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DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

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ACTION DATE: July 21, 2011

TO: Planning Commission

APPLICANT: City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

CASE NO.: 11-ZOA-003

LOCATION: Citywide

REQUEST: Request for a recommendation to the City Council to adopt an ordinance amending Article IX of the Municipal Code (Zoning Ordinance) to implement the City of Agoura Hills-General Plan 2035 to: 1) Create the following new zoning districts: CS-MU (Commercial Shopping Center/Mixed Use); PD (Planned Development); CN (Commercial Neighborhood Center); OS-R (Open Space-Restricted); and OS-DR (Open Space-Deed Restricted); 2) Amend development standards of the following districts: CR (Commercial Recreation); CRS (Commercial Retail Service); CS (Commercial Shopping Center); BP-OR (Business Park-Office Retail); BP-M (Business Park-Manufacturing); and OA (Old Agoura Design Overlay); 3) Amend the Commercial Use Table; and 4) Delete districts no longer in use and update the Zoning Map. The ordinance also includes corrections of typographical errors within the Zoning Ordinance, and the incorporation of previous Planning Commission interpretations of the Zoning Ordinance. (The July 21, 2011 public hearing is to consider Phase 2 of the three-phase General Plan Update Implementation Program. The Planning Commission conducted the public hearing on Phase 1 on June 16, 2011 and continued the public hearing to July 21, 2011 for Phase 2.)

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission provide comments on the second phase of the draft Ordinance presentation.

## **I. BACKGROUND AND PURPOSE**

The purpose of the General Plan Implementation Measures Ordinance is to accomplish the most important administrative items of the General Plan Implementation Program. The Planning Commission will recall that on June 16, 2011, the public hearing was opened and staff presented an introduction and the first phase of the three-phase Comprehensive General Plan Implementation Ordinance. The first phase included the most comprehensive implementation measures and consisted of:

- Amending the Business Park-Office (BP-OR) district and the Business Park-Manufacturing (BP-M) district to require minimization of the visual dominance of parking areas, and to include aspects of promoting pedestrian safety and amenities.
- Amending the Commercial Shopping Center (CS) district to incorporate aspects of promoting pedestrian safety and amenities.
- Creating the new Commercial Shopping Center/Mixed Use (CS-MU) district and development standards.
- Creating the new Planned Development (PD) district and development standards.
- Amending the Commercial Recreation (CR) district to allow only those uses that protect and complement the area's open space characteristics.
- Creating the new Commercial Neighborhood (CN) district and development standards.
- Amending the Old Agoura Design Overlay (OA) district to differentiate Subarea 11 of the General Plan from the remaining commercial areas of the district.
- Amending the Open Space (OS) district to distinguish the new Open Space-Restricted (OS-R) district and Open Space-Deed Restricted (OS-DR) district.
- Updating the Zoning Map and General Plan Land Use Diagram to be consistent with one another.
- Amending the Commercial Use Table to add two (2) new commercial zones (CN and CS-MU) and making a number of "clean-up" changes to the table.

The June 16, 2011 Planning Commission staff report is attached for reference. The Planning Commission provided comments and recommendations to staff, and the public

hearing was continued to July 21, 2011 for presentation of the second component of the draft Ordinance.

## II. DISCUSSION

Staff would now like to present the second component of the draft Ordinance to the Planning Commission, which includes “housekeeping” components of the Ordinance. Specifically, these “housekeeping” items include: 1) Deleting from the Zoning Ordinance text, districts that are no longer in use, and all references to those districts; 2) Deleting/correcting typographical errors within the Zoning Ordinance; and 3) Incorporating into the text of the Zoning Ordinance various zoning interpretations that have been made by the Planning Commission over the years. A brief discussion of each subject is below.

### 1. Deletions of references to obsolete zoning districts

For consistency with the current General Plan Land Use Designation Map (copy attached) staff recommends the draft Ordinance include the deletion of obsolete zoning districts that are no longer proposed in the new Zoning Map, and have been replaced with new districts presented to the Planning Commission on June 16. These obsolete zoning districts including the following:

#### Base Districts

Residential, Rural (RR)  
Residential, Medium High Density (RMH)  
Mixed Use Commercial/Residential (CM)

#### Special Districts

Park Regional (PR)  
Government Office (G)  
Open Space (OS)  
Specific Plan (SP)

These proposed amendments are rather extensive but have no policy implications. For ease of reference, within the draft ordinance staff has **highlighted in pink color** these obsolete references and proposed amendments (strikethroughs).

### 2. Deletions/corrections of typographical errors

The City Zoning Ordinance was originally adopted 24 years ago and has been amended on numerous times. On occasion, an ordinance, when codified, inadvertently included a typographical error or omission. Staff has tracked these few errors and would like to use this opportunity to correct them within the text of the proposed draft ordinance. These proposed amendments within the draft ordinance are **highlighted in yellow color** for reference.

Staff would note that Section 8 of the draft ordinance includes proposed deletions to mobilehome standards of Zoning Ordinance 9284.1. The proposed deletions of

specific mobilehome development standards are identical to some deletions made to Zoning Ordinance Section 9675.2 of the Mobilehome Permit Ordinance, when the Planning Commission reviewed, and the City Council adopted, the Housing Element Implementation Measures Ordinance earlier this year.

3. Planning Commission interpretations

Over the course of several years, the Planning Commission has made a number of interpretations of the Zoning Ordinance, as authorized by the Zoning Ordinance. Staff has reviewed these interpretations and feels it would be appropriate to include within the draft Ordinance those interpretations which were applicable citywide. While staff has continued to apply each of the Planning Commission's interpretations of the Zoning Ordinance, by including the following interpretations (which are **highlighted in turquoise color** for reference) within the draft Ordinance, they can then be codified and referenced more readily, and continue to be applied in the future.

A. *Building height* (Reference Draft Ordinance Section 1)

In 1999, in reviewing a proposed building with a sloping roof on three sides, and a gable roof that greatly exceeded the maximum height requirements on the fourth side of the building, the Planning Commission interpreted the definition of "building height" to clarify that measuring the building height to the midpoint of the roof (which is currently allowed in the Zoning Ordinance) is only possible in situations in which a full roof element (hip roof) exists on the corresponding building elevations. This interpretation prevents particular building elevation walls with gable roofs or parapet roofs from exceeding the 35-foot elevation. Clarification of the Zoning Ordinance through this interpretation has led to consistent application of the height ordinance and greatly assisted staff and the Planning Commission in project review. Accordingly, staff recommends this interpretation be applied (added) to Zoning Ordinance Section 9120.2.B.J.

B. *Recording Studios* (Reference Commercial Use Table attached to staff report)

In 1989, the Planning Commission interpreted that a "recording studio" use, which was not listed as a permitted use in the Zoning Ordinance Commercial Use Table, is similar to radio studios for the purpose of applying the Commercial Use Table and is, therefore, permitted in the CS, CRS, BP-OR, and BP-M zones. Accordingly, staff recommends this interpretation be applied (added) to proposed Commercial Use Table (copy attached), and include it as also being permitted in the new CN and CS-MU zones.

C. *Film Studios* (Reference Commercial Use Table attached to staff report)

In January of 2011, the Planning Commission interpreted that a “movie studio” use, which was not listed a permitted use in the Zoning Ordinance Commercial Use Table, is like and similar to uses that are permitted in the BP-M (Business Park-Manufacturing) zone, which allows for “assembly, light manufacturing” use and, therefore, should be permitted in the BP-M (Business Park-Manufacturing) zone. Accordingly, staff recommends this interpretation be applied (added) to the proposed Commercial Use Table.

D. *Hillside Ordinance / Concave Lots* (Reference Draft Ordinance Section 53)

The Hillside Ordinance provisions of the Zoning Ordinance require a conditional use permit for development of properties that have average topographic slopes of greater than 10%, and include floor area ratio limitations for commercial development. In 2003, the Planning Commission interpreted the Hillside Ordinance as allowing the Director of Planning and Community Development to have the discretion to exclude concave lots with an average topographic slope greater than 10% from the Hillside Ordinance commercial development floor area ratio limitations. The topography of a concave lot is like a bowl, but the Zoning Ordinance treated such lots as if they were hillside parcels. An example of such a lot is the site of the Lavaggio Auto Detail Center on the northeast corner of Reyes Adobe Road and Canwood Street. The Planning Commission defined a “concave lot” as “a parcel of land in which the midpoint elevation of the property is lower than the average elevation of the property lines that are located adjacent to a street.” Accordingly, staff recommends this interpretation be applied (added) to Zoning Ordinance Sections 9652.12 and 9652.13(B).

E. *Hillside Ordinance / Commercial Floor Area Ratios* (Reference Draft Ordinance Section 54)

The maximum floor area ratios (FAR) for commercial development on hillside properties is including in the Hillside Ordinance, and is defined in 5% slope incremental ranges. For example, for properties with an average slope of 10%-15%, the maximum FAR is 0.25. For properties with an average slope of 16%-20%, the maximum FAR is 0.21.

In 2009, the Planning Commission interpreted the Hillside Ordinance and clarified that to more finely calibrate the applicable floor area ratios for development of commercial hillside properties, the incremental slope percentages table within the Hillside Ordinance should be rounded to the nearest 0.1% and should be applied in determining the corresponding and incremental floor area ratios. Accordingly, staff recommends this interpretation be applied (added) to

Zoning Ordinance Section 9652.13(B). Staff would note that in no instance would the newly interpreted FAR table reduce the FAR currently shown in the Hillside Ordinance. Rather, it would slightly increase the FAR in instances where the average topographic slope of a parcel falls between the current slope ranges in the existing table.

The focus of this Phase 2 review is within the highlighted text of the draft Ordinance. The text of the draft Ordinance that is not highlighted in any of the three colors noted above, but are underlined (added) or stricken (deleted), are changes that were discussed at during the Phase 1 review of the draft Ordinance.

### **III. ORDINANCE REVIEW NEXT STEPS**

For this meeting, staff is requesting comments from the Planning Commission, through this open public hearing, on the specific Zoning Ordinance amendments presented above and any other comments the Planning Commission wishes to provide. Staff is also requesting the Planning Commission then continue the public hearing to August 18, 2011, at which time staff would like to present to the Planning Commission the remaining components of the ordinance, which include:

- The final version of the draft Ordinance, which incorporates the Planning Commission's recommendations;
- A draft Resolution for updated Architectural Design Standards and Guidelines, for consistency with the General Plan;
- The final environmental Negative Declaration prepared for the draft Ordinance, and which has been circulated for public review until August 4; and
- Any other items for which the Planning Commission would like staff to provide information.

Prior to the third and final phase of review, and after receiving comments from the Planning Commission on the proposed amendments from the first and second phase of review, it is staff's preference to re-notice the public hearing for the Planning Commission meeting on August 18. The final version of the ordinance will be presented to the Planning Commission for a recommendation to be given to the City Council. The City Council will consider the ordinance for final action in a new public hearing.

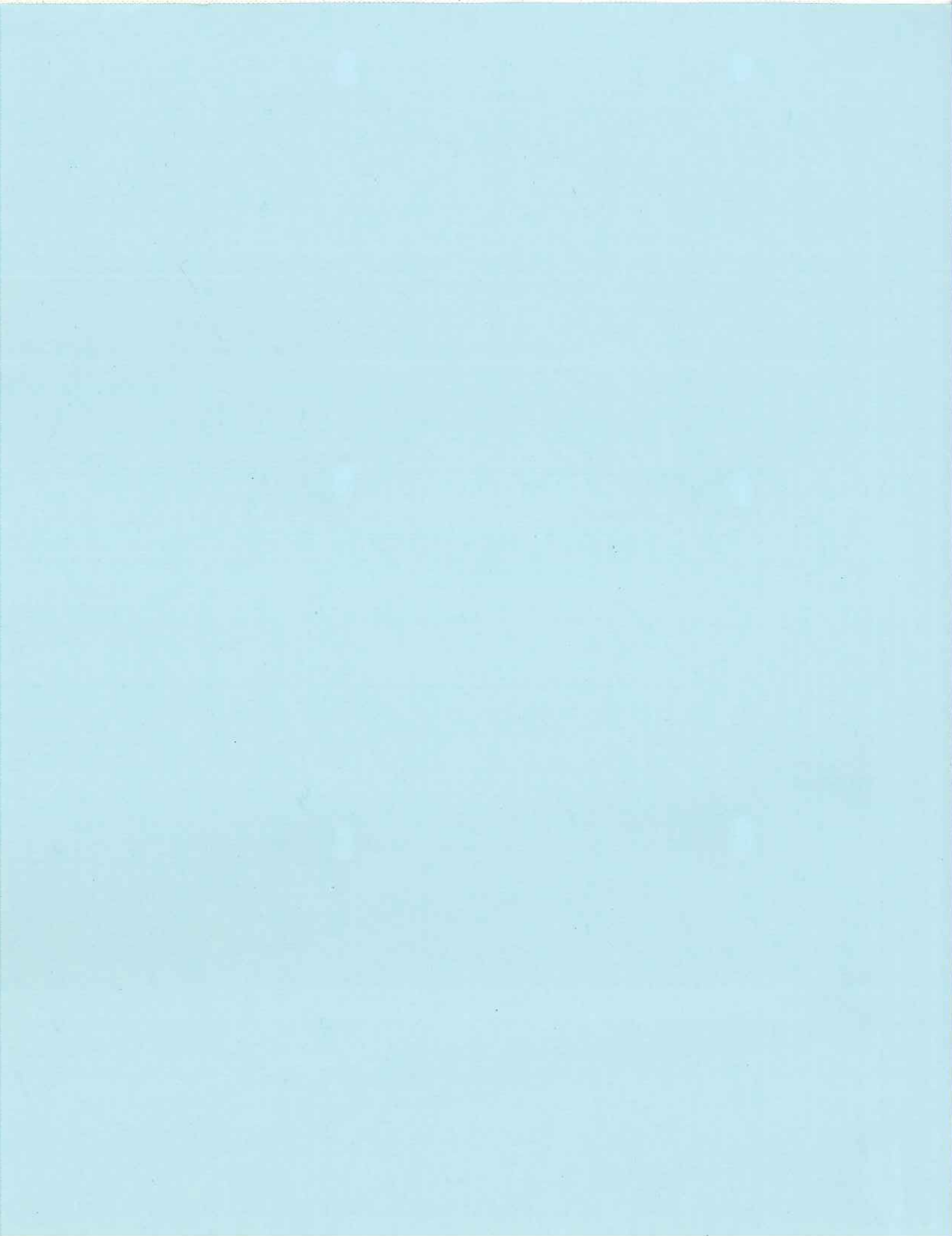
#### **IV. RECOMMENDATION**

Staff recommends the Planning Commission conduct a public hearing and provide comments to staff for this second phase of presentation of the draft Ordinance and continue the public hearing to the Planning Commission meeting of August 18, 2011.

#### **V. ATTACHMENTS**

- Draft Ordinance
- Commercial Use Table (Permitted Uses within the Buildable Area of Commercial Lots)
- Zoning Map – Base Districts
- Zoning Map – Base, Overlay and Special Districts
- General Plan Land Use Diagram
- June 16, 2011 Planning Commission Staff Report

Case Planner: Doug Hooper, Assistant Director of Community Development





DRAFT ORDINANCE NO. 11-\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO IMPLEMENT THE CITY OF AGOURA HILLS GENERAL PLAN 2035 TO CREATE NEW ZONING DISTRICTS; AMEND DEVELOPMENT STANDARDS OF EXISTING DISTRICTS; AMEND THE COMMERCIAL USE TABLE; DELETE DISTRICTS NO LONGER IN USE; UPDATE THE ZONING MAP; CORRECT TYPOGRAPHICAL ERRORS AND OMISSIONS; AND INCORPORATE PREVIOUS PLANNING COMMISSION INTERPRETATIONS OF THE ORDINANCE (CASE NO. 11-ZOA-003)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

**Section 1.** Section 9120.2.B.J. of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9120.2.B.J. Building height. “Building height” means the vertical distance from the finished grade to the highest point of the coping of a flat roof, or to the top of a mansard roof, or the average height of the highest gable of a pitch or hip roof. The measuring of building height to the midpoint of the roof is only possible in situations in which the full roof element exists on the corresponding building elevation.”

**Section 2.** Sections 9142.1 and 9142.2. of Part 4 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9142.1. Base Districts**

- ~~A.~~ Residential, rural (RR)
- ~~B~~ A. Residential, very low density (RV)
- ~~C~~ B. Residential, low density (RL)
- ~~D~~ C. Residential, single-family (RS)
- ~~E~~ D. Residential, medium density (RM)
- ~~F.~~ Residential, medium high density (RMH)
- ~~G~~ E. Residential, high density (RH)
- ~~H~~ F. Commercial shopping center (CS)
- ~~I~~ G. Commercial retail/service (CRS)
- ~~J.~~ Mixed use commercial/residential (CM)
- ~~K~~ H. Commercial recreation (CR)

- ~~E I.~~ Business park-office retail (BP-OR)
- ~~M J.~~ Business park-manufacturing (BP-M)
- K. Commercial shopping center-mixed use (CS-MU)
- L. Neighborhood commercial (NC)

**9142.2. Special districts**

- A. Local park (P)
- ~~B.~~ ~~Park regional (PR) (future)~~
- ~~C B.~~ School (SH)
- ~~D.~~ ~~Governmental office (G)~~
- ~~E C.~~ Utility (U)
- ~~F D.~~ Open water (OW)
- ~~G.~~ ~~Open space (OS)~~
- ~~H E.~~ Study (S)
- ~~I.~~ ~~Specific Plan (SP)~~
- F. Planned development (PD)
- G. Open space-deed restricted (OS-DR)
- H. Open space-restricted (OS-R)”

**Section 3.** Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“Chapter 2. RESIDENTIAL LAND USE DISTRICTS**

**Part**

1. **Purpose, 9201-9210**
2. ~~RR Residential-Rural District, [Reserved] 9211-9220~~
3. **RV Residential-Very Low Density District, 9221-9230**
4. **RL Residential-Low Density District, 9231-9240**
5. **RS Residential Single-Family District, 9241-9250**
6. **RM Residential-Medium Density District, 9251-9260**
7. ~~RMH Residential-Medium High Density District, [Reserved] 9261-9270~~
8. **RH Residential-High Density District, 9271-9280**
9. **Special Residential Use Standards, 9281-9287.2 9287.2**
10. **Special Accessory Use Development Standards, 9288-9288.7”**

**Section 4.** Sections 9211 through 9214.1 of Part 2 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby deleted as follows:

**“PART 2. RR RESIDENTIAL RURAL DISTRICT [RESERVED]”**

**9211. Purpose.**

The RR district is intended to be used in steep slope and primary areas when large parcels can be utilized to minimize the visual impacts and development of such slopes through the concentration of development on the flatter portions of property in such areas.

**9212. Use establishment.**

The limitations as to uses and structures shall be as follows.

**9212.1. Permitted uses and structures.**

None.

**9212.2. Conditional uses.**

Subject to obtaining a conditional use permit, as required by section 9652 et. seq., the following uses may be permitted:

- A. One (1) single family dwelling per lot, or a mobilehome used as a caretaker's residence;
- B. Light agricultural uses subject to the provisions of section 9214.1;
- C. Lighted tennis courts;
- D. Manufactured home (mobile homes) on permanent foundation, as a single family dwelling, subject to the provision of section 9675;
- E. Transitional housing;
- F. Substantial remodels.

**9212.3. Accessory uses.**

Once a conditional use permit is granted pursuant to section 9652 et seq., the following accessory uses and structures shall be permitted subject to the provisions of section 9281 et seq. and chapter 6:

- A. Accessory buildings, uses and structures;
- B. Domestic animals;
- C. Home occupations;
- D. Garage sales not to exceed two (2) in any calendar year.

Subject to the provisions of section 9281 et seq. and chapter 6, the following accessory uses and structures shall be permitted without a conditional use permit:

- A. One (1) habitable accessory building for a guest dwelling, or servant quarter or second dwelling unit per lot, subject to the provisions of section 9283 et seq.

~~B. One (1) caretaker dwelling per lot, when developed as an accessory use to the primary residence, on not less than ten (10) acres with a maximum building size of one thousand two hundred (1,200) square feet with not more than one thousand (1,000) square feet used for living area. Said dwelling shall be in accordance with section 9120.3.C, and shall not be rented or otherwise used as a separate dwelling unit. A deed restriction in a form approved by the city shall be executed and recorded prior to the issuance of a building permit which states that the unit shall not be rented or otherwise used as a separate dwelling unit. An additional guest dwelling, second dwelling unit or servant quarters shall not be permitted.~~

**9212.4. Uses subject to director's review and approval.**

~~Once a conditional use permit is granted pursuant to section 9652 et seq., the following uses may be permitted subject to the approval of the director:~~

- ~~A. Access to a lawfully permitted use in another land use district;~~
- ~~B. Private equestrian and hiking trails;~~
- ~~C. Private recreation clubs;~~
- ~~D. Riding academies and stables;~~
- ~~E. Temporary structures such as model homes, real estate sales offices, construction trailers and mobile homes used as residence during construction of a project when a valid permit is in force;~~
- ~~F. Temporary storage of materials and construction equipment related to a city public project;~~
- ~~G. Utility facilities ancillary to residential development;~~
- ~~H. Day care for children, large family day care home, subject to the issuance of a large family day care permit pursuant to the provisions of section 9285;~~
- ~~I. Motion picture filming not exceeding seven (7) consecutive days.~~

**9212.5. Prohibited uses.**

~~All uses and structures not specifically provided for in section 9212 are strictly prohibited in the RR land use district.~~

**9213. Development standards.**

~~Subject to the provisions of section 9281 et seq. and chapter 6, the following development standards shall apply in the RR land use district.~~

**9213.1. Minimum lot specifications.**

~~The minimum lot area shall be subject to the provisions of section 9652 et seq. However, except for permanent open space lots, no lot shall be smaller than five (5) acres.~~

**9213.2. Yards.**

~~Subject to the provisions of section 9652 et seq., the minimum yards shall be as follows:~~

- A. The minimum front yard shall be fifty (50) feet;
- B. The minimum side yard shall be twenty five (25) feet;
- C. The minimum rear yard shall be fifty (50) feet.

*Note:* Reference section 9605.1, relating to yard requirements and exceptions.

### **9213.3. Building site coverage.**

Subject to the provisions of section 9652 et seq., the maximum building site coverage shall be ten (10) percent.

### **9213.4. Building height.**

Subject to the provisions of section 9652 et seq., the maximum building height shall be two (2) stories or thirty five (35) feet, whichever is less.

### **9213.5. Off-street parking and loading requirements.**

All parking and loading shall comply with the provisions of chapter 6.

### **9213.6. Utilities**

All utilities shall be in compliance with chapter 6.

### **9213.7. Signs.**

All signs shall be in compliance with chapter 6.

## **9214. Special standards.**

In any RR land use district, the following special standards shall apply:

### **9214.1. Livestock and poultry raising standards.**

Livestock and poultry raising shall conform to the following requirements:

- A. Poultry, fowl, and rabbits not to exceed fifty (50) birds and twenty four (24) rabbits;
- B. Pigeons not to exceed twelve (12) per parcel;
- C. A maximum of any combination of horses and other equines, cattle, llamas, alpacas, sheep or goats not to exceed eighteen (18) per acre:
  - 1. The raising, maintaining, keeping or grazing of horses and other equines, and cattle, including the breeding and training thereof shall be limited to a maximum of eight (8) adult animals per acre:
    - a. No raising or grazing of any animals shall occur as part of, nor shall be conducted in conjunction with, any dairy, livestock feed yard,

~~livestocks sales yard or commercial riding academy located on the same premises;~~

~~2. A maximum of any combination of adult llamas or alpacas not to exceed ten (10) per acre.~~

~~3. A maximum of any combination of adult sheep or goats not to exceed ten (10) per acre.~~

~~D. Hogs or pigs shall be permitted, provided:~~

~~1. That said animals are, as a condition of use, located not less than fifty (50) feet from any street and not less than fifty (50) feet from the side or rear lines of any lot parcel of land or buildings used for human habitation;~~

~~2. That said animals shall not be fed any market refuse or similar imported ingredient or anything other than table refuse from meals consumed on the same lot or parcel of land, or grain;~~

~~3. That no more than two (2) weaned hogs or pigs are kept, except for 4 H projects;~~

~~4. That said animals shall be penned;~~

~~E. No animals or fowl, except dogs and cats kept as domestic pets, shall be housed, stalled, lodged, maintained or confined in a building or structure within thirty five (35) feet of any street or structure designed for human habitation. This provision excludes corrals;~~

~~F. All animals shall be maintained and controlled in a safe and healthy manner so as to not cause any private or public nuisance.”~~

**Section 5.** Section 9224 of Part 3 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9224. Special standards.**

In any ~~RR~~ RV land use district, the following special standards shall apply.”

**Section 6.** Sections 9261 through 9264.1 of Part 7 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby deleted as follows:

**“PART 2. ~~RMH RESIDENTIAL-MEDIUM HIGH DENSITY DISTRICT [RESERVED]~~**

**~~9261. Purpose.~~**

~~The RMH district is intended to provide for residential development with a variety of housing types, including duplexes, single family attached townhouses and low density apartments to be established in appropriate areas at a medium high density range of population densities consistent with sound standards of public health and safety.~~

**~~9262. Use establishment.~~**

~~The limitations in the RMH district, as to uses and structures, shall be as follows.~~

**9262.1. Permitted uses and structures.**

Subject to the provisions of chapter 6, the following uses shall be permitted in the RMH district:

- A. Single family dwelling per lot;
- B. Two family dwelling per lot;
- C. Congregate housing;
- D. Day care for children, small family day care homes;
- E. Homes for aged person, foster family;
- F. Homes for children, foster family;
- G. Townhouses;
- H. Apartment houses provided that the density shall not exceed the designation shown on the zoning map.

**9262.2. Accessory uses.**

Subject to the provisions of section 9281 et seq. chapter 6, the following accessory uses and structures shall be permitted:

- A. Accessory buildings, uses and structures;
- B. Domestic animals;
- C. Home occupations;
- D. Private greenhouses, horticultural collections, flower and vegetable gardens;
- E. One (1) room rental in the principal structure;
- F. Garage sales, not to exceed twice in any calendar year;
- G. One (1) second dwelling unit, subject to the provisions of section 9283 et seq.

**9262.3. Uses subject to director's review and approval.**

Subject to the provisions of chapter 6, the following uses may be permitted subject to the approval of the director:

- A. Temporary structures such as model homes, real estate sales offices, construction trailers and mobile homes used as residence during construction of a project when a valid permit is in force;
- B. All on or off site transport, grading projects of more than twenty five thousand (25,000) cubic yards;
- C. Day care for children, large family day care home, subject to the issuance of a large family day care permit pursuant to the provisions of section 9285;
- D. Temporary storage of materials and construction equipment related to a city public works project;
- E. Motion picture filming not exceeding seven (7) consecutive days.

**9262.4. Conditional uses.**

The following uses may be permitted subject to the granting of a conditional use permit:

- A. Transitional housing;
- B. Churches, temples or other places used exclusively for religious worship, including customary incidental educational and social activities;
- C. Convents and monestaries;
- D. Reserved;
- E. Day Nurseries;
- F. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.
- G. Golf courses, including the customary clubhouse and appurtenant facilities;
- H. Homes for aged persons, small group care;
- I. Homes for children, special boarding;
- J. Manufactured homes (mobile homes) on a permanent foundation, as a single family dwelling, subject to the provision of section 9675;
- K. Neighborhood recreation facilities when operated by a non-profit corporation for the use of surrounding residents;
- L. Schools, private, accredited through grade 12, including appurtenant facilities;
- M. Lighted tennis courts.

**9262.5. Prohibited uses.**

All uses and structures not specifically provided for in section 9262 et seq. shall be strictly prohibited in the RMH district.

**9263. Development standards.**

Subject to the provisions of chapter 6, the following development standards shall apply in the RMH district.

**9263.1. Maximum density.**

The maximum density shall be shown on the zoning map as a number of dwelling units per gross acre following the zoning symbol RMH. However, said designation shall be limited to the range of ten (10) through fifteen (15) dwelling units per acre. For example, RMH 15 means residential medium high density land use district with a maximum of fifteen (15) dwelling units per gross acre.

**9263.2. Minimum lot size.**

The minimum lot area shall be four thousand eight hundred (4,800) square feet or larger as shown on the zoning map.



**9263.3. Minimum lot specifications.**

The minimum lot specifications shall be as follows:

- A. Public street frontage: Thirty (30) feet;
- B. Minimum lot depth: Seventy five (75) feet;
- C. Minimum lot width: Fifty (50) feet;
- D. Minimum front yard: Fifteen (15) feet;
- E. Minimum rear yard: Fifteen (15) feet;
- F. Minimum side yard: Seven (7) feet;
- G. Minimum street side yard: Ten (10) feet.

**9263.4. Minimum lot area per dwelling unit.**

The minimum lot area per dwelling unit shall be as follows:

- A. RMH 10: Three thousand six hundred (3,600) square feet;
- B. RMH 11: Three thousand two hundred (3,200) square feet;
- C. RMH 12: Three thousand (3,000) square feet;
- D. RMH 13: Two thousand seven hundred (2,700) square feet;
- E. RMH 14: Two thousand five hundred (2,500) square feet;
- F. RMH 15: Two thousand four hundred (2,400) square feet.

**9263.5. Building site coverage.**

The maximum building coverage shall be fifty (50) percent.

**9263.6. Building height.**

The maximum building height shall be thirty five (35) feet, or two (2) stories, whichever is less.

**9263.7. Off-street parking and loading requirements.**

All parking and loading shall comply with the provisions of chapter 6.

**9263.8. Utilities**

All utilities shall be provided as required by chapter 6.

**9263.9. Signs.**

All signs shall be in compliance with chapter 6.

**9264. Special standards.**

In any RMH land use district, the following special standards shall apply.

**9264.1. Site plan review.**

All uses not requiring any other discretionary approvals shall not be permitted unless a site plan review is obtained pursuant to the provisions of chapter 6.”

**Section 7.** Section 9283.1. of Part 9 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9283.1. Second unit standards.**

All second units hereafter created shall conform to the following standards:

- A. Except for density limitations, all provisions of said land districts shall be complied with;
- B. All second units shall be connected to either public or private water and sewer facilities;
- C. Such units shall not be held under separate ownership;
- D. The maximum size of a second dwelling unit shall be six hundred forty (640) square feet;
- E. Second units may be attached or detached from the primary residence. A detached second unit shall comply with the development standards of section 9606;
- F. Required on-site parking for a second unit per section 9654.6 may be located in any yard area and shall not preclude required parking and access for the primary residence;
- G. The exterior building materials and colors of second units shall be identical to the primary residence.”

**Section 8.** Section 9284.1. of Part 9 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9284.1. Same-Standards.**

All mobile homes hereafter proposed to be installed on a lot in the RR, RV, RL, RS, RM, RMH, and RH land use districts shall conform to the following standards:

- A. Said mobilehome shall be installed on a slab;
- B. Said mobilehome shall conform to all the provisions of the land use district in which it is to be located;

C. Said mobilehome shall have a sloping roof with eave projections of at least twelve (12) inches constructed with fire-resistant roofing material as approved by the planning commission;

D. Said mobilehome shall have an exterior siding of wood, nonreflective metal, or equivalent materials as approved by the planning commission;

E. Said mobilehome shall have skirting constructed of a material designed to correspond to or compliment the mobilehome's exterior design, extending from the exterior wall to the ground and fully screening the mobilehomes' s undercarriage from all directions;

F. Said mobilehome shall be provided with a minimum of a two-car enclosed garage;

G. Landscaping necessary to achieve the same standards of development as are characteristic of the surrounding properties, as specified by the planning commission, shall be provided;

H. Each mobilehome shall have front, side and rear yards of not less than those required for a conventional single-family residence in the district in which it is located;

~~I. Each mobilehome shall have a concrete slab or suitability constructed raised platform or deck or patio area of at least two hundred (200) square feet in area;~~

~~J. The exterior of such mobilehome and the lot or parcel of land on which said mobilehome is placed shall be maintained in a neat, orderly and presentable condition;~~

~~K. Each mobilehome shall bear the insignia of approval issued by the California Department of Housing and Community Development, or the housing seal number from the department of housing urban development;~~

~~L. Each mobilehome shall maintain a current California vehicle license registration during the period of time it is on a lot in lieu of a single family residence where required by state law;~~

~~M. Each mobilehome shall be removed from the site prior to the end of five (5) years unless a different time period is specified by the commission. Where as a condition of approval a mobilehome must be removed from its site at the end of a specified time period, a building permit shall not e applied for, and a mobilehome shall not be placed on a foundation system;~~

N. I. The granting of a mobilehome conditional use permit shall not relieve the applicant, his assigns or successors in interest, from complying with all other applicable statutes, ordinances, rules and regulations."

**Section 9.** Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

## **“Chapter 3 COMMERCIAL DISTRICTS**

### **Part**

- 1. Purpose and Design Standards, 9301-9310**
- 2. Commercial Use Table, 9311-9320**
- 3. CS Commercial Shopping Center District, 9321-9330**
- 4. CRS Commercial retail/Service District, 9331-9340**
- 5. ~~CM Mixed Use Commercial/Residential~~ CS-MU Commercial Shopping Center-Mixed Use District, 9341-9350**
- 6. CR Commercial Recreation Land Use District, 9341-9350**
- 7. Business Park District, 9361-9370**
- 8. BP-OR Business Park-Office Retail District, 9371-9380**
- 9. BP-M Business Park-Manufacturing, 9381-9390 - 9383**
- 10. CN Commercial Neighborhood Center District, 9384-9390**
- ~~10~~ **11. Special Commercial Use Standards, 9301-9395.1**
- ~~11~~ **12. Standards for Specific Uses, 9396**
- ~~12~~ **13. Standards for Periodic Outdoor Display, 9397, -9397.1”**

**Section 10.** Sections 9301 and 9302 of Part 1 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby amended to read:

### **“PART 1. PURPOSE AND DESIGN STANDARDS**

#### **9301. Purpose.**

- A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and businesses offering a variety of commodities and services required by residents of the city and its surrounding market area;
- B. To provide opportunities for the concentration of a diversity of retail stores, offices, service establishments and amusement establishments in mutually beneficial relationships to each other for the convenience of the public;
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas;
- D. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- E. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;

- F. To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- G. To Use and promote open spaces and landscaping to create a visually pleasing environment, as well as to distinguish city and neighborhood boundaries;
- H. Intensified or regional-relation commercial uses shall be organized and designed to promote maximum opportunity for transit usage;
- I. Commercial and office developments shall exhibit the highest standards of site planning, architecture and landscape design.;
- J. Enhance the pedestrian experience through well-delineated and design-enhanced pathways from the parking lots to the commercial businesses, and pedestrian connections from the commercial developments to adjacent neighborhoods and districts, and by providing pedestrian amenities that include outdoor seating areas and gathering spaces.

**9302. Commercial districts.**

The following commercial districts are hereby established:

- A. CS Commercial shopping center district;
- B. CRS Commercial retail/service district;
- C. ~~CM Mixed use commercial/residential district;~~ CS-MU Commercial shopping center-mixed use district;
- D. CR Commercial recreation district;
- E. BP-OR Business park-office retail district;
- F. BP-M Business park-manufacturing district.;
- G. CN Commercial neighborhood center district.”

**Section 11.** Section 9303.1. of Part 1 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9303.1 Site plan design.**

- C. *Access/circulation.* The access and circulation of a development should be designed to provide a safe and efficient system, both on a off the site. Points of access shall be designed in conformance with the city access regulations. The circulation system shall be designed to reduce conflicts between vehicular and pedestrian traffic, minimize impacts on adjacent properties, combine circulation and access areas where possible, and provide adequate maneuvering areas. Points of access shall not conflict with other planned or existing access points. Clearly delineated pedestrian connections between business areas, parking areas, and to adjoining neighborhoods and districts shall be

provided, which provide safety and amenities to pedestrians and provide added amenities to the site design.

D. *Parking areas.* Parking areas should be the dominant element The visual prominence of parking areas shall be minimized in the overall design of a project through site design and landscaping. and should be designed to minimize visual disruption. Parking areas should be screened from streets through combinations of mounding, landscaping, low profile walls and grade separations. The design of parking areas should also minimize auto noise, lights and glare, and ambient air temperature. This can be accomplished through the use of sound walls, general location, use of well-designed lights, and landscaping throughout the parking lot. Parking lots shall incorporate well-designed and articulated pedestrian pathways from the parking areas to the businesses to create a safe and pleasant pedestrian environment. Bicycle parking racks or other public bike storage shall be provided in convenient locations of the development.

I. *Compatibility with adjacent uses.* Commercial uses adjoining residential neighborhoods shall be designed to be compatible with the neighborhoods through locating automobile and truck access and unloading areas so that they do not directly front residential uses, or by providing adequate screening of landscaping and/or decorative walls in areas adjacent to the residential uses.

**Section 12.** Section 9305.B. of Part 1 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9305. Performance standards.**

The conduct and operation of all uses in the commercial districts shall comply with the following minimum standards:

B. *Lights.* All lights and glare associated with operations, and illuminated signs shall be shielded or directed so as to not illuminate adjacent **locations** or cause glare to motorists.”

**Section 13.** Section 9312.2. of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

(refer to Attachment 6 in staff report - Commercial Use Table)

**Section 14.** Section 9321. of Part 3 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9321. CS Purpose.**

The CS district is intended for planned shopping centers where the land and compatible retail stores and associated facilities are designed and developed together as an integrated unit using modern site planning techniques. The primary tenant will usually be a supermarket or drugstore larger retail tenant, and the center will serve only the convenience needs, such as food, drugs, hardware, and personal services, of a residential the surrounding area. The centers shall exhibit a high level of architectural and site design quality, providing a positive experience for visitors and community residents, and fostering business activity. Such centers are required to fit into the residential pattern of development and not create either architectural or traffic conflicts. Development, remodel and renovation of such centers shall integrate and promote pedestrian activity with pathway connections between center business areas and parking areas, and to adjoining neighborhoods and districts, as well as incorporate pedestrian amenities like seating areas and outdoor gathering spaces to accommodate pedestrians, outdoor dining and other activities. The pathways shall be clearly articulated with enhanced paving and other design features, landscaping, and wayfinding signage.”

**Section 15.** Section 9323.6 of Part 3 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9323.6. Required landscaping.**

A minimum of fifteen (15) percent of the total lot shall be landscaped unless otherwise specified during a discretionary review. In addition, landscaping shall be provided within all required yards adjacent to the public right-of-way. Said landscaping shall be provided and maintained in perpetuity subject to the following:

- A. Berming (undulating or embanked) shall be required with a minimum variation of elevation being thirty (30) inches;
- B. One (1) native oak tree, twenty-four-inch box in size per fifteen thousand (15,000) square feet of building area shall be provided within said areas or at alternative locations as approved by the city;
- C. Landscaping shall minimize the visual dominance of the parking areas, shall complement on-site pedestrian amenities and circulation, and serve to reduce pavement temperature; and
- ~~C.~~ D. No other usage or storage shall be permitted within any required landscaping.”

**Section 16.** Sections 9323.8 and 9323.9 of Part 3 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby added as follows:

**“9323.8. Required amenities.**

- A. Clearly articulated pedestrian paths through parking lots to the center businesses and residences with distinguishing design characteristics.
- B. Well-defined pedestrian pathways connecting adjoining shopping centers, and between the centers and adjacent neighborhoods and districts.
- C. Outdoor seating and gathering areas near the businesses, including expanded sidewalks or plazas, designed as an integral part of the overall architecture and site design.
- D. Bike racks or other public bike storage in convenient locations in the center, integrated within the overall architecture and site design of the center.”

**“ 9323.9. Compatibility with residential neighborhoods.**

Commercial uses adjoining off-site residential neighborhoods shall be designed to be compatible by incorporating the following:

- A. Landscape and decorative walls, or comparable buffering and/or screening elements, along the edges of the shopping center;
- B. Enhanced architectural treatment of elevations facing the residential uses;
- C. Low intensity lighting and screening to minimize light spillover and glare into residential neighborhoods; and
- D. Locating automobile and truck access and unloading areas so that they do not directly front residential neighborhoods, or by providing adequate screening with landscaping and/or decorative walls in areas adjacent to the residential neighborhoods.”

**Section 17.** Section 9331. of Part 4 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“PART 4. CRS COMMERCIAL RETAIL/SERVICE DISTRICT**

**9331. Purpose.**

The purpose of the CRS district is to provide areas for general commercial, retail and service uses for which a shopper in general makes a single purpose trip to visit one (1) establishment. It is intended that this district provide for the needs of the residents of the city and the surrounding area. The uses shall exhibit a high level of architectural and site design quality, providing a positive experience for visitors and community residents, and fostering business activity.”



**Section 18.** Section 9333.5. of Part 4 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**“9333.5. Required landscaping.**

C. Landscaping shall minimize the visual dominance of the parking areas, shall complement on-site pedestrian circulation, and serve to reduce pavement temperature; and

€ D. No other usage or storage shall be permitted within any required landscaping.”

**Section 19.** Sections 9333.9 and 9333.10. of Part 4 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added as follows:

**“9333.9. Required amenities.**

A. Clearly articulated pedestrian paths through parking lots to the businesses.

B. Pedestrian pathways connecting adjoining neighborhoods and districts.

**9333.10. Compatibility with residential neighborhoods.**

Commercial uses adjoining off-site residential neighborhoods shall be designed to be compatible by incorporating the following:

A. Landscape and decorative walls, or comparable buffering and/or screening elements, along the edges of the shopping center;

B. Enhanced architectural treatment of elevations facing the residential uses;

C. Low intensity lighting and screening to minimize light spillover and glare into residential neighborhoods; and

D. Locating automobile and truck access and unloading areas so that they do not directly front residential neighborhoods, or by providing adequate screening with landscaping and/or decorative walls in areas adjacent to the residential neighborhoods.”

**Section 20.** Sections 9341 through 9350. of Part 5 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby deleted as follows:

**“PART 5. CM MIXED USE COMMERCIAL/RESIDENTIAL DISTRICT**

**9341. Purpose.**

The purpose of the CM district shall be to provide for small scale office/retail uses, and some limited residential development that is sensitive to the nature of the terrain, natural features, and other elements of the existing setting.

**9342. Uses established.**

Uses and structures in the CM district shall be subject to the limitation set forth in the following provisions of this section.

**9342.1. Permitted commercial uses.**

Subject to the provisions of chapter 6, buildings and structures may be erected, structurally altered or enlarged and land may be used within this district for commercial, service, office, and other uses as provided in the commercial use table for the business park office retail district (section 9311 et seq. of this chapter).

**9342.2. Permitted residential uses.**

Subject to the provisions of chapter 6, residential uses as specified for the RM-6 district (medium density residential — maximum of six (6) units per acre) shall also be a permitted use in the CM district. Commercial and residential development shall not occur on the same lot.

**9342.3. Project size.**

The minimum project size shall be five (5) acres.

**9342.4. Prohibited uses.**

Any use or structure not specified in section 9342 et seq. shall be prohibited in the CM district.

**9342.5. Development and special standards.**

Subject to the provisions of section 9303 and 9391 et seq. and chapter 6, the development and special standards for the CM district shall be as established by the combining overlay district, as shown on the zoning map.

**9343-9350. Reserved.”**

**Section 21.** Sections 9341 through 9350 of Part 5 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

**“PART 5. CS-MU COMMERCIAL SHOPPING CENTER-MIXED USE DISTRICT**

### **9341. Purpose.**

The purpose of the CS-MU district shall be to provide for planned shopping centers where the land and compatible retail stores and associated facilities, including multi-family residential units, are designed and developed together as an integrated whole using modern site planning techniques. The allowance for residential units is to encourage improvements to existing shopping centers, and to provide opportunities for an individual to participate in multiple activities on the site, thereby promoting vehicle trip reduction. The primary tenant in the shopping center will usually be a supermarket or drugstore, and the center will serve only the convenience needs, such as food, drugs, hardware, and personal services, of a residential area. The centers shall exhibit a high level of architectural and site design quality, providing a positive experience for visitors and residents of the center and community; fostering economic vitality and businesses activity; and serving as a center of neighborhood identity and activity. Such centers are required to fit into the surrounding residential pattern of development and create neither architectural nor traffic conflicts. Development, remodel and renovation of such centers shall integrate and promote pedestrian activity with pathway connections between center business areas and parking areas, and to adjoining neighborhoods and districts, as well as incorporate pedestrian amenities like seating areas and outdoor gathering spaces to accommodate pedestrians, outdoor dining and other activities. The pathways shall be clearly articulated with enhanced paving and other design features, landscaping, and wayfinding signage. Multi-family residential units may be included in a center, providing that resident-serving amenities are incorporated into the center; the residential and non-residential uses are compatible; and the residential and non-residential portions of mixed-use buildings are seamlessly integrated by architectural design, pedestrian walkways, and landscape. For existing shopping centers, residential use may be allowed only if it is part of a substantial and comprehensive redevelopment, remodel or renovation of the shopping center that improves the architectural and site design. In all cases, the residential use shall be ancillary to the commercial uses of the center.

### **9342. Uses established.**

Uses and structures in the CS-MU district shall be subject to the limitations set forth in the following provisions of this section.

#### **9342.1 Permitted commercial uses.**

Subject to the provisions of chapter 6, buildings and structures may be erected, structurally altered or enlarged, and land may be used within this district for commercial, service, office and other uses as provided in the commercial use tables for the commercial shopping center (CS) district (see section 9311 et seq. of this chapter).

#### **9342.2 Permitted residential uses.**

Residential uses shall be ancillary to the commercial uses, shall meet at least the minimum standards of the CS-MU district, and only be allowed with a conditional use permit as either part of the development of a new center, or the substantial and comprehensive redevelopment,

renovation or remodel of an existing center. For existing shopping centers proposing to add residential units, the existing buildings shall be required to conduct façade and other improvements to enhance the architectural and site design, and the site shall be brought up to all standards of the CS-MU district. Residential uses shall be permitted providing that resident-serving recreation and other amenities are incorporated into the center; the residential and non-residential uses are compatible; and the residential and non-residential portions of mixed-use buildings are seamlessly integrated by architectural design, pedestrian walkways, and landscaping. Residential uses shall be multi-family, and shall consist of apartments on the upper floors of buildings containing ground floor retail or office uses.

**9342.3 Prohibited uses.**

Except as provided in section 9342.2, any use or structure not specified in section 9342.1 shall be prohibited in the CS-MU district.

**9343. Development standards.**

Subject to the provisions of section 9303, 9391 et seq. and chapter 6, the following development standards shall apply in the CS-MU district.

**9343.1 Project size.**

The minimum project size shall be five (5) acres.

**9343.2 Minimum lot specifications.**

All lots hereafter created shall contain the following:

- A. Minimum lot area: Twenty thousand (20,000) square feet.
- B. Minimum lot width: Two hundred (200) feet.
- C. Minimum depth: One hundred (100) feet.

**9343.3. Building coverage.**

The maximum building coverage shall be fifty (50) percent of the total project.

**9343.4. Building height.**

The maximum building height shall be thirty-five (35) feet.

**9343.5. Project setbacks.**

The minimum yard requirements shall be as follows:

- A. Minimum front yard: Twenty (20) feet from any existing or proposed right-of-way;
- B. Minimum side yard: none except:
  - 1. When adjacent to a residential district or when abutting any street that separates the CS-MU district from a residential district: Twenty (20) feet;
  - 2. The minimum street side yard shall be treated as a front yard;
- C. Minimum rear yard: Equal to the height of the tallest buildings in the project.

**9343.6. Residential design requirements.**

The provision of multi-family housing in the CS-MU district shall include the following minimum design requirements for new shopping centers, and for redevelopment, renovation and remodel of existing shopping centers.

- A. The project site shall meet at least the minimum standards of the CS-MU district;
- B. Residential and commercial uses within a mixed-use building shall be seamlessly integrated architecturally within the building, and the buildings shall be integrated with the remainder of the shopping center through architectural and site design elements;
- C. The ground floor of residential and commercial mixed-use buildings along primary street frontages and public sidewalks and plazas shall be occupied by retail, dining and other uses that engage pedestrians;
- D. The provision of on-site designated and secured residential parking separate from the on-site commercial use parking;
- E. The provision of recreational and other residential-serving amenities, including usable outdoor developed open space for the residents; and
- F. Mixed-use commercial and residential buildings shall be designed to assure compatibility among uses and public safety, which shall include at least privacy for residential entrances, separate access, fire suppression barriers, secured resident parking, and noise insulation;

**9343.7. Residential maximum density.**

The maximum density shall be one and three-quarters (1.75) dwelling units per acre.

**9343.8. Transfer of development credits for residential.**

The transfer of development credits for residential units in this district is to provide flexibility in the development of residential multi-family units, and to encourage the development of

cohesively planned complexes of multi-family units. A development credit is a potential entitlement to construct one (1) multi-family residential unit. The transfer of residential development credits may be authorized based on the conditions, and subject to the provisions listed as follows:

- A. Residential development credits may be transferred among donor and receiver parcels only within the CS-MU district west of Kanan Road, south of Laro Drive, and west and north of the Medea Creek channel;
- B. The development credit can only be exercised when it has been transferred pursuant to the provisions of this section from a donor to a receiver parcel and all other requirements of law are fulfilled;
- C. The city council, after the recommendation by the planning commission, finds the donor parcel has development credits to be transferred, the receiver parcel has sufficient area designated in the general plan to accommodate development otherwise permitted under city regulations, and that such total development meets all of the applicable requirements of the city's general plan and regulations, and this section;
- D. The transfer of credits shall be authorized as part of a development agreement, which shall include both the donor and receiver parcels;
- E. When development credits are transferred, all such credits for a parcel shall be transferred, and they are thereafter extinguished with regard to the donor parcel;
- F. The number of development credits that may be transferred shall not exceed the number of dwelling units provided for in section 9343.7;
- G. Before approving the transfer of development credits, the city must find that the appropriate guarantees exist and will be provided to ensure that the transfer conforms to the intent and purposes of the general plan; the transfer will not result in a detrimental effect on the area surrounding the receiver parcel; and the transfer of credits will result in a superior residential development complex that would not otherwise be feasible without the transfer of credits.

**9343.9. Compatibility with residential neighborhoods.**

Commercial uses adjoining off-site residential neighborhoods shall be designed to be compatible by incorporating the following:

- E. Landscape and decorative walls, or comparable buffering and/or screening elements, along the edges of the shopping center;
- F. Enhanced architectural treatment of elevations facing the residential uses;