

ORDINANCE NO. 326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS TO ADOPT A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND TO AMEND THE PROVISIONS OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO ESTABLISH AN OVERLAY ZONING DISTRICT (OZD-1) AND AMEND MISCELLANEOUS PROVISIONS OF TITLE 17 (ZONING) REGARDING SETBACKS AND OTHER DEVELOPMENT STANDARDS FOR PROPERTIES WITHIN THE RAS-1 (RESIDENTIAL AGRICULTURE-SUBURBAN, ONE ACRE MINIMUM LOT SIZE) ZONING DISTRICT THAT ARE NO MORE THAN 1.25 ACRES IN SIZE AND AMEND THE CITY'S ZONING MAP, IN ZONING CASE NO. 811, ZONING CODE AMENDMENT AND ZONING MAP AMENDMENT NO. 2012-01.

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. In 2007 and 2008, the City Council sought input from community members in Focus Group meetings on the City's development standards as they relate to redevelopment of older homes and homes that are located on smaller and unique lots. On July 6, 2009 at a joint meeting of the City Council and the Planning Commission, the City Council directed the Planning Commission to study the Focus Group's recommendations. On November 10, 2010 the Planning Commission formed an Ad-Hoc Committee to discuss these issues, similar development issues and current housing construction trends.

Section 2. Members of the Ad-Hoc Committee met several times and with staff reviewed historical data, development trends in the City, the current development standards and how they affect development and redevelopment in the City. The Committee found that some of the current development provisions inhibit reconstruction on smaller lots in the City.

Section 3. Following its meetings, the Committee presented a summary of its recommendations to the Planning Commission for consideration. The Planning Commission discussed the proposed concepts at two public meetings and two public hearings, after which the Planning Commission adopted a Resolution recommending to the City Council to adopt an ordinance amending the Zoning Code to establish an Overlay Zoning Districts in two neighborhoods in the City and additionally to allow reconstruction of non-conforming residences within existing setbacks in the RAS-1 zoning district throughout the City.

Section 4. Pursuant to the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 to Section 21177, State CEQA Guidelines, and the CEQA Guidelines of the City of Rolling Hills, staff prepared an Initial Study analyzing the proposed Zoning Code amendment and concluded that the proposed project has no significant effect on the environment; on December 22, 2011 staff issued a Notice of Negative Declaration and a Notice of a Public Hearing of the Planning Commission by publishing the Notices in the Palos Verdes Peninsula News on December 22, 2011, mailing the Notices to property owners located in the proposed Overlay Zoning District and to the Rolling Hills Community Association and noting the meeting time, date and content in the City's Newsletter.

Section 5. On April 9, 2012 the City Council held a duly noticed public hearing pursuant to Government Code Section 65854 and Chapter 17.50 of the Rolling Hills Municipal Code to consider the proposed Negative Declaration and the above-referenced amendments to the Rolling Hills Municipal Code, as recommended by the Planning Commission. Evidence was heard and presented from all persons interested in the proposal and from members of the City staff. The City Council reviewed, analyzed and studied the proposal.

Section 6. After considering the information presented during the public hearings on this matter, the Planning Commission finds that the Negative Declaration represents the independent judgment of the City, that it was prepared in compliance with CEQA, that there will not be a significant effect in this case on the environment.

Section 7. After considering the information presented during the public hearings on this matter, the City Council finds that the amendments to Title 17 comply with the requirements of the State Planning and Zoning Laws (Government section 65850 through Section 66403) and are consistent with the Rolling Hills General Plan in that they preserve and enhance the community's quality living environment and enhance the visual and physical quality of existing neighborhoods. City's topography renders large parts of many parcels constrained, thus leaving smaller areas available for development. Recent residential construction has maximized lot coverage through extensive grading. The proposed ordinance would allow reconstruction of existing residences that have non-conforming setbacks to be redeveloped without grading substantial areas to construct a desired home. The provisions of the proposed ordinance meet Goal 3, Policy 3.2 of the General Plan, where it states that City is to maintain strict grading practices to preserve the community's natural terrain, and Goal 2, Policy 2.3 where it states to Maintain and provide regulations for sufficient setbacks and easements to provide buffers between residential uses.

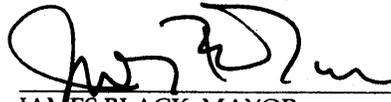
Section 8. The City Council finds that the amendments to Title 17 are necessary to preserve the public health, safety and general welfare, while balancing property rights.

Section 9. The City Council hereby adopts a Negative Declaration, an Ordinance amending the City's Municipal Code as specified in Exhibit A, attached hereto and made a part hereof and adopts an amendment to the City's Zoning Map, as codified in Section 17.08.010 of Title 17, such that an "Overlay Zoning District (OZD-1)" shall be established in the Middleridge Lane North and Williamsburg Lane portion of the City and the Chuckwagon Road and Chesterfield Road portion of the City, as depicted in the area outlined in the attached Exhibits "B" and "C" incorporated herein by this reference.

Section 10: Notice. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993.

Section 11: Effective date. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED THIS 23<sup>RD</sup> OF APRIL, 2012.

  
\_\_\_\_\_  
JAMES BLACK, MAYOR

ATTEST:  
  
\_\_\_\_\_  
HEIDI LUCE, DEPUTY CITY CLERK

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

I certify that the foregoing Ordinance No. 326 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS TO ADOPT A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND TO AMEND THE PROVISIONS OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO ESTABLISH AN OVERLAY ZONING DISTRICT (OZD-1) AND AMEND MISCELLANEOUS PROVISIONS OF TITLE 17 (ZONING) REGARDING SETBACKS AND OTHER DEVELOPMENT STANDARDS FOR PROPERTIES WITHIN THE RAS-1 (RESIDENTIAL AGRICULTURE-SUBURBAN, ONE ACRE MINIMUM LOT SIZE) ZONING DISTRICT THAT ARE NO MORE THAN 1.25 ACRES IN SIZE AND AMEND THE CITY'S ZONING MAP, IN ZONING CASE NO. 811 ZONING CODE AMENDMENT AND ZONING MAP AMENDMENT NO. 2012-01.

was approved and adopted at a regular meeting of the City Council on April 23, 2012 by the following roll call vote:

AYES: Councilmembers Heinsheimer, Lay, Pernell and Mayor Pro Tem Hill

NOES: None.

ABSENT: Mayor Black\*.

ABSTAIN: None.

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

Administrative Offices.



HEIDI LUCE, DEPUTY CITY CLERK

*\*left for medial emergency and did not return prior to the vote on this item.*

**EXHIBIT A**

**I. Amend Title 17 (Zoning) of the Rolling Hills Municipal Code by adding Chapter 17.17 to read as follows:**

Chapter 17.17

OVERLAY ZONING DISTRICT - 1 (OZD-1)

Sections:

- 17.17.010 Intent and Purpose
- 17.17.020 Applicability
- 17.17.030 Development regulations

17.17.010 Intent and Purpose

The Overlay Zoning District (OZD-1) is established by this chapter to:

A. Provide for development given the unique qualities of the overlay zone district that is generally characterized by steep terrain, smaller than typical lots in the City, smaller than typical homes in the City, lots that are divided by a road and lots where redevelopment is difficult due to current setback requirements.

B. Allow for the modernization, reconstruction and enlargement of homes on smaller lots, consistent with General Plan policies, in a manner compatible with the unique character of the neighborhood.

17.17.020 Applicability

The Overlay Zoning District-1 standards apply to lots located as follows: Middleridge Lane North, within Tract No. 12866, including therein lots 1 through 11, but excluding therefrom lots 12 through 17, as recorded on September 4, 1941, in Book 246, pages 20 and 21, of Maps of the County of Los Angeles; and including lots along Williamsburg Lane, lots 27 through 31, lots 35 through 39, and lots 42 through 46 of Tract of ROLLING HILLS, as recorded on June 22, 1937, in Book 201 Pages 29 to 35, inclusive, of Maps of County of Los Angeles; lots located along Chuckwagon Road and Chesterfield Road including lot 15 of Tract 22750, as recorded on November 21, 1956, in Book 608, pages 80 to 83, inclusive, of Maps of County of Los Angeles; lots 2 through 8 of Tract 23103, but excluding therefrom lot 1, as recorded on October 24, 1956, in Book 607, pages 36 and 37, of Maps of the County of Los Angeles; and, including lots 1 through 20, and lots 23 through 32 of Record of Survey, as filed on November 9, 1955, in Book 73, Pages 12, 13, and 14; and Lot 191 of LA County Assessor's Map No. 51.

17.17.030 Development standards

A. Development Standards. The following development standards shall replace all inconsistent provisions of the RAS-1 zoning district and other general development standards of this title for lots within OZD-1. All provisions of the RAS-1 zoning district and other general development standards of this title that do not conflict with the criteria listed below shall remain in effect for those lots in the OZD-1.

B. Reduced Front Yard and Side Yard Setbacks. Lots in the OZD-1 shall be permitted to have reduced setbacks as follows, subject to the conditions set forth in subsection C. below:

1. A front yard setback line shall be no less than thirty feet from the front roadway easement line;
2. An interior side yard setback line shall be no less than twenty feet from the side property line, except that if a portion of an existing single family dwelling is located less than twenty feet from the side yard setback line, the side yard setback line shall be the footprint of the existing legally permitted

residence, except that in no place shall the interior side yard setback line be less than ten feet from the interior side property line.

3. A street side yard setback line shall be no less than ten feet from the street side roadway easement line.

C. The reduced setbacks set forth in this section are subject to the following conditions:

1. The reduced setback requirements set forth in this section are applicable only to single family dwellings and not accessory structures. Attached garages are deemed to be part of the single family dwelling for purposes of this chapter.
2. The single family dwelling must comply with all other requirements of this title in order to be eligible to apply the reduced setback requirements set forth in this section.
3. Projections beyond the reduced setback lines set forth in this section shall only be permitted as follows:<sup>1</sup>
  - a. Projecting architectural features shall not be permitted beyond the reduced setback lines set forth in this section except that eaves or roof overhang may project to a maximum 2 feet; and
  - b. Uncovered projecting porches may extend no more than four feet beyond the reduced setback lines set forth in this section.
4. Front-Yard Landscaping. A minimum of sixty percent (60%) of the front yard area shall be maintained as a landscaped area. Front yard shall be as is defined in Section 17.12.250 "Y".
5. Driveways. Only one driveway approach shall be permitted.

**II. Amend Title 17 (Zoning) of the Rolling Hills Municipal Code by adding Section 17.24.045 as follows:**

17.24.045 Dwelling Units Non-Conforming Due to Setbacks On Smaller Lots.

A. Notwithstanding the provisions of Sections 17.24.040, 17.24.050 and 17.24.060, the following reduced setback limits shall apply to properties in the RAS-1 zoning district having a lot area of 1.25 acres or less, excluding roadway easement(s), and developed with single family dwelling structures existing as of May 23, 2012 that have nonconforming setbacks, subject to the conditions set forth in subsection B below:

1. A front yard setback line for a reconstructed single family dwelling unit shall be either: (a) no less than fifty feet from the front roadway easement line or (b) up to the footprint of the existing legally permitted residence, whichever is less, except that in no place shall the front yard setback line be less than thirty feet from the front roadway easement line.
2. An interior side yard setback line shall be no less than twenty feet from the side property line, except that if a portion of an existing single family dwelling is located less than twenty feet from the side yard setback line, the side yard setback line may be the footprint of the existing legally permitted residence, except that in no place shall the side yard setback line be less than ten feet from the side yard property line.
3. A street side yard setback line shall be no less than ten feet from the street side roadway easement line.

B. The reduced setback requirements set forth in this section shall be permitted subject to the following conditions:

1. The reduced setback requirement applies only to single family dwellings and not

<sup>1</sup> Refer to Section 17.16.140 for the standards for permitted projections that apply in the absence of a more restrictive standard set forth in this chapter.

accessory structures. Attached garages are deemed to be part of the single family dwelling for purposes of this chapter.

2. The single family dwelling must comply with all other requirements of this title to apply the less restrictive setback requirement of this section.
3. Projections beyond the reduced setback lines set forth in this section shall only be permitted as follows:<sup>2</sup>
  - a. Projecting architectural features shall not be permitted beyond the reduced setback lines set forth in this section except that eaves or roof overhang may project to a maximum 2 feet; and
  - b. Uncovered projecting porches may extend beyond the reduced setback lines set forth in this section no more than four feet.
4. Front-Yard Landscaping. A minimum of sixty percent (60%) of the front yard area shall be maintained as landscaped area. Front yard shall be as is defined in Section 17.12.250 "Y".
5. Driveways. Only one driveway approach shall be permitted.

**III. Amend Chapter 17.12 DEFINITIONS as follows:**

1. Amend Section 17.12.160 "P" words, terms and phrases by adding the following:

"Projections" means both Projecting Architectural Features and Projecting Uncovered Porches.

A. "Projecting Architectural Features" means projecting architectural features such as chimney, bay windows, cornices, eaves, belt courses, sills, buttresses or other similar architectural features, except those "enclosing" structures enumerated in Section 17.16.200(K) of this title.

B. "Projecting Uncovered Porches" means an uncovered porch, patio, platform or landing place.

**IV. Amend the following Sections of the Zoning Ordinance:**

1. Amend Section 17.24.050 A. Reconstruction to read as follows:

17.24.050 Reconstruction.

A. Residential Structures. Any nonconforming primary residential structure in the RA-S zone, which is damaged by fire, explosion, earthquake or other casualty or act of God or the public enemy, may be reconstructed to the conditions that existed prior to the casualty provided the structure existed as a legally established structure. An addition of no more than nine hundred ninety nine (999) square feet may be allowed provided the added area complies with the provisions of this title. All such construction or repairs shall commence within two years from date of damage and shall be diligently pursued to completion. Otherwise, the legal nonconforming status shall be lost.

2. Amend Section 17.46.020 (A) Applicability to read as follows:

17.46.020 Applicability

A. Site plan review shall be required for the following projects:

1. Any grading which requires a grading permit as defined in Section 15.04.120 of the Building and Construction Code;
2. The construction of any new building or structure, except for the following:
  - a. A swimming pool and spa, which is less than eight hundred square

<sup>2</sup> Refer to Section 17.16.140 for the standards for permitted projections that apply in the absence of a more restrictive standard set forth in this chapter.

feet in area (area of surface water), that do not require grading and when such construction would not cause exceedance of the requirements for structural and total net lot coverage and disturbed area of the lot. For the purpose of this section, the actual excavation for the swimming pool or spa is not considered grading. However, should there be a need to create a buildable pad for the purpose of locating the swimming pool or spa on the pad, and if such construction meets the criteria of grading, pursuant to Section 15.04.120 of the Building and Construction Code, a site plan review shall be required,

- b. Reconstruction of any conforming, legally established primary residential structure or accessory structure which is damaged by fire, explosion, earthquake or other casualty or act of God or the public enemy, subject to Chapter 17.24.
- c. Reconstruction of any nonconforming, legally established primary residential structure or accessory structures which are damaged by fire, explosion, earthquake or other casualty or act of God or the public enemy, meeting the criteria of Sections 17.24.050(A) and 17.24.050(B) of this title,
- d. Pool equipment, fountain and water features,
- e. Structures and uses listed in Section 17.16.140 (Permitted projections), Section 17.16.150 (Structures and driveways permitted within setbacks), and Section 17.44.020 (Zone clearance) of this code;
- f. Reconstruction within the existing footprint of a single family dwelling unit (including attached garage, if any) located within the overlay zoning district specified in Chapter 17.17 (OZD-1)) of this title:  
and
- g. Reconstruction within the existing footprint of a single family dwelling unit (including attached garage, if any) that meets the criteria for the reduced setbacks in Section 17.24.045 of this title.

3. The expansion, modification, alteration or repair of any existing building or structure which:

- a. Requires grading,
- b. Increases the size of the building or structure by more than nine hundred ninety nine (999) square feet.

3. Amend Section 17.44.020 Applicability to read as follows:

17.44.020 Applicability

Zone clearance shall be required for the following projects and structures:

- A. The construction of a stable, run-in shed, corral, turnout, aviary and other related agricultural structures and uses as specified in Section 17.18.040 of Chapter 17.18, and which do not require grading.
- B. The construction of new structures or buildings, alteration, expansion, modification, or repair of any existing structures, including but not limited to the construction of new accessory structure not greater than 200 square feet, and structures which are exempt from site plan review, as specified in Section 17.46.020 Site Plan Review-Applicability of this title;
- C. Additions to a primary residence including attached garage, which increases the size of the structure by no more than nine hundred ninety nine (999) square feet in any thirty-six month period, which period shall be measured from the date that a certificate of occupancy or final construction inspection was issued for a prior addition.
- D. All other miscellaneous projects and structures, including, but not limited to architectural features and elements, porches and patios not higher than twelve (12) inches above the natural grade, driveways, entryways, outdoor barbecues and fire places, gazebos, trellis or archway over an entry

to a driveway, hardscape, drainage devices, solar panels and similar structures, provided the construction thereof does not trigger grading, is not part of a development plan which otherwise requires a discretionary approval, such as site plan review, conditional use permit or a variance and meet all the requirements of this title.

4. Amend Section 17.08.010 A to read as follows:

17.08.010 - Zones established.

A. RA-S - Residential Agriculture-Suburban. The RA-S zone district is divided into two sub-districts: RA-S-1 and RA-S-2. The suffix indicates the minimum lot size requirement in net acres.

B. The Overlay Zoning District (OZD-1) overlies a portion of the RA-S-1 zone and is identified on the zoning map.

5. Amend Section 17.16.060 Table Entitled "Summary of Development Standards to replace the current notes (a) and (b) with the following:

(a) This table summarizes development standards. For complete descriptions, refer to Sections 17.16.040 through 17.16.130, Chapter 17.17 and Section 17.24.045.

(b) Every lot or parcel in the RA-S-1 zone shall have a side yard setback measuring no less than twenty feet from the side property line, except:

- (1) If an Association easement, located along the side property line, is improved with a roadway, then the side yard setback shall be no less than ten feet from the interior edge of that easement;
- (2) If in the overlay zoning district (OZD-1) as established by Chapter 17.17, then the standards set forth in that chapter shall apply; or
- (3) If the circumstances set forth in Section 17.24.045 apply, then the standards set forth in Section 17.24.045 shall apply.

6. Amend Section 17.16.110 to read as follows:

Every lot or parcel shall have a front setback measuring no less than fifty feet from the front roadway easement line, except where the criteria set forth in Chapter 17.17 (OZD-1) and Section 17.24.045 apply. If an improved roadway traverses an existing lot or parcel of land, then that portion of the lot not developed or which is proposed to be developed with a nonprimary structure shall also have a setback for development purposes of not less than fifty feet from the roadway easement line.

7. Amend Section 17.16.120 Side Setback, subsection A to add subsection 3 as follows:

3. See Chapter 17.17 for reduced setback standards that apply in the overlay zoning district (OZD-1) and Section 17.24.045 that apply to certain legal non-conforming single family dwelling units.

8. Amend Section 17.16.140 to read as follows:

17.16.140 - Permitted projections. \*

The following projections into setbacks are permitted subject to the specified conditions.

A. Projecting Architectural Features shall not be constructed in any manner that increases the habitable floor area of a structure, but may extend or project into setbacks as follows:

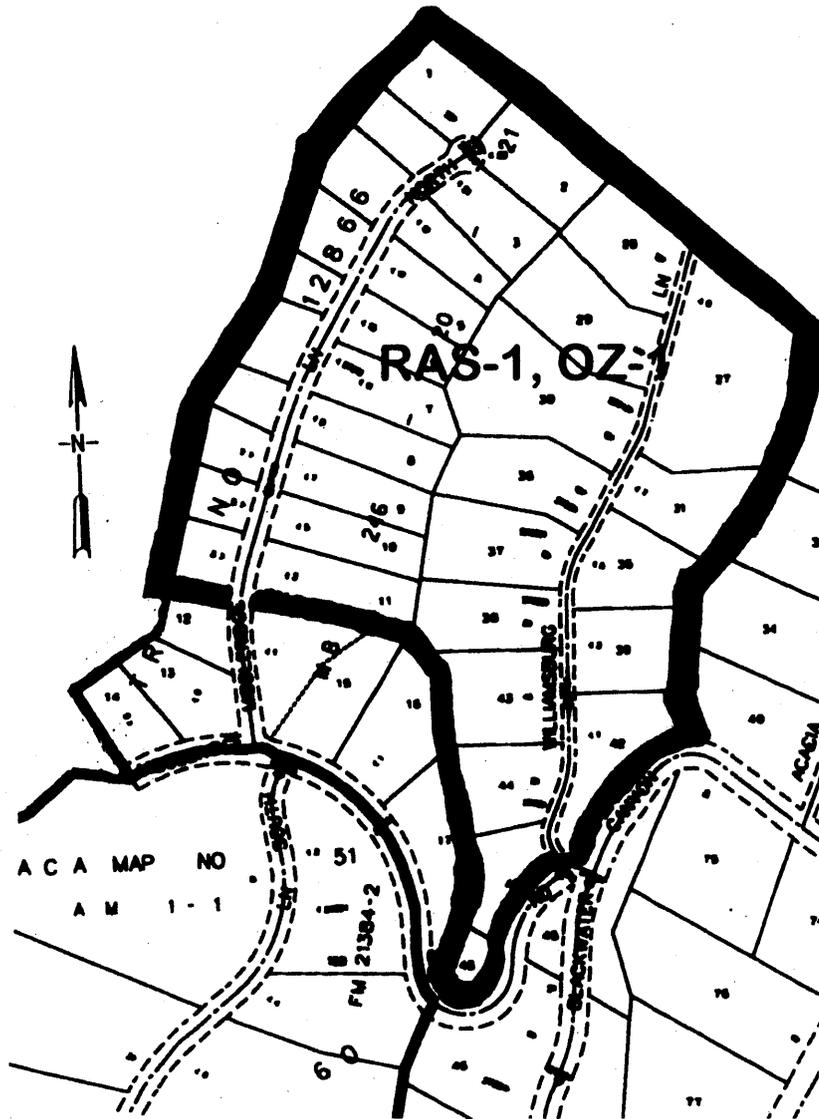
1. Into side setback no more than two and one-half inches for each one foot of the side setback, but in no case shall such features project more than five feet;
2. Into front or rear setback no more than four feet;

B. Projecting Uncovered Porches may project into any front or side setback no more than six feet and into a rear setback without limitation. Such structures in a side setback shall leave no less than five feet of unobstructed space to the edge of a slope, if any, to allow for pedestrian movement within the setback. Such structures shall not extend above the floor level of the building to which they are attached. If detached, such structures shall not extend above the level of the ground.

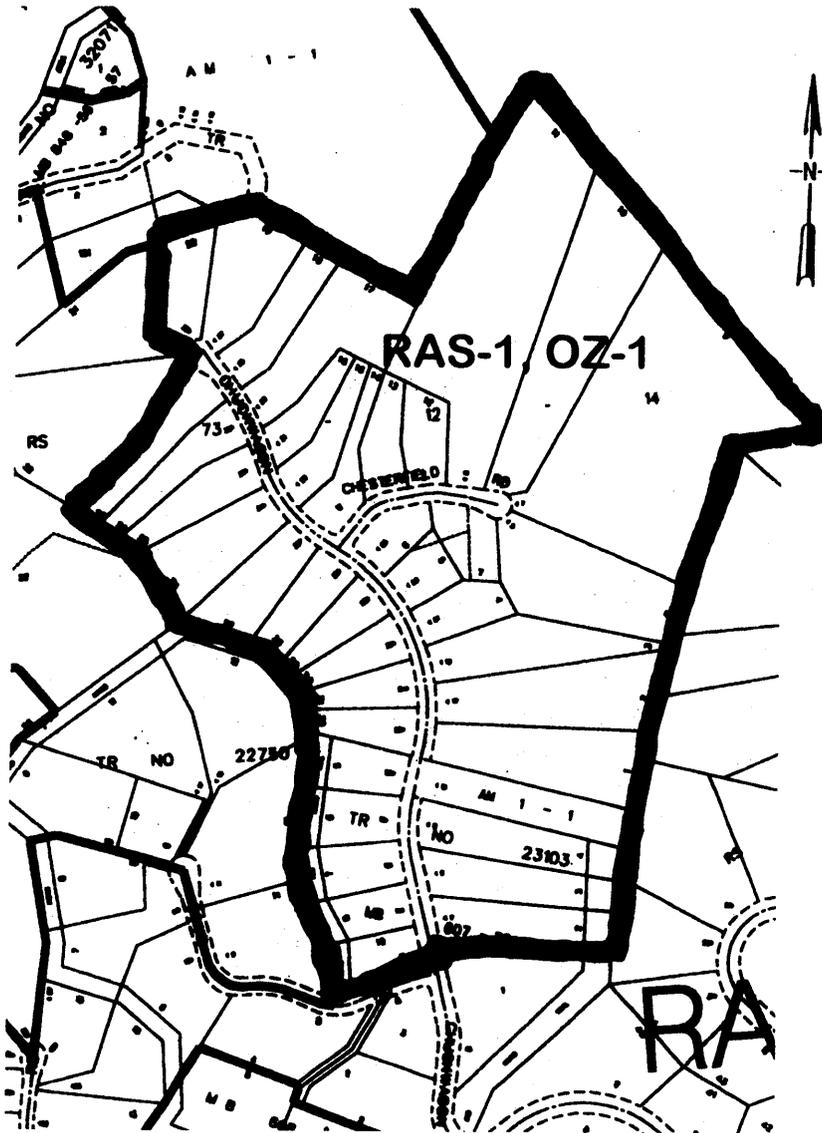
\*Refer to Sections 17.24.045 and Chapter 17.17 for permitted projections on lots eligible for reduced setbacks.

V.

The City Clerk is to insert the effective date of this ordinance into the blanks above when this ordinance becomes effective.



**AREA OF OVERLAY ZONE**  
Middleridge Lane North and Williamsburg Lane



**AREA OF OVERLAY ZONE**  
Chuckwagon Road and Chesterfield Road