the City's ADU and JADU regulations (contained in Chapter 17.28 of the Rolling Hills Municipal Code) to comply with the 2019 ADU Laws; and

WHEREAS, in August 2022, the City Council adopted Ordinance No. 376, which further amended the City's ADU and JADU regulations to comply with state law, including Assembly Bills 345 and 3182; and

WHEREAS, in September 2022, the Legislature approved, and the Governor signed into law, Senate Bill 897 ("SB 897"), which imposed further restrictions on local authority to regulate ADUs and JADUs, including with respect to height limits, setbacks, application review and denial procedures, unpermitted structures, and JADU configurations; and

WHEREAS, in December 2022 and January 2023, the City Council adopted Ordinance Nos. 381U and 381, respectively, which updated the City's ADU and JADU regulations (contained in Chapter 17.28 of the Rolling Hills Municipal Code) to comply with SB 897; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law with respect to an unpermitted ADU and JADU, replacement parking, and multifamily ADU requirements.

WHEREAS, this ordinance ("Ordinance") amends the City's ADU and JADU regulations to comply with AB 2533 and SB 1211; and

WHEREAS, on October 15, 2024, the Planning Commission conducted a duly noticed public hearing to consider the Ordinance, wherein it considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the Ordinance.

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills does hereby resolve, determine, find, and order as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution**.**

Section 2. CEQA. Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the Planning Commission finds that the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

Section 3. General Plan. This Ordinance is, as a matter of law, consistent with the City's General Plan pursuant to Government Code Section 65852.2(a)(1)(C).

Section 4. Recommendation. Based on the foregoing recitals and findings, the Planning Commission hereby recommends that the City Council approve and adopt the proposed ordinance and code amendments that are attached as Exhibit "A" hereto and incorporated herein by reference.

Section 5. Certification. The Planning Commission Chair shall sign and the Secretary shall attest to the adoption of this Resolution.

Section 6. Effective Date. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF OCTOBER, 2024.

_____
BRAD CHELF, CHAIRPERSON

ATTEST:

_____
CHRISTIAN HORVATH, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2024-13 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

was approved and adopted at a regular meeting of the Planning Commission on October 15, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

_____
CHRISTIAN HORVATH, CITY CLERK

ORDINANCE NO. 385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Rolling Hills, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes local agencies to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("2019 ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in February 2020, the City Council adopted Ordinance Nos. 364U and 364, which updated the City's ADU and JADU regulations (contained in Chapter 17.28 of the Rolling Hills Municipal Code) to comply with the 2019 ADU Laws; and

WHEREAS, in August 2022, the City Council adopted Ordinance No. 376, which further amended the City's ADU and JADU regulations to comply with state law, including Assembly Bills 345 and 3182; and

WHEREAS, in September 2022, the Legislature approved, and the Governor signed into law, Senate Bill 897 ("SB 897"), which imposed further restrictions on local authority to regulate ADUs and JADUs, including with respect to height limits, setbacks, application review and denial procedures, unpermitted structures, and JADU configurations; and

WHEREAS, in December 2022 and January 2023, the City Council adopted Ordinance Nos. 381U and 381, respectively, which updated the City's ADU and JADU regulations (contained in Chapter 17.28 of the Rolling Hills Municipal Code) to comply with SB 897; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law with respect to an unpermitted ADU and JADU, replacement parking, and multifamily ADU requirements.

WHEREAS, this ordinance ("Ordinance") amends the City's ADU and JADU regulations to comply with AB 2533 and SB 1211; and

WHEREAS, on October 15, 2024, the Planning Commission conducted a duly noticed public hearing to consider the Ordinance, wherein it considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the Ordinance.

WHEREAS, on _____, 20__, the City Council conducted a duly noticed public hearing to Consider the Ordinance, wherein it considered the staff report and supporting documents, Planning Commission's recommendation, public testimony, and all appropriate information submitted with the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the Ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

SECTION 3. General Plan. This Ordinance is, as a matter of law, consistent with the City's General Plan pursuant to Government Code Section 65852.2(a)(1)(C).

SECTION 4. Code Amendments. Chapter 17.28 of the Rolling Hills Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 5. Submittal to HCD. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 7. Effective Date**.** This Ordinance takes effect 30 days following its adoption.

SECTION 8. Certification. The City Clerk is hereby directed to certify to the passage and adoption of this Ordinance; cause the same, or a summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and **ADOPTED** this ___ day of _____, 20__.

_____
Leah Mirsch, Mayor

ATTEST:

_____
Christian Horvath, City Clerk

APPROVED AS TO FORM:

_____
Patrick Donegan, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. 385 was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the ___ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Christian Horvath
City Clerk

EXHIBIT A

Amended ADU Regulations

(Follows this page)

EXHIBIT A

ADU REGULATIONS THAT COMPLY WITH SB 1211 & AB 2553 (2024)

Chapter 17.28 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

17.28.010 – Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

17.28.020 – Effect of Conforming.

An ADU or JADU that conforms to the standards in this section will not be:

A. Deemed to be inconsistent with the City's General Plan and Zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming zoning condition, as defined in subsection H below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

17.28.030 – Definitions.

As used in this section, terms are defined as follows:

A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and

2. A manufactured home, as defined by section 18007 of the California Health and Safety Code.

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

C. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

D. “Efficiency kitchen” means a kitchen that includes all of the following:

1. A cooking facility with appliances.

2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

E. “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:

1. It is no more than 500 square feet in size.

2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.

3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.

4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

5. It includes an efficiency kitchen, as defined in subsection D above.

F. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

G. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

H. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

I. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

J. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

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

L. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.28.040 – Approvals.

The following approvals apply to ADUs and JADUs under this section:

A. **Building-Permit Only.** If an ADU or JADU complies with each of the general requirements in subsection 0 below, it is allowed with only a building permit in the following scenarios:

1. **Converted on Single-family Lot:** One ADU as described in this subsectionA.1 and one 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 (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

(b) Has exterior access that is independent of that for the single-family dwelling; and

(c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(d) The JADU complies with the requirements of Government Code sections 66333 through 66339.

2. **Limited Detached on Single-family Lot:** 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 above), if the detached ADU satisfies each of the following limitations:

(a) The side- and rear-yard setbacks are at least four feet.

(b) The total floor area is 800 square feet or smaller.

(c) The peak height above grade does not exceed the applicable height limit in subsection Bbelow.

3. **Converted on Multifamily Lot:** One or more 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. Under this subsection A.3, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

   (a) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.

   (b) The peak height above grade does not exceed the applicable height limit provided in subsection B below.

   (c) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

B. **ADU Permit.**

1. Except as allowed under subsection A above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections 0 and 0 below.

2. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the Director Of Community Development and approved by the City Council by resolution.

C. **Process and Timing.**

1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

2. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the

completed application within 60 days, the application is deemed approved unless either:

(a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

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

3. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection C.2 above.

4. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

17.28.050 – General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs that are approved under subsections A or B above:

A. **Zoning.**

1. An ADU subject only to a building permit under subsection A above may be created on a lot in a residential or mixed-use zone.

2. An ADU subject to an ADU permit under subsection B above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

B. **Height.**

1. Except as otherwise provided by subsections B.2 and B.3 below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

2. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

4. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection B.4 may not exceed two stories.

5. For purposes of this subsection B, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

C. **Fire Sprinklers.**

1. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

D. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

E. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a

percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

G. **Owner Occupancy.**

1. ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.

2. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection G.2 does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

H. **Deed Restriction.** Prior to issuance of a certificate of occupancy for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

1. Except as otherwise provided in Government Code section 66341, the ADU or JADU may not be sold separately from the primary dwelling.

2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

I. **Rent Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330, the following requirements must be satisfied:

1. With the building-permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

2. Within 90 days after each January 1 following issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

J. **Building & Safety.**

1. **Must comply with building code.** Subject to subsection J.2 below, all ADUs and JADUs must comply with all local building code requirements.

2. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection J.2 prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

17.28.060 – Specific ADU Requirements.

The following requirements apply only to ADUs that require an ADU permit under subsection B above.

A. **Maximum Size.**

1. The maximum size of a detached or attached ADU subject to this Section 0 is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.

2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

3. Application of other development standards in this Section 0, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection A.2 above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

B. **Floor Area Ratio (FAR).** No ADU subject to this Section 0 may cause the total FAR of the lot to exceed 45 percent, subject to subsection A.3 above.

C. **Setbacks.**

1. ADUs that are subject to this Section 0 must conform to 4-foot side and rear setbacks.

2. ADUs that are subject to this subsection 0 must conform to 30-foot front setbacks, subject to subsection A.3 above.

3. No setback is required for an ADU that is subject to this Section 0 if the ADU is constructed in the same location and to the same dimensions as an existing structure.

D. **Lot Coverage.** No ADU subject to this Section 0 may cause the total lot coverage of the lot to exceed 50 percent, subject to subsection A.3 above.

E. **Minimum Open Space.** No ADU subject to this Section 0 may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection A.3 above.

F. **Passageway.** No passageway, as defined by Section I above, is required for an ADU.

G. **Parking.**

1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section L above.

2. Exceptions. No parking under Section G.1 is required in the following situations:

   (a) The ADU is located within one-half mile walking distance of public transit, as defined in Section K above.

   (b) The ADU is located within an architecturally and historically significant historic district.

   (c) The ADU is part of the proposed or existing primary residence or an accessory structure under Section A.1 above.

   (d) When on-street parking permits are required but not offered to the occupant of the ADU.

   (e) When there is an established car share vehicle stop located within one block of the ADU.

   (f) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections G.2(a) through (e) above.

3. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

H. **Architectural Requirements.**

1. The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.

2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

5. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

6. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.

7. All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

I. **Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

J. **Allowed Stories.** No ADU subject to this Section 0 may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under Section B.4.

17.28.070 – Fees.

The following requirements apply to all ADUs that are approved under Sections A or B above.

A. Impact Fees.

1. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this Section A, “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

2. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. Utility Fees.

1. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

2. Except as described in Section B.1, converted ADUs on a single-family lot that are created under subsection A.1 above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.

3. Except as described in Section B.1, all ADUs that are not covered by subsection B.2 require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the City. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.

   (a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

   (b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

17.28.080 – Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

A. **Generally.** The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. **Unpermitted ADUs and JADUs constructed before 2020.**

1. **Permit to Legalize.** As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

   (a) The ADU or JADU violates applicable building standards, or

   (b) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (Chapter 17.28).

2. **Exceptions:**

   (a) Notwithstanding Section B.1 above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to

comply with the standards specified in California Health and Safety Code section 17920.3.

(b) Section B.1 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

17.28.090 – Nonconforming ADUs and Discretionary Approval.

Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in Section 17.28.010 through 17.28.080 of this chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

Chapter 17.28 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

17.28.010 – Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code ~~Sections 65852.2 and 65852.22.~~ .

17.28.020 – Effect of ~~conforming.~~Conforming.

An ADU or JADU that conforms to the standards in this section will not be:

A. Deemed to be inconsistent with the City's General Plan and Zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming zoning condition, as defined in H below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code ~~Section~~section 17980.12.

17.28.030 – Definitions.

As used in this section, terms are defined as follows:

A. "~~"~~Accessory dwelling unit"~~"~~ or "~~"~~ADU"~~"~~ means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by ~~Section~~section 17958.1 of the California Health and Safety Code; and

2. ~~-~~A manufactured home, as defined by ~~Section~~section 18007 of the California Health and Safety Code.

B. "~~"~~Accessory structure"~~"~~ means a structure that is accessory and incidental to a dwelling located on the same lot.

C. ""“Complete independent living facilities”" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

D. ""“Efficiency kitchen”" means a kitchen that includes all of the following:

1. A cooking facility with appliances.

2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

E. ""“Junior accessory dwelling unit”" or ""“JADU”" means a residential unit that satisfies all of the following:

1. It is no more than ~~five hundred~~500 square feet in size.

2. It is contained entirely within an existing or proposed single-family ~~dwelling~~structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family ~~dwelling.~~ structure.

3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family ~~dwelling~~structure.

4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family ~~dwelling~~structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

5. It includes an efficiency kitchen, as defined in subsection ~~(D) above.~~ D above.

F. ""“Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

~~F.~~G. “Living area”" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

~~G.~~H. ""“Nonconforming zoning condition”" means a physical improvement on a property that does not conform with current zoning standards.

~~H.~~I. ""“Passageway”" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

~~I.~~J. ~~"~~"Proposed dwelling~~"~~" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

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

~~K.~~L. ~~"~~"Tandem parking~~"~~" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.28.040 – Approvals.

The following approvals apply to ADUs and JADUs under this section:

A. **Building-~~permit~~Permit Only.** If an ADU or JADU complies with each of the general requirements in ~~Section 17.28.050 below,~~subsection 0 below, it is allowed with only a building permit in the following scenarios:

1. **Converted on Single-family Lot:** One ADU as described in this subsectionA.1 and one 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 (in the case of an ADU only) within the existing space of an accessory structure, plus up to ~~one hundred fifty~~150 additional square feet if the expansion is limited to accommodating ingress and egress; and

(b) Has exterior access that is independent of that for the single-family dwelling; and

(c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(d) The JADU complies with the requirements of Government Code sections 66333 through 66339.

2. **Limited Detached on Single-family Lot:** 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 subsectionA.1 above), if the detached ADU satisfies each of the following limitations:

(a) The side- and rear-yard setbacks are at least four feet.

(b) The total floor area is ~~eight hundred~~800 square feet or smaller.

(c) The peak height above grade does not exceed the applicable height limit ~~provided in section 17.28.050(B).~~ in subsection Bbelow.

3. **Converted on Multifamily Lot:** One or more 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. Under this subsectionA.3, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to ~~twenty-five~~25 percent of the existing multifamily dwelling units.

4. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot ~~that has an existing or~~ with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies ~~both~~all of the following ~~limitations:~~ :

(a) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.

(b) The peak height above grade does not exceed the applicable height limit provided in ~~section 17.28.050(B).~~ subsection B below.

(c) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

B. **ADU Permit.**

1. Except as allowed under subsection ~~(A) above,~~A above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in ~~Section 17.28.050 and Section 17.28.060.~~subsections 0 and 0 below.

2. The City may charge ~~an application~~a fee~~, adopted by resolution of the City Council,~~ to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's

ADU ordinance. The ADU-permit processing fee is determined by the Director Of Community Development and approved by the City Council by resolution.

C. **Process and Timing.**

1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

2. The City must approve or deny an application to create an ADU or JADU within ~~sixty~~60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within ~~sixty~~60 days, the application is deemed approved unless either:

   (a) The applicant requests a delay, in which case the ~~sixty~~60-day time period is tolled for the period of the requested delay, or

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

3. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the ~~sixty~~ 60-day time period established by subsection (C.2) above.

4. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

17.28.050 – General ADU and JADU ~~requirements.~~**Requirements.**

The following requirements apply to all ADUs and JADUs that are approved under ~~Section 17.28.040(A)~~subsections A or ~~(B):~~B above:

A. **Zoning.**

1. An ADU ~~or JADU~~ subject only to a building permit under ~~Section 17.28.040(A)~~subsection A above may be created on a lot in a residential or mixed-use zone.

2. An ADU ~~or JADU~~ subject to an ADU permit under ~~Section 17.28.040(B)~~subsection B above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

B. **Height.**

1. Except as otherwise provided by subsections B.2 and B.3 below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed ~~sixteen~~16 feet in height.

2. A detached ADU may be up to ~~eighteen~~18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or ~~a~~ high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of ~~twenty~~20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed ~~eighteen~~18 feet in height.

4. An ADU that is attached to the primary dwelling may not exceed ~~twenty five~~25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection B.4 may not exceed two stories.

5. For purposes of this subsection B, height is measured ~~above~~from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

C. **Fire Sprinklers.**

1. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

D. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than ~~thirty~~30 days. This prohibition applies regardless of when the ADU or JADU was created.

E. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code ~~Section 65852.26~~section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

~~F.~~G. **Owner Occupancy.**

~~1. An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.~~

~~2.~~1. ~~Unless applicable law requires otherwise, all~~ ADUs ~~that are permitted~~created under this section on or after January 1, ~~2025,~~2020 are not subject to an owner-occupancy requirement. ~~A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

~~3.~~2. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement ~~of~~in this ~~paragraph~~subsection G.2 does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

~~G.~~H. **Deed Restriction.** Prior to issuance of a ~~building permit~~certificate of occupancy for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

1. Except as otherwise provided in Government Code ~~Section 65852.26~~section 66341, the ADU or JADU may not be sold separately from the primary dwelling.

2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this ~~chapter.~~ section.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the ~~Director~~director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

I. **Rent Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330, the following requirements must be satisfied:

1. With the building-permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

2. Within 90 days after each January 1 following issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

~~H.~~J. **Building ~~and~~& Safety.**

1. **Must comply with building code.** Subject to subsection ~~(H)(2)~~A.1 below, all ADUs and JADUs must comply with all local building code requirements.

~~2.~~ **No change ~~in~~of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the ~~building official~~Building Official or Code Enforcement ~~Division officer~~Officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection ~~(H)(2)~~A.1 prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

2.

17.28.060 – Specific ADU ~~requirements.~~Requirements.

The following requirements apply only to ADUs that require an ADU permit under ~~Section 17.28.040(B).~~subsection B above.

A. **Maximum Size.**

1. The maximum size of a detached or attached ADU subject to this Section 0 is ~~eight hundred fifty~~850 square feet for a studio or one-bedroom unit and ~~one thousand~~1,000 square feet for a unit with two or more bedrooms.

2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to ~~fifty~~50 percent of the floor area of the existing primary dwelling~~, subject to subsection (A)(3) below~~.

3. Application of other development standards in this Section 0, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the ~~percentage~~percent-based size limit in subsection A.2 above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be ~~smaller~~less than ~~eight hundred~~800 square feet.

B. **Floor Area Ratio (FAR).** No ADU subject to this Section 0 may cause the total FAR of the lot to exceed ~~forty-five~~45 percent, subject to ~~Section 17.28.060(A)(3) above.~~subsection A.3 above.

C. **Setbacks.**

~~1. Front Yard.~~

~~65277.00010\40812719.3~~

~~(a) Subject to subsection (C)(1)(b) below, no part of any ADU subject to this Section 17.28.060 may be located within thirty feet of the front property line.~~

~~(b) If the front yard setback is the only location on the lot where an ADU may be lawfully constructed, then the ADU may encroach into the required front yard setback as necessary to enable the construction of an eight hundred square foot unit.~~

~~2. No part of any ADU subject to this Section 17.28.060 may be located within four feet of a side or rear property line.~~

1. ADUs that are subject to this Section 0 must conform to 4-foot side and rear setbacks.

2. ADUs that are subject to this subsection 0 must conform to 30-foot front setbacks, subject to subsection A.3 above.

3. No setback is required for an ADU that is subject to this Section 0 if the ADU is constructed in the same location and to the same dimensions as an existing structure.

D. **Lot Coverage.** No ADU subject to this Section 0 may cause the total lot coverage of the lot to exceed ~~fifty~~50 percent, subject to ~~Section 17.28.060(A)(3) above.~~subsection A.3 above.

E. **Minimum Open Space.** No ADU subject to this Section 0 may cause the total percentage of open space of the lot to fall below ~~fifty~~50 percent, subject to subsection ~~Section 17.28.060(A)(3) above.~~A.3 above.

F. **Passageway.** No passageway, as defined by Section ~~17.28.030(H) above,~~I above, is required for an ADU.

G. **Parking.**

1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section ~~17.28.030(K) above.~~L above.

2. Exceptions. No parking under Section G.1 is required in the following situations:

(a) The ADU is located within one-half mile walking distance of public transit, as defined in ~~subsection Section 17.28.030(J) above.~~ Section K above.

(b) The ADU is located within an architecturally and historically significant historic district.

(c) The ADU is part of the proposed or existing primary residence or an accessory structure under Section A.1 above.

(d) When on-street parking permits are required but not offered to the occupant of the ADU.

(e) When there is an established car share vehicle stop located within one block of the ADU.

(f) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections G.2(a) through ~~(G)(2)(e) above.~~(e) above.

3. No Replacement. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

H. **Architectural Requirements.**

1. The materials and colors of the exterior walls, roof, and windows and doors must ~~match the appearance and architectural design of~~be the same as those of the primary dwelling.

2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

5. The interior horizontal dimensions of an ADU must be at least ~~ten~~10 feet wide in every direction, with a minimum interior wall height of seven feet.

6. ~~Fencing~~No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass ~~may be used to provide screening and~~ to prevent a direct line of sight ~~to contiguous residential property~~.

7. The architectural treatment of All windows and doors in an ADU to be constructed on less than 30 feet from a lotproperty line that has an identified historical resource listed on is not a public right-of-way line must either be (for windows) clerestory with the California Registerbottom of Historic Resources must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

I. Landscape Requirements.

1. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

(a) At least one, fifteen-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively,glass at least one, twenty-four-inch box size plant shall be provided for every ten linear feet of exterior wall.

(b) Plant specimens six feet above the finished floor, or (for windows and for screening must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.

2. All landscaping must be drought-tolerant.

3.7. All landscaping must be from the City's approved plant listdoors) utilize frosted or obscure glass.

J. **Historical Protections.** An ADU that is subject to this Section 17.28.060 and that is on or within six hundred600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

I.

J. **Allowed Stories.** No ADU subject to this Section 0 may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under Section B.4.

17.28.070 – Fees.

The following requirements apply to all ADUs and JADUs that are approved under Sections A or Section 17.28.040(B).B above.

A. Impact Fees.

1. No impact fee is required for an ADU that is less than seven hundred fifty750 square feet in size. For purposes of this Section A, "impact fee"" means a ""fee"" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). ""Impact fee"" here does not include any connection fee or capacity charge for water or sewer service.

2. Any impact fee that is required for an ADU that is ~~seven hundred fifty~~750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. Utility Fees.

1. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

2. Except as described in ~~subsection 17.28.070(B)(1),~~Section B.1, converted ADUs on a single-family lot that are created under ~~Section 17.28.040(A)(1) above~~subsection A.1 above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.

3. Except as described in Section B.1, all ADUs that are not covered by ~~Section 17.28.070(B)(2) above~~subsection B.2 require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the City. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.

   (a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

   (b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

17.28.080 – Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

A. **Generally.** The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. **Unpermitted ADUs and JADUs constructed before ~~2018~~2020.**

1. **Permit to Legalize.** As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~2020, if denial is based on either of the following grounds:

(a) The ADU or JADU violates applicable building standards~~;~~, or

(b) The ADU or JADU does not comply with state ADU or JADU law ~~(Government Code Section 65852.2)~~ or this ADU ordinance (Chapter 17.28).

2. **Exceptions~~.~~:**

(a) Notwithstanding ~~subsection (B)(1) above,~~Section B.1 above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~2020, if the City makes a finding that correcting a violation is necessary to ~~protect~~comply with the ~~health~~standards specified in California Health and ~~safety of the public or of occupants of the structure~~Safety Code section 17920.3.

(b) ~~Subsection (B)(1) above~~Section B.1 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

17.28.090 – Nonconforming ADUs and ~~discretionary approval.~~Discretionary Approval.

Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in Section 17.28.010 through ~~Section~~ 17.28.080 of this chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

ORDINANCE NO. 381

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Rolling Hills, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("2019 ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in February 2020, the City Council adopted Ordinance Nos. 364U and 364, which updated the City's ADU and JADU regulations (contained in Chapter 17.28 of the Rolling Hills Municipal Code) to comply with the 2019 ADU Laws; and

WHEREAS, in August 2022, the City Council adopted Ordinance No. 376, which further amended the City's ADU and JADU regulations to comply with state law, including Assembly Bills 345 and 3182; and

WHEREAS, in September 2022, the Legislature approved, and the Governor signed into law, Senate Bill 897 ("SB 897"); and

WHEREAS, SB 897 imposed further restrictions on local authority to regulate ADUs and JADUs, including with respect to height limits, setbacks, application review and denial procedures, unpermitted structures, and JADU configurations; and

WHEREAS, this ordinance ("Ordinance") amends the City's ADU and JADU regulations to comply with SB 897; and

WHEREAS, on November 15, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Ordinance, wherein it considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the Ordinance. Following the public hearing, the Planning Commission recommended that the Council adopt the Ordinance; and

WHEREAS, on December 13, 2022, the City Council conducted a duly noticed public hearing to Consider the Ordinance, wherein it considered the staff report and

supporting documents, Planning Commission's recommendation, public testimony, and all appropriate information submitted with the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the Ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

SECTION 3. General Plan. This Ordinance is, as a matter of law, consistent with the City's General Plan pursuant to Government Code Section 65852.2(a)(1)(C).

SECTION 4. Code Amendments. Chapter 17.28 of the Rolling Hills Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 5. Submittal to HCD. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 7. Effective Date. This Ordinance takes effect 30 days following its adoption.

SECTION 8. Certification. The City Clerk is hereby directed to certify to the passage and adoption of this Ordinance; cause the same, or a summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and **ADOPTED** this 9th day of January, 2023.

Patrick Wilson, Mayor

ATTEST:

Christian Horvath, City Clerk

APPROVED AS TO FORM:

Patrick Donegan, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. 381 was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the 9th day of January, 2023, by the following vote:

AYES: Black, Dieringer, Pieper, Mirsch, Mayor Wilson

NOES:

ABSENT:

ABSTAIN:

Christian Horvath
City Clerk

EXHIBIT A

Amended ADU Regulations

(Follows this page)

Chapter 17.28 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

17.28.010 Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

17.28.020 Effect of conforming.

An ADU or JADU that conforms to the standards in this section will not be:

A. Deemed to be inconsistent with the City's General Plan and Zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming zoning condition, as defined in Section 17.28.030(G) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

17.28.030 Definitions.

As used in this section, terms are defined as follows:

A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

   1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

   2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

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

C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

D. "Efficiency kitchen" means a kitchen that includes all of the following:

   1. A cooking facility with appliances.

2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

E. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:

1. It is no more than five hundred square feet in size.

2. It is contained entirely within an existing or proposed single-family dwelling. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family dwelling.

3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family dwelling.

4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family dwelling in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

5. It includes an efficiency kitchen, as defined in subsection (D) above.

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

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

H. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

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

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

K. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.28.040 Approvals.

The following approvals apply to ADUs and JADUs under this section:

A. Building-permit Only. If an ADU or JADU complies with each of the general requirements in Section 17.28.050 below, it is allowed with only a building permit in the following scenarios:

1. Converted on Single-family Lot: One ADU as described in this subsection (A)(1) and one 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 (in the case of an ADU only) within the existing space of an accessory structure, plus up to one hundred fifty additional square feet if the expansion is limited to accommodating ingress and egress; and

(b) Has exterior access that is independent of that for the single-family dwelling; and

(c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

2. Limited Detached on Single-family Lot: 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) above), if the detached ADU satisfies each of the following limitations:

(a) The side- and rear-yard setbacks are at least four feet.

(b) The total floor area is eight hundred square feet or smaller.

(c) The peak height above grade does not exceed the applicable height limit provided in section 17.28.050(B).

3. Converted on Multifamily Lot: One or more 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. Under this subsection (A)(3), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to twenty-five percent of the existing multifamily dwelling units.

4. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:

(a) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.

(b) The peak height above grade does not exceed the applicable height limit provided in section 17.28.050(B).

B. ADU Permit.

1. Except as allowed under subsection (A) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Section 17.28.050 and Section 17.28.060.

2. The City may charge an application fee, adopted by resolution of the City Council, to reimburse it for costs incurred in processing ADU permits.

C. Process and Timing.

1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

2. The City must approve or deny an application to create an ADU or JADU within sixty days from the date that the City receives a completed application. If the City has not approved or denied the completed application within sixty days, the application is deemed approved unless either:

   (a) The applicant requests a delay, in which case the sixty-day time period is tolled for the period of the requested delay, or

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

3. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the sixty day time period established by subsection (C.2) above.

4. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

17.28.050 General ADU and JADU requirements.

The following requirements apply to all ADUs and JADUs that are approved under Section 17.28.040(A) or (B):

A. Zoning.

1. An ADU or JADU subject only to a building permit under Section 17.28.040(A) may be created on a lot in a residential or mixed-use zone.

2. An ADU or JADU subject to an ADU permit under Section 17.28.040(B) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

B. Height.

1. Except as otherwise provided by subsections (B.2) and (B.3) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed sixteen feet in height.

2. A detached ADU may be up to eighteen feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is

located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of twenty feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed eighteen feet in height.

4. An ADU that is attached to the primary dwelling may not exceed twenty five feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower.

5. For purposes of this subsection (B), height is measured above existing legal grade to the peak of the structure.

C. Fire Sprinklers.

1. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

D. Rental Term. No ADU or JADU may be rented for a term that is shorter than thirty days. This prohibition applies regardless of when the ADU or JADU was created.

E. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. Owner Occupancy.

1. An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.

2. Unless applicable law requires otherwise, all ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

3. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

G. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

1. Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.

2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this chapter.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

H. Building and Safety.

1. **Must comply with building code**. Subject to subsection (H)(2) below, all ADUs and JADUs must comply with all local building code requirements.

2. **No change in occupancy**. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (H)(2) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

17.28.060 Specific ADU requirements.

The following requirements apply only to ADUs that require an ADU permit under Section 17.28.040(B).

A. Maximum Size.

1. The maximum size of a detached or attached ADU subject to this Section 17.28.060 is eight hundred fifty square feet for a studio or one-bedroom unit and one thousand square feet for a unit with two or more bedrooms.

2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to fifty percent of the floor area of the existing primary dwelling, subject to subsection (A)(3) below.

3. Application of other development standards in this Section 17.28.060, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percentage-based size limit in subsection (A)(2) above, or of an FAR, lot coverage limit or open-space requirement may require the ADU to be smaller than eight hundred square feet.

B. Floor Area Ratio (FAR). No ADU subject to this Section 17.28.060 may cause the total FAR of the lot to exceed forty-five percent, subject to Section 17.28.060(A)(3) above.

C. Setbacks.

1. Front Yard.

(a) Subject to subsection (C)(1)(b) below, no part of any ADU subject to this Section 17.28.060 may be located within thirty feet of the front property line.

(b) If the front yard setback is the only location on the lot where an ADU may be lawfully constructed, then the ADU may encroach into the required front yard setback as necessary to enable the construction of an eight hundred square foot unit.

2. No part of any ADU subject to this Section 17.28.060 may be located within four feet of a side or rear property line.

D. Lot Coverage. No ADU subject to this Section 17.28.060 may cause the total lot coverage of the lot to exceed fifty percent, subject to Section 17.28.060(A)(3) above.

E. Minimum Open Space. No ADU subject to this Section 17.28.060 may cause the total percentage of open space of the lot to fall below fifty percent, subject to subsection Section 17.28.060(A)(3) above.

F. Passageway. No passageway, as defined by Section 17.28.030(H) above, is required for an ADU.

G. Parking.

1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section 17.28.030(K) above.

2. Exceptions. No parking under Section 17.28.060(G.1) is required in the following situations:

   (a) The ADU is located within one-half mile walking distance of public transit, as defined in subsection Section 17.28.030(J) above.

   (b) The ADU is located within an architecturally and historically significant historic district.

   (c) The ADU is part of the proposed or existing primary residence or an accessory structure under Section 17.28.040(A)(1) above.

   (d) When on-street parking permits are required but not offered to the occupant of the ADU.

   (e) When there is an established car share vehicle stop located within one block of the ADU.

   (f) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria in subsections (G.2(a) through (G.2(e) above.

3. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

H. Architectural Requirements.

1. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

5. The interior horizontal dimensions of an ADU must be at least ten feet wide in every direction, with a minimum interior wall height of seven feet.

6. Fencing, landscaping or privacy glass may be used to provide screening and prevent a direct line of sight to contiguous residential property.

7. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the California Register of Historic

Resources must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

I. Landscape Requirements.

1. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

(a) At least one, fifteen-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one, twenty-four-inch box size plant shall be provided for every ten linear feet of exterior wall.

(b) Plant specimens for screening must be at least eight feet tall when installed. As an alternative, a solid fence of at least eight feet in height may be installed.

2. All landscaping must be drought-tolerant.

3. All landscaping must be from the City's approved plant list.

J. Historical Protections. An ADU that is subject to this Section 17.28.060 and that is on or within six hundred feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

17.28.070 Fees.

The following requirements apply to all ADUs and JADUs that are approved under Section 17.28.040(A) or Section 17.28.040(B).

A. Impact Fees.

1. No impact fee is required for an ADU that is less than seven hundred fifty square feet in size. For purposes of this Section 17.28.070, "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

2. Any impact fee that is required for an ADU that is seven hundred fifty square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. Utility Fees.

1. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

2. Except as described in subsection 17.28.070(B)(1), converted ADUs on a single-family lot that are created under Section 17.28.040(A)(1) above are

not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.

3. Except as described in Section 17.28.070(B)(1), all ADUs not covered by Section 17.28.070(B)(2) above require a new, separate utility connection directly between the ADU and the utility.

   (a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

   (b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

17.28.080 Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

A. **Generally**. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. **Unpermitted ADUs constructed before 2018**.

1. **Permit to Legalize.** As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

   (a) The ADU violates applicable building standards; or

   (b) The ADU does not comply with state ADU law (Government Code Section 65852.2) or this ADU ordinance (Chapter 17.28).

2. **Exceptions**.

   (a) Notwithstanding subsection (B.1) above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.

   (b) Subsection (B.1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

17.28.090 Nonconforming ADUs and discretionary approval.

Any proposed ADU or JADU that does not conform to the objective standards set forth in Section 17.28.010 through Section 17.28.080 of this chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

Agenda Item No.: 12.A
Mtg. Date: 10/15/2024

TO: **HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **DISCUSSION ON BUILDING HEIGHT**

DATE: **October 15, 2024**

BACKGROUND:
Recently, there has been discussion about the City's height limitation allowed. Rolling Hills Municipal Code (RHMC) Section 17.16.080 limits a building or structure to no more than one story. The only exceptions are for basements, stables, and storage areas (Attachments 1 and 2).

DISCUSSION:
Basements
Basements are located below ground and often not seen. Homes are allowed to have multiple basement levels. A portion of the basement may daylight provided it does not exceed a height of 5 feet nor an average height of 2-1/2 feet at any point immediately adjacent to the basement exterior.

Lofts
Many stables in the City have lofts as defined in RHMC Section 17.12.120 (Attachment 2). These lofts often appear to be second stories and can reach a height of 25 feet (Attachment 3). Lofts for a stable are meant to store hay and horse equipment but may also be used as a tack room provided there are no sleeping quarters.

Lofts may also be found in some residences and may be legal if they were built prior to the City's incorporation in 1957. Additionally, residences in the Overlay Zoning District (OZD-1) have steeper pitched roofs to meet architectural standards for a colonial building, which is a standard imposed by the Rolling Hills Community Association (RHCA). Lofts are not allowed in the OZD-1 district, but many have attic spaces converted to a loft or second story because of the high ceiling heights.

Storage Areas
RHMC Section 17.12.190 defines a storage area as a "space within a building or structure, including attics, used for storing items." A storage area is allowed to be located above or

below a story, but is not meant to be livable and cannot have doors to the exterior, window openings, heating or air conditioning. A storage area may not exceed six feet in height at any one point. Attics may have a ceiling that follows the shape and the angle of the roofline, which could be more than six feet high at the peak of the ceiling. Staff reviews plans to make sure staircases are not shown leading to a storage area in the attic.

Conclusion
The Planning Commission should discuss if the height requirement in the Code is adequate. If not, the Commission can make recommendations to improve or amend the height requirement to be considered at a later date.

FISCAL IMPACT:
None.

RECOMMENDATION:
Discuss and provide direction.

ATTACHMENTS:
Attachment 1: PL_SUB_BH_RHMC_Section_17.16.080_Height_limitation..pdf
Attachment 2: PL_SUB_BH_RHMC_Chapter_17.12_Code_Definitions.pdf
Attachment 3: PL_SUB_STA_Stable_Comparison.pdf

17.16.080 Height limitation.

A. General Limitation. A building or structure shall have no more than one story, meaning that there shall be no story on top of another, except as specified in subsection (B) below.

The maximum height permitted from finished floor of any structure to finished grade is five feet. The difference between the finished grade and the finished floor level across any elevation shall average no more than two and one-half feet, with maximum difference of five feet.

B. Exceptions:

1. A one-story primary residence is permitted over a basement. For the purpose of this section primary residence includes a garage attached to the main residence by a solid wall.
2. Stables may have a loft, subject to the requirements of Chapter 17.18 of this title.
3. A storage area, as defined in Section 17.12.190 "S" may be located above or below a story.

(Ord. 312 § 2, 2008: Ord. 295 § 7 (Exh. B (part)), 2004; Ord. 269 § 8, 1997; Ord. 239 § 11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. C), 7-15-2010; Ord. No. 327, § 6(Exh. A, Pt. 7), 6-11-2012)

DEFINITIONS

17.12.020 "B" words, terms and phrases.

Barn. See "stable."

"Basement" means any floor level below the first story of the primary residence, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. Except for walls within light wells, basement walls across any elevation may not exceed a height of five feet above finished grade at any point immediately adjacent to the basement exterior, and shall have no greater than an average of two and one-half feet exterior height. Basements shall comply with the Los Angeles County Building Code requirements. Basement well(s) shall be incorporated into the overall design of the building so that it does not give an appearance of a separate story.

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

17.12.030 - "C" words, terms and phrases.

Cellar. See "basement."

17.12.120 "L" words, terms and phrases.

"Loft" means an area above a stable utilized for storage of feed and hay, saddles, bridles, other horse equipment and similar equestrian or agricultural related items, or tack room uses, but excludes sleeping quarters.

17.12.160 - "P" words, terms and phrases.

"Plate height" means the height of a building measured from the finished floor level to the top of the wall.

17.12.190 "S" words, terms and phrases.

"Stable" means the same as "barn" and is a building or a portion of a building designed and constructed to shelter permitted domestic animals and store farm implements, hay, grain, equestrian and horticultural related items and equipment. Stable may include agricultural space, loft and tack room space. Stable shall not be a place for human habitation, except for uses specifically permitted in the tack room; it may not be rented out or be used for human sleeping or commercial purposes.

"Storage area" means space within a building or structure, including attics, used for storing of items. It includes spaces located below or above a story and may not exceed six feet in height at any one point. Attics may have a ceiling that follows the shape and the angle of the roofline, which could be more than six feet high at the peak of the ceiling. Attics and storage areas shall not have doors to the exterior, window openings, heating or air conditioning.

"Storage room, free standing," shall mean an accessory structure used exclusively for storage of household, equestrian, garden and similar items.

"Story" means that portion of a building included between the upper surface of any floor and the ceiling or roof above it. There shall be no story on top of another, except as permitted in Section 17.16.080(B) of this title.

"Structure" means a combination of materials assembled in a form for use, occupancy or ornamentation whether installed on, above or below the surface of land or water and requiring a fixed location or attached to something having a fixed location. Structure shall also include, but not be limited to, fences, retaining walls, covered porches, entryways, porte cochere, latticework, trellises, pilasters, fountains, pools, spas, pool/spa equipment, gazebos, garden walls, decks, and subterranean structures other than basements.

STABLE COMPARISON

Address	Size (SF)	Height (Ft.)	Yr. Approved	Notes
9 PBR	1,334	21.4	2023	
74 PBR	960	11	2023	
8 Middleridge Ln S	750	13	2022	
29 Crest Rd W	900	13.5	2022	Originally approved for 934 SF
8 Quail Ridge Rd N	2,780	25	2021	Plus 7' cupola = 32'
8 Upper Blackwater Cyn Rd	1,875	12	2021	Approx. height
15 Upper Blackwater Cyn Rd.	935	20.8	2021	
13 PBR	3,360	24	2019	
1 Poppy Trail	452	12.25	2019	
20 Upper Blackwater Cyn Rd.	3,575	20	2018	
11 Upper Blackwater Cyn Rd.	744	20	2017	
7 Middleridge Lane S.	1,361	18.4	2017	
6 Meadowlark Ln.	779	20	2017	
11 Saddleback	2,340	19.5	2017	To top of cupola
5 Pine Tree Ln.	1,200	14	2017	Plus cupola = ~19'
10 Crest Rd. W	1,188	19.3	2016	
77 Crest Rd. E	3,691	18.4	2016	
9 Chuckwagon Rd.	2,088	21	2014	
3 Meadowlark Ln.	840	19.6	2013	
29 Middleridge Ln. S	2,960	23.4	2011	
14 Portuguese Bend Rd.	918	18.5	2005	1st floor only
6 Possum Ridge Rd.	1,680	21.5	2003	1st floor only
23 Crest Rd. E	1,225	18.75		Proposed; not built
6 Saddleback Rd.	650	17		
2 Meadowlark Ln.	239	18		1st floor only
11 Saddleback Road	2,414	16	2018	
2 Possum Ridge	1,890		1994	
29 Middleridge Ln. S	3,200	23.6	1996	
4 Stormhill Lane	2,064	12.5		
1 Pine Tree Lane	2,976	14.5	2015	
1 Morgan Lane	4,038	24.9		1st Flr. 2,377 SF; 2nd Flr. 1,721 SF