



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

AGENDA

Adjourned City Council Meeting

CITY COUNCIL

Monday, November 11, 2024

CITY OF ROLLING HILLS

7:00 PM

The meeting agenda is available on the City's website. The City Council 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 City Council meetings can be found here: <https://www.rolling-hills.org/government/agenda/index.php>

Next Resolution No. 1383

Next Ordinance No. 386

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

5. APPROVE ORDER OF THE AGENDA

This is the appropriate time for the Mayor or Councilmembers to approve the agenda as is or reorder.

6. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Blue folder (supplemental) items are additional back up materials to administrative reports, changes to the posted agenda packet, and/or public comments received after the printing and distribution of the agenda packet for receive and file.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

*This is the appropriate time for members of the public to make comments regarding items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

8. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any Councilmember 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 Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Councilmembers for discussion.

8.A. [APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF NOVEMBER 11, 2024](#)

RECOMMENDATION: Approve.

[CL_AGN_241111_CC_AffidavitofPosting.pdf](#)

- 8.B. [APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA](#)

RECOMMENDATION: Approve.

- 8.C. [APPROVE THE FOLLOWING CITY COUNCIL MINUTES: OCTOBER 28, 2024 REGULAR MEETING](#)

RECOMMENDATION: Approve as presented.

[CL_MIN_241028_CC_F.pdf](#)

- 8.D. [PAYMENT OF BILLS](#)

RECOMMENDATION: Approve as presented.

[CL_AGN_241111_CC_PaymentOfBills_E.pdf](#)

9. EXCLUDED CONSENT CALENDAR ITEMS

10. COMMISSION ITEMS

11. PUBLIC HEARINGS

- 11.A. [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 make the following actions:

- **Find that the adoption of the ordinances is statutorily exempt from review under CEQA pursuant to Public Resources Code Section 21080.17; and**
- **Introduce for first reading by title only Ordinance No. 385 regarding ADUs and JADUs.**

[Attachment 1: 385_ADU Ordinance_F.pdf](#)

[Attachment 2:](#)

[PL_SUB_ADU_2024_ADU_Ordinance_Amendment_241015_Comparison_Redline.pdf](#)

[Attachment 3: 2024-13_PC_Resolution_ADU_Ordinance_241015_F_E.pdf](#)

[Attachment 4: 381_ADU Ordinance_F_E.pdf](#)

12. OLD BUSINESS

13. NEW BUSINESS

- 13.A. [CONSIDERATION OF APPROVING FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WILDLIFE SPECIALIST AND CONSULTANT TO PROVIDE ADDITIONAL COYOTE EDUCATIONAL OR](#)

ABATEMENT SERVICES ON AN EMERGENCY BASIS FOR A NOT-TO-EXCEED AMOUNT OF \$15,000 FOR THE REMINDER OF FISCAL YEAR 24/25 ENDING JUNE 30, 2025

RECOMMENDATION: Approve as presented.

Attachment A - CA_AGR_241111_WS&C_Amendment01_F.pdf

Attachment B - CA_AGR_240221_WildlifeSpecialist&Consultant_E.pdf

Attachment C - CL_AGN_240212_CC_Item13A.pdf

Attachment D - CA_AGR_240424_LAC_ACWM_PestControl_No779_E.pdf

14. MATTERS FROM THE CITY COUNCIL

14.A. CONSIDERATION OF DIRECTING STAFF TO DRAFT A LEGISLATIVE AND POLICY PLATFORM (MAYOR MIRSCH)

RECOMMENDATION: Receive and file. Provide direction to staff.

CL_AGN_241111_CC_Item14A_RPV_LegPlatform2021.pdf

CL_AGN_241111_CC_Item14A_RPV_LegPlatform2023.pdf

15. MATTERS FROM STAFF

15.A. RECEIVE AND FILE A VERBAL UPDATE ON THE CITY HALL LANDSCAPE DESIGN GRANT PROJECT

RECOMMENDATION: Receive and file.

15.B. RECEIVE AND FILE A VERBAL UPDATE ON THE OUTDOOR EMERGENCY SIREN PROJECT AND CITYWIDE TESTING

RECOMMENDATION: Receive and file.

16. RECESS TO CLOSED SESSION

16.A. EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1)THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE) a. NAME OF CASE: CONNIE ANDERSEN, ET AL. V. CALIFORNIA WATER COMPANY, ET AL. (SEAVIEW CASE) CASE NO.: 24STCV20953

RECOMMENDATION: None.

16.B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9 (TWO CASES) CPUC COMPLAINTS AGAINST SOUTHERN CALIFORNIA EDISON AND SOCAL GAS

RECOMMENDATION: None.

17. RECONVENE TO OPEN SESSION

18. ADJOURNMENT

Next regular meeting: Monday, November 25, 2024 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Public Comment is welcome on any item prior to City Council action on the item.

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.

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



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF NOVEMBER 11, 2024

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve.

ATTACHMENTS:

[CL_AGN_241111_CC_AffidavitofPosting.pdf](#)



Administrative Report

8.A., File # 2527

Meeting Date: 11/11/2024

To: MAYOR & CITY COUNCIL

From: Christian Horvath, City Clerk

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED REGULAR MEETING OF NOVEMBER 11, 2024

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
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	City Council
Posting Type	Adjourned 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	NOVEMBER 11, 2024	7:00pm Open Session
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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: November 8, 2024



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.B
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.C
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: APPROVE THE FOLLOWING CITY COUNCIL MINUTES: OCTOBER 28, 2024 REGULAR MEETING

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[CL_MIN_241028_CC_F.pdf](#)



1. CALL TO ORDER

The City Council of the City of Rolling Hills met in person on the above date at 7:00 p.m. Mayor Mirsch presiding.

2. ROLL CALL

Councilmembers Present: Dieringer, Wilson, Black, Pieper, Mayor Mirsch
Councilmembers Absent: None
Staff Present: Karina Bañales, City Manager
Christian Horvath, City Clerk / Executive Assistant to the City Manager
John Signo, Planning & Community Services Director
Samantha Crew, Management Analyst
Pat Donegan, City Attorney

3. PLEDGE OF ALLEGIANCE – Mayor Pro Tem Pieper

4. PRESENTATIONS / PROCLAMATIONS / ANNOUNCEMENTS – NONE

5. APPROVE ORDER OF THE AGENDA

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Wilson to approve the order of the agenda. Motion carried unanimously with the following vote:

AYES: Dieringer, Wilson, Black, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

6. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Dieringer to receive and file Blue Folder Items 11A and 13A. Motion carried unanimously with the following vote:

AYES: Dieringer, Wilson, Black, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Public Comment: Alfred Visco

8. CONSENT CALENDAR

8.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF OCTOBER 28, 2024

- 8.B. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA**
- 8.C. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: OCTOBER 14, 2024 REGULAR MEETING**
- 8.D. PAYMENT OF BILLS**
- 8.E. REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR SEPTEMBER 2024**

Motion by Councilmember Wilson, seconded by Councilmember Dieringer to approve the Consent Calendar.
Motion carried unanimously with the following vote:

AYES: Dieringer, Wilson, Black, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

9. EXCLUDED CONSENT CALENDAR ITEMS – NONE

10. COMMISSION ITEMS

- 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 Planning & Community Services Director John Signo

Motion by Councilmember Wilson, seconded by Mayor Pro Tem Pieper to receive and file. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

11. PUBLIC HEARINGS

- 11.A. ZONING CASE NO. 23-070: SITE PLAN REVIEW TO DEVELOP A VACANT LOT INCLUDING NON-EXEMPT GRADING AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH ACCESSORY STRUCTURES FOR A PROPERTY LOCATED AT 23 CREST ROAD EAST, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15303 (LOT 132A-MS) (OGASAWARA)**

Presentation by Planning & Community Services Director John Signo

Public Comment: Abas Goodarzi, Charlie Raine, Alfred Visco, Kathleen Hughes, Dustin McNabb, Justin Carlson (speaking through Charlie Raine), Melissa McNabb

Applicant presentations: Frank Escher, Principal, Escher GuneWardena Architecture
Yuki Ogasawara, Applicant

Allan Rigg, Engineer, Rigg Consulting

LA County Building & Safety: Yoshiya Morisaku, Regional Drainage and Grading Engineer
Karin Burger, Supervising Engineering Geologist II
Michael Dorta, P.E., Senior Civil Engineer
Anthony Wong, P.E., Associate Civil Engineer

Mayor Mirsch called for a 5-minute recess at 9:02 p.m. to allow the Council time to read late public comments included with the Blue Folder Items.

Mayor Mirsch resumed the meeting at 9:07 p.m.

Motion by Councilmember Black, seconded by Councilmember Dieringer to approve with the following added conditions:

1. The applicant shall install and maintain all landscaping in accordance with all current and applicable City requirements.
2. The applicant shall process the project's post entitlement permits such as building permits and any other required permits through Los Angeles County only as opposed to any qualified private consultant under contract with the City.
3. The approved grading plans shall be updated to include the 8 cubic yards of cut and 9 cubic yards of fill in the "sunset terrace" covered patio located downslope from the main residence.
4. The underground cisterns for the Project shall be designed to store excess runoff from a 100-year storm.
5. The decks attached/adjacent to the main residence shall not be cantilevered in excess of 12' above grade.
6. No trees shall be planted on the berm.
7. Condition AR is changed to read as follows:
"The applicant, irrespective of any approval, direction or other information from the County of Los Angeles or other relevant permitting agency, shall not modify any part or portion of the Project that impacts, deals with or is related to the drainage on the Property, including the size and scope of the proposed cisterns on the Property, without prior City Council approval."

Motion carried with the following vote:

AYES: Black, Dieringer, Pieper, Mayor Mirsch
NOES: Wilson
ABSENT: None

12. OLD BUSINESS

12.A. UPDATE ON THE CITY HALL ADA IMPROVEMENT PROJECT AND PACIFIC ARCHITECTURE AND ENGINEERING'S INC. (PAE) REQUEST FOR ADDITIONAL BUDGET TO COMPLETE RESPONSES TO PLAN REVIEW COMMENTS; ADOPT BY RESOLUTION NO. 1379 AUTHORIZING A FISCAL YEAR 2024-2025 BUDGET MODIFICATION TO APPROPRIATE \$4,000.00 IN THE CAPITAL PROJECTS FUND FUNDED FROM A TRANSFER FROM GENERAL FUND RESERVES AND APPROVE FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH PAE COVERING ADDITIONAL SERVICES FOR THE CITY HALL ADA IMPROVEMENT PROJECT

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath

Motion by Pro Tem Pieper, seconded by Councilmember Dieringer to approve as presented. Motion carried with the following vote:

AYES: Dieringer, Pieper, Mayor Mirsch
NOES: Wilson, Black
ABSENT: None

13. NEW BUSINESS

13.A. APPROVE FIFTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING TO PROVIDE ADDITIONAL SUPPLEMENTAL SERVICES FOR THE CITY ON AN ON-CALL BASIS

Presentation by City Manager Karina Bañales

Motion by Councilmember Dieringer, seconded by Councilmember Wilson to approve as presented. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

13.B. ADOPT RESOLUTION NO. 1382 AUTHORIZING A FISCAL YEAR 2024-2025 BUDGET MODIFICATION TO INCREASE APPROPRIATIONS BY \$23,485.40 IN THE GENERAL FUND REPAIRS AND MAINTENANCE ACCOUNT FUNDED FROM AVAILABLE GENERAL FUND RESERVES FOR EMERGENCY PLUMBING REPAIRS RELATED TO EXTERIOR WATER MAIN LEAKS ON THE CITY HALL CAMPUS

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Dieringer to approve as presented. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

14. MATTERS FROM THE CITY COUNCIL

Mayor Pro Tem Pieper asked if now would be an appropriate time to discuss when the next City Council meeting should be held due to scheduling conflicts and brief discussion ensued regarding individual member's availability.

With staff input, consensus was found around scheduling the meeting for Monday, November 11, 2024 despite the federal Veterans Day holiday.

15. MATTERS FROM STAFF

15.A. RECEIVE AND FILE FIRE FUEL ABATEMENT AND CODE ENFORCEMENT QUARTERLY REPORT FOR THE THIRD QUARTER OF 2024 (JULY 1 TO SEPTEMBER 30)

Presentation by Planning & Community Services Director John Signo

Public Comment: Alfred Visco

Motion by Councilmember Dieringer, seconded by Mayor Pro Tem Pieper to receive and file. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

15.B. RECEIVE AND FILE A PUBLIC SAFETY AND EMERGENCY PREPAREDNESS UPDATE

Presentation by City Manager Karina Bañales
Management Analyst Samantha Crew
City Clerk / Executive Assistant to the City Manager Christian Horvath

Public Comment: Alfred Visco

Motion by Councilmember Dieringer, seconded by Mayor Pro Tem Pieper to receive and file. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

15.C. RECEIVE AND FILE A REPORT ON THE PLANNING COMMISSION AND TRAFFIC COMMISSION TERMS EXPIRING ON JANUARY 1, 2025

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath

Motion by Mayor Pro Tem Pieper, seconded by Councilmember Wilson to receive and file. Motion carried unanimously with the following vote:

AYES: Wilson, Black, Dieringer, Pieper, Mayor Mirsch
NOES: None
ABSENT: None

16. RECESS TO CLOSED SESSION – 11:15 P.M.

The City Council continued the following items to the next meeting.

16.A. EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1) THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE) a. NAME OF CASE: CONNIE ANDERSEN, ET AL. V. CALIFORNIA WATER COMPANY, ET AL. (SEAVIEW CASE) CASE NO.: 24STCV20953

16.B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9 (2 CASES) CPUC COMPLAINTS AGAINST SOTHERN CALIFORNIA EDISON AND SOCAL GAS

16.C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957 (B)(1) TITLE: CITY MANAGER

17. RECONVENE TO OPEN SESSION – 12:02 A.M. ON OCTOBER 29, 2024

18. ADJOURNMENT: 12:02 A.M.

The meeting was adjourned at 12:02 a.m. on October 29, 2024. The next regular meeting of the City Council is scheduled to be held on Monday, November 11, 2024 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California. It will also be available via City's website link at: <https://www.rolling-hills.org/government/agenda/index.php>

All written comments submitted are included in the record and available for public review on the City website.

Respectfully submitted,

Christian Horvath, City Clerk

Approved,

Leah Mirsch, Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.D
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: PAYMENT OF BILLS

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[CL_AGN_241111_CC_PaymentOfBills_E.pdf](#)

CITY OF ROLLING HILLS
AP25-008, ACH25-008, ACH25-008ADJ
Check Run 11/06/2024

Check No.	Check Date	Payee	Description	Amount
028751	11/6/2024	Alan Palermo Consulting	Sept 29 to Nov 2 Svcs - ADA, Sewer, Crest, Eastfield	3,423.75
028752	11/6/2024	Bennett Landscape	Landscape Maintenance Serv-November 2024	1,139.67
028752	11/6/2024	Bennett Landscape	Landscape Maintenance Serv-October 2024	1,139.67
CHECK TOTAL			\$ 2,279.34	
028753	11/6/2024	Cox Communications	Phone Service for Oct 26-Nov 25, 2024	88.79
028754	11/6/2024	Southern California News Group	Pub Notice-ADU Ordinance	531.67
028754	11/6/2024	Southern California News Group	Pub Notice-Construction Bid TC ADA	627.60
028754	11/6/2024	Southern California News Group	Pub Notice-RFP Eastfield Dr DR4382-PJ0177	493.29
CHECK TOTAL			\$ 1,652.56	
028755	11/6/2024	Duncan McBride	C&D/Processing Fee Refund_ZC#24-088_1	1,150.00
028756	11/6/2024	Executive Suite Services Inc.	October 2024 Janitorial Services	1,150.00
028757	11/6/2024	Karl Frykman	Refund for Planning Fees ZC#24-073_10 Crest Road	2,200.00
028758	11/6/2024	County of Los Angeles	August 2024 Building Services	25,914.50
028759	11/6/2024	LA County Sheriff's Department	April 2024 Supp Traffic Enf	176.51
028760	11/6/2024	MV CHENG AND ASSOCIATES	Monthly Accounting Services for October 2024	14,642.50
028761	11/6/2024	NV5, INC.	Aug-Sept 2024 Services- CORH-22-11241 Flow	3,552.50
028762	11/6/2024	Race Communications	Race Communications Fiber November 2024	1,020.00
028763	11/6/2024	Sam Maus	C&D#817 Refund-21 Chuckwagon	750.00
028764	11/6/2024	Southern California Edison	SCE Design 20B-Eastfield Dr Grant_DR4382-	248,698.77
028765	11/6/2024	Thompson Building Materials	Weatherization Efforts - Sandbags	5,056.20
ACH-691	1/10/2024	Nextiva	Credit for overcharge-January 2024	(23.52)
ACH-692	10/2/2023	NV5, INC.	Sewer Feasibility - May 2023	2,240.00
ACH-693	7/25/2023	ELAN Cardmember Services	Credit Card Payment 06-03-23 to 07-05-23 (Elan)	832.42
ACH-694	8/25/2023	ELAN Cardmember Services	Credit Card Payment for August 2023 (Elan)	1,082.90
ACH-695	8/21/2023	Robert Half	Temp Emp P/E 06-23-23	1,303.20
ACH-696	8/21/2023	Robert Half	Temp Emp P/E 06-30-23	1,448.00
ACH-697	2/28/2024	Southern California Edison	Electricity usage 01-17-24 to 02-14-24 Acct#4218	522.13

ACH-698	7/3/2023	Vantagepoint Transfer Agents -	Deferred Comp Contributions PR Ending 06-30-23	5,043.08
ACH-699	5/6/2024	Vantagepoint Transfer Agents -	Deferred Comp Contributions PR Ending 04-30-24	1,873.58
ACH-700	11/4/2024	CalPERS	November 2024 Health Premium Stmt	14,974.34
ACH-701	10/15/2024	CalPERS	PERS Retirement Payroll Ending 10-15-24	3,737.43
ACH-702	11/1/2024	Delta Dental	Dental Coverage for November 2024	1,084.38
ACH-703	11/10/2024	Forum Info-Tech. Inc./Levelcloud	November 2024 IT Cloud Hosting	6,092.16
ACH-704	10/25/2024	HQE Systems Inc	Emergency Siren-2nd Payment	117,450.00
ACH-705	11/1/2024	Nextiva	Business Phone Service for November 2024	290.21
ACH-706	10/22/2024	Pacific Premier Bank / FNBO	Pac Premier Cred Crd Stmt #0306 October 2024	1,646.04
ACH-707	10/22/2024	Pacific Premier Bank / FNBO	Pac Premier Cred Crd Stmt Acct#1746 October 2024	516.63
ACH-708	10/15/2024	Southern California Edison	Electricity usage 09-17-24 to 10-15-24 Acct#4218	263.73
ACH-709	10/21/2024	Southern California Edison	Electricity usage 09-23-24 to 10-21-24 ACCT#8030	748.72
ACH-710	10/15/2024	Vantagepoint Transfer Agents -	Deferred Comp Contributions PR Ending 10-15-24	1,891.87
ACH-711	11/1/2024	Vision Service Plan - (CA)	Vision Coverage for November 2024	164.32
ACH-712	11/1/2024	Xpress Bill Pay	Online Bill Pay Service for November 2024	35.00
PR LINK	11/1/2024	PR LINK - Payroll & PR Taxes PR#22	Payroll Processing Fee PR#22_10/16/24 - 10/29/24	66.42
PR LINK	11/1/2024	PR LINK - Payroll & PR Taxes PR#22	Pay Period PR#22_10/16/24 - 10/29/24	23,154.28
				498,192.74

I, Karina Banales, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of
\$ 498,192.74 for the payment of above items.

Karina Banales, City Manager

From: [Bookkeeper](#)
To: [Christian Horvath](#)
Subject: GL RECONCILIATION - FY23-24
Date: Thursday, November 7, 2024 10:09:59 AM
Attachments: [image001.png](#)

Good morning,

The following ACH payments are from the previous fiscal year that were discovered while conducting the reconciliation for the year. These were payments that were charged to the bank on the dates noted but were not accounted for in Abila, the accounting system. This process is now correcting the Accounts Payables as well as the General Ledger.

ACH-691	1/10/2024	Nextiva	Credit for overcharge-January 2024	(23.52)
ACH-692	10/2/2023	NV5, INC.	Sewer Feasibility - May 2023	2,240.00
ACH-693	7/25/2023	ELAN Cardmember Services	Credit Card Payment 06-03-23 to 07-05-23 (Elan)	832.42
ACH-694	8/25/2023	ELAN Cardmember Services	Credit Card Payment for August 2023 (Elan)	1,082.90
ACH-695	8/21/2023	Robert Half	Temp Emp P/E 06-23-23	1,303.20
ACH-696	8/21/2023	Robert Half	Temp Emp P/E 06-30-23	1,448.00
ACH-697	2/28/2024	Southern California Edison	Electricity usage 01-17-24 to 02-14-24 Acct#4218	522.13
ACH-698	7/3/2023	Vantagepoint Transfer Agents - 306580	Deferred Comp Contributions PR Ending 06-30-23	5,043.08
ACH-699	5/6/2024	Vantagepoint Transfer Agents - 306580	Deferred Comp Contributions PR Ending 04-30-24	1,873.58

These charges are not being deducted from the bank account. It is just for record keeping purposes.

Please let me know if you need any further clarification.

Respectfully,

Anna Rodriguez



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 11.A
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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: November 11, 2024

BACKGROUND:

On October 15, 2024, the Planning Commission held a public hearing and voted, 4-0 (Vice Chair Kirkpatrick absent), to adopt Planning Commission Resolution No. 2024-13 to recommend that the City Council adopt the ADU Ordinance and find the action to be exempt from the California Environmental Quality Act (CEQA) (Attachment 3).

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"). Changes to Chapter 17.28 are redlined in Attachment 2.

Chapter 17.28 of the RHMC was last amended by City Council on January 9, 2023, with adoption of Ordinance No. 381 (Attachment 4).

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 No. 385 ensures that the City's ADU ordinance will be valid under AB 2533 and SB 1211. For these reasons, staff is recommending that the City Council adopt the attached Ordinance No. 385 (Attachment 1).

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 make the following actions:

- Find that the adoption of the ordinances is statutorily exempt from review under CEQA pursuant to Public Resources Code Section 21080.17; and
- Introduce for first reading by title only Ordinance No. 385 regarding ADUs and JADUs.

ATTACHMENTS:

[Attachment 1: 385_ADU Ordinance_F.pdf](#)

[Attachment 2:](#)

[PL_SUB_ADU_2024_ADU_Ordinance_Amendment_241015_Comparison_Redline.pdf](#)

[Attachment 3: 2024-13_PC_Resolution_ADU_Ordinance_241015_F_E.pdf](#)

[Attachment 4: 381_ADU Ordinance_F_E.pdf](#)

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 November 11, 2024, 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 11th day of November, 2024.

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 11th day of November, 2024, 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 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 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 B below.

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.
- 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.

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

~~K.~~ 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.~~ 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 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~~ **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 ~~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 B~~below.

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 ofin this paragraphsubsection 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 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.

- (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 fifty50 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 fifty50 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,~~L 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 lot property 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 Register ~~bottom~~ 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 list doors) 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 hundred~~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.

~~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 fifty~~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 ~~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 20182020.**
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, 20182020, if denial is based on either of the following grounds:
 - (a) The ADU or JADU violates applicable building standards~~;~~₁ 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, 20182020, 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.

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).

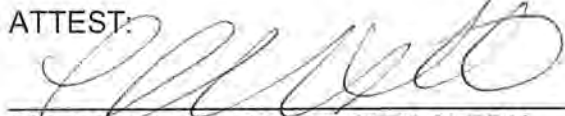
Section 4. Recommendation. Based on the foregoing recitals and findings, the Planning Commission hereby recommends that the City Council approve and adopt the proposed ordinance and code amendments that are attached as Exhibit "A" hereto and incorporated herein by reference.

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: Cooley, Cardenas, Douglass, Chair Chelf
NOES:
ABSENT: Kirkpatrick
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 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 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 B below.

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.

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

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.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 13.A
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: KARINA BAÑALES, CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: CONSIDERATION OF APPROVING FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WILDLIFE SPECIALIST AND CONSULTANT TO PROVIDE ADDITIONAL COYOTE EDUCATIONAL OR ABATEMENT SERVICES ON AN EMERGENCY BASIS FOR A NOT-TO-EXCEED AMOUNT OF \$15,000 FOR THE REMINDER OF FISCAL YEAR 24/25 ENDING JUNE 30, 2025

DATE: November 11, 2024

BACKGROUND:

On February 12, 2024, the City Council approved a six-month trial contract with Fernando Barrera of Wildlife Specialist and Consultant (WSC) for coyote abatement services, with a budget not to exceed \$12,500 (Attachment C). The agreement (Attachment B) was signed on February 21, 2024, with services scheduled to conclude on August 21, 2024. During this period, WSC provided valuable services to Rolling Hills residents, including site visits and education on effective techniques to deter coyotes from entering their property. Both staff and residents expressed appreciation for his efforts.

As the initial agreement expired on August 21, 2024, staff are seeking City Council authorization to approve a first amendment extending WSC's services for an additional seven-month trial, through June 2025 (Attachment A). It is important to note that WSC's services have not yet been provided during this fiscal year.

DISCUSSION:

During the fall and early winter months, coyote pups begin to separate from their pack to establish their own territories. This period often results in increased coyote sightings around residential areas, potentially posing risks to small pets and children, and the elderly community.

During this period, staff will continue to utilize the services of the Los Angeles County Agricultural Commissioner/Weights & Measures (LACWM). When a resident express concerns about coyotes, LACWM is notified first. At no additional cost to the City, LACWM inspectors will visit the property, conduct an onsite inspection, speak with the residents, and provide an analysis on how to address the concerns. If the coyote issues persist, staff will consult with WSC on the next steps.

Between February and August, City Hall received 18 coyote-related calls, all of which were responded to by LACWM. WSC services were provided to four properties. During FY 2023-24, the City utilized \$2,100 of the \$12,500 allocated for WSC services.

Although the volume of resident requests for assistance has been relatively low, staff believe there is significant value in continuing support services with WSC. This low volume may be due to some residents contracting directly with Mr. Barrera for coyote abatement services or LACWM addressing concerns through onsite visits before the City engaged WSC.

ENVIRONMENTAL REVIEW

The decision to direct staff to prepare and execute a first amendment to the contract for the temporary supplemental wildlife management activities is exempt from the California Environmental Quality Act ("CEQA") Pursuant to CEQA Guidelines section 15061(b)(3), the award of a contract for wildlife management related to dangerous or threatening coyotes can be seen with certainty that it will not have a significant effect on the environment due to the limited and direct scope of the activities. Further, CEQA Guidelines section 15304 exempts minor temporary use of land having negligible or no permanent effect on the environment. The limited temporal nature of the agreement is only temporary at this time. Next, CEQA Guidelines section 15307 exempt action taken by the City to assure the maintenance . . . of a natural resource where the regulatory process involves procedures for protection of the environment. Targeting menacing or dangerous predators will protect other natural resources and even human life.

Finally, CEQA Guidelines section 15269 (c) exempts specific actions necessary to prevent or mitigate an emergency. The increased threat of dangerous coyotes to the quiet enjoyment of the City's residents has risen to such a level that action must be taken to mitigate this dire situation.

ADDITIONAL INFORMATION:

Coyote Management Plan

Staff is currently developing a comprehensive coyote management plan with a clear strategy for addressing coyote activity in the city, which will be presented to the City Council for consideration at an upcoming meeting.

Los Angeles County Agricultural Commissioner/Weights & Measures

The City of Rolling Hills has an agreement between LACWM for pest control services (Attachment D). The agreement is for an amount not to exceed \$25,000 paid under the General Fund. The agreement is a pay-as-you-go arrangement where the LACWM only charges the City for services incurred as a result of a city request to come to provide pest control services in the City. As previously mentioned, there is no additional cost for Agricultural/Weights & Measures Inspectors to visit the property. City staff assigned a not to exceed amount of \$5,000 for use of potential LACWM services and has the full amount remaining in the general fund at this time.

Palos Verdes Peninsula Cities

Currently, the Cities of Rolling Hills Estates, Palos Verdes Estates and Rancho Palos Verdes are contracting with WSC. Similarly, with the exception of Palos Verdes Estates, the peninsula cities also contract with LACWM.

LACWM visits the Peninsula, including Rolling Hills, twice weekly to provide ongoing coyote education, evaluation, and/or more robust coyote abatement services depending on the situation and City staff's input per the coyote response workflow.

FISCAL IMPACT:

The first amendment, with a not-to-exceed amount of \$15,000, is budgeted in the FY 2024-25 General Fund (01-25-837). To date, no funds have been expended.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[Attachment A - CA_AGR_241111_WS&C_Amendment01_F.pdf](#)

[Attachment B - CA_AGR_240221_WildlifeSpecialist&Consultant_E.pdf](#)

[Attachment C - CL_AGN_240212_CC_Item13A.pdf](#)

[Attachment D - CA_AGR_240424_LAC_ACWM_PestControl_No779_E.pdf](#)

FIRST AMENDMENT TO CITY OF ROLLING HILLS **PROFESSIONAL SERVICES AGREEMENT**

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT ("First Amendment") is made and entered into this 11th day of November, 2024 between the City of Rolling Hills, a municipal corporation, hereinafter referred to as "CITY" and Wildlife Specialist and Consultant, LLC, a California limited liability company ("CONSULTANT.")

1. RECITALS:

A. On February 21, 2024, the CITY entered into a Professional Services Agreement with CONSULTANT ("Agreement") to provide supplemental services related to the coyote management (education, consultation, abatement, etc.) for the CITY; and

B. CITY and CONSULTANT now desire to amend the Agreement for the first time (the "First Amendment") to extend the term and increase the not to exceed amount so that CONSULTANT may temporarily continue to provide services for the CITY while the City explores a more thorough and robust coyote management plan.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY hereby engages CONSULTANT and CONSULTANT agrees to perform the services set forth in this First Amendment.

2. Paragraph 3 (COST) of the Agreement is amended to read as follows:

The CITY agrees to pay CONSULTANT for the services required by this First Amendment as well as the services provided under the original agreement a total amount not to exceed \$15,000 for the continuation of the scope of services identified by the Agreement. The hourly rate and cost for specific services is more particularly described in Exhibit A. This fee includes all expenses, consisting of all local travel, attendance at meetings, printing and submission of any documents or reports required by the Scope of Work. Any increase in contract amount or scope shall be approved by expressed written amendment executed by the CITY and CONSULTANT

3. Paragraph 11 (TERM OF CONTRACT) of the Agreement is amended to read as follows:

The term of this Agreement shall be from the effective date of this Agreement to June 30, 2025 unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon notice from the City.

4. All terms and conditions of the Agreement not amended by this First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date and year first above written.

CITY OF ROLLING HILLS

CONSULTANT

CITY MANAGER

Karina Bañales

Fernando Barrera

DATE: _____

DATE: _____

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

PATRICK DONEGAN, CITY ATTORNEY

CITY OF ROLLING HILLS
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT made and entered into this 21st day of February, 2024 between the City of Rolling Hills, a municipal corporation, hereinafter referred to as "CITY" and Wildlife Specialist and Consultant, LLC, a California limited liability company ("CONSULTANT.")

1. RECITALS:

A. The CITY desires to contract the CONSULTANT to provide supplemental services related to the coyote management (education, consultation, abatement, etc.) the City of Rolling Hills.

B. The CITY currently contract with the Los Angeles County Agricultural Commissioner/Weights & Measures for pay-as-you-go pest control services in the City.

C. Due to the ever increasing and pernicious coyote problem in the City, supplemental services are needed.

C. CONSULTANT is well qualified by reason of education, skill, and experience to perform such services; and

C. CONSULTANT is willing to render such services as hereinafter defined.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY hereby engages CONSULTANT and CONSULTANT agrees to perform the services set forth in this AGREEMENT.

2. SCOPE OF WORK

CONSULTANT shall perform all work necessary to complete in a manner satisfactory to CITY services pertaining to coyote management in the City as set forth in the attached Exhibit A. (collectively referred to as "SERVICES").

To the extent this Agreement conflicts with Exhibit A, or any other exhibit, this Agreement shall control.

3. COST

The CITY agrees to pay CONSULTANT for all the work contemplated by this AGREEMENT an amount not to exceed twelve thousand and five hundred dollars (\$12,5000).The hourly rate and cost for specific services is more particularly described in Exhibit A. This fee includes all expenses, consisting of all local travel, attendance at meetings, printing and submission of any documents or reports required by the Scope of

Work. Any increase in contract amount or scope shall be approved by expressed written amendment executed by the CITY and CONSULTANT.

4. METHOD OF PAYMENT

CONSULTANT shall be reimbursed thirty (30) days of submitting an invoice to City for the SERVICES. CONSULTANT shall submit invoices electronically to the City Manager of the CITY and shall also provide a courtesy copy by U.S. Mail addressed to the City Manager of the CITY.

5. SUBCONTRACTING

CONSULTANT may employ qualified independent subcontractor(s) to assist CONSULTANT in the performance of SERVICES with CITY's prior written approval.

6. COMMENCEMENT OF WORK

CONSULTANT shall commence work under this AGREEMENT upon execution of this AGREEMENT.

7. PERFORMANCE TO SATISFACTION OF CITY

CONSULTANT agrees to perform all work to the reasonable satisfaction of CITY and within the time hereinafter specified.

8. COMPLIANCE WITH LAW

All SERVICES rendered hereunder shall be provided in accordance with the requirements of relevant local, State and Federal Law. Further, CONSULTANT shall use the standard of care in its profession to keep itself informed of and comply with all applicable local, state and federal laws. CONSULTANT represents and acknowledges that at its sole cost, CONSULTANT shall obtain and maintain all required licenses, insurance and approvals that are legally required for CONSULTANT to perform the SERVICES.

9. ACCOUNTING RECORDS

CONSULTANT must maintain accounting records and other evidence pertaining to costs incurred which records and documents shall be kept available by the CONSULTANT during the contract period and thereafter for five years from the date of final payment.

10. OWNERSHIP OF DATA

All data, designs, photographs, reports and other material collected or prepared under the contract shall become the property of the CITY.

11. TERM OF CONTRACT

The term of this Agreement shall be from the effective date of this Agreement to six months after the effective date unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon notice from the City.

12. TERMINATION

This contract may be terminated by the CITY with or without cause upon fourteen (14) days written notice to the CONSULTANT. All work satisfactorily performed pursuant to the contract and prior to the date of termination may be claimed for reimbursement.

13. ASSIGNABILITY

CONSULTANT shall not assign or transfer interest in this contract without the prior written consent of the CITY.

14. AMENDMENT

It is mutually understood and agreed that no alteration or variation of the terms of this contract, or any subcontract requiring the approval of the CITY, shall be valid unless made in writing, signed by the parties hereto, and approved by all necessary parties.

15. NON-SOLICITATION CLAUSE

The CONSULTANT warrants that he or she has not employed or retained any company or persons, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the CITY shall have the right to annul this contract without liability, or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

16. INDEMNITY

CONSULTANT shall indemnify and save harmless CITY, its elected and appointed officers and employees from all claims, damages, suits, cost or actions of every name, kind or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property or (iii) arising from performance of this AGREEMENT in any manner that resulted from the fault or negligence of CONSULTANT, its officers, agents, employees and/or servants in connection with this AGREEMENT.

CITY shall indemnify and save harmless CONSULTANT, its officers, agents, employees, and servants from all claims, damages, suits, costs or actions of every name, kind, or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property or (iii) arising from performance of this AGREEMENT in any manner that resulted from the fault or negligence of the CONSULTANT, its officers, agents, employees, and/or servants in connection with this AGREEMENT.

If CONSULTANT should subcontract all or any portion of the SERVICES to be performed under this AGREEMENT, CONSULTANT shall require each subcontractor to indemnify, hold harmless and defend CITY and each of its officers, officials, employees, agents and volunteers in accordance with the term of the preceding paragraph. This section shall survive termination or expiration of this AGREEMENT.

17. INSURANCE

A. Without limiting CONSULTANT'S obligations arising under paragraph 16 - Indemnity, CONSULTANT shall not begin work under this AGREEMENT until it obtains policies of insurance required under this section. The insurance shall cover CONSULTANT, its agents, representatives and employees in connection with the performance of work under this AGREEMENT, and shall be maintained throughout the term of this AGREEMENT. Insurance coverage shall be as follows:

i. Automobile Liability Insurance covering bodily injury and property damage for all activities of the CONSULTANT arising out of or in connect with the SERVICES to be performed under this Agreement in an amount not less than \$1,000,000 combined single limit for each accident.

ii. Commercial General Liability Insurance, insuring CITY its elected and appointed officers and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from CONSULTANT'S actions under this AGREEMENT, whether or not done by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. Such insurance shall have a combined single limit of not less than \$1,000,000 per occurrence.

iii. Worker's Compensation Insurance for all CONSULTANT'S employees to the extent required by the State of California. CONSULTANT shall require all subcontractors who are hired by CONSULTANT to perform the SERVICES and who have employees to similarly obtain Worker's Compensation Insurance for all of the subcontractor's employees.

iv. Professional Liability Insurance for CONSULTANT that at a minimum covers professional misconduct or lack of the requisite skill required for the performances of SERVICES in an amount of not less than \$500,000 per occurrence.

B. Deductibility Limits for policies required any deductible in excess of \$10,000 per occurrence shall be approved by the City.

C. Additional Insured. City, its elected and appointed officers and employees shall be named as additional insured on policies referred to in subparagraphs A (i) (ii) and (iv).

D. Primary Insurance. The insurance required in paragraphs A (i) and (ii) shall be primary and not excess coverage.

E. Evidence of Insurance. Consultant shall furnish CITY, prior to the execution of this AGREEMENT, satisfactory evidence of the insurance required, issued by an insurer authorized to do business in California, and an endorsement to each such policy of insurance evidencing that each carrier is required to give CITY at least 30 days prior written notice of the cancellation of any policy during the effective period of the AGREEMENT. All required insurance policies are subject to approval of the City Attorney. Failure on the part of CONSULTANT to procure or maintain said insurance in full force and effect shall constitute a material breach of this AGREEMENT or procure or renew such insurance, and pay any premiums therefore at CONSULTANT'S expense.

18. ENFORCEMENT OF AGREEMENT

In the event that legal action is commenced to enforce or declare the rights created under this AGREEMENT, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees in the amount to be determined by the court.

19. CONFLICTS OF INTEREST

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this AGREEMENT; and the CONSULTANT further covenants that in the performance of this AGREEMENT, no person having any such interest shall be employed.

20. INDEPENDENT CONTRACTOR

The CONSULTANT is and shall at all times remain as to the CITY a wholly independent contractor. Neither the CITY nor any of its agents shall have control over the conduct of the CONSULTANT or any of the CONSULTANT's employees or subcontractors, except as herein set forth. The CONSULTANT shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the CITY.

21. ENTIRE AGREEMENT OF THE PARTIES

This AGREEMENT supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of CONSULTANT by

CITY and contains all the covenants and agreements between the parties with respect such employment in any manner whatsoever. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement or amendment hereto shall be effective unless executed in writing and signed by both CITY and CONSULTANT.

22. NOTICES.

All written notices required by, or related to this AGREEMENT shall be sent by Certified Mail, Return Receipt Requested, postage prepaid and addressed as listed below. Neither party to this AGREEMENT shall refuse to accept such mail; the parties to this AGREEMENT shall promptly inform the other party of any change of address. All notices required by this AGREEMENT are effective on the day of receipt, unless otherwise indicated herein. The mailing address of each party to this AGREEMENT is as follows:

CITY: City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

CONSULTANT: Wildlife Specialist and Consultant
3362 W. 152nd Street
Gardena, CA 90249
Attn: Fernando Barrera, Specialist
coyotespecialist@gmail.com

23. GOVERNING LAW

This AGREEMENT shall be governed by and construed in accordance with the laws of the State of California, and all applicable federal statutes and regulations as amended.

Exhibit A

Scope of Work and Cost

CONSULTANT shall provide expert coyote management services in the City at the costs for the services consistent with the proposal submitted to the CITY which is attached and incorporated hereto as Attachment 1.

Prior to commencing any work in the City, CONSULTANT shall receive authorization from the City Manager or her designee. CONSULTANT acknowledges that the CITY also has an agreement for pest control services with the Los Angeles County Agricultural Commissioner/Weights & Measures (LACWM). The CITY reserves the right to utilize LACWM when deemed necessary. The CITY acknowledges that CONSULTANT may be hired/contracted out by private property owners in the City on separate and distinct terms from this Agreement.

While CONSULTANT's SERVICES contemplate interaction and communication with individual CITY residents, the CITY retains the sole and complete authority to direct CONSULTANT's SERVICES under this AGREEMENT. CONSULTANT acknowledges and agrees that CONSULTANT shall only the various service contemplated by this Agreement upon the explicit approval from the City Manager or her designee.

CONSULTANT shall only implement trapping services under this Agreement when there is demonstrated, credible evidence that a coyote has attacked any City resident or demonstrated aggressive behavior such that, in the professional opinion of CONSULTANT, the coyote poses a threat to the general public safety in the City. The CITY shall rely upon CONSULTANT's knowledge, expertise and experience to determine when trapping services are required.

Further, CONSULTANT shall maintain records of all coyote management activities in the City, including the results of any trapping services. CONSULTANT shall also request the permission from any CITY resident or property for which CONSULTANT performs coyote management services for in the City to disclose the results of his services so that the CITY can fully understand the impacts of the coyote issue in the City and the effectiveness of CONSULTANT.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the date and year first above written.

CITY OF ROLLING HILLS

CONSULTANT

CITY MANAGER



Karina Bañales

DATE: 2/21/2024



Fernando Barrera

DATE: 2/21/2024

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


PATRICK DONEGAN, CITY ATTORNEY

Attachment 1

[Faint, illegible text]

Wildlife Specialist and Consultant LLC

coyotespecialist@gmail.com

Wildlife Specialist Fernando Barrera

State Licensed Trapper - ID #65387

(424) 247-6373

Expert coyote management services available in your community.

- Education for safe coexistence with urban wildlife
- Preventative home assessment to minimize wildlife issues
- Aggressive coyote and/or wildlife assessment
- Control, abatement, and removal of deemed aggressive wildlife

Fernando Barrera, is a State Licensed Trapper and former Wildlife Specialist for Los Angeles County, with over thirty years of service working for County of Los Angeles Agricultural Commissioner/Weights and Measure Department - Integrated Pest Management program and Pest Detection program. He has serviced the LA County area for coyote prevention, education, control, and trapping including four years of service as a Wildlife Specialist for the Palos Verdes Peninsula; cities of Rolling Hills, Rolling Hills Estates, Rancho Palos Verdes, and Palos Verdes Estates. Specialist Fernando Barrera is knowledgeable of the Palos Verdes Peninsula area terrain, coyote issues, and the pest management needs of the Palos Verde Peninsula communities.

As Wildlife Specialist, Fernando Barrera participated in the University of California Agriculture and Natural Resources (UCANR) Hazing Study, in which 20 coyotes were trapped and controlled, while doctors equipped them with GPS collars. The coyotes were then released for UC research on their roaming behaviors. Fernando Barrera also participated in training Orange County and Los Angeles cities and state government agencies in wildlife trapping. Through these varied experiences in wildlife and pest management, he has developed a deep understanding of the coyote conflict and need for successful coexistence. Wildlife Specialist and Consultant brings expert services and balance to your residential and urban areas.

Coyotes are here to stay and therefore an ongoing concern for cities and their residents. With pets nearby and the increasing supplies of food, water, and shelter available; the coyote populations are consistently increasing in urban areas. This reality requires an ongoing need for education, and coyote management programs throughout urban areas, in order to safely coexist with urban wildlife.

Wildlife Specialist and Consultation LLC (WSC) offers a broad scale program to address education, prevention, control, and removal of coyote and other wildlife issues. For successful coexistence, WSC believes that responsible homeowners and residential education is an integral part of the coyote management plan. With the increasing numbers of coyotes aggressive and/or unfearful of humans, trapping and abatement of those and other aggressive wildlife, are needed for the protection of human life and safety.

WSC offers consultations for residential properties and urban areas. Consultations evaluate if there are any potential risk, property hazards attracting wildlife to correct, and/or residential behavior contributing to the wildlife issues. Consultations will also determine if there is an aggressive animal situation in the area, resulting in the need for immediate trapping.

WSC provides professional trapping, abatement and removal services for aggressive wildlife and wildlife issues. Traps are set at or near occurrences, in safe locations. WSC uses humane live traps. These traps are monitored and checked daily, in ordinance with the California Department of Fish and Wildlife. All materials are provided, maintained, and removed by WSC. All labor is provided through WSC.

Our mission is protecting your neighborhoods and providing education for coexistence with urban wildlife.

Fees for services provided are as follow:

- Consultation \$150.00/hour (assessment for coyote disturbances at residence)
- Educational \$200.00/hour (community meetings at city hall, school, or homeowner association etc.)
- Trapping 1 week (5 days) \$1000.00
- Trapping 2 week (10 days) \$2000.00
- Long term trapping schedules available per request if necessary.

We look forward to providing our services in your community.

Thank you,

Wildlife Specialist and Consultant LLC
Fernando Barrera
(424) 247-6373

Wildlife Specialist and Consultant LLC

coyotespecialist@gmail.com

Specialist Fernando Barrera

State Licensed Trapper - ID #65387

(424) 247-6373

Professional Service Proposal for November 2023

Between: Wildlife Specialist and Consultant (WSC) and the City of Rolling Hills.

Coyote Management through preventative coexistence, trapping, abatement, and removal.

Consultation and Educational Service Fees:

- Consultation \$150.00 (per hour)
 - Assessment for coyote disturbances at residence
 - Consultation fee (within 15 days is included in trapping costs when trapping at that location is needed)
- Educational \$200.00 (per hour)
 - Community meetings at city hall, school, or homeowner association etc.

Trapping Services Fees:

- Trapping 1 week (5 days) \$1000.00
- Trapping 2 week (10 days) \$2000.00
- Long term trapping schedules available per request if necessary

WSC uses humane live traps that are monitored and checked daily, in ordinance with the California Department of Fish and Wildlife. All materials are provided, maintained, and removed by WSC. All labor is provided by WSC. Traps are placed safely in locations at or near occurrences and other tactical locations. Trapping outcomes are not guaranteed per each trapping session. However, our specialist is highly successful in trapping of problem and aggressive coyotes. Consultations, educational meetings, trapping services are billed each month for services contracted and provided. Checks payable to Wildlife Specialist and Consultant LLC.

City of Rolling Hills

Name _____ Title: _____

Signature: _____ Date: _____

Wildlife Specialist and Consultant LLC

Name _____ Title: _____

Signature: _____ Date: _____

Administration office: 3362 W. 152nd Street, Gardena, CA 90249



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 13.A
Mtg. Date: 02/12/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH WILDLIFE SPECIALIST AND CONSULTANT TO PROVIDE ADDITIONAL COYOTE EDUCATIONAL OR ABATEMENT SERVICES ON AN EMERGENCY BASIS FOR A NOT-TO-EXCEED AMOUNT OF \$10,000 COVERING A TRIAL PERIOD OF UP TO SIX-MONTHS

DATE: February 12, 2024

BACKGROUND:

On June 23, 2023, an agreement between the Los Angeles County Agricultural Commissioner/Weights & Measures (LACWM) and the City of Rolling Hills was renewed for pest control services from July 1, 2023, to June 30, 2024. The agreement is for an amount not to exceed \$25,000 paid under the General Fund. This agreement is a pay-as-you-go arrangement where the LACWM only charges the City for services incurred as a result of a city request to come to provide pest control services in the City. As of this meeting, there is \$18,487.94 left on this contract for fiscal year 2023-2024.

On July 24, 2023, staff presented an item regarding the LACWM contract, additional funds from LA County Supervisor Janice Hahn for dedicated Peninsula wildlife education, and coyote management based on complaints from a resident and subsequent referral to staff by Councilmember Black.

On September 13, 2023, City staff participated in a virtual meeting with LACWM's Integrated Pest Management Division, organized and attended by Supervisor Hahn's team, to gain a better understanding of the special Supervisorial funding parameters as well as the LACWM contract and how it related to Coyote management, education, and potential abatement. The meeting provided a variety of facts and a deeper understanding that would allow staff to better communicate with resident calls for service. They included:

- the Supervisorial supplemental funding intended to provide increased response times for public information and education to three of the four Peninsula city's residents. It was also only intended to be a short-term plan;

- Calls for service should come to the City first for evaluation prior to engaging LACWM;
- City staff should establish if the resident wants to report a sighting, requires information/education/LACWM site visit, or if their concern rises to the level of a public safety issue;
- A Public Safety issue ONLY relates to a situation where a coyote has displayed aggressive behavior towards a human being;
- LACWM responds to requests for evaluation or yard audits/surveillance/resident education for free;
- LACWM only charges against the contracted amount for public safety calls require trapping and/or abatement (see attached invoice sample);
- LACWM could also offer training to staff regarding coyotes;
- LACWM provides written materials that are shared with residents to help them better understand Coyote's behaviors, proper hazing techniques and guidelines that can be utilized to discourage coyotes from coming onto a property or engaging with humans, and general information on preventing conflict with coyotes.

Residents are advised to only call for abatement services in the event of a coyote attack or aggressive behavior.

During the fall/early winter months, coyote pups begin to separate from their pack in an attempt to establish their territories. As a result, staff began to receive more phone calls from members of the public concerned with the proliferation of coyotes in the community.

On January 22, 2024, City staff presented to the City Council the potential of hiring a third-party vendor to assist in Coyote abatement services. Representatives from LACWM were present to provide further information and perspective. The City Council unanimously directed staff to approach responsible vendors regarding a potential six-month temporary program for additional coyote abatement measures in the City.

DISCUSSION:

Currently, the Cities of Rolling Hills, Rolling Hills Estates (RHE), and Rancho Palos Verdes (RPV) are contracting with LACWM. LACWM visits the Peninsula, including Rolling Hills, twice weekly to provide ongoing coyote education, evaluation, and/or more robust coyote abatement services depending on the situation and City staff's input per the coyote response workflow.

Based on the January 22, 2024, City Council direction, and pursuant to Rolling Hillis Municipal Code Chapter 3.04 (Purchasing System), City staff solicited proposals from three private contractors who have historically serviced the Palos Verdes Peninsula (PVP) specific to wildlife management:

1. **Wildlife Specialist & Consultant (WSC)** - Fernando Barrera provided coyote management services on the PVP through his previous employer, LACWM, for a number of years and recently retired. He has started his own privately-owned business. Rolling Hills residents are familiar with Fernando and have hired him directly since his retirement. RHE also recently entered into an agreement with Mr. Barrera for supplemental and emergency services (if LACWM is unable to respond in a timely manner, after hours, or if there is a coyote incident that requires additional services for

public safety purposes). (Attachment A)

2. **Coyote, Wildlife & Pest Solutions, Inc. (CWPS)** - Jimmie Rizzo has spent 38 years providing tracking and trapping experience to the Southern California region. Currently, RPV contracts with Mr. Rizzo for supplemental and emergency services. (Attachment B)
3. **Animal Pest Management Services (APMS)** - specializes in vertebrate pest management and has been servicing all of Southern California's urban areas for 35 years, including Palos Verdes Estates. (Attachment C)

Fees for Service:

Contractor	Consultation	Educational	Trapping 5 Day	Trapping 10 Day	Long-Term Trapping
Fernando Barrera (WSC)	\$150/hr	\$150/hr	\$1,000	\$2,000	available on request
Jimmie Rizzo (CWPS)	N/A	N/A	N/A	\$2,400	4 week, 6 month and annual available
APMS	N/A	N/A	N/A	\$4,500	

After evaluating all three contractors, staff recommends entering into a Professional Services Agreement with WSC's Mr. Barrera for a 6-month trial period considering he has the most experience within the Rolling Hills community, has demonstrated his competency and skillset over the years in the services desired, and his competitive pricing.

ENVIRONMENTAL REVIEW

The decision to direct staff to prepare and execute a contract for the temporary supplemental wildlife management activities is exempt from the California Environmental Quality Act ("CEQA") Pursuant to CEQA Guidelines section 15061(b)(3), the award of a contract for wildlife management related to dangerous or threatening coyotes can be seen with certainty that it will not have a significant effect on the environment due to the limited and direct scope of the activities. Further, CEQA Guidelines section 15304 exempts minor temporary use of land having negligible or no permanent effect on the environment. The limited temporal nature of the agreement is only temporary at this time. Next, CEQA Guidelines section 15307 exempt action taken by the City to assure the maintenance . . . of a natural resource where the regulatory process involves procedures for protection of the environment. Targeting menacing or dangerous predators will protect other natural resources and even human life. Finally, CEQA Guidelines section 15269 (c) exempts specific actions necessary to prevent or mitigate an emergency. The increased threat of dangerous coyotes to the quiet enjoyment of the City's residents has risen to such a level that action must be taken to mitigate this dire situation.

FISCAL IMPACT:

Staff recommends a not-to-exceed amount of \$10,000 be transferred from the general fund reserves to the general fund.

RECOMMENDATION:

Approve as presented. Direct the City Attorney to draft a Professional Services Agreement and authorize the City Manager to sign; direct staff to return with a Budget Amendment

Resolution.

ATTACHMENTS:

A. [PS_COY_240126_WSC_Proposal.pdf](#)

B. [PS_COY_240129_CWPS_AbatementProgram&Services_Proposal.pdf](#)

C. [PS_COY_240130_APMS_Proposal_.pdf](#)

Wildlife Specialist and Consultant LLC

coyotespecialist@gmail.com

Wildlife Specialist Fernando Barrera

State Licensed Trapper - ID #65387

(424) 247-6373

Expert coyote management services available in your community.

- Education for safe coexistence with urban wildlife
- Preventative home assessment to minimize wildlife issues
- Aggressive coyote and/or wildlife assessment
- Control, abatement, and removal of deemed aggressive wildlife

Fernando Barrera, is a State Licensed Trapper and former Wildlife Specialist for Los Angeles County, with over thirty years of service working for County of Los Angeles Agricultural Commissioner/Weights and Measure Department - Integrated Pest Management program and Pest Detection program. He has serviced the LA County area for coyote prevention, education, control, and trapping including four years of service as a Wildlife Specialist for the Palos Verdes Peninsula; cities of Rolling Hills, Rolling Hills Estates, Rancho Palos Verdes, and Palos Verdes Estates. Specialist Fernando Barrera is knowledgeable of the Palos Verdes Peninsula area terrain, coyote issues, and the pest management needs of the Palos Verde Peninsula communities.

As Wildlife Specialist, Fernando Barrera participated in the University of California Agriculture and Natural Resources (UCANR) Hazing Study, in which 20 coyotes were trapped and controlled, while doctors equipped them with GPS collars. The coyotes were then released for UC research on their roaming behaviors. Fernando Barrera also participated in training Orange County and Los Angeles cities and state government agencies in wildlife trapping. Through these varied experiences in wildlife and pest management, he has developed a deep understanding of the coyote conflict and need for successful coexistence. Wildlife Specialist and Consultant brings expert services and balance to your residential and urban areas.

Coyotes are here to stay and therefore an ongoing concern for cities and their residents. With pets nearby and the increasing supplies of food, water, and shelter available; the coyote populations are consistently increasing in urban areas. This reality requires an ongoing need for education, and coyote management programs throughout urban areas, in order to safely coexist with urban wildlife.

Wildlife Specialist and Consultation LLC (WSC) offers a broad scale program to address education, prevention, control, and removal of coyote and other wildlife issues. For successful coexistence, WSC believes that responsible homeowners and residential education is an integral part of the coyote management plan. With the increasing numbers of coyotes aggressive and/or unfearful of humans, trapping and abatement of those and other aggressive wildlife, are needed for the protection of human life and safety.

WSC offers consultations for residential properties and urban areas. Consultations evaluate if there are any potential risk, property hazards attracting wildlife to correct, and/or residential behavior contributing to the wildlife issues. Consultations will also determine if there is an aggressive animal situation in the area, resulting in the need for immediate trapping.

WSC provides professional trapping, abatement and removal services for aggressive wildlife and wildlife issues. Traps are set at or near occurrences, in safe locations. WSC uses humane live traps. These traps are monitored and checked daily, in ordinance with the California Department of Fish and Wildlife. All materials are provided, maintained, and removed by WSC. All labor is provided through WSC.

Our mission is protecting your neighborhoods and providing education for coexistence with urban wildlife.

Fees for services provided are as follow:

- Consultation \$150.00/hour (assessment for coyote disturbances at residence)
- Educational \$200.00/hour (community meetings at city hall, school, or homeowner association etc.)
- Trapping 1 week (5 days) \$1000.00
- Trapping 2 week (10 days) \$2000.00
- Long term trapping schedules available per request if necessary.

We look forward to providing our services in your community.

Thank you,

Wildlife Specialist and Consultant LLC
Fernando Barrera
(424) 247-6373

Wildlife Specialist and Consultant LLC

coyotespecialist@gmail.com

Specialist Fernando Barrera

State Licensed Trapper - ID #65387

(424) 247-6373

Professional Service Proposal for November 2023

Between: Wildlife Specialist and Consultant (WSC) and the City of Rolling Hills.

Coyote Management through preventative coexistence, trapping, abatement, and removal.

Consultation and Educational Service Fees:

- Consultation \$150.00 (per hour)
 - Assessment for coyote disturbances at residence
 - Consultation fee (within 15 days is included in trapping costs when trapping at that location is needed)
- Educational \$200.00 (per hour)
 - Community meetings at city hall, school, or homeowner association etc.

Trapping Services Fees:

- Trapping 1 week (5 days) \$1000.00
- Trapping 2 week (10 days) \$2000.00
- Long term trapping schedules available per request if necessary

WSC uses humane live traps that are monitored and checked daily, in ordinance with the California Department of Fish and Wildlife. All materials are provided, maintained, and removed by WSC. All labor is provided by WSC. Traps are placed safely in locations at or near occurrences and other tactical locations. Trapping outcomes are not guaranteed per each trapping session. However, our specialist is highly successful in trapping of problem and aggressive coyotes. Consultations, educational meetings, trapping services are billed each month for services contracted and provided. Checks payable to Wildlife Specialist and Consultant LLC.

City of Rolling Hills

Name _____ Title: _____

Signature: _____ Date: _____

Wildlife Specialist and Consultant LLC

Name _____ Title: _____

Signature: _____ Date: _____

Administration office: 3362 W. 152nd Street, Gardena, CA 90249

Coyote, Wildlife & Pest Solutions, Inc.

Anaheim Hills, CA 92808

Email: coyotewildlifesolutions@gmail.com

Trapper ID# 7868

1/29/2024

RE: COYOTE CONTROL/ABATEMENT

Coyote Trapping Services

City of Rolling Hills, CA

To Whom It May Concern:

Thank you for allowing us the opportunity to acquaint you with our services and qualifications. In the event you need our services, we know you will be pleased to be working with a company whose Capture Specialist has over 38 years of humane and environmentally responsible, tracking and trapping experience.

Our coyote abatement program can be customized to accommodate any city's needs for its trapping period. The traps would be placed in strategic locations according to noted activity and public consideration. According to state regulations, the traps would be checked a minimum of once daily. All traps are approved by the Department of Fish and Game. The cost for implementing the trapping program would be based upon contract scope and terms of our contract. All labor and materials would be supplied by CWPS. There are no additional fees for euthanizing or haul away. There are also no additional fees for additional snares. Our pricing is all inclusive.

*Coyote Wildlife and Pest Solutions, Inc. offers weekly, monthly, AND multi-month scenarios for billable services. Those rates are as follows: two (2) weeks (10 business days) *\$2400; four (4) weeks/monthly (20 business days) *\$4800; six (6) month program commitment, \$28,800; twelve (12) month commitment, not to exceed *\$57,600.*

Larger wildlife, especially coyotes, are becoming a common problem in many urban communities around Southern California. They no longer fear humans which is why they are

seen encroaching on neighborhoods, attempting to find food sources. This can lead to attacks on pets, and in some cases, attacks on people.

Aggressive coyotes, bobcats, mountain lions, etc...cannot be managed by precautionary actions alone. Trapping is warranted in specific situations to manage the population and remove animals that have lost their fear of humans. Traps are set strategically by our experienced capture specialist. Typically, one to five animals are trapped during the abatement program. Our abatement program has proven very effective in many cities throughout Southern California.

An important part of a Coyote Abatement Program that would contribute significantly to its success is encouraging residents to be aware of coyotes and take precautions around their homes. For example, 1) Keep pets indoors at night and early morning. Always monitor small pets outdoors and keep them on a leash. 2) Feed pets indoors or promptly remove pet food/water after pets are finished eating. 3) NEVER leave small children unattended in areas where coyotes may be frequenting.

Should you have any further questions or if you would be interested in having our Capture Specialist, Jimmie Rizzo, speak with you or your City Council about your abatement program, please call us.

We look forward to working with you.

Sincerely,

Coyote, Wildlife and Pest Solutions

Pamela VanDalsem

Director Contracts/Operations

(714)814-8378

Jimmie Rizzo

Capture Specialist

(714)943-4121



Animal Pest Management Services, Inc.
Urban Wildlife Professionals 🐾

Phone 800.344.6567
Fax 909.590.1435

TRAPPING SERVICE AGREEMENT
90606316

NAME: THE CITY OF ROLLING HILLS ATTN: CHRISTIAN HORVATH DATE: 01/29/2024
STREET: 2 PORTUGUESE BEND ROAD
CITY: ROLLING HILLS STATE: CA ZIP: 90274

EMAIL INVOICES TO: _____

HEREBY AUTHORIZES SERVICE AT: THE CITY OF ROLLING HILLS

STREET: 2 PORTUGUESE BEND ROAD CITY: ROLLING HILLS ZIP: 90274
PHONE: 310-377-1521 FAX: _____ EMAIL: CHORVATH@CITYOFRH.NET

Notice: The customer acknowledges and understands that no guarantee on the number of target animals to be trapped (if any) is given. The customer further agrees that if any of the traps or materials used on the job site are lost, stolen, or damaged, the customer is responsible for reimbursing Animal Pest Management Services, Inc. at the replacement cost indicated (this charge is over and beyond the total cost of the job).

DESCRIPTION OF WORK

TRAPPING PERIOD: **TEN (10) BUSINESS DAYS**

TRAPS / MATERIALS TO BE USED
(AMOUNT AND NUMBER): **SNARES AND/OR SHOOTING**
REPLACEMENT COST: **\$N/A**

TARGET ANIMALS/PESTS: **COYOTES**

****TRAPPING TO COMMENCE UPON RECEIPT OF SIGNED CONTRACT.**

COSTS

INITIAL SET UP FEE: **\$4,500.00**

* This minimum charge covers the set-up, use of traps and/or materials for the duration of the trapping period and the trapping and removal of the target animals.

ADDITIONAL CHARGES:

\$N/A for every trip to remove a target animal that is trapped.

\$N/A for every trip to remove a non-target animal trapped that must be removed or released.

PAYMENT TERMS

The initial set-up fee of \$4,500.00 is due at the beginning of the trapping program. Additional charges (if any) are due as they occur.

CUSTOMER AGREES TO PAY WHEN BILLED FOR SERVICES DUE. A SERVICE CHARGE OF 1.5% PER MONTH EQUIVALENT TO AN ANNUAL PERCENTAGE RATE OF 18% WILL BE APPLIED TO PAST DUE ACCOUNT.

The customer agrees to indemnify Animal Pest Management Services, Inc., and hold it harmless against any claim, lawsuit or demand, including all reasonable attorney's fees and costs, brought by third parties based on environmental issues including, but not limited to, matters related to the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA).

Animal Pest Management Services, Inc. agrees to provide trapping services at the described premises according to the terms and conditions set forth under description of work. This agreement covers only the premises and target animals specified under description of work. The agreement does not guarantee against present or future pest damage to the property, building or contents of the described premises, or provide compensation therefore.

Please Print Name

Dan Fox
ANIMAL PEST MANAGEMENT SERVICES, INC.

DATE: 1/29/24

CUSTOMER (SIGNATURE)

DATE: _____

PRESIDENT / PRINCIPAL URBAN WILDLIFE BIOLOGIST: **DAN FOX**
AREA **7**

PLEASE SIGN AND RETURN ONE COPY

ke

Corporate Office 13655 Redwood Court, Chino, CA 91710-5516
San Diego County 5933 Sea Lion Place #109, Carlsbad, CA 92010
Riverside County 43549 Wheel Road, Indio CA 92201

Environmentally Friendly
for Over 35 Years
www.animalpest.com





Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

COUNTY OF LOS ANGELES

Department of Agricultural Commissioner/ Weights and Measures

12300 Lower Azusa Road
Arcadia, California 91006-5872
<http://acwm.lacounty.gov>



Maximiliano E. Regis
Chief Deputy

June 10, 2024

City of Rolling Hills
2 Portuguese Bend Rd.
Rolling Hills CA 90274

RECEIVED

JUN 17 2024

City of Rolling Hills
by EL

Dear Customer:

RE: AGREEMENT FOR PEST CONTROL SERVICES

Please find enclosed your copy of the fully executed original Pest Control Agreement.

Please call our office at (626) 575-5462 if you need to request service. **You can also now make a service request from our Internet site at acwm.lacounty.gov and click on the "Quick links" and then look in the "Services" column. Find the listing "Home Services Contract Request", click on it and it will take you to the field to fill in your information.**

Our operating hours are from 7:00 a.m. to 5:30 p.m., Monday through Thursday. Our fax number is (626) 350-7077.

Thank you,

Weed Hazard and Integrated Pest Management Bureau
Pest Management Division

Enc.

RECEIVED

1967

1967

AGREEMENTPEST CONTROL

This agreement, dated April 22, 2024, is made by and between the COUNTY OF LOS ANGELES, ("County") and City of Rolling Hills ("City").

RECITALS:

Whereas, the County is authorized by the Los Angeles County Board of Supervisors and by Section 5405 of the Food and Agricultural Code and Section 25842 of the Government Code, to provide varied pest control services; and,

Whereas, the City is desirous of contracting with the County for the performance of pest control services, acting through its Agricultural Commissioner/Director of Weights and Measures; and,

Whereas, the County is agreeable to rendering such pest control services on the terms and conditions set forth below.

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION 1. County Obligations.

(a) The County, through the Agricultural Commissioner/Director of Weights and Measures, agrees to provide pest control services in accordance with the provisions of Section 25842 of the Government code, and Section 5405 of the Food and Agricultural Code.

(b) Such services shall encompass the pest control duties including control and destruction of pests of the type coming within the jurisdiction of and customarily rendered by the Agricultural Commissioner/Weights and Measures Department of the County of Los Angeles under the Charter of said County and the Statutes of the State of California.

1 (c) The level of service shall be that same basic level of pest control service
2 that is and shall be hereinafter during the term of this agreement provided
3 for unincorporated areas of the County of Los Angeles by said Agricultural
4 Commissioner/Director of Weights and Measures.

5
6 (d) The rendition of such services, the standard of performance, and other
7 matters incidental to the performance of such services, and the control of
8 personnel, so employed shall remain in the County.

9
10 (e) For the purpose of performing said functions, County shall furnish and
11 supply all necessary labor, supervision, equipment, and supplies necessary
12 to maintain the level of service to be rendered hereunder.

13
14 (f) The County hereby agrees to engage in the control and destruction of:

15 X Rodents

 X Others (Coyote)

16 X Weeds

17 SECTION 2. Owner Obligations.

18 (a) To facilitate the performance of such functions, it is hereby agreed that
19 the County shall have full cooperation and assistance from the City council
20 and other City officers, agents, and employees.

21
22 (b) All persons employed in the performance of such services and functions for
23 said City shall be County employees as such shall be taken over by said
24 County, and no person employed hereunder shall have any City pension, civil
25 service, or any status or right.

26
27 (c) For the purpose of performing such services and functions, and for the
28 purpose of giving official status to the performance thereof where
29 necessary, every County officer and employee engaged in the performance of
30 any service hereunder shall be deemed to be an officer or employee of said
31 City while performing services for said City, which services are within the
32 scope of this agreement and are purely municipal functions.

1 (d) City shall not be called upon to assume any liability for the direct payment
2 of any salaries, wages, or other compensation to any County personnel
3 performing services hereunder for said County, or any liability other than
4 that provided for in this agreement.

5 Except as herein otherwise specified, the City shall not be liable for
6 compensation or indemnity to any County employee for injury or sickness
7 arising out of his employment.

8
9 (e) In consideration of said services, City agrees to pay the County for actual
10 costs for services, labor, and materials in the performance of the work in
11 accordance with the rates and provisions listed in Exhibit A of this
12 agreement.

13
14 (f) City consents to the County's use, upon lands owned, leased, or otherwise
15 controlled by City, to the use of pesticides and devices listed in Exhibit
16 A, to control the pest listed in Section 1 (f), of this agreement.

17
18 (g) City has been informed of the methods and the manner in which the control
19 materials will be used and of the hazards and dangers involved to persons,
20 domestic animals, and vegetation in treated area.

21
22 SECTION 3. Assumption of Liability Agreement.

23 The assumption of liability agreement executed by the parties of this
24 agreement and approved by the Board of Supervisors on December 27, 1977,
25 currently in effect is hereby made a part of and incorporated into this
26 agreement as if set out in full herein unless said Assumption of Liability
27 agreement is expressly superseded by subsequent agreement hereafter entered
28 into between the parties hereto.

29
30 SECTION 4. Subject Property.

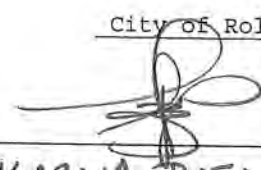
31 The address of the property or premise where said pest control services
32 shall be provided as described in Exhibit B of this agreement.

SECTION 5. Termination

(a) Unless sooner terminated as provided for herein, this agreement shall be effective July 01, 2024 and shall extend to June 30, 2025.

(b) Either party may terminate this agreement upon ten (10) days written notice to the other party.

City of Rolling Hills

SIGNED: 

Print Name: KARINA BAJAS

DATE: 5.16.2024

Billing Address:

2 Portuguese Bend Rd., Rolling Hills, CA 90274

Phone No.

(310) 377-1521

 05.28.24

Kurt E. Floren

Agricultural Commissioner

Director of Weights and Measures

12300 Lower Azusa Road

Arcadia, CA 91006

(626) 575-5462

1
2 WORK TO BE DONE AS REQUESTED.

3 TOTAL NOT TO EXCEED \$25,000.00

4 PAYMENT TO BE RECEIVED UPON MONTHLY BILLING.

5 ONLY THOSE MATERIALS APPLICABLE TO THIS AGREEMENT WILL BE UTILIZED.

6 *THERE IS NO CHARGE FOR TRAPS OR BAIT STATIONS UNLESS THEY ARE DAMAGED OR STOLEN.

7 THESE RATES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

8 Labor:

9	Agric/Wts & Meas Inspector III	\$163.46 HR
10	Agricultural Chemical Sprayer	\$137.87 HR
11	Pest Control Worker	\$107.64 HR
12	Warehouse Worker I	\$101.78 HR
13	Weed Haz & Pest Abatement Worker	\$85.16 HR

14 Materials:

15	Bullseye Ind. Dye	\$0.41 oz
16	Dimension Ultra	\$17.47 pkt
17	Foam Fighter	\$0.21 oz
18	Fusilade II	\$2.73 oz
19	Gallery 75DF	\$13.24 oz
20	Gallery SC	\$4.83 oz
21	Garlon 3A	\$86.46 gal
22	Garlon 4	\$90.33 gal
23	Habitat Herbicide	\$0.62 oz
24	Landmark	\$7.14 oz
25	Liberate	\$33.08 gal
26	Manage Turf Herbicide	\$2.36 scp
27	Milestone VM	\$2.58 oz
28	Milestone VM Plus	\$37.66 gal
29	No Foam A	\$13.29 gal
30	Oust	\$1.93 oz
31	Pathfinder II	\$50.94 gal
32	Polaris	\$0.66 oz

1	Portfolio 4FCA	\$737.50 gal
2	Pro Spreader Activator	\$15.31 gal
3	Telar XP	\$13.44 oz
4	Transline	\$1.43 oz
5		
6	Box Trap	\$8.08 ea
7	Diphacinone Rodent bait (.005%)	\$2.22 lb
8	Diphacinone Rodent bait (.01%)	\$1.99 lb
9	Fumitoxin Tablet	\$0.08 ea
10	Gas Cartridge	\$2.98 ea
11	Maki Block	\$4.63 lb
12	Omega Gopher Grain Bait 0.5% Strychnine	\$0.55 oz
13	PCQ Pro Rodent Bait	\$0.40 oz
14	Talpirid	\$2.27 ea
15	Weevil-Cide Tablets	\$0.05 ea
16	Advion Fire Ant Bait	\$22.73 lb
17	Astro Insecticide	\$0.86 oz
18	Bee Catcher Trap-Bee Master	\$6.82 ea
19	Corn Scratch	\$0.29 lb
20	Extinguish Plus	\$12.48 lb
21	M-Pede (insecticide)	\$0.17 oz
22	Merit 75 WSP (pkt)	\$19.02 pkt
23	Siesta Fire Ant Bait	\$1.04 oz
24	Termidor	\$1.04 oz

26 Vehicles:

27	Spray Rig Vehicle-IV	\$90.39 hr
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AREAS TO BE TREATED:

Various areas as requested by the Rolling Hills City.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 14.A
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: CONSIDERATION OF DIRECTING STAFF TO DRAFT A LEGISLATIVE AND POLICY PLATFORM (MAYOR MIRSCH)

DATE: November 11, 2024

BACKGROUND:

The City of Rolling Hills and Councilmembers at times monitor bills under consideration by the state, and will take a position on a bill, depending on its potential impact to the City, Peninsula or South Bay. Over recent legislative sessions, the City Council has taken positions of support or opposition on matters including land use, local control, public safety, and retail theft. The City Council has also advocated to the California Public Utilities Commission and the County of Los Angeles on matters of concern.

Tonight, staff presents a discussion item, at the request of Mayor Mirsch, seeking direction as to whether the City Council would want a specific legislative and policy platform that could allow staff, in collaboration with the Mayor, to draft and send letters advocating in support or opposition based on said platform.

DISCUSSION:

Many cities and organizations that frequently take positions on federal and state legislation adopt an annual legislative platform. This platform outlines policy statements on legislative and regulatory issues relevant to the organization and likely to arise during the legislative session.

A Legislative Platform for the City could include policies on topics such as:

- Housing and Local Land Use
- Public Safety
- Community Services
- Environmental Quality
- Government Transparency and Effectiveness

The platform would consolidate any positions the Council has taken on various bills, providing guidance to City Staff and the City's federal and/or state legislative delegation on legislative and regulatory issues of interest. It would also inform advocacy organizations active in Washington and Sacramento—such as the League of California Cities, California Contract Cities Association, and the South Bay Cities Council of Governments—of the City Council's legislative priorities. Additionally, the platform would assist Staff in communicating on these issues and enable prompt action if a matter directly impacting the City requires immediate attention.

The primary purpose of a Legislative Platform would be to guide Staff in monitoring bills of interest to the City. Staff intends to bring all relevant bills before the City Council for a formal position. If a bill requires immediate action, the City Council would be notified, and the City Manager would send a letter expressing the City's proposed position. This bill would then be presented to the City Council at its next scheduled meeting for formal adoption of a position, reflected in a letter signed by the Mayor.

For reference, Staff has attached samples of the City of Rancho Palos Verdes' legislative platforms from 2021 and 2022.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file. Provide direction to staff.

ATTACHMENTS:

[CL_AGN_241111_CC_Item14A_RPV_LegPlatform2021.pdf](#)
[CL_AGN_241111_CC_Item14A_RPV_LegPlatform2023.pdf](#)



CITY OF RANCHO PALOS VERDES 2022 LEGISLATIVE PLATFORM

DATE ADOPTED: Resolution No. 2021-__ on November 2, 2021.

PURPOSE

The City of Rancho Palos Verdes' 2022 Legislative Platform (Platform) outlines the policy positions of the City Council on current issues which directly or indirectly impact the City. This Platform serves as a guideline to actively pursue pending legislation through monitoring and communications activities and is primarily based upon positions previously adopted by the City Council.

The City looks forward to working with regional, state, and federal partners to best serve residents. The statements outlined in the Platform represent the City's general position on legislative and regulatory issues of interest and concern.

1. HOUSING AND LOCAL LAND USE

- A. Oppose legislation that usurps local control and erodes the City's authority to control its own affairs. Support actions which further strengthen local democracy, authority, and control. The City's Housing and Local Land Use Legislative Platform is incorporated herein by reference (see Appendix A).
- B. Support policies or programs that allow city and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas to support our communities. Support state grants or programs which provide funds to cities and/or developers to encourage affordable housing development.
- C. Oppose legislation that penalizes a city or local government if the units identified in the Regional Housing Needs Allocation (RHNA) are not constructed. Oppose legislation that proposes to convert RHNA from a planning process to a production standard.
- D. Support legislation that preserves local authority to manage public rights-of-way including the appearance and aesthetics of equipment placed within them.
- E. Support legislation that preserves local authority to zone and plan for the deployment of telecommunications infrastructure in public rights-of-way.
- F. Oppose legislation that diminishes the authority of local jurisdictions to process permits and enforce building codes or mandates the manner of enforcement.

- G. Oppose legislation that seeks to limit or eliminate municipal authority to regulate street or sidewalk vendors.
- H. Support legislation and administrative actions that protect the ability for a local jurisdiction to preserve open space in and around a local government's jurisdiction.
- I. Support legislation and administrative actions that provide state and federal funding for major public works projects such as the Portuguese Bend Landslide Remediation Project.

2. PUBLIC SAFETY

- A. Support legislation that enhances emergency preparedness, resiliency and public safety.
- B. Support legislation that strengthens and enforces legal protections for all individuals who are victims of crimes.
- C. Support measures that provide funding to local agencies for training, effective disaster preparedness, sheriff's station infrastructure, fire department infrastructure, and emergency planning.
- D. Support legislation, regulations, or administrative actions ensuring all cities, including contract cities, have equal access to public safety funding.
- E. Support legislation which maintains law enforcement's ability to utilize automatic license plate reading (ALPR) cameras as an investigatory tool.
- F. Support legislation to accelerate the development and implementation of enhanced electrical utility infrastructure, including undergrounding of utility equipment that ensures reliable utility service and public safety and prevents the use of public safety power shutoffs.

3. COMMUNITY SERVICES

- A. Support legislation and local, state and federal programs that employ evidence-based best practice strategies to reduce the number of people experiencing homelessness by preventing homelessness for those at risk; providing emergency and transitional housing; expanding permanent affordable housing; and promoting self-empowerment through counseling, job training, and other supportive services.
- B. Support legislation and local, state, and federal programs that reduce the number of people experiencing homelessness by promoting mental health and substance abuse services; providing emergency and transitional housing; expanding permanent affordable/supportive housing; and promoting self-empowerment

through counseling, job training, and other supportive services for those who suffer from mental health issues and/or substance abuse.

4. ENVIRONMENTAL QUALITY

- A. Support legislation, regulations, or administrative actions to remediate the harmful effects of dichloro-diphenyl-trichloroethane (DDT) and other chemicals in coastal waters, especially near Santa Catalina Island and the Palos Verdes Peninsula.
- B. Support legislation that provides rebate programs, tax credits, and other financial incentives that encourage property owners to invest in water efficient systems and landscaping and energy efficiency and renewable energy systems.

5. GOVERNMENT TRANSPARENCY AND EFFECTIVENESS

- A. Support legislation that grants full cost reimbursement to local agencies by the state and federal government for all mandated programs.
- B. Support legislation that ensures the retention of existing local revenue sources, including the City's share of property taxes, sales and use taxes, transient occupancy taxes, etc.
- C. Support legislation that will enhance revenue for cities.
- D. Support legislation that allows for the continued use of teleconferencing platforms to continue holding hybrid public meetings outside of a declared state of emergency. Hybrid meetings increase access to public meetings and encourage greater transparency.
- E. Support legislation or public health orders that consider regional factors when determining public health needs within Los Angeles County.
- F. Oppose legislation that would prohibit or limit local governments' ability to contract out for the provision of services.

APPENDIX A:
CITY OF RANCHO PALOS VERDES HOUSING AND
LOCAL LAND USE LEGISLATIVE PLATFORM

DATE ADOPTED: Resolution No. 2021-31 on July 6, 2021.

EXECUTIVE SUMMARY

In response to the housing crisis and recent legislation proposed by the California Legislature:

- The City of Rancho Palos Verdes opposes proposed planning and zoning legislation that usurps local control and imposes unfunded mandates.
- The City supports actions to further strengthen local democracy, authority, and control.
- The City would support housing policies which include funded mandates or create funded programs such as Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) to assist local planning efforts.
- The City would support policies that provide incentives to cities such as additional tax revenue or tax breaks and policies which grant concessions to existing policies for adoption of pro-housing policies.
- The City would support policies or grants directed toward developers to incentivize the creation of affordable housing.
- The City would support policies which expand programs such as Project Homekey, which repurpose existing buildings into an affordable housing option.
- The City would support policies and programs which provide social services and mental health services to help unhoused persons be eligible for, acquire, and maintain affordable housing.
- The City would support policies or programs that allow city and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas to support our communities.

BACKGROUND

The City of Rancho Palos Verdes is located on the Palos Verdes Peninsula in Los Angeles County, California, and incorporated in 1973. The City is primarily comprised of residential zones and open space, is nearly entirely located within a Cal Fire-designated Very High Fire Hazard Severity Zone (VHFHSZ), and is partially located in the state-

designated coastal zone. Moreover, approximately 1,200 acres of the City is within the Portuguese Bend Landslide complex, the largest and fastest moving landslide in North America.

The City of Rancho Palos Verdes recognizes that California is in the middle of a housing crisis. Housing stock cannot meet present demand and lack of affordable housing makes existing stock cost prohibitive. The Legislature has an apparent focus on passing laws which aim to mitigate the housing crisis through rescission of local land use authority and oversight to streamline the process of constructing additional units. These laws create a one-size-fits-all approach that fail to consider local authority and essential local oversight, including constraints faced by local agencies such as infrastructure limitations.

The City is committed to maintaining and enhancing a high quality of life and safety for all residents as reflected in its General Plan, updated as of 2018. Local land use authority is essential to ensuring that all new developments are suitable and safe for our community, and to allow the City and developers to work together to find the most mutually beneficial arrangement for all residents in the City.

Development within the City faces a number of unique challenges. Despite this, the City has a vibrant and well-planned mix of residential, commercial, and industrial uses.

There are 8,274 acres of land within the City of Rancho Palos Verdes. The City has determined that 1,710 acres (or 20%) of land are not suitable for development. These include Natural Environment/Hazard Areas which are lands designated as “Hazard,” “Open Space Hillside” and “Open Space Preserve” by the Land Use Element.

The areas designated “Hazard” possess extreme physical constraints, such as active landslide¹, sea cliff erosion hazard, and extreme slopes of 35 percent and greater.

The areas designated “Open Space Hillside” are subject to extreme physical constraints and are maintained as open space, with very light-intensity uses permitted, such as landscaping, agriculture, passive recreational activities, and very minor structures, for the protection of the public health, safety, and welfare.

The areas designated “Open Space Preserve” encompass the City’s Palos Verdes Nature Preserve, which is approximately 1,400 acres of permanent open space. The City’s Preserve is enrolled in the State’s Natural Communities Conservation Plan and the Federal Habitat Conservation Plan (NCCP/HCP) and is encumbered with restrictions, held in perpetuity, for the preservation and protection of natural resources and habitat.

¹ The Portuguese Bend Landslide is one of the largest and most active landslides in the country and encompasses over two of the City’s roughly 14 square miles, moves at a rate between hundredths of an inch per year and tens of feet per year. This movement is especially noticed by motorists, cyclists and pedestrians who travel along Palos Verdes Drive South. The City continuously maintains a safe roadway through the area at a cost of about a half million dollars per year. An above-ground sewer trunk line is in jeopardy of failing with land movement that has the potential to cause a significant environmental catastrophe due to its close proximity to the Pacific Ocean.

Residential activities are the major land use in the City, with existing and proposed residential uses encompassing approximately 5,500 acres (66.5% of the total land area). The predominance of residential use and related density ranges is based on several factors: the ability of residential activity to produce low environmental stress, the geographic location of the community with no major transportation facilities, the geology of the site, lack of market potential for any major commercial development, and need for support facilities to meet the community's demand.

As such, it is vital that local control be maintained to ensure public health and safety. One-size-fits-all legislation with ministerial review requirements cannot take into account the unique geographic, geologic, and infrastructure constraints required for a project to be successful and to maintain or enhance public safety.

RECENT LEGISLATIVE POSITIONS

On August 4, 2020, the City Council adopted Resolution No. 2020-46 expressing opposition to proposed planning and zoning legislation that usurps local control and imposes unfunded mandates and expressing support for actions to further strengthen local democracy, authority, and control. It furthermore declares that, should the state continue to pass legislation that attacks local municipal authority, control and revenue, the City of Rancho Palos Verdes will support actions such as a ballot measure that would limit the state's ability to control local activities and strengthen local democracy and authority.

The City has registered its strong opposition to the current practice of the Legislature of proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of zoning authority that has been granted to them.

While the City appreciates the work of the Legislature to propose policies intended to mitigate the housing crisis, sweeping and ministerial measures cannot properly assess their impact on individual communities and their general plans. Streamlined ministerial approval may be a preferred housing solution for the Legislature, but such development may have significantly detrimental effects on public health and safety. The City is concerned that increasing density by-right will not allow sufficient oversight of infrastructure to ensure that capacities can meet increased residential populations.

In local land use planning and zoning, many factors must be considered. The City must maintain its local land use authority to ensure that all developments meet all safety standards and that related traffic changes do not have undue influence on egress paths in the event of an evacuation, particularly within the VHFHSZ and the Portuguese Bend Landslide complex, and with considerations for limitations on existing infrastructure.

In general, the City has supported housing legislation which seeks to increase local oversight and flexibility, such as Assemblymember Muratsuchi's Assembly Constitutional Amendment No. 7 which would amend the State Constitution to require certain local land use controls and zoning regulations remain within incorporated communities when in conflict with general laws.

The City has opposed legislation that erodes local land use authority, such as Senator Atkins' SB 9, which would require ministerial approval of lot splits and duplexes in single-family residential zoned areas. The City is deeply concerned that bills such as SB 9, which would potentially quadruple density in single-family zoning by-right would have detrimental effects on the City's infrastructure capacity, particularly in the event of an emergency. Increasing density without the ability for the City to properly plan for it will negatively impact public safety in a community like Rancho Palos Verdes, and its residents' quality of life.

One-size-fits all laws inherently fail to consider the needs of individual communities and their general plans. Furthermore, the current practice of mandating streamlined local processes does nothing to address encouraging actual affordable development of those properties. The Legislature should consider bills that incentivize affordable developments and provide local agencies the ability to zone for such developments. The tone of recent bills, such as making it easier to build an accessory dwelling unit (ADU) on a property, does not guarantee that it will be sold below market rate, thereby affordable. In fact, it appears ADU's are being rented above market rates throughout Los Angeles or being used for other uses than housing (i.e. gyms, studios, pool cabanas, etc. because of State-mandated relaxed zoning laws). Upzoning parcels is likely to increase the value of the underlying land, which then makes new construction unnecessarily more expensive and over time, raises the values and rents throughout the neighborhoods, making affordable housing even less likely to be built.

The current legislative preference for by-right approvals in favor of increasing density, fails to consider the nuances in individual communities, potentially risking public safety, and does nothing to inherently promote affordable housing, which is vital to recover from the housing crisis and is the purported aim of this approach.

POTENTIAL LEGISLATIVE SOLUTIONS

The City is supportive of legislation which seeks to preserve local land use authority and flexibility, giving choices and incentives to cities. Ultimately, the City would support legislation which would allow local governments to adopt proposed legislation if the requirements are suitable in their individual jurisdictions. Local planning departments have the knowledge and skills to prepare creative solutions to the housing crisis that best serve their communities. By-right zoning legislation undermines their ability to exercise the city's local land use authority and problem-solve based on their city's unique geographic, geologic, and infrastructure constraints, but with state support, they have the capacity to help alleviate the housing crisis.

The City would additionally continue to support legislation that provides financial assistance to implement new directives, or programs similar to Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) that provide funding to help cities accelerate housing production. The City would also support legislation that provides incentives to cities, such as additional tax revenue or tax breaks. Unfunded mandates are a financial burden to cities which make them difficult to implement successfully.

The Legislature may also consider adopting policies which grant concessions to cities based on adoption of pro-housing policies. For example, if a city were to utilize their local land use authority to upzone a certain amount of land in a commercial corridor, they could be exempt from policies such as requiring ministerial approval of ADUs. This will further local land use flexibility and grants additional incentives to local governments to adopt pro-housing policies. The City is supportive of legislation that increases land use flexibility such as regional trust and/or trade policies, similar to Senator Allen's SB 809.

The City would also support legislation aimed at developers to encourage sustainable, cost-effective development of affordable housing in safe locations across the state. Legislation which seeks to expand existing programs such as Project Homekey, or similar programs that repurpose existing buildings or underutilized commercial property (i.e. surface parking lots or single-story shopping centers) into affordable housing are also viable solutions. Additionally, the Legislature should consider policies and programs which provide social services and mental health resources to help unhoused persons be eligible for, acquire, and maintain affordable housing.

Cities have the tools, knowledge, and policies in place to continue to plan and develop innovative solutions to mitigate the housing crisis: solutions that best serve the city and the residents. If, for example, a city observes that there seems to be a surplus of parking spaces in shopping centers, they could re-zone the land to be mixed-use residential. The city may also determine that they could lower their parking requirements in certain areas due to traffic patterns and/or location of transit. When cities are allowed to keep their local land use authority, they will continue to plan and develop new solutions that address their specific constraints, and the state could reward cities for taking such actions with additional tax revenue or tax breaks or policy concessions.

Regional housing needs and legislation increasing density must be balanced by local capacity assessments including traffic conditions, sewer conditions, school district capacity, ingress/egress capacity, and water supply, among others. Legislation should re-focus efforts toward developing programs for cities and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas that can support our communities.

CONCLUSION

During recent legislative sessions, the City has opposed planning and zoning legislation that usurps local control and imposes unfunded mandates. The City was founded to protect local authority and to preserve the character of Rancho Palos Verdes. Local

oversight of planning and zoning is essential to ensure that every development is suitable and safe for the community, to protect the health and safety of all residents.

The City is supportive of policies which strengthen local democracy, authority, and control. The City would additionally consider supporting policies which include funded mandates, legislation aimed at developers to encourage creation of affordable housing, the expansion of programs such as Project Homekey, and the creation of programs to improve social and mental health services for unhoused persons.

The City of Rancho Palos Verdes looks forward to working with the Legislature to have an open dialogue about viable solutions to the state's housing crisis, while maintaining all residents' high quality of life.

CITY OF RANCHO PALOS VERDES
202~~32~~ LEGISLATIVE PLATFORM

DATE ADOPTED: Resolution No. 202~~21~~-__ on ~~November~~ December 202, 202~~21~~.

PURPOSE

The City of Rancho Palos Verdes' 202~~32~~ Legislative Platform (Platform) outlines the policy positions of the City Council on current issues which directly or indirectly impact the City. This Platform serves as a guideline to actively pursue pending legislation ~~through monitoring and communications activities, with City Council approval and is primarily based upon positions previously adopted by the City Council.~~

The City looks forward to working with regional, state, and federal partners to best serve residents. The statements outlined in the Platform represent the City's general position on legislative and regulatory issues of interest and concern.

PRIORITY CITY PROJECTS

Through the City's Capital Improvement Plan (CIP), major projects are planned for a period of five years. The list below includes important projects of regional significance listed within the CIP that do not have sufficient funding. The City is supportive of legislation, policies, programs, or administrative actions that would assist in funding these projects.

A. Portuguese Bend Landslide Remediation Project

Total Cost: \$33 million

Status: Environmental analysis and documentation

Funds Committed: \$2.3 million

The Portuguese Bend Landslide Complex (PBLC) is the largest active landslide in the continental United States, encompassing two of the City's roughly 14 square miles, directly impacting Palos Verdes Drive South, a major arterial street providing transportation for the wider region, including neighboring cities of Palos Verdes Estates and the City of Los Angeles (San Pedro). Continued land movement poses a catastrophic environmental threat to the California coastline due to an above-ground sewer trunk line located adjacent to the Pacific Ocean at severe risk of rupture. The project seeks to protect life, public health, safety, and the environment through mitigation of land movement in the PBLC area.

1. HOUSING AND LOCAL LAND USE

- A. Oppose legislation that usurps local control and erodes the City's authority to control its own affairs.
- B. Support actions which further strengthen local democracy, authority, and control.

- C. Support policies or programs that allow city and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas to support our communities. Support state grants, legislation, or programs which ~~provide funds to cities and/or developers to~~ encourage sustainable and affordable housing development. Support policies or grants which encourage the development of regional housing trusts.
- D. Oppose legislation that penalizes a city or local government if the units identified in the Regional Housing Needs Allocation (RHNA) are not constructed. Oppose legislation that proposes to convert RHNA from a planning process to a production standard.
- E. Support legislation that preserves local authority to manage public rights-of-way including the appearance and aesthetics of equipment placed within them.
- F. Support legislation that preserves local authority to zone and plan for the deployment of telecommunications infrastructure in public rights-of-way.
- G. Oppose legislation that diminishes the authority of local jurisdictions to process permits and enforce building codes or mandates the manner of enforcement.
- H. Oppose legislation that seeks to limit or eliminate municipal authority to regulate street or sidewalk vendors.
- I. Support legislation and administrative actions that protect the ability for a local jurisdiction to preserve open space in and around a local government's jurisdiction.
- ~~J. Support legislation and administrative actions that provide state and federal funding for major public works projects such as the Portuguese Bend Landslide Remediation Project.~~
- o Potential Coalition Partners: League of California Cities (Cal Cities), South Bay Cities Council of Governments (SBCCOG), California Contract Cities Association (CCCA), Southern California Association of Governments (SCAG), Palos Verdes Peninsula Cities (PV Cities), Our Neighborhood Voices Initiative

2. PUBLIC SAFETY

- A. Support legislation that enhances emergency preparedness, resiliency, and public safety.
- B. Support legislation that strengthens and enforces legal protections for all individuals who are victims of crimes.

- C. Support measures that provide funding to local agencies for training, effective disaster preparedness, sheriff's station infrastructure, fire department infrastructure, and emergency planning.
- D. Support legislation, regulations, or administrative actions ensuring all cities, including contract cities, have equal access to public safety funding.
- E. Support legislation which maintains law enforcement's ability to utilize automatic license plate reading (ALPR) cameras as an investigatory tool.
- F. Support legislation that provides tools to deter catalytic converter theft.
- E.G. Support legislation that provides tools to deter organized and serial retail theft.
- H. Support legislation to accelerate the development and implementation of enhanced electrical utility infrastructure, including undergrounding of utility equipment that ensures reliable utility service and public safety and prevents the use of public safety power shutoffs.
- F.I. Support legislation that protects insurance coverage for properties within very high fire zones.
- 0 Potential Coalition Partners: Cal Cities, SBCCOG, CCCA, Los Angeles County Sheriff's Department (LASD), PV Cities

3. COMMUNITY SERVICES

- A. Support legislation and local, state, and federal programs that employ evidence-based best practice strategies to reduce the number of people experiencing homelessness by preventing homelessness for those at risk; promoting mental health and substance abuse services; providing emergency and transitional housing; expanding permanent affordable housing; and promoting self-empowerment through counseling, job training, and other supportive services.
- ~~B. Support legislation and local, state, and federal programs that reduce the number of people experiencing homelessness by promoting mental health and substance abuse services; providing emergency and transitional housing; expanding permanent affordable/supportive housing; and promoting self-empowerment through counseling, job training, and other supportive services for those who suffer from mental health issues and/or substance abuse.~~
- C.B. Support legislation and local, state, and federal programs which seek to provide mental health services, including youth and young adult programs, community resource centers, and education in accessing mental health care.

- o Potential Coalition Partners: Cal Cities, SBCCOG, CCCA, Los Angeles Homeless Services Authority, PV Cities, Palos Verdes Peninsula Unified School District

4. ENVIRONMENTAL QUALITY

- A. Support legislation, regulations, or administrative actions to remediate the harmful effects of dichloro-diphenyl-trichloroethane (DDT) and other chemicals in coastal waters, especially near Santa Catalina Island and the Palos Verdes Peninsula.
- B. Support legislation that provides rebate programs, tax credits, and other financial incentives that encourage property owners to invest in water efficient systems and landscaping and energy efficiency and renewable energy systems.
- o Potential Coalition Partners: Cal Cities, SBCCOG, PV Cities, coastal cities

5. GOVERNMENT TRANSPARENCY AND EFFECTIVENESS

- A. Support legislation that grants full cost reimbursement to local agencies by the state and federal government for all mandated programs.
- B. Support legislation that ensures the retention of existing local revenue sources, including the City's share of property taxes, sales and use taxes, transient occupancy taxes, etc. Support legislation that will enhance revenue for cities.
- C. Support legislation modernizing the methods by which a local agency may comply with the Brown Act. Support legislation that allows for the continued use of teleconferencing platforms to continue holding hybrid public meetings outside of a declared state of emergency. Hybrid meetings increase access to public meetings and encourage greater transparency.
- D. Support legislation which allows for regional considerations or public health orders that consider regional factors when determining public health needs within Los Angeles County, particularly at the council of governments (COG) level, in relationship to public health, homelessness, and sustainability, among other areas of regional importance.
- E. Oppose legislation that would prohibit or limit local governments' ability to contract out for the provision of services.
- o Potential Coalition Partners: Cal Cities, SBCCOG, CCCA, PV Cities

**CITY OF RANCHO PALOS VERDES
2023 LEGISLATIVE PLATFORM**

DATE ADOPTED: Resolution No. 2022-__ on December 20, 2022.

PURPOSE

The City of Rancho Palos Verdes' 2023 Legislative Platform (Platform) outlines the policy positions of the City Council on current issues which directly or indirectly impact the City. This Platform serves as a guideline to actively pursue pending legislation, with City Council approval.

The City looks forward to working with regional, state, and federal partners to best serve residents. The statements outlined in the Platform represent the City's general position on legislative and regulatory issues of interest and concern.

PRIORITY CITY PROJECTS

Through the City's Capital Improvement Plan (CIP), major projects are planned for a period of five years. The list below includes important projects of regional significance listed within the CIP that do not have sufficient funding. The City is supportive of legislation, policies, programs, or administrative actions that would assist in funding these projects.

A. Portuguese Bend Landslide Remediation Project

Total Cost: \$33 million

Status: Environmental analysis and documentation

Funds Committed: \$2.3 million

The Portuguese Bend Landslide Complex (PBLC) is the largest active landslide in the continental United States, encompassing two of the City's roughly 14 square miles, directly impacting Palos Verdes Drive South, a major arterial street providing transportation for the wider region, including neighboring cities of Palos Verdes Estates and the City of Los Angeles (San Pedro). Continued land movement poses a catastrophic environmental threat to the California coastline due to an above-ground sewer trunk line located adjacent to the Pacific Ocean at severe risk of rupture. The project seeks to protect life, public health, safety, and the environment through mitigation of land movement in the PBLC area.

1. HOUSING AND LOCAL LAND USE

- A. Oppose legislation that usurps local control and erodes the City's authority to control its own affairs.
- B. Support actions which further strengthen local democracy, authority, and control.

- C. Support policies or programs that allow city and state collaboration on housing production, alongside sustainable transportation, broadband deployment, and other key infrastructure areas to support our communities. Support state grants, legislation, or programs which encourage sustainable and affordable housing development. Support policies or grants which encourage the development of regional housing trusts.
- D. Oppose legislation that penalizes a city or local government if the units identified in the Regional Housing Needs Allocation (RHNA) are not constructed. Oppose legislation that proposes to convert RHNA from a planning process to a production standard.
- E. Support legislation that preserves local authority to manage public rights-of-way including the appearance and aesthetics of equipment placed within them.
- F. Support legislation that preserves local authority to zone and plan for the deployment of telecommunications infrastructure in public rights-of-way.
- G. Oppose legislation that diminishes the authority of local jurisdictions to process permits and enforce building codes or mandates the manner of enforcement.
- H. Oppose legislation that seeks to limit or eliminate municipal authority to regulate street or sidewalk vendors.
- I. Support legislation and administrative actions that protect the ability for a local jurisdiction to preserve open space in and around a local government's jurisdiction.
 - o Potential Coalition Partners: League of California Cities (Cal Cities), South Bay Cities Council of Governments (SBCCOG), California Contract Cities Association (CCCA), Southern California Association of Governments (SCAG), Palos Verdes Peninsula Cities (PV Cities), Our Neighborhood Voices Initiative

2. PUBLIC SAFETY

- A. Support legislation that enhances emergency preparedness, resiliency, and public safety.
- B. Support legislation that strengthens and enforces legal protections for all individuals who are victims of crimes.
- C. Support measures that provide funding to local agencies for training, effective disaster preparedness, sheriff's station infrastructure, fire department infrastructure, and emergency planning.
- D. Support legislation, regulations, or administrative actions ensuring all cities, including contract cities, have equal access to public safety funding.

- E. Support legislation which maintains law enforcement's ability to utilize automatic license plate reading (ALPR) cameras as an investigatory tool.
- F. Support legislation that provides tools to deter catalytic converter theft.
- G. Support legislation that provides tools to deter organized and serial retail theft.
- H. Support legislation to accelerate the development and implementation of enhanced electrical utility infrastructure, including undergrounding of utility equipment that ensures reliable utility service and public safety and prevents the use of public safety power shutoffs.
- I. Support legislation that protects insurance coverage for properties within very high fire zones.
- 0 Potential Coalition Partners: Cal Cities, SBCCOG, CCCA, Los Angeles County Sheriff's Department (LASD), PV Cities

3. COMMUNITY SERVICES

- A. Support legislation and local, state, and federal programs that employ evidence-based best practice strategies to reduce the number of people experiencing homelessness by preventing homelessness for those at risk; promoting mental health and substance abuse services; providing emergency and transitional housing; expanding permanent affordable housing; and promoting self-empowerment through counseling, job training, and other supportive services.
- B. Support legislation and local, state, and federal programs which seek to provide mental health services, including youth and young adult programs, community resource centers, and education in accessing mental health care.
- o Potential Coalition Partners: Cal Cities, SBCCOG, CCCA, Los Angeles Homeless Services Authority, PV Cities, Palos Verdes Peninsula Unified School District

4. ENVIRONMENTAL QUALITY

- A. Support legislation, regulations, or administrative actions to remediate the harmful effects of dichloro-diphenyl-trichloroethane (DDT) and other chemicals in coastal waters, especially near Santa Catalina Island and the Palos Verdes Peninsula.
- B. Support legislation that provides rebate programs, tax credits, and other financial incentives that encourage property owners to invest in water efficient systems and landscaping and energy efficiency and renewable energy systems.
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5. GOVERNMENT TRANSPARENCY AND EFFECTIVENESS

- A. Support legislation that grants full cost reimbursement to local agencies by the state and federal government for all mandated programs.
 - B. Support legislation that ensures the retention of existing local revenue sources, including the City's share of property taxes, sales and use taxes, transient occupancy taxes, etc. Support legislation that will enhance revenue for cities.
 - C. Support legislation modernizing the methods by which a local agency may comply with the Brown Act. Support legislation that allows for the continued use of teleconferencing platforms to continue holding hybrid public meetings outside of a declared state of emergency. Hybrid meetings increase access to public meetings and encourage greater transparency.
 - D. Support legislation which allows for regional considerations within Los Angeles County, particularly at the council of governments (COG) level, in relationship to public health, homelessness, and sustainability, among other areas of regional importance.
 - E. Oppose legislation that would prohibit or limit local governments' ability to contract out for the provision of services.
- o Potential Coalition Partners: Cal Cities, SBCCOG, CCCA, PV Cities

CITY COUNCIL POLICY

NUMBER: 29

DATE ADOPTED/AMENDED: 08/01/95 (amended 02/19/02, 03/04/14, ~~and 04/20/21~~, and 12/20/22)

SUBJECT: City Council Position on Legislative Items

POLICY:

It shall be the policy of the City that staff shall monitor regional, County, State and Federal legislative matters and initiatives, and consider the potential impact(s) such legislative initiatives on the City or the region, in line with the City Council's annually adopted Legislative Platform. Thereafter, staff shall prepare and present periodic updates on such legislative matters for the City Council to consider whether to take a position(s) on the same and, if so, what position(s) to take.

The legislation monitored will include both those issues that the City Council determines either to support or oppose and those that the City Council may choose to identify as issues of concern, but not take a position on. The determination of what position to take on pending legislation shall be solely that of the City Council. Staff will periodically, at the request of a Council member or in accordance with the Legislative Platform, place matters of pending legislation on the City Council agenda for consideration. Staff will provide regular updates on the status of any legislative action affecting any issues of concern to the City Council through the Weekly Administrative Report.

If the majority of the Council votes to take a position on a certain legislation, staff shall prepare the appropriate correspondence, for the Mayor's signature, to the relevant Federal, State, County and/or regional legislative representative(s) expressing the position of the City, and copies provided to the City Council. Such correspondence shall be posted on the City's website under the Legislation Corner homepage.

Individual Council members may wish to support or oppose a specific piece of legislation irrespective of whether the City Council has or has not taken a position on such legislation. Any legislative activity by an individual Council member, including preparing legislative correspondence, may be conducted by any Council member, who shall state that he or she is not acting on behalf of the City and is representing his or her own personal views. However, staff shall not assist in any legislative activity of an individual Council member, including the preparation of legislative correspondence, unless the legislative item has appeared on a Council agenda and has received a majority vote of the Council.

Summaries and updates on legislation that staff monitors and/or that the City Council has taken a position on The League of California Cities' "Legislative Bulletin" and any appropriate publication that summarizes legislation shall be provided as part of the City Manager's Weekly Administrative Report to each member of the Council for review.

BACKGROUND:

The City Council initially adopted a policy for Council involvement in Federal and State legislative advocacy in 1995. Although the policy seems to have worked adequately over the first seven years, by 2002 it was thought that it did not allow the City to respond rapidly to requests to support or oppose legislation that may be before a committee or on the floor or the Assembly or before Congress and needs immediate action on the part of supporters or opponents. Therefore, the policy was amended in 2002 to address these perceived deficiencies. In 2014, the policy was amended again to revise the procedure for monitoring legislation, and to explicitly include legislative issues at the County and regional level. In 2021, the policy was amended to reflect updated Staff processes. In 2022, it was amended to reflect the City's adoption of an annual Legislative Platform.

The City Council's revised legislative policy establishes an internal process for identifying, tracking and advocating its position on pending legislation synchronized to the fast-paced "legislation time clock." Through this proactive policy, the City Council hopes to have a stronger "voice" in the Peninsula/South Bay region, Los Angeles County, Sacramento and Washington, DC.

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NUMBER: 29

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The legislation monitored will include both those issues that the City Council determines either to support or oppose and those that the City Council may choose to identify as issues of concern, but not take a position on. The determination of what position to take on pending legislation shall be solely that of the City Council. Staff will periodically, at the request of a Council member, place matters of pending legislation on the City Council agenda for consideration. Staff will provide regular updates on the status of any legislative action affecting any issues of concern to the City Council through the Weekly Administrative Report.

If the majority of the Council votes to take a position on a certain legislation, staff shall prepare the appropriate correspondence, for the Mayor's signature, to the relevant Federal, State, County and/or regional legislative representative(s) expressing the position of the City, and copies provided to the City Council. Such correspondence shall be posted on the City's website under the Legislation Corner homepage.

Individual Council members may wish to support or oppose a specific piece of legislation irrespective of whether the City Council has or has not taken a position on such legislation. Any legislative activity by an individual Council member, including preparing legislative correspondence, may be conducted by any Council member, who shall state that he or she is not acting on behalf of the City and is representing his or her own personal views. However, staff shall not assist in any legislative activity of an individual Council member, including the preparation of legislative correspondence, unless the legislative item has appeared on a Council agenda and has received a majority vote of the Council.

The League of California Cities' "Legislative Bulletin" and any appropriate publication that summarizes legislation shall be provided as part of the City Manager's Weekly Administrative Report to each member of the Council for review.

BACKGROUND:

The City Council initially adopted a policy for Council involvement in Federal and State legislative advocacy in 1995. Although the policy seems to have worked adequately over the first seven years, by 2002 it was thought that it did not allow the City to respond rapidly to requests to support or oppose legislation that may be before a committee or on the floor of the Assembly or before Congress and needs immediate action on the part of supporters or opponents. Therefore, the policy was amended in 2002 to address these perceived deficiencies. In 2014, the policy was amended again to revise the procedure for monitoring legislation, and to explicitly include legislative issues at the County and regional level.

The City Council's revised legislative policy establishes an internal process for identifying, tracking and advocating its position on pending legislation synchronized to the fast-paced "legislation time clock." Through this proactive policy, the City Council hopes to have a stronger "voice" in the Peninsula/South Bay region, Los Angeles County, Sacramento and Washington, DC.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 15.A

Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: RECEIVE AND FILE A VERBAL UPDATE ON THE CITY HALL LANDSCAPE DESIGN GRANT PROJECT

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 15.B
Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: RECEIVE AND FILE A VERBAL UPDATE ON THE OUTDOOR EMERGENCY SIREN PROJECT AND CITYWIDE TESTING

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 16.A

Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1)
THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE)
a. NAME OF CASE: CONNIE ANDERSEN, ET AL. V. CALIFORNIA WATER COMPANY, ET AL. (SEAVIEW CASE) CASE NO.: 24STCV20953

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

None.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 16.B

Mtg. Date: 11/11/2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
GOVERNMENT CODE SECTION 54956.9 (TWO CASES) CPUC
COMPLAINTS AGAINST SOUTHERN CALIFORNIA EDISON AND
SOCAL GAS

DATE: November 11, 2024

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

None.

ATTACHMENTS: