



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

ACTION DATE: November 17, 2011

TO: Planning Commission

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

CASE NO.: 11-ZOA-005

LOCATION: Citywide

REQUEST: Request for a recommendation to the City Council to adopt the Reasonable Accommodations Ordinance, adding a new Division 9 to Part 1, Chapter 8 of Article IX (Zoning) of the Agoura Hills Municipal Code. The Ordinance establishes procedures to request fair housing reasonable accommodations from the City of Agoura Hills zoning regulations.

ENVIRONMENTAL DETERMINATION: A Negative Declaration has been prepared pursuant to CEQA Guidelines Article 6.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a resolution recommending that the City Council adopt the Reasonable Accommodations Ordinance, and the Negative Declaration prepared for the Ordinance, and making environmental findings pursuant to the California Environmental Quality Act.

PURPOSE AND BACKGROUND

The purpose of the Reasonable Accommodations Ordinance (Ordinance) is to create a procedure for an individual with a disability to request a reasonable accommodation from land use and zoning regulations, policies, and practices, when needed, to provide that individual with an equal opportunity to use and enjoy a dwelling. The need for such a procedure is indicated in federal and state fair housing law, as well as the City of Agoura Hills 2008-2014 Housing Element.

Over the past decades, federal and state housing laws have been enacted to prohibit housing discrimination for individuals with disabilities. These include the Federal Fair Housing Act (FHA), the Federal Fair Housing Amendments Act of 1988, and the California Fair Employment and Housing Act (FEHA) and its amendments (Govt. Code Sections 12900-12996). In addition, state Housing Element law (Govt. Code Section 65583(c)(3)) states that a local Housing Element must:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

The City of Agoura Hills 2008-2014 Housing Element was adopted by the City Council in November 2008, and certified by the State Department of Housing and Community Development in January 2009. The Housing Element contains policies and programs to implement federal and state housing laws to meet the housing needs of City residents, including those with disabilities. In particular, the proposed Ordinance carries out Item 19 of the Housing Program of the Housing Element under the goal of promoting equal housing opportunities. Program Item 19 reads as follows:

As a means of facilitating requests for accessibility modifications, the City will develop procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws.

Currently, the City would be required to consider a reasonable accommodations request pursuant to the above noted legislation, even though specific procedures have not yet been incorporated into the City's Municipal Code. However, utilizing the existing common procedures for considering relief from a standard, such as a variance, can put a jurisdiction at risk for wrongfully denying a disabled applicant's request since the process is not specific to individuals with disabilities. The Ordinance, then, codifies existing requirements for reasonable accommodations into a procedure, and, by doing so, ensures that the City is meeting the full intent of the fair housing legislation. Adoption of the Ordinance would also provide staff and the public with a clear understanding of how fair housing laws can be applied to City zoning and land use regulations.

While a reasonable accommodation can be granted for any regulation, policy or practice related to zoning and land use, the most common examples from other jurisdictions include permitting a wheelchair ramp or elevator in a required setback area or providing additional assistance or time in completing the application. Additional assistance could involve providing auxiliary aids and services, as necessary, including materials in larger print or reading the application form to the applicant.

The Ordinance, which is included as Attachment 2, has been drafted to provide a means to accommodate the special housing-related needs of persons with disabilities, and, at the same time, to continue to protect the community character and environmental quality of the City. The reasonable accommodations provisions are guided by federal and state fair housing laws, while Section 9809.5 of the Ordinance contains findings that aim to protect Agoura Hills' character and environmental quality.

PROPOSED ORDINANCE

Definitions (9809.2)

The Ordinance defines a "disabled person" as "an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. An impairment shall not include an individual's current, illegal use of a controlled substance." A "major life activity" means a physical, mental or social activity, such as the operation of major bodily functions, like seeing, hearing, communicating, and eating, among others. A "physical or mental impairment," as defined in the Ordinance, consists of physiological disorders or conditions, and any mental or psychological disorder, including, for example, hearing impairments, diabetes, learning disabilities, and loss of anatomical use. Alcoholism and drug addiction are considered impairments, but an individual cannot currently be using illegal drugs. A temporary condition, such as a broken leg or pregnancy, does not qualify as an impairment.

Procedure (9809.4)

Requests for reasonable accommodations would be evaluated on a case-by-case basis. An applicant for a reasonable accommodations request must submit a specific application form, with information documenting that the applicant is disabled, or is applying on behalf of someone with a disability. In the case of the latter, an applicant may be a developer. The application must also explain the specific needs that the disability presents, and how the request is necessary to provide a disabled person an equal opportunity to use and enjoy a dwelling. Since a disability is a medical condition, privacy laws do not allow the City to ask the name of the disability or discuss the nature of its severity. Rather, the applicant must specify how the disability makes it difficult to accomplish a major life activity.

A form must also be completed verifying the disability status of the person who occupies, or will occupy, the dwelling. Proof of disability status may be requested by the City in the form of a letter from the Social Security Administration indicating disability; a letter from a medical provider; or a service contract from a social service agency. For example, a letter from a doctor

stating that a disabled person cannot climb stairs, but needs a wheelchair ramp instead to access his/her home, would be acceptable. In the case of a provider or developer of housing for disabled individuals, the applicant would need to provide a service contract or funding agreement that commits the developer to building housing for a particular disabled segment of the population. The Director may request additional information to verify the disability, if needed.

A decision on whether to grant a reasonable accommodation would be made by the Director of Planning and Community Development. The Director, however, can forward the request to the Planning Commission for consideration, if desired.

If the request for reasonable accommodations is related to another discretionary permit (e.g., CUP, SPR, Variance), then the request is processed with the project as a whole and the processing procedures of the other discretionary approval governs the joint processing. For example, a non-administrative site plan review (SPR) for a single family home for which an applicant is requesting a relief from the front yard setback for a wheelchair ramp as a reasonable accommodation would be processed as one project. In this case, the Planning Commission would then review the request for an SPR along with the reasonable accommodations request.

Basis for Approval or Denial (9809.5)

The Ordinance establishes a series of findings upon which to base a decision for granting a reasonable accommodation, as listed below.

1. The accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws.
2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a residence.
3. The requested accommodation will not impose an undue financial or administrative burden on the city.
4. The requested accommodation will not result in a fundamental alteration in the nature of the city's land use and zoning program.
5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

These findings are drawn from fair housing laws and case law. Aside from finding that that the accommodation has been requested by, or on behalf of, a disabled person, and that the accommodation is necessary for the disabled person to enjoy a dwelling, the decision maker or decision making body must find that the action would not cause substantial adverse impacts to the City. In particular, the action cannot impose an undue financial or administrative burden on the City; fundamentally alter the nature of the City's land use and zoning program; or cause direct threat to the health or safety of other individuals or substantial damage to the property of others. Examples of these include whether the accommodation granted would fundamentally

alter the character of a neighborhood; result in substantial traffic or parking impacts; create an institutionalized environment due to the congregation of similar facilities in proximity; or substantially undermine the General Plan or a specific plan.

Notice of Decision and Appeal (9809.6)

The decision whether to grant or deny a request for reasonable accommodations would be provided in writing. An appeal of the Director's or Planning Commission's actions can be made, as described in Section 9804.5 (Division 4, Public Hearing Procedures of Article IX Zoning) of the Municipal Code, which outlines appeal procedures for decisions made pursuant to the Zoning Code. A decision of the Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, within fifteen (15) days of the decision date.

Recordation (9809.7)

The applicant must record the written determination approving the request for a reasonable accommodation in the County Recorder's Office. If a disabled resident no longer occupies the dwelling, the recordation would compel a new property owner to bring the property into compliance with application zoning regulations, and would ensure that non-compliant properties would be subject to enforcement procedures if the accommodation is no longer associated with a current resident.

Expiration and Discontinuance (9809.8)

The grant for reasonable accommodations must be activated, or it expires twenty-four (24) months after the effective date of approval. To be activated, a building permit has to be issued and construction started; or a certificate of occupancy must be issued; or the right granted by the accommodation must have been exercised. An applicant can request a time extension from the Director or Planning Commission, whichever is the reviewing authority.

Amendments (9809.9)

Any change to the conditions or substantial change to the plans for a reasonable accommodation that has been granted would be treated as a new application.

GENERAL PLAN CONSISTENCY

One of the intents of the General Plan Housing Element is to promote equal housing opportunities. The Ordinance can be found consistent with the Housing Element, in particular with the following goal and policy of the General Plan. More specifically, the Ordinance implements Item 19 in the Housing Program of the Housing Element.

Goals and Policies

Goal 5: Provide housing opportunities in conformance with open housing policies and free of discriminatory practices.

Policy 5.1: Take positive steps to ensure all segments of the population are aware of their rights and responsibilities regarding fair housing.

Housing Program

Promote Equal Housing Opportunities: In order to provide for the housing needs of all segments of the community, the housing program must include actions that promote housing opportunities for all persons regardless of race, religion, sex, family size, marital status, ancestry, national origin, color, age, or physical disability. More generally, this program component entails ways to further fair housing practices, including accommodations for persons with disabilities.

19. Accessible Housing: As part of this Housing Element, Agoura Hills has conducted a review of zoning, building codes, and permit processing procedures and has not identified any institutional barriers to the provision of accessible housing. However, the City has not developed specific procedures for requesting a reasonable accommodation for accessibility modifications.

Objective: As a means of facilitating requests for accessibility modifications, the City will develop procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws.

ENVIRONMENTAL REVIEW

An Initial Study/Negative Declaration was prepared for the Ordinance, pursuant to the California Environmental Quality Act (CEQA). A copy of the Draft Ordinance was attached to the IS/ND. Notices of the availability of the IS/ND (including Draft Ordinance) were sent to relevant local, state and federal agencies; City HOAs; and environmental and interest groups. The notice was published in the Acorn, and posted at City Hall, the Agoura Hills Library, and the City Recreation Center. The Draft Ordinance and IS/ND were made available for review on the City's website, and copies were available at the City Hall Planning Counter and the Agoura Hills Library. The public comment period for the IS/ND ran from October 6, 2011 to November 7, 2011. Three letters were received during this period, none of which necessitated any clarification or change to the IS/ND. The letters and response to comments are included in the Final IS/ND, included herein as Attachment 3.

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and adopt a Resolution (Attachment 1) recommending that: (1) the City Council adopt the Reasonable Accommodations Ordinance; and (2) the City Council adopt the Negative Declaration, and make environmental findings pursuant to the California Environmental Quality Act.

Attachments:

1. Draft Resolution
2. Draft Reasonable Accommodations Ordinance
3. Final Initial Study/Negative Declaration for the Reasonable Accommodations Ordinance

Case Planner: Allison Cook, Principal Planner

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE REASONABLE ACCOMMODATIONS ORDINANCE NO. 11-____ AND RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION FOR THE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE # 11-ZOA-005)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

WHEREAS, the Planning Commission has considered the Reasonable Accommodations Ordinance, which amends the City's zoning code to provide fair housing reasonable accommodations in the City's zoning and land use regulations, policies, and practices, when needed, to provide an individual with a disability an equal opportunity to use and enjoy a dwelling by adding Division 9 of Part 1 of Chapter 8 of Article IX of the Agoura Hills Municipal Code; and

WHEREAS, a duly noticed public hearing was held on November 17, 2011 at 6:30 p.m. in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given; and

WHEREAS, evidence, both written and oral, was duly presented to and considered by the Planning Commission of the City of Agoura Hills at the aforesaid public hearing; and

WHEREAS, after close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, the recommendations, and all other pertinent documents and associated actions regarding the proposed ordinance amendment; and

WHEREAS, the Ordinance provides procedures for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use and zoning regulations, policies, practices and procedures to comply with state and federal fair housing laws; and

WHEREAS, the Ordinance is consistent with the Agoura Hills General Plan, Goal 5 (Provide housing free of discriminatory practices), Policy 5.1 (Ensure all segments of the population are aware of their rights and responsibilities regarding fair housing), and particularly Item 19 of the Housing Program of the City of Agoura Hills 2008-2014 Housing Element to develop procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the Ordinance and the Municipal Code amendments contained therein (the "Project"). On the basis of the Initial Study, City staff for the City of Agoura Hills, acting as Lead Agency, determined that there was no substantial evidence that the Project could have a significant effect on the environment; as a

result, City staff prepared a Negative Declaration for the Project and provided public notice of the public comment period and of the intent to adopt the Negative Declaration; and

WHEREAS, the Planning Commission has independently reviewed (1) the Negative Declaration and Initial Study (both of which are attached hereto as Exhibit "A" and incorporated by this reference) and (2) all comments received, both written and oral, regarding the Negative Declaration and Initial Study, and based upon the whole record before it finds that those documents were prepared in compliance with CEQA, the CEQA Guidelines and the City's local CEQA Guidelines, that City staff has correctly concluded that there is no substantial evidence that the Project will have a significant effect on the environment, and that the findings contained therein represent the independent judgment and analysis of the Planning Commission. The Planning Commission has considered the contents of the Negative Declaration in its decision-making processes in making its recommendation on the Ordinance; and

WHEREAS, the custodian of records for the Initial Study, Negative Declaration and all materials which constitute the record of proceedings upon which the Planning Commission's decision is based is the City Clerk of the City of Agoura Hills, and those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California 91301.

NOW, THEREFORE, BE IT RESOLVED, based upon the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends that the City Council adopt the Reasonable Accommodations Ordinance and the Negative Declaration prepared for the Ordinance.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2011, by the following vote to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Steve Rishoff, Chair

ATTEST:

Mike Kamino, Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ESTABLISHING PROCEDURES TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING REGULATIONS BY ADDING A NEW DIVISION 9 OF PART 1 OF CHAPTER 8 OF ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE.

WHEREAS, the State Legislature has declared that the lack of housing, including housing for persons with disabilities, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

WHEREAS, Government Code Section 65583 requires that the City's housing element address governmental constraints to the development of housing, including housing for individuals with disabilities, and that the City provide reasonable accommodations for housing for persons with disabilities; and

WHEREAS, the City of Agoura Hills 2008-2014 Housing Element, adopted by the City Council in November 2008, identifies in Item 19 of its housing program the need for the City to develop procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws; and

WHEREAS, Ordinance No. 10-381, adopted by the City Council in _____, 2010, incorporated accommodations for accessibility request procedures relating to building laws into Article VIII, Building Regulations, of the Agoura Hills Municipal Code; and

WHEREAS, procedures for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use and zoning regulations, policies, practices and procedures will further the City's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities; and

WHEREAS, to conform to state and federal law and to provide disabled persons an equal opportunity to use and enjoy housing, it is necessary to amend the Agoura Hills Municipal Code to establish procedures by which an individual may request a reasonable accommodation from the City's zoning laws and regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Agoura Hills does hereby find, determine, and declare that:

A. The Planning Commission considered this Ordinance and the Negative Declaration on November 17, 2011, at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support or opposition to this matter.

B. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. ____, recommending approval of the Ordinance by the City Council.

C. The City Council, at a regular meeting, considered the Ordinance and Negative Declaration on _____, at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support of or in opposition to this matter.

D. Following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 2. Consistency with General Plan. In accordance with Section 9805.4 of the Agoura Hills Municipal Code, the Planning Commission has determined, and the City Council agrees, that the Ordinance is consistent with the objectives of Article IX (Zoning) of the Agoura Hills Municipal Code and with the City's General Plan. The Ordinance is consistent with Goal 5 of the Housing Element of the General Plan to provide housing opportunities in conformance with open housing policies and free of discriminatory practices. Specifically, the Ordinance carries out Program Item 19 of the Housing Element, which requires that the City develop procedures for reasonable accommodation requests regarding zoning and permit processing.

Section 3. Environmental Findings. The City Council of the City of Agoura Hills hereby makes the following environmental findings and determinations in connection with the approval of the proposed Ordinance:

A. Pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Article 14, Sections 15000, *et seq.*), and the City's local CEQA Guidelines, the City Council finds that City staff prepared an Initial Study of the potential environmental effects of this Ordinance amending the City's Municipal Code to establish reasonable accommodations procedures ("Project"). Based upon the findings contained in that Initial Study, staff determined that there was no substantial evidence that the Project could have a significant effect on the environment and a Negative Declaration was prepared. Thereafter, staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration as required by law. The public comment period commenced on October 6, 2011 and expired on November 7, 2011. Copies of the documents have been available for public review and inspection in the Office of the City Clerk at City Hall, located at 30001 Ladyface Court, Agoura Hills, California 91301.

B. The City Council has independently reviewed the Initial Study, the Negative Declaration, and all comments received regarding the Negative Declaration prior to and at the _____, 2011 public hearing, and based on the whole record before it, finds that (1) the Negative Declaration was prepared in compliance with CEQA, the CEQA Guidelines, and the City's local CEQA Guidelines; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Negative Declaration reflects the independent judgment and analysis of the City Council. Based on the findings set forth in this Section, the City Council hereby approves and adopts the Negative Declaration prepared for the Project.

Section 4. Division 9 of Part 1 of Chapter 8 is hereby added to Article IX (Zoning) of the Agoura Hills Municipal Code to read as follows:

"DIVISION 9. REASONABLE ACCOMMODATIONS

9809. Purpose.

The purpose of this division is to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices, when needed, to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

9809.1 Applicability.

The provisions of this division shall apply to all laws, rules, regulations, policies, procedures and/or practices regulated by the department of planning and community development.

9809.2 Definitions.

The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:

"Applicant" means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.

"Disabled Person" or "Person with a Disability" means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual's current, illegal use of a controlled substance.

"Fair Housing Laws" means the "Federal Fair Housing Act" (42 U.S.C. § 3601, et seq.), the "Americans with Disabilities Act" (42 U.S.C. § 12101, et seq.), and the "California Fair Employment and Housing Act" (California Government Code-§ 12900, et seq.), as these statutes now exist or may be amended from time to time, and each Act's implementing regulations.

"Major life activity" shall include physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

"Physical or mental impairment" means any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed "mental retardation"), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current users of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a physical or mental impairment.

“Reasonable Accommodation” means any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, regulations, policies, procedures and/or practices that may be reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residence.

9809.3 Authority of the Planning and Community Development Director.

The director is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation. The director may elect to forward the matter to the planning commission for consideration of the application.

9809.4 Procedure for Application Review.

- A. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
- B. Application. An application for a reasonable accommodation shall be made on a form provided by the planning and community development department. No fee shall be required for a reasonable accommodation, but if the project requires another discretionary permit, the prescribed fee shall be paid for the required discretionary permit. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- C. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, the applicant shall file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit. If the project’s other discretionary permit or approval requires planning commission approval, then the request for reasonable accommodation shall also be referred to the planning commission for approval.
- D. Required Submittals. An application for a reasonable accommodation shall include the following:
 - 1. Documentation that the applicant is: (a) a person with a disability; or (b) applying on behalf of one or more persons with a disability; or (c) a developer or provider of housing for one or more persons with a disability.
 - 2. The name and address of the individual(s) requesting the reasonable accommodation.
 - 3. The name and address of the property owner(s).
 - 4. The address of the property for which the accommodation is requested.

5. A description of the reasonable accommodation requested by the applicant.
6. An explanation of how the specific reasonable accommodation requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy the dwelling.

The director may request additional information from the applicant if the application does not provide sufficient information for the city to make the findings required in section 9809.5.

9809.5 Basis for Approval or Denial of a Reasonable Accommodation.

- A. Findings. The written decision shall be based on the following findings, all of which are required for approval:
1. The accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws.
 2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
 3. The requested accommodation will not impose an undue financial or administrative burden on the city.
 4. The requested accommodation will not result in a fundamental alteration in the nature of the city's land use and zoning program.
 5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
- B. In determining whether the requested reasonable accommodation is necessary to provide one or more disabled persons an equal opportunity to use and enjoy a dwelling, pursuant to section 9809.5.A.2., the city may consider, but is not limited to, the following factors:
1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
 2. Whether the individual(s) with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
 3. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
 4. Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in the City.

- C. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of the city's land use and zoning program, pursuant to section 9809.5.A.4., the city may consider, but is not limited to, the following factors:
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
 2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking.
 3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan or other similar regulatory document.
 4. Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- D. Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

9809.6 Notice of Decision.

- A. The director, or planning commission, whichever has approval authority, shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation.
- B. Appeals of the director's, or planning commission's, action shall be made in accordance with section 9804.5 of the municipal code. All determinations on the appeal shall address, and be based upon, the same findings required in accordance with section 9809.5.A.

9809.7 Recordation.

The applicant shall record the written determination approving the request for a reasonable accommodation in the office of the county recorder.

9809.8 Expiration and Discontinuance.

- A. Expiration. Any reasonable accommodation approved in accordance with the terms of this division shall expire within twenty-four (24) months from the effective date of approval, or at an alternative time specified as a condition of the approval, unless:
 1. A building permit has been issued and construction has commenced; or
 2. A certificate of occupancy has been issued; or

3. The right granted by the accommodation has been exercised; or
4. A time extension has been granted by the director or planning commission, whichever has authority over the granting of the reasonable accommodation.

B. Discontinuance. If the disabled person for whom the reasonable accommodation was originally granted vacates the residence, or if the director finds that the accommodation is no longer necessary for the use and enjoyment of the residence pursuant to Section 9809.5.A., the reasonable accommodation shall remain in effect only if the director determines that: (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the municipal code, or (2) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The director may request that the applicant, or his or her successor-in-interest, provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within thirty (30) days of the date of a request by the city shall constitute grounds for discontinuance of a previously approved reasonable accommodation.

9809.9 Amendments.

A request for changes in the conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval, shall be treated as a new application. The director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or additions to the plan or the conditions of approval, and are consistent with the intent of the original approval.”

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, 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 remainder of this ordinance. The city council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. Certification. The city clerk shall certify to the passage and adoption of this ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 7. Effective Date. This ordinance shall go into effect on the 31st day after its passage.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2011, by the following
vote to wit:

Harry Schwarz
Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

APPROVED AS TO FORM:

Craig A. Steele
City Attorney



Reasonable Accommodations Ordinance

Final Initial Study/Negative Declaration

Prepared by:

City of Agoura Hills
Planning and Community Development Department
30001 Ladyface Court
Agoura Hills, CA 91301

Contact:
Allison Cook, Principal Planner
(805) 597-7310

November 8, 2011

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INTRODUCTION

This document is an Initial Study and Negative Declaration (IS/ND) that addresses the potential environmental effects resulting from a Zoning Ordinance Amendment (ZOA) to establish procedures to request fair housing reasonable accommodations from the City of Agoura Hills zoning regulations (Reasonable Accommodations Ordinance). Specifically, the Project consists of adding a new Division 9 of Part 1 of Chapter 8 of Article IX of the Agoura Hills Municipal Code.

LEGAL AUTHORITY AND FINDINGS

This IS/ND has been prepared in accordance with the *California Environmental Quality Act (CEQA) Guidelines* and relevant provisions of CEQA of 1970, as amended.

Initial Study. Section 15063(c) of the *CEQA Guidelines* defines an Initial Study as the proper preliminary method of analyzing the potential environmental consequences of a project. The purposes of an Initial Study are:

- (1) To provide the Lead Agency with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Mitigated Negative Declaration;
- (2) To enable the Lead Agency to modify a project, mitigating adverse impacts, thus avoiding the need to prepare an EIR; and
- (3) To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

Negative Declaration or Mitigated Negative Declaration. Section 15070 of the *CEQA Guidelines* states that a public agency shall prepare a negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment; or
- (b) The Initial Study identifies potentially significant effects but:
 1. Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and
 2. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

An IS/MND may be used to satisfy the requirements of CEQA when a proposed project would have no significant unmitigable effects on the environment. As discussed further in subsequent sections of this document, implementation of the proposed project would not result in any significant effects on the environment that cannot be reduced to below a level of significance with the mitigation measures included herein.

IMPACT ANALYSIS AND SIGNIFICANCE CLASSIFICATION

The following sections of this IS/ND provide discussions of the possible environmental effects of the proposed project for specific issue areas that have been identified on the CEQA Initial Study Checklist. For each issue area, potential effects are discussed and evaluated.

A "significant effect" is defined by Section 15382 of the *CEQA Guidelines* as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." According to the *CEQA Guidelines*, "an economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant."

Following the evaluation of each environmental effect determined to be potentially significant is a discussion of mitigation measures and the residual effects or level of significance remaining after the implementation of the measures. In those cases where a mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed as a residual effect.

USE OF PREVIOUS ENVIRONMENTAL DOCUMENTS IN THIS ANALYSIS

The following environmental analyses and technical studies were used as a basis for this document:

- *City of Agoura Hills, General Plan Update EIR, February 2010.*

INITIAL STUDY

PROJECT TITLE

Reasonable Accommodations Ordinance.

LEAD AGENCY and CONTACT PERSON

City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
Contact: Allison Cook, Principal Planner

PROJECT PROPONENT

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

PROJECT SITE CHARACTERISTICS

Location: Citywide

Assessor Parcel Numbers: Citywide

Existing General Plan Designation: Citywide

Existing Zoning: Citywide

Surrounding Land Uses: Citywide

DESCRIPTION OF THE PROJECT

The City of Agoura Hills is requesting approval of the following:

A Zoning Ordinance Amendment (ZOA) to establish procedures to request fair housing reasonable accommodations from the City of Agoura Hills zoning regulations. Specifically, the Project consists of adding a new Division 9 of Part 1 of Chapter 8 of Article IX of the Agoura Hills Municipal Code. This ZOA implements Item 19 of the Housing Program of the City of Agoura Hills 2008-2014 Housing Element of the General Plan. A reasonable accommodation means a waiver or modification to regulations, policies, procedures and standards that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. A copy of the Draft Reasonable Accommodations Ordinance is included as Attachment 1.

PUBLIC AGENCIES WHOSE APPROVAL MAY BE REQUIRED FOR SUBSEQUENT ACTIONS (e.g. permits, financing approval, or participation agreement):

None.

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that could be lessened to a level of insignificance through incorporation of mitigation.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils		Noise		Mandatory Findings of Significance
	Greenhouse Gases		Population/Housing		

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to an earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Allison Cook

November 8, 2011

Allison Cook, Principal Planner
 City of Agoura Hills

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(1) AESTHETICS. Would the project:

a) Have a substantial adverse affect on a scenic vista?				X
b) Substantially damage scenic resources including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the project site and its surroundings?				X
d) Create a new source of light or glare which would adversely affect day or nighttime views in the area?				X
e) Substantially impact any existing streetscape or public space that has been designed to provide areas of public assembly and congregation?				X

DISCUSSION:

The project is an Ordinance and does not involve any direct physical changes to the environment. As such, it would result in **no impacts** to aesthetics with regard to scenic vistas, scenic resources, degrading the existing visual character, creating new sources of light or glare, or affecting areas of public assembly and congregation. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the location, and the physical changes would be assessed for aesthetic impacts per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(2) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Result in a temporary increase in the concentration of criteria pollutants (i.e., as a result of the operation of machinery or grading activities)?				X
e) Expose sensitive receptors to substantial pollutant concentrations?				X
f) Create objectionable odors affecting a substantial number of people?				X

DISCUSSION:

The City of Agoura Hills is located within the South Coast Air Basin, and is governed by the South Coast Air Quality Management District (SCAQMD). Since the project is not a proposal for a physical development, there would be no impacts to air quality or the creation of objectionable odors as a result of the Ordinance adoption. In any case, according to the Air Quality Management Plan (AQMP), a project must conform to the local General Plan and must not result in or contribute to exceeding the City's projected population growth forecast. As described in the discussion of Item (8) LAND USE AND PLANNING of this document, the Ordinance is consistent with the General Plan's goals and policies, particularly those of the Housing Element, and does not propose a type of development that was not anticipated in the General Plan. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be assessed for air quality impacts per CEQA. Therefore, there would be **no impact** from adoption of the Ordinance.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(3) BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				X

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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X
g) Result in substantial damage to, loss of, or removal of native oak trees or other locally identified specimen trees of significance?				X

DISCUSSION:

- a) The project consists of an Ordinance, and therefore is not a physical development that could adversely affect sensitive biological species. Therefore, there would be **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes, as well as the specific site's habitat, would be assessed for biological impacts per CEQA.
- b), c) Refer to the discussion above in Item a). The project is not a physical development that could adversely affect wetlands, riparian habitat or other sensitive natural communities regulated by the California Department of Fish and Game or the U.S. Fish and Wildlife Service or the Army Corps of Engineers. Therefore, there would be **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes, as well as the site's particular habitat, would be assessed for biological impacts per CEQA.
- d) Refer to the discussion in Item a) above. Because the project is not a physical development, it does not have the potential to interfere with the movement of fish or wildlife. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be assessed for biological impacts, including considering wildlife movement, per CEQA. Therefore, there would be **no impact**.
- e), g) Since the project is not a proposal for a physical development in the City, there would be **no impacts** to oak trees in the area. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and

assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be assessed for biological impacts, including those to oak trees and tree preservation policies and ordinances, per CEQA.

- f) There are no habitat conservation plans (HCPs) or Natural Communities Conservation Plans (NCCPs) or other conservation plans in or near the City, so there would be **no impact**.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(4) CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
e) Result in physical disruption of an identified sacred place or other ethnographically documented location of significance to native Californians?				X

DISCUSSION:

The project is an Ordinance, not a physical development capable of impacting cultural resources that may exist on or under the ground. Therefore, the Ordinance adoption would result in **no impacts**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted for review, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be assessed for cultural resource impacts, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(5) GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to substantial potential adverse effects, including the risk of loss, injury or death involving:				X
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
(ii) Strong seismic ground shaking?				X
(iii) Seismic-related ground failure, including liquefaction?				X
(iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				X

DISCUSSION:

Per the City's General Plan and Program EIR, there are no active or inactive faults within the City limits, and so potential hazard from fault rupture is remote. There are several active and/or potentially active faults in the surrounding region, however, that could produce ground shaking in the area. Other geologic or soil conditions are specific to individual sites. Nonetheless, the Ordinance is not a physical development with the potential for causing adverse impacts in the area of geology and soils. Therefore, the Ordinance adoption would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the site specific geologic and soils conditions and the type of physical change would be assessed for geologic and soils impacts, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(6) HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X

DISCUSSION:

- a)-c) Because it is not a physical development proposal, the project would not result in the use of hazardous materials, nor their storage, disposal or transport. The project, being an Ordinance adoption, would also not cause an accidental release or upset of such materials. Therefore, the Ordinance adoption would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for hazards and hazardous materials impacts, per CEQA.
- d) Because it is not a physical development proposal, the Ordinance adoption would not result in a development located on a hazardous materials site compiled per Government Code Section 65962.5. Therefore, the project would result in **no impact**. As noted in the

prior discussion items, the timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be analyzed in relation to site-specific conditions, including the potential for hazardous sites, per CEQA.

- e)-f) There are no airports or airstrips within, or in the vicinity of, the City. Therefore, the Ordinance would result in **no impact**.
- g) The Ordinance, not being a physical development, would not interfere with an adopted emergency response plan or evacuation plan. Therefore, the project would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be assessed for potential impacts to emergency plans, per CEQA.
- h) The project does not include a specific physical development proposal. Therefore, the project would result in **no impacts**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the specific location, and the physical changes would be assessed for potential impacts related to wildland fires, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(7) HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?				X
b) Degrade groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site?				X

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d) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
e) Otherwise degrade water quality?				X
f) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche, tsunami, or mudflow?				X

DISCUSSION:

a)-e), i) The Ordinance is not a physical development with the potential for causing adverse impacts in the areas of hydrology and water quality. Therefore the project would result in **no impact**. As noted previously in this document, the timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed and the physical changes would be analyzed in relation to site-specific conditions, including the potential for hydrology and water quality impacts, per CEQA.

f)-h) The Ordinance adoption is not a physical development that could cause flood concerns. Therefore, the Ordinance adoption would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential flood impacts, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(8) LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?				X
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X

DISCUSSION:

- a) The project is an Ordinance that applies Citywide, and is therefore not a physical development capable of dividing an established community. As such, the project would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted for review, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for the potential to physically divide an established community, per CEQA.
- b) The Ordinance would be consistent with the City's General Plan, particularly Item 19 of the Housing Program of the 2008-2014 Housing Element, which calls for developing procedures for reasonable accommodation requests for deviations from strict application of the City's zoning and land use laws, rules, policies, practices, and/or procedures that may be reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. The Ordinance is also consistent with Goal 5 of the Housing Element to provide housing opportunities in conformance with open housing policies and free of discriminatory practices. The Ordinance amends the Municipal Code (Title IX) to establish procedures to process requests for fair housing reasonable accommodations. As noted above in Item a), the timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for consistency with applicable plans, policies and regulations, per CEQA. Therefore, there would be **no impact** from the Ordinance adoption.
- c) There are no habitat conservation plans or natural communities conservation plans applicable to the City, or adjacent to the City, so the project would result in **no impact**.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(9) MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

DISCUSSION:

According to the California Division of Mines and Geology (DMG), no significant mineral deposits are known to exist within the City of Agoura Hills (City of Agoura Hills General Plan, 2010). Because no significant mineral deposits are known to exist within the City, **no impacts** would occur.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(10) NOISE. Would the project:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial increase in ambient noise levels (including temporary or periodic) in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

DISCUSSION:

a),c),d) The project would not result in any physical development. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for the potential to create noise or expose people to noise, per CEQA. Therefore, the Ordinance adoption would result in **no impact**.

b) Because it is not a physical development, the proposed project would not result in any impacts related to excessive groundborne vibration. As previously noted, the timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the

specific details of the request being proposed, the site location, and the physical changes would be analyzed for groundborne vibration impacts, per CEQA. Therefore, there would be **no impact** from the Ordinance adoption.

e), f) The City is not located within the vicinity of an airport or private airstrip, and would not be affected by air traffic noise impacts. There would be **no impact**.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(11) POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

DISCUSSION:

a),b) The Ordinance adoption does not consist of a physical development, and so would not cause increases in population or the displacement of exiting housing, nor induce growth. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for the potential to create population and housing impacts, per CEQA. Therefore, the Ordinance adoption would result in **no impact**.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(12) PUBLIC SERVICES. Would the project result in adverse physical impacts associated with the provision or construction of new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services?

a) Fire protection				X
b) Police protection				X
c) Schools				X
d) Parks				X

DISCUSSION:

a)-e) Since the project is an Ordinance adoption, not a development proposal, the project would not contribute to the demand for public facilities, such as fire protection, police protection, schools, and parks. Therefore, there would be **no impact** from the Ordinance adoption. At this point, the timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to public services, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(13) RECREATION. Would the project:

a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that could cause adverse impacts?				X

DISCUSSION:

a), b) Since the project does not consist of a development proposal, there would be **no**

impact from the Ordinance adoption. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to recreation, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(14)-TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Result in temporary street or lane closures that would result in either a change of traffic patterns or capacity of the street system during construction activities (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
c) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in safety risks?				X
e) Substantially increase hazards related to existing intersections or roadway design features (e.g., sharp curves or dangerous intersections), or to incompatible uses (e.g., residential traffic conflicts with farm equipment)?				X
f) Result in inadequate emergency access?				X
g) Result in inadequate parking capacity?				X

DISCUSSION:

a), b) Since the project is not a particular development proposal, there would be **no impacts** to traffic. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to traffic, per CEQA.

- c) The Los Angeles County Congestion Management Plan (CMP) requires a regional traffic impact analysis when a project adds 150 or more trips in each direction to a freeway segment. Based on the discussion in Item a) above, there would be **no impacts**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted for review, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to traffic and the Congestion Management Plan, per CEQA.
- d) There are no airports or airfields in the project vicinity, so the Ordinance adoption would result in **no impacts**. Refer to the discussion in Item a) above.
- e),f),g) Refer to the discussion under Item a) above. The Ordinance adoption would result in **no impacts**.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(15) UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities that could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities that could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g) Comply with federal, state, and local statues and regulations related to solid waste?				

DISCUSSION:

- a)-e) As the project is the adoption of an Ordinance, not a physical development proposal, it would not result in impacts to wastewater, water or stormwater. Therefore, the project would result in **no**

impacts. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to utilities and service systems, per CEQA.

- f),g) As noted above, the Ordinance adoption would not constitute a development proposal, and so would not result in impacts to solid waste. Therefore, the Ordinance adoption would result in **no impacts**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to solid waste, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(6) GREENHOUSE GASES. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

DISCUSSION:

- a)-b) The project is an Ordinance, and not a physical development capable of emitting greenhouse gases. As such, the project would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential impacts to solid waste, per CEQA.

MITIGATION MEASURES:

None required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(16) MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DISCUSSION:

- a) The project is the adoption of an Ordinance, which is not a physical development. Therefore, adoption of the Ordinance would result in **no impact**. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be analyzed for potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b) In all of the environmental issue areas discussed throughout this Initial Study, the adoption of the Ordinance was found to have no impacts. Therefore, there would be **no cumulatively considerable impacts** from the project as well. See Item a) above for further discussion.
- c) As noted above in Item b), in all of the environmental issue areas discussed throughout this Initial Study, the adoption of the Ordinance was found to have no impacts. Adoption of the Ordinance is not a physical development. As such, there would be **no impact** with regard to environmental effects that would cause substantial adverse effects on

human beings, either directly or indirectly. The timing, extent and location of future grants for reasonable accommodations are speculative. Individual requests would be reviewed and assessed for CEQA compliance, if applicable, as they are submitted to the City, separate from this IS/ND. At that time, the specific details of the request being proposed, the site location, and the physical changes would be assessed for the potential to cause substantial adverse impacts on human beings.

REFERENCES

Agoura Hills, City of. City of Agoura Hills Municipal Code.

Agoura Hills, City of. General Plan 2035 Environmental Impact Report Volumes 1 and II. February 2010.

Agoura Hills, City of. General Plan. March 2010.

Agoura Hills, City of. Housing Element 2008-2014. November 2008.

COMMENT LETTERS AND RESPONSES TO COMMENTS

The public review period for the Draft IS/ND took place between October 6, 2011 and November 7, 2011. During that time, four comment letters were received, as listed below:

1. Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse, 11/3/11.
2. Syndi Pompa, California Department of Conservation, 11/4/11.
3. Joan Rupert, County of Los Angeles Department of Parks and Recreation, 11/7/11.
4. John Todd, County of Los Angeles Fire Department, 10/27/11.

The letter from the Governor's Office of Planning and Research, State Clearinghouse, indicated that the City has complied with the review requirements for draft environmental documents per CEQA, and that no state agencies submitted comments on the Draft IS/ND. The letters from the County Department of Parks and Recreation, the State Department of Conservation, and the County Fire Department indicated that the project would not have an effect on the agencies. Given these comments, no changes to the Draft IS/ND are necessary.

The four letters and responses to the comments are attached as Attachment 2 to this document.

Attachment 1

Draft Reasonable Accommodations Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ESTABLISHING PROCEDURES TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING REGULATIONS BY ADDING A NEW DIVISION 9 OF PART 1 OF CHAPTER 8 OF ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE.

WHEREAS, the State Legislature has declared that the lack of housing, including housing for persons with disabilities, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

WHEREAS, Government Code Section 65583 requires that the City's housing element address governmental constraints to the development of housing, including housing for individuals with disabilities, and that the City provide reasonable accommodations for housing for persons with disabilities; and

WHEREAS, the City of Agoura Hills 2008-2014 Housing Element, adopted by the City Council in November 2008, identifies in Item 19 of its housing program the need for the City to develop procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws; and

WHEREAS, procedures for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use and zoning regulations, policies, practices and procedures will further the City's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities; and

WHEREAS, to conform to state and federal law and to provide disabled persons an equal opportunity to use and enjoy housing, it is necessary to amend the Agoura Hills Municipal Code to establish procedures by which an individual may request a reasonable accommodation from the City's zoning and land use laws and regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Agoura Hills does hereby find, determine, and declare that:

A. The Planning Commission considered this Ordinance and the Negative Declaration on _____, at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support of or in opposition to this matter.

B. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. ____, recommending approval of the Ordinance by the City Council.

C. The City Council, at a regular meeting, considered the Ordinance and Negative Declaration on _____, at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support of or in opposition to this matter.

D. Following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 2. Consistency with General Plan. In accordance with Section 9805.4 of the Agoura Hills Municipal Code, the Planning Commission has determined, and the City Council agrees, that the Ordinance is consistent with the objectives of Article IX (Zoning) of the Agoura Hills Municipal Code and with the City's General Plan. The Ordinance is consistent with Goal 5 of the Housing Element of the General Plan to provide housing opportunities in conformance with open housing policies and free of discriminatory practices. Specifically, the Ordinance carries out Program Item 19 of the Housing Element, which requires that the City develop procedures for reasonable accommodation requests regarding zoning and permit processing.

Section 3. Environmental Findings. The City Council of the City of Agoura Hills hereby makes the following environmental findings and determinations in connection with the approval of the proposed Ordinance:

A. Pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Article 14, Sections 15000, *et seq.*), and the City's local CEQA Guidelines, the City Council finds that City staff prepared an Initial Study of the potential environmental effects of this Ordinance amending the City's Municipal Code to establish reasonable accommodations procedures ("Project"). Based upon the findings contained in that Initial Study, staff determined that there was no substantial evidence that the Project could have a significant effect on the environment and a Negative Declaration was prepared. Thereafter, staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration as required by law. The public comment period commenced on October 6, 2011 and expired on November 7, 2011. Copies of the documents have been available for public review and inspection in the Office of the City Clerk at City Hall, located at 30001 Ladyface Court, Agoura Hills, California 91301.

B. The City Council has independently reviewed the Initial Study, the Negative Declaration, and all comments received regarding the Negative Declaration prior to and at the _____, 2011 public hearing, and based on the whole record before it, finds that (1) the Negative Declaration was prepared in compliance with CEQA, the CEQA Guidelines, and the City's local CEQA Guidelines; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Negative Declaration reflects the independent judgment and analysis of the City Council. Based on the findings set forth in this Section, the City Council hereby approves and adopts the Negative Declaration prepared for the Project.

Section 4. Division 9 of Part 1 of Chapter 8 is hereby added to Article IX (Zoning) of the Agoura Hills Municipal Code to read as follows:

“DIVISION 9. REASONABLE ACCOMMODATIONS

9809. Purpose.

The purpose of this division is to provide reasonable accommodations in the City’s zoning and land use regulations, policies, and practices, when needed, to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

9809.1 Applicability.

The provisions of this division shall apply to all laws, rules, regulations, policies, procedures and/or practices regulated by the department of planning and community development.

9809.2 Definitions.

The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:

“Applicant” means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the city’s zoning and land use laws, rules, policies, practices and/or procedures.

“Disabled Person” or **“Person with a Disability”** means an individual who has a physical or mental impairment that limits one or more of that person’s major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual’s current, illegal use of a controlled substance.

“Fair Housing Laws” means the “Federal Fair Housing Act” (42 U.S.C. § 3601, et seq.), the “Americans with Disabilities Act” (42 U.S.C. § 12101, et seq.), and the “California Fair Employment and Housing Act” (California Government Code § 12900, et seq.), as these statutes now exist or may be amended from time to time, and each Act’s implementing regulations.

“Major life activity” shall include physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

“Physical or mental impairment” means any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed “mental retardation”), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current users of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a physical or mental impairment.

“Reasonable Accommodation” means any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, regulations, policies, procedures and/or practices that may be reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residence.

9809.3 Authority of the Planning and Community Development Director.

The director is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation. The director may elect to forward the matter to the planning commission for consideration of the application.

9809.4 Procedure for Application Review.

- A. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
- B. Application. An application for a reasonable accommodation shall be made on a form provided by the planning and community development department. No fee shall be required for a reasonable accommodation, but if the project requires another discretionary permit, the prescribed fee shall be paid for the required discretionary permit. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- C. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, the applicant shall file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit. If the project’s other discretionary permit or approval requires planning commission approval, then the request for reasonable accommodation shall also be referred to the planning commission for approval.
- D. Required Submittals. An application for a reasonable accommodation shall include the following:
 - 1. Documentation that the applicant is: (a) a person with a disability; or (b) applying on behalf of one or more persons with a disability; or (c) a developer or provider of housing for one or more persons with a disability.
 - 2. The name and address of the individual(s) requesting the reasonable accommodation.
 - 3. The name and address of the property owner(s).
 - 4. The address of the property for which the accommodation is requested.

5. A description of the reasonable accommodation requested by the applicant.
6. An explanation of how the specific reasonable accommodation requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy the dwelling.

The director may request additional information from the applicant if the application does not provide sufficient information for the city to make the findings required in section 9809.5.

9809.5 Basis for Approval or Denial of a Reasonable Accommodation.

- A. Findings. The written decision shall be based on the following findings, all of which are required for approval:
1. The accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws.
 2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
 3. The requested accommodation will not impose an undue financial or administrative burden on the city.
 4. The requested accommodation will not result in a fundamental alteration in the nature of the city's land use and zoning program.
 5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
- B. In determining whether the requested reasonable accommodation is necessary to provide one or more disabled persons an equal opportunity to use and enjoy a dwelling, pursuant to section 9809.5.A.2., the city may consider, but is not limited to, the following factors:
1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
 2. Whether the individual(s) with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
 3. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
 4. Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in the City.

- C. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of the city's land use and zoning program, pursuant to section 9809.5.A.4., the city may consider, but is not limited to, the following factors:
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
 2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking.
 3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan or other similar regulatory document.
 4. Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- D. Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

9809.6 Notice of Decision.

- A. The director, or planning commission, whichever has approval authority, shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation.
- B. Appeals of the director's, or planning commission's, action shall be made in accordance with section 9804.5 of the municipal code. All determinations on the appeal shall address, and be based upon, the same findings required in accordance with section 9809.5.A.

9809.7 Recordation.

The applicant shall record the written determination approving the request for a reasonable accommodation in the office of the county recorder.

9809.8 Expiration and Discontinuance.

- A. Expiration. Any reasonable accommodation approved in accordance with the terms of this division shall expire within twenty-four (24) months from the effective date of approval, or at an alternative time specified as a condition of the approval, unless:
 1. A building permit has been issued and construction has commenced; or
 2. A certificate of occupancy has been issued; or

3. The right granted by the accommodation has been exercised; or
 4. A time extension has been granted by the director or planning commission, whichever has authority over the granting of the reasonable accommodation.
- B. Discontinuance. If the disabled person for whom the reasonable accommodation was originally granted vacates the residence, or if the director finds that the accommodation is no longer necessary for the use and enjoyment of the residence pursuant to Section 9809.5.A., the reasonable accommodation shall remain in effect only if the director determines that: (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the municipal code, or (2) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The director may request that the applicant, or his or her successor-in-interest, provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within thirty (30) days of the date of a request by the city shall constitute grounds for discontinuance of a previously approved reasonable accommodation.

9809.9 Amendments.

A request for changes in the conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval, shall be treated as a new application. The director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or additions to the plan or the conditions of approval, and are consistent with the intent of the original approval.”

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, 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 remainder of this ordinance. The city council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. Certification. The city clerk shall certify to the passage and adoption of this ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 7. Effective Date. This ordinance shall go into effect on the 31st day after its passage.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2011, by the following
vote to wit:

Harry Schwarz
Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

APPROVED AS TO FORM:

Craig A. Steele
City Attorney

Attachment 2

Comment Letters and Responses to Comments

1



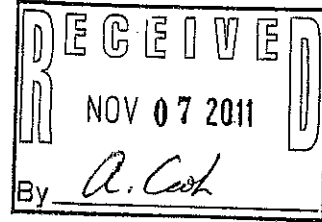
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Edmund G. Brown Jr.
Governor

November 3, 2011



Allison Cook
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Reasonable Accommodations Ordinance
SCH#: 2011101004

Dear Allison Cook:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on November 2, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1A

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011101004
Project Title Reasonable Accommodations Ordinance
Lead Agency Agoura Hills, City of

Type Neg Negative Declaration
Description The Ordinance establishes procedures to request fair housing reasonable accommodations from the City of Agoura Hills zoning regulations. The ordinance implements a measure identified in the City of Agoura Hills 2008-2014 Housing Element of the General Plan, which was adopted in November 2008 by the City Council, and certified by the State Department of Housing and Community Development in January 2009.

Lead Agency Contact

Name Allison Cook
Agency City of Agoura Hills
Phone 818 597 7310 **Fax**
email
Address 30001 Ladyface Court
City Agoura Hills **State** CA **Zip** 91301

Project Location

County Los Angeles
City Agoura Hills
Region
Lat/Long
Cross Streets
Parcel No. Citywide

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways Hwy 101
Airports
Railways
Waterways Numerous Creeks
Schools LVUSD
Land Use Citywide

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; Public Utilities Commission

Date Received 10/04/2011 **Start of Review** 10/04/2011 **End of Review** 11/02/2011

Letter 1

Commenter: Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse

Date: November 3, 2011

ResponsesResponse 1A:

The commenter states that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the CEQA. The comment is noted, and requires no additional response.

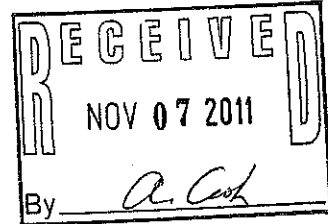


DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

5816 CORPORATE AVENUE • SUITE 200 • CYPRESS, CALIFORNIA 90630-4731
PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEB SITE conservation.ca.gov



November 4, 2011

Ms. Allison Cook, Principal Planner
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

NOTICE OF AVAILABILITY (NOA) AND NOTICE OF INTENT (NOI) TO ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE REASONABLE ACCOMODATION ORDINANCE

Dear Ms. Cook:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division), Cypress office, has reviewed the above referenced project. Our comments are as follows.

In the discussion section on page six of the Initial Study document it is stated that this Ordinance "does not involve any direct physical changes to the environment." In light of this fact we have no comment on this project, as there are no oil, gas, or geothermal wells or oil fields involved.

Feel free to call me with any questions or concerns you may have at 714-816-7822.

Sincerely,

Syndi Pompa
Associate Oil & Gas Engineer - Facilities

2A

Letter 2

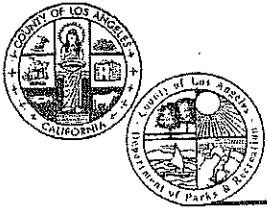
Commenter: Syndi Pompa, California Department of Conservation

Date: November 4, 2011

Responses

Response 2A:

The commenter states that the Department of Conservation has no comments on the project. This comment is noted, and requires no additional response.



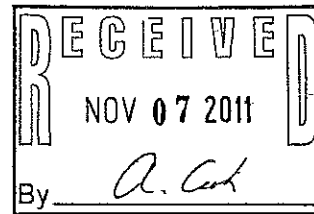
COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

November 7, 2011

Sent via email: acook@ci.agoura-hills.ca.us

Ms. Allison Cook
Principal Planner
Planning Department
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 93010



Dear Ms. Cook:

CITY OF AGOURA HILLS
NOTICE OF AVAILABILITY AND NOTICE OF INTENT TO ADOPT
AN INITIAL STUDY/ NEGATIVE DECLARATION
FOR THE REASONABLE ACCOMMODATIONS ORDINANCE

The above mentioned project has been reviewed for potential impact on the facilities under the jurisdiction of this Department and determined that it will not affect any Departmental facilities.

Thank you for including this Department in the review process. If you have any questions, please contact Julie Yom at (213) 351-5127 or jyom@parks.lacounty.gov.

Sincerely,

Joan Rupert
Section Head
Environmental & Regulatory Permitting Section

JR: JY/ Response to Agoura Hills Reasonable Accommodations Ordinance

c: Parks and Recreation (N. E. Garcia, L. Hensley, J. Yom)

3A

Letter 3

Commenter: Joan Rupert, County of Los Angeles Department of Parks and Recreation

Date: November 7, 2011

Responses

Response 3A:

The commenter states that the project will not affect any Departmental facilities. The comment is noted, and requires no additional response.

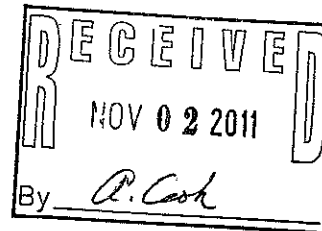


COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN



October 27, 2011

Allison Cook, Principal Planner
City of Agoura Hills
Community Development Department
30001 Ladyface Court
Agoura Hills, CA 91301

Dear Ms. Cook:

NOTICE OF AVAILABILITY AND NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE REASONABLE ACCOMMODATIONS ORDINANCE, CASE NO: 11-ZOA-005, TO ADD A NEW DIVISION 9 TO PART 1, CHAPTER 8 OF ARTICLE IV OF THE MUNICIPAL CODE, CITYWIDE, AGOURA HILLS (FFER #201100165)

The Notice of Availability has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

- 1. We have no comments at this time.

LAND DEVELOPMENT UNIT:

- 1. This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the Fire Department, Land Development Unit.
- 2. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

4A
4B

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- | | | | | | | | |
|--------------|-----------|------------------|----------------------|-----------|----------------------|-----------------------|------------------|
| AGOURA HILLS | CALABASAS | DIAMOND BAR | HIDDEN HILLS | LA MIRADA | MALIBU | POMONA | SIGNAL HILL |
| ARTESIA | CARSON | DUARTE | HUNTINGTON PARK | LA PUENTE | MAYWOOD | RANCHO PALOS VERDES | SOUTH EL MONTE |
| AZUSA | CERRITOS | EL MONTE | INDUSTRY | LAKESWOOD | NORWALK | ROLLING HILLS | SOUTH GATE |
| BALDWIN PARK | CLAREMONT | GARDENA | INGLEWOOD | LANCASTER | PALMDALE | ROLLING HILLS ESTATES | TEMPLE CITY |
| BELL | COMMERCE | GLENORA | IRWINDALE | LAWNDALE | PALOS VERDES ESTATES | ROSEMEAD | WALNUT |
| BELL GARDENS | COVINA | HAWAIIAN GARDENS | LA CANADA FLINTRIDGE | LOMITA | PARAMOUNT | SAN DIMAS | WEST HOLLYWOOD |
| BELLFLOWER | CUDAHY | HAWTHORNE | LA HABRA | LYNWOOD | PICO RIVERA | SANTA CLARITA | WESTLAKE VILLAGE |
| BRADBURY | | | | | | | WHITTIER |

Allison Cook, Principal Planner
October 27, 2011
Page 2

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.
2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

4C

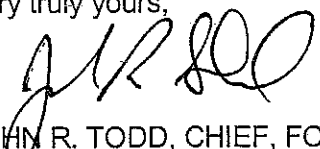
HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no objection to the proposed project.

4D

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



JOHN R. TODD, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JRT:sc

Letter 4

Commenter: John Todd, Forestry Division, Prevention Services Bureau, County of Los Angeles Fire Department

Date: October 27, 2011

Responses

Response 4A:

The commenter states that the Department has no comments. The comment is noted, and no further response is needed.

Response 4B:

The commenter states that the project will not have a significant impact to the Land Development Unit of the Fire Department. The comment is noted, and no further response is needed.

Response 4C:

The commenter states that the document has addressed the statutory responsibilities of the Fire Department's Forestry Division. The comment is noted, and no further response is needed.

Response 4D:

The commenter notes that the Health Hazardous Materials Division has no objection to the proposed project. The comment is noted, and no further response is needed.