

ORDINANCE NO. 289-21

**AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE
AMENDING ARTICLES 9 AND 10 OF
THE WESTLAKE VILLAGE MUNICIPAL CODE
PERTAINING TO SINGLE-FAMILY RESIDENTIAL ZONING
AND SUBDIVISION STANDARDS**

THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

A. On September 16, 2021, Governor Newsom approved Senate Bill (“SB”) 9 to amend the Planning and Zoning Law and the Subdivision Map Act effective January 1, 2022.

B. SB 9 generally requires cities and counties to ministerially approve two-unit housing developments on single-family zone lots and urban lot split parcel maps for such developments.

C. The purpose of this Ordinance is to establish objective zoning, subdivision, and design standards for housing developments undertaken pursuant to SB 9.

Section 2. Code Amendment. Chapter 9.14 (Development Standards) of Article 9 (Zoning Regulations) of the Westlake Village Municipal Code is amended by adding a new Section 9.14.090 to read as follows:

“9.14.090 Two Units in Single-Family Residential Zones.

A. Purpose. This Section provides objective zoning and design standards for the development of two residential units on single-family residential zone lots pursuant to Government Code Sections 65852.21 and 66411.7. Development pursuant to this Section does not require discretionary review or a hearing and is processed ministerially through a zoning clearance application.

B. Applicability. This Section applies to single-family residential zone lots. For the purposes of this Section, the following zones are considered single-family residential zones: R-1, RPD-4, RPD-56, RPD-126, RPD-153, RPD-169, RPD-284, and RPD-481.

C. General Standards. All development pursuant to this Section is subject to the following standards.

1. Eligibility requirements of Government Code Section 65852.21(a) shall be satisfied.

2. Except where superseded by this Section, development shall comply with the development standards of the zone in which the lot is located.

3. Development standards applicable to individual subdivisions originally approved by the County are not applicable to development under this Section.

4. No residential unit shall be placed such that it is necessary to pass through a flood control easement or storm drain easement to access the unit.

5. No residential unit shall be located within a restricted use area or restricted development area identified on a subdivision map or assessor's map.

6. More than 25 percent of the exterior structural walls of an existing dwelling shall not be demolished if the dwelling has been occupied by a tenant in the three years prior to the zoning clearance application.

7. The lot shall contain no more than one pedestrian path connecting to the public right-of-way or private street.

8. The lot shall contain no exterior stairways except those leading from grade to the first floor.

9. Off-street parking shall be provided in accordance with the following standards.

a. A minimum of one off-street parking space in an enclosed garage shall be provided for each residential unit.

b. No off-street parking is required if either of the following apply.

i. The lot is located within one-half mile walking distance of either: (i) a high-quality transit corridor as defined in Public Resources Code Section 21155(b); or (ii) a major transit stop as defined in Public Resources Code Section 21064.3.

ii. There is a car share vehicle located within one block of the lot.

D. Additional Standards for New Construction. In addition to the standards of Subsection C, the standards of this Subsection apply if one or both residential units are new construction.

1. The combined total gross floor area of the units, exclusive of any ADU or JADU, shall not exceed the greater of 1,800 square feet or the gross floor area of the existing primary dwelling unit on the lot.

2. No residential unit shall exceed a building height of one story.

3. No residential unit shall exceed a building height of 18 feet.
4. Each residential unit shall have a minimum setback of four feet from side and rear property lines except as allowed by Government Code Section 65852.21.
5. If the residential units are built as separate buildings, the following standards shall apply.
 - a. The buildings shall be located one in front of the other in relation to the street.
 - b. The front building shall be at least as wide and as tall as the rear building.
 - c. The front building shall be positioned such that the rear building is not visible from the street when viewed from directly in front of the property.
6. If the residential units are built as a single building, the following standards shall apply.
 - a. One residential unit shall have a door facing the street and one residential unit shall have a door facing a side or rear property line.
 - b. The building shall not be symmetrical such that one side is a mirror image of the other.

E. Additional Standards for Conversion of an Existing Dwelling. In addition to the standards of Subsection C, the standards of this Subsection apply if an existing dwelling will be fully or partially retained.

1. The combined total gross floor area of the units, exclusive of any ADU or JADU, shall not exceed the greater of 1,800 square feet or the gross floor area of the existing primary dwelling unit on the lot.
2. Additions to the existing dwelling shall have a minimum setback of four feet from side and rear property lines.
3. Additions to the existing dwelling shall not increase the building height of the structure.
4. If the existing dwelling has a second story, then the footprint of the second story shall not be expanded.
5. If the existing dwelling does not have a second story, then a second story shall not be constructed.

6. If two residential units are located in the same building, one residential unit shall have a door facing the street and one residential unit shall have a door facing a side or rear property line.

F. Additional Standards for Urban Lot Split Projects. In addition to the standards of Subsections C, D, and E as applicable, the standards of this Subsection apply if the residential units will be located on lots created by an urban lot split pursuant to Section 10.1.050.

1. Each lot created by the parcel map shall be used solely for residential uses.

2. No lot created by the parcel map shall have more than two residential units inclusive of any ADU or JADU.

3. For each lot created by the parcel map the combined total gross floor area of the units, inclusive of any ADU or JADU, shall not exceed 1,800 square feet.

4. If the boundary line between the lots created by the parcel map is perpendicular to the front lot line and neither lot is a flag lot, then the units shall be subject to the following standards.

a. The buildings nearest the street on each lot created by the parcel map shall be attached with zero setback along the lot line between the lots.

b. The buildings nearest the street on each lot created by the parcel map shall have identical architectural style, materials, and colors, as shall all fences, walls, and hardscaping visible from the street.

c. The buildings nearest the street on each lot created by the parcel map shall have no more than one residential unit with a door facing the street.

G. Exceptions. The Planning Director shall approve an exception to any of the standards specified in this Section upon determining that complying with the standard would physically preclude the construction of up to two residential units or would physically preclude either of the two residential units from being 800 square feet in floor area.

H. Denial. The Planning Director may deny a zoning clearance upon making both of the following findings in writing based upon a preponderance of evidence.

1. The proposed housing development project would have a specific, adverse impact upon the public health and safety or the physical environment as defined and determined in Government Code Section 65589.5(d)(2).

2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

I. Short-Term Rental Restrictive Covenant. The Planning Director's approval of a zoning clearance shall not be effective until the property owner submits an executed restrictive covenant prohibiting short term rental of a residential unit created pursuant to this Section. The restrictive covenant shall prohibit rental for a period less than 31 days, shall be in a form approved by the City Attorney, and shall be recorded with the Los Angeles County Registrar-Recorder.

J. Finality of Decisions. Decisions of the Planning Director administering this Section shall be final and shall not be subject to appeal pursuant to Chapter 9.32."

Section 3. Code Amendment. Article 10 (Subdivision Regulations) of the Westlake Village Municipal Code is amended by adding a new Section 10.1.050 to read as follows:

"10.1.050 Urban Lot Splits with Two Units in Single-Family Residential Zones.

A. Purpose. This Section provides objective subdivision standards for urban lot splits with development of two residential units on single-family residential zone lots pursuant to Government Code Sections 66411.7 and 65852.21. Lot subdivision pursuant to this Section does not require discretionary review or a hearing and is approved ministerially through a parcel map application.

B. Applicability.

1. This Section applies to single-family residential zone lots that have not been established through prior exercise of an urban lot split pursuant to this Section and Government Code Section 66411.7. For the purposes of this Section, the following zones are considered single-family residential zones: R-1, RPD-4, RPD-56, RPD-126, RPD-153, RPD-169, RPD-284, and RPD-481.

2. This Section does not permit an urban lot split if an owner of a lot or any person acting in concert with the owner of such lot has previously subdivided an adjacent lot pursuant to this Section and Government Code Section 66411.7.

C. Subdivision Standards. An urban lot split pursuant to this Section is subject to the following standards.

1. Eligibility requirements of Government Code Section 66411.7(a) shall be satisfied.

2. Each lot created by the parcel map shall have a minimum area of 1,200 square feet.

3. The newly created lots shall not be smaller than 40 percent of the area of the original lot.

4. Each lot created by the parcel map shall have frontage on a public street unless the original lot has frontage on a private street.

5. The original lot shall not be subdivided in a manner such that the boundary between the newly created lots passes through an existing structure that is not being demolished for the project.

6. More than 25 percent of the exterior structural walls of an existing dwelling shall not be demolished if the dwelling has been occupied by a tenant in the three years prior to the urban lot split application.

D. Exceptions. The Planning Director shall approve an exception to any of the standards specified in this Section upon determining that complying with the standard would physically preclude the construction of up to two residential units or would physically preclude either of the two residential units from being 800 square feet in floor area.

E. Denial. The Planning Director may deny an urban lot split upon making both of the following findings in writing based upon a preponderance of evidence.

1. The proposed housing development project would have a specific, adverse impact upon the public health and safety or the physical environment as defined and determined in Government Code Section 65589.5(d)(2).

2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

F. Owner Occupancy Affidavit. Except as provided in Government Code Section 66411.7 for community land trusts and qualified nonprofit corporations, the Planning Director's approval of an urban lot split shall not be effective until the property owner submits an executed affidavit stating that the property owner intends to occupy one of the residential units as a principal residence for a minimum of three years from the date of the approval of the urban lot split.

G. Short-Term Rental Restrictive Covenant. The Planning Director's approval of an urban lot split shall not be effective until the property owner submits an executed restrictive covenant prohibiting short term rental of a residential unit created pursuant to this Section. The restrictive covenant shall prohibit rental for a period less than 31 days, shall be in a form approved by the City Attorney, and shall be recorded with the Los Angeles County Registrar-Recorder.

H. Finality of Decisions. Decisions of the Planning Director administering this Section shall be final and shall not be subject to appeal."

Section 4. Urgency Ordinance Repeal. Ordinance No. 298U-21 is hereby repealed.

Section 5. CEQA. Adoption of this Ordinance is not a project under the California Environmental Quality Act pursuant to Government Code Sections 65852.21(j) and 66411.7(n).


Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 7. Certification and Posting. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be posted in three public places within the City of Westlake Village within fifteen days after its passage in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2022.


Brad Halpern, Mayor

ATTEST:


Josephine Wilson, Interim City Clerk

On January 12, 2022, Ordinance No. 289-21 was duly adopted by the following vote, to wit:

AYES: Halpern, Pearl, Davis, Honig, McSweeney

NOES: None

ABSTAIN: None

ABSENT: None