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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**ACTION DATE:** February 2, 2012

**TO:** Planning Commission

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

**CASE NO.:** 11-ZOA-001

**LOCATION:** Citywide

**REQUEST:** Request for recommendation to the City Council to amend Zoning Ordinance Sections 9654.6.B, and 9654.2.K. of Division 4 of Part 2 of Chapter 6 of the Zoning Ordinance (Article IX) of the Agoura Hills Municipal Code to modify the parking requirements.

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt a Resolution recommending that the City Council adopt the Zoning Ordinance Amendment and the Initial Study/Negative Declaration prepared per the California Environmental Quality Act.

**I. BACKGROUND AND DISCUSSION**

The purpose of this Zoning Ordinance Amendment (ZOA) is to update the parking requirements for various land uses currently listed in the Zoning Ordinance Parking Allocation Table and to address shared parking for commercial uses. The recommendations of this report are a result of a joint effort between the Planning and Community Development Department and the City Traffic Engineer, which included research of industry standards and other jurisdictions' practices as well as considering current business practices, trends and patterns in the City.

Permitting new businesses in existing developments, either in an existing building or a new building in an existing center, requires a two-step process: the first consists of verifying whether the use is permitted in a specific zone, and the second determining the requirement for parking of

the use and whether there is sufficient parking supply on the property. Currently, Section 9654.6 (Parking Allocation) of the Zoning Code includes a list of general categories of uses with the corresponding number of required parking spaces per category. The number of parking spaces that a business must have is mainly based on the floor area expected to be leased, or in certain instances, based on the number of employees, pieces of equipment or some other non-fixed criteria. Over the years, the highest number of requests for locating new businesses has been occurring in shopping centers.

Because shopping centers continue to evolve to serve a community's social and economic needs, and because tenants develop new business formats to respond to consumers' demand, the current Parking Allocation Table does not always provide clear direction on the parking needed, so staff has had to frequently make interpretation of the Code to determine the parking requirement. For example, there is currently a higher demand for service-related businesses over retail businesses, and the service-related businesses are not always listed, or multiple uses are proposed in one tenant space. In instances where parking requirements are not specifically called out in the table, staff has had to use like and similar uses, information from other cities, and input from the City Traffic Engineer, sometimes resulting in a parking requirement being too prohibitive for businesses. Thus, in some instances, the current parking requirements have resulted in certain businesses not being able to locate in the City. The situation is further complicated by the fact that some of the shopping centers in the City were built prior to City incorporation, and so are now considered non-conforming as a result of the City's post incorporation parking ratio standards, with less parking than is now required.

Also included in this Zoning Ordinance Amendment are updates to the shared parking allowances that are applied to shopping centers. The proposed changes clarify the language and create a more effective shared parking provision. Currently, the shared parking requirements are often not effective, as large portions of parking lots remain vacant, while at the same time, new businesses are turned away for an insufficient amount of parking spaces allocated to that particular use.

Given the circumstances noted above, staff discussed amending the City's Parking Ordinance with the City Council Economic Development/Land Use Committee (ED/LUC). The ED/LUC directed staff to research appropriate parking space demand for various land uses, including using the services and expertise of the City Traffic Engineer. The City Council then conducted a Pre-Screen Review, and directed staff to prepare a Zoning Ordinance Amendment (ZOA) to update portions of the Parking Ordinance. In particular, the City Council requested that staff: update the parking requirement for selected uses (per the scope presented by staff) and, update the requirements for on-site shared parking. The City Council also directed staff to explore whether the required dimensions of a car parking space are still appropriate, or should be adjusted. The City Council suggested that the recommended changes reflect current trends in the retail industry.

Thus, the Planning Commission is being asked to provide a recommendation to the City Council on the proposed Ordinance. The following sections of the report provide further analysis.

**A. Parking Requirements**

Section 9654.6.B. *Parking allocation* of the Parking Ordinance provides parking requirement ratios (the number of parking spaces required to accommodate the demand of different land uses) for permitted land uses in all the zoning classifications in the City, specifically in the Parking Allocation Table. Only minor amendments to the Parking Ordinance have occurred since its adoption in 1987. These include adding parking requirements for condominium residential units (1990), dance studios (1992), game arcades (1993) and certain medical office uses (2002).

Staff proposes to revise the Parking Allocation Table for certain additional categories of uses to better address parking demand and ensure that there is neither too much nor too little parking provided. In order to assess appropriate parking ratios, staff gathered information on the policies of comparable and nearby communities, worked with the City Traffic Engineer, and studied trends and parking habits in the City. The update is two-fold. Some of the ratios are being updated to a more realistic demand, and others are being incorporated to address new land use categories.

The modifications would apply to uses that are typically found in the Commercial Retail/Service (CRS) zone and in the Shopping Center (CS) zone, but also in the industrial zone (BP-M). The properties affected by the changes are located along the Kanan Road and Thousand Oaks Boulevard corridor, along Canwood Street, and on the south side of the freeway along Agoura Road between Reyes Adobe Road and Lewis Road. The land uses that are addressed in this proposed ZOA are already permitted in their respective zones.

The proposed parking ratio changes to Section 9654.6.B. are included in their entirety in “track changes” mode in the Draft Ordinance attached to this report. These include nine major categories as summarized in the table below:

#	Uses	Current Parking Requirements	Proposed Parking Requirements
1	Banks & financial institutions	1/200 sq.ft. of gross floor area	1/300 sq.ft. of gross floor area
2	Veterinarian	None	1/200 sq.ft. of gross floor area
3	Restaurants: sit down & fast food	15/1000 sq.ft. of seating/waiting floor area with a minimum of 10 spaces	15/1000 sq.ft. of seating and waiting area
4	Live entertainment	None	Parking Study required at Director’s discretion unless entertainment is limited to dining ambience music only

outs and snack shops. Staff recommends maintaining the current ratio (at 15/1,000 square feet of seating/waiting areas), and applying it to both sit-down and fast food restaurants, and applying a ratio equivalent to retail stores (1/250 square feet of gross floor area) for the take-outs and snack shops. This is recommended based on the fact that the snack shops' and take-out restaurants' turn-over is high and these facilities typically have little or no seating. Also, the parking demand for the area dedicated to seating/waiting is usually small enough that the demand compares to that of the gross floor area of an entire retail store. In both category groups, the requirement for a minimum of ten spaces is eliminated, since this requirement has no relationship to the size of the business. The base ratios are sufficient alone, and requiring at least ten spaces would be unnecessary and burdensome for smaller snack shops.

#### Live Entertainment (Item #4)

Live entertainment has become more popular with dining establishments. Currently, parking is required for the dining/drinking and waiting floor area, but not for the live entertainment part of the use, as it has been considered ancillary to the primary use. There is presently no parking requirement for live entertainment, but rather parking demand is assessed on a case by case basis per review of a Conditional Use Permit for live entertainment.

Over the years, staff found that certain live entertainment activities can attract large crowds, and the demand for additional parking is based on the type of entertainment. For instance, music playing as ambiance for diners either by a piano player or small band, would not likely generate more parking demand because the music is intended to enhance the dining experience. Also, the music would not be intended to attract a separate audience like for dancing. But in the case of a dining room with a designated dance floor area for a band or other performance that could potentially invite diners to participate, and could, depending on the type of entertainment, attract a separate clientele in addition to the diners, the use would create additional demand for parking. In the past, businesses with such entertainment have exceeded the parking demand of a restaurant as shown by their parking study. Although the research shows that cities can address the requirement based on floor area reserved for dancing, it has been staff's experience that parking studies show a more accurate assessment of the demand, since they take into account the specific type of uses, activities, and conditions of a particular business. Therefore, consistent with past practice, staff recommends that live entertainment uses be subject to specific parking studies at the discretion of the Director. Also, given the varying types of live entertainment and the fact that the popularity of certain types can change over time, it is more appropriate to analyze the parking demand on a case-by-case basis through a parking study rather than to attempt to establish parking requirements in the Code for various types of live entertainment.

Typically, the findings of the parking study become the parking requirements of the proposed use. In the event that the demand exceeds the supply, the applicant would need to mitigate the excess demand by utilizing other lots, for example, upon arrangement with other property owners. The Director would likely waive the requirements for a parking study for ambiance music if it is clear that the music is strictly for ambiance and would not generate additional parking demands. A parking study, however, would most likely be required for uses with a dance floor or a variety of entertainment uses, such as a live theater, night club, or entertainment in which separate admission is charged and that commonly attract large gatherings. In any case, live entertainment requires a Conditional Use Permit, and so the Planning Commission would review the use and be

5	Snack shop (ice cream, coffee, juice) & take out	15/1000 sq.ft. of seating/waiting floor area with a minimum of 10 spaces	1/250 sq.ft. of gross floor area
6	Kennel	None	1/500 sq.ft. of gross floor area
7	Fitness clubs & dance/exercise studios	1/220 sq.ft. of activity area + office space at 1/250 sq.ft.	1/250 sq.ft. of gross floor area up to 5,000; greater than 5,000: 1/220 sq.ft. of activity area + other space according to the use
8	Salons/spa	Various requirements, e.g., number of employees, chairs, and/or tables.	1/200 sq.ft. of gross floor area with a minimum of 4 spaces
9	Light industrial	None	1/500 sq.ft. of gross floor area

Banks and Financial Institutions (Item #1)

Currently in the Code, there are separate categories for (1) banks, and (2) savings and loan offices, financial institutions, and public and private utility offices. The “public and private utility offices” is obsolete and is being removed. The other categories are proposed to be combined into a single category of “banks and financial institutions” for simplification, and the parking requirement reduced from the current one space per 200 square feet of gross floor area. The reason for reducing the parking requirement for banks and financial institutions is based on the fact that, increasingly, banking is conducted on-line, thereby reducing the foot traffic and parking demand. Also, in researching other communities, it was generally found that the parking requirement for banks is equivalent to that of a retail or office use, which is either one space for every 250 square feet of floor area or one space for every 300 square feet of floor area. Staff recommends a standard of one space for 300 square feet of gross floor area.

Veterinarians (Item #2)

In the past, staff has determined that a veterinarian use is like and similar to a medical or dental office, and has applied the parking requirement of one space per 200 square feet of gross floor area for veterinary offices. In our research, staff has found that many cities apply the parking requirement of medical and dental offices to veterinarian offices. Others use the requirement for retail stores or the number of exam rooms or number of professional staff. Staff believes that the medical and dental office requirement is the most appropriate considering the similarities in operational use, and recommends that the requirement of one space per 200 square feet of gross floor area for veterinarian offices be included in the table.

Restaurants/Snack Shops (Items #3 and #5)

Because dining establishments have the most demanding parking requirements, and have varying business formats and segments of the population served, the category needs to be further divided into different subgroups, such as: sit down quality restaurants and fast food restaurants; and take-

able to condition requirements for the amount of parking and location of parking, including valet parking. The requirements and conditions are enforced through the CUP.

The attached draft Ordinance includes language reflecting the above analysis in that participatory or non-passive live entertainment, consisting of such uses and activities as a night club or dancing, may be subject to a parking study at the discretion of the Director. On the other hand, the Director has the discretion to waive the parking study for passive live entertainment, such as ambiance music ancillary to dining.

#### Kennels (Item #6)

There is currently no parking requirement for an animal kennel, although there is for an animal hospital. Unlike animal hospitals, kennels require a lower staff to animal ratio and require larger leasable spaces. Kennels have recently been added to the land use table and are only allowed in an industrial zone (the Business Park-Manufacturing). The most recent kennel was allowed on a parcel parked at a ratio of one space for every 500 square feet of gross floor area which has been operating successfully since without parking issues. Generally, industrial uses require less parking than retail uses and are allowed with ratios varying between one to 400 or 1,000 square feet of area. Parking is mostly used by employees, as the number of visitors is low. Visitors park for short periods during drop off and pick up, and the ratio of employees to floor area is low. The research shows that cities have often allowed kennels in industrial zones because of the potential for noise impacts and the larger tenant spaces required. Therefore, staff recommends applying the proposed industrial parking requirements (Item #9) to the use, which is one space for every 500 square feet of gross floor area.

#### Fitness Facilities (Item #7)

The category currently in the Code, "Health clubs and dance studios" is recommended to be updated to a more encompassing category of "Fitness clubs and dance/exercise studios." This would include weight rooms, dance studios, karate, yoga, and the like to reflect the growing variety of exercise options in a community. Over the years, fitness facilities that have located in the City have operated in retail spaces that are between 1,000 and 3,000 square feet and are limited in the scope of services they provide (e.g. dance studio only, or gym with weights and other similar equipment only). The uses tend to not be parking intensive because of their relatively small size and the small amount of classes usually offered, which does not generate substantial parking demand. Currently, the Code requires that the areas used for exercise and office be divided up and counted at a different ratio, leaving other space unaccounted. As a result, the parking requirement that is derived often equates to the demand of a retail total gross floor area for the same tenant space. Therefore, for simplification, staff recommends a ratio of one space per 250 square feet of gross floor area, like retail uses. Staff also recommends that the ratio be increased for facilities 5,000 square feet and over, with the associated parking requirement being raised to a ratio of one space per 220 square feet of activity area plus other space according to the specific use, such as retail or office. The 5,000 square-foot threshold was chosen based on square footage layout scenarios that showed that while there were minor incremental increases, no significant increase in parking demand occurred when compared to the retail ratios up to the 5,000 square feet. The 5,000 square-foot facility would address larger gyms with a variety of activities offered.

Salons/Spas (Item #8)

“Salons/spa” is a new category to replace the current “Barbershops or beauty parlors.” “Salons/spas” is a broader category to encompass the many types of personal care services, such as facial, hair, nails, and massage. Because, salons/spas are becoming multi-disciplinary uses, using the current “Barbershops or beauty parlors” requirement of the number of employees, the types of services, or the equipment (i.e. chairs, stations) as the basis for the parking requirement has made it difficult to allow them in shopping centers because the cumulative requirement is too great and does not always reflect the true parking demand. Staff’s recommendation is to use the gross floor area as the basis for the demand instead, and applying a ratio of 1/200 of gross floor area along with a minimum of four spaces. This method allows tenants to adjust their staff and their equipment as needed to provide professional services without falling out of compliance. This method also eliminates the challenge of trying to enforce the activities occurring within the salon or spa to ensure adequate parking is provided. The minimum of four spaces is required to ensure that adequate parking spaces are provided for employees and customers even though the salon/spa may be small.

Light Industrial (Item #9)

Light industrial businesses consist of single-use facilities with little or no manufacturing activities, such as machine shops or cabinet makers. Tenants typically found at the Agoura Business Center (Dale Poe Industrial Park) are considered light industrial businesses. Light industrial tenant spaces typically consist of a small office in the front with a larger assembly and storage area behind. Based on a survey from the Parking Generation Manual (4<sup>th</sup> Ed, ITE.), for light industrial facilities, the demand ranges from one space for every 787 to 1,333 square feet of gross floor area. A typical number used by other cities of various sizes is one space for every 500 square foot of gross floor area. The City Traffic Engineer, when reviewing a recently proposed industrial development in the City, also determined that one space for every 500 square feet of gross floor area was adequate. Today, this building (a 6,000 square foot, one-story building on Roadside Drive) is able to accommodate a wide variety of uses and the parking is found to be appropriate. Therefore, staff recommends a parking requirement of one space for every 500 square feet of gross floor area for light industrial businesses.

Staff would also like to take this opportunity to make some minor “clean-up” changes to the Parking Allocation Table. The category “Theaters, Sports Arenas and Stadiums” is being revised to eliminate “Sports Arenas and Stadiums.” Such large facilities are unlikely to open in the City, and if one is proposed, a parking study should be required as part of the review of the new project. Also, “chiropractor” and “acupuncturist” are being added to the category of “Psychotherapists, Psychiatrists, Counselors, and other similar uses with individual patients programs” to reflect current demand for such businesses. The parking ratios, however, would not change. Finally, staff proposes to remove the reference to the zones C-1, C-2, C-3 and CRP, which no longer exist in the City, and add the corresponding commercial zoning designations instead.

It should be noted that the list of uses in the Parking Allocation Table is not meant to encompass all possible businesses and industries, but rather be the basis for calculating parking demand for general categories of uses. The Parking Allocation Table of Section 9654.2.K. does provide a parking ratio for unlisted commercial permitted uses to be parked at one space for every 250 square feet of gross floor area, which reduces the need for interpretation. Staff, however, would

continue to interpret the list of uses and ratios to determine whether the parking demand is adequate for a particular use not specifically called out.

## **B. Shared Parking**

The objective of shared parking in the Code is to maximize the use of shopping centers while avoiding situations where parking is inadequate to serve the site. Moreover, more tenant spaces could be occupied if a mechanism allowed staff to account for the time the parking lots are not used to their full capacity.

Section 9654.2.K.6, *Shopping center parking*, addresses shared parking in shopping centers. It discounts the overall parking requirement of a shopping center after having calculated the demand for each individual tenant because the peak demand for businesses occurs at different times of the day. The provision for shared parking does not require an applicant or business owner to submit a specific parking analysis or study, as is the requirement within the Agoura Village Specific Plan (AVSP) area. This provision applies to locations outside of the AVSP, and simplifies the process for applying shared parking provisions for smaller businesses and tenants in particular. Currently, the provision applies only to shopping centers of 25,000 square feet in size or larger. The proposed changes would apply only to larger centers with at least 50,000 square feet in building size or greater, which would include the Twin Oaks Shopping Center, Agoura Meadows, Agoura Hills City Mall and Town Center Shopping Center. Shopping centers between 25,000 and up to 50,000 square feet are still eligible for the current provisions for shared parking.

The change in size is proposed, as in larger centers it is likely that a greater variety and number of uses will locate on the same property, and so there is more opportunity for sharing parking among the various uses. The allowed reduction in parking, or discount, would be based on a new methodology, as discussed further below. The current methodology provides only a small discount and has not proven as effective, as large areas of the lots are vacant at certain times, while new potential tenants are turned away because the necessary parking spaces have been allocated to a different tenant. In order to derive an appropriate percentage reduction of the parking requirement in a shopping center, staff reviewed local travel and parking patterns and data from existing shopping centers in the City. Then, in consultation with staff, the City Traffic Engineer prepared a table listing categories of combinations of land uses (e.g. retail, office, and restaurant) and associated formulas for calculating the shared parking reduction (see Table I – SHARED PARKING, below). The proposed combined variation of uses allows the distribution of use-specific peak hour demand throughout the day and evening. For example, in shopping centers where there are restaurants, offices and retail shops, the peak parking demand for those three categories each differ throughout the day. The methodology in the table is based on industry standards data of the Urban Land Institute's (ULI) Shared Parking, and the Institute of Transportation Engineers (ITE) Parking publications.

Additionally, the ULI Shared Parking Report provides a model that calculates the peak demand of a shopping center based on the types of uses and parking requirements adopted by the City. The model derives the peak demand for a weekday and a weekend for each month of the year. Staff ran the model for a majority of the shopping centers in the City using data such as tenant types and square footages and found that, on average, there is a level of underutilization of 85% during



the week and 69% on weekends for 12 months out of the year. The usage typically increases during the peak holiday season during the month of December. This percent of under-utilization is about average; utilization can vary based on type of use, local conditions, and seasonal considerations.

Staff “tested” the proposed discount methodology by applying it to different shopping centers in the City. The results showed that, for most of the centers with at least 50,000 square feet of building area, the methodology for shared parking would result in more utilization of the lots, while still providing adequate parking capacity. Shopping centers that are currently under-parked and have parking deficiencies would not be aided by the shared parking provisions, as the discount would result in still greater parking requirements than currently provided by the centers. These include many of the centers that are presently non-conforming with regard to number of parking spaces, and which were developed prior to City Code requirements, and are the smaller centers under 50,000 square feet in building area. These centers would not be eligible to apply the new shared parking provisions.

The table below shows the results of the new methodology applied to the existing tenant mixes in the centers with at least 50,000 square feet in building area.

<b>Shopping Centers</b>	<b>Total Building Square Footage</b>	<b>Current Parking Requirement*</b>	<b>Parking Provided</b>	<b>Required Parking after Proposed Discount (based on highest individual use)</b>	<b>Required Parking after Proposed Discount (based on combined parking requirement)**</b>
Agoura Hills City Mall	74,653	374	358	300	338
Twin Oaks Center	102,294	461	420	359	364
Agoura Meadows Center	117,976	610	530	488	513
Town Center	57,072	355	288	284	336
* As of the time of the review ** More conservative discount					

In the case of the four major retail shopping centers, the results show, given the current tenant mix, that three out of the four shopping centers would receive between 17 and 56 spaces reduction in required parking, bringing them below the supply of parking space, using the most conservative reduction.

Staff would apply the reduction or discount to the required parking spaces derived from the parking requirement table in Section 9654.6.B (see “A. Parking Requirements” of this report). The reduction is applied to the parking requirement based on the square footage of the particular

land use. The reduction can be applied in two ways. A percentage reduction can be applied to the overall combined parking, or to the parking requirement of the highest individual use (i.e., office, retail, or restaurant), whichever results in the least discount in parking. Once applied, staff will keep track of the mix of uses and parking spaces, including discount allocated to each use in each shopping center per the shared parking methodology. Staff will use this data to evaluate whether a future prospective tenant would have sufficient parking to locate in the center.

The proposed ZOA gives the Director of Planning and Community Development the authority to exercise discretion over the final reduction applied to the parking demand based on the formula. For uses not listed in the table, an applicant may prepare a specific parking study or analysis, but this analysis must be based on City approved methods conducted by a qualified traffic or parking consultant, and ultimately approved by the Director.

The Shared Parking Table would not apply to shopping centers that contain residential units. A specific shared parking analysis must be prepared for a residential/retail mixed-use project. These types of projects are allowed in the CS-MU zone. The following shopping centers are zoned CS-MU: Agoura City Mall, Twin Oaks, and Agoura Meadows. The residential component must meet the parking requirements of the Code, and not be discounted. The shared parking analysis can assess the internal capture rate (where customers park once, but visit more than one establishment) resulting from the mix of uses and their proximity, which may reduce the amount of parking needed, and discount the ratios for the non-residential land uses.

Per the above analysis, Section 9654.2.K.6. is proposed to be changed as follows:

65. ~~Shopping center~~*Shared parking*. For the purposes of this section, "shopping center" shall mean a group of architecturally unified commercial and retail establishments containing ~~twenty-five thousand (25,000) square feet or more,~~ built on a site which is planned, developed, and managed as an operating unit.

~~In~~For shopping centers containing at least 25,000 and up to 50,000 square feet of total building area, where office spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per three hundred (300) square feet.

Where cinema spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

Where restaurant, café, or other food and beverage service uses exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the total gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

For shopping centers containing 50,000 square feet or more of total building area, a shared parking reduction shall be allowed for the shopping centers based on the following:

TABLE I: SHARED PARKING

<u>Combination of Land Uses</u>	<u>Shared Parking Reduction Allowed*</u>
<u>Office+Retail or Office+Restaurant</u>	<u>15% of combined parking requirement or 20% of highest individual use parking requirement, whichever results in the highest number of parking spaces required.</u>
<u>Retail+Restaurant</u>	<u>18% of combined parking requirement or 24% of highest individual use parking requirement, whichever results in the highest number of parking spaces required.</u>
<u>Office+Retail+Restaurant</u>	<u>20% of combined parking requirement or 25% of highest individual use parking requirement, whichever results in the highest number of parking spaces required.</u>
<u>Note: Shared parking reduction values for other uses not identified above, may be allowed based on City accepted methodology for shared parking analysis completed by the applicant using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	
<u>Note: For residential mixed-use development, residential parking shall be provided per Section 9654.6 in addition to the parking requirement for other proposed non-residential uses. To be considered for shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant based upon a City accepted methodology, using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	
<u>Source: Based upon ULI Shared Parking 2nd Edition, ITE Parking 3rd Edition</u>	

Section 9654.K.1 of the Zoning Ordinance addresses parking requirement locations. It states that,

*In commercial zones, off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served. The required parking spaces shall not be located in the rear of a commercial building, unless direct customer access to the facility from the parking area is provided.*

Staff proposes to delete the second sentence in its entirety. Prohibiting parking spaces in the rear of a building is an outdated approach to parking in commercial areas. In some cases, rear parking may be the preferred approach, especially in developments where a pedestrian environment is desired, and therefore buildings are located close to the street. In other cases, parking both in front and behind a building is desirable. In such cases, parking in the rear can be provided for employees and integrated with loading areas. An example of parking in the front and rear of a building is the recently constructed Shops at Oak Creek. Additionally, retailers do not favor direct customer access from both the rear and front of the building for security reasons, and so this is not

a viable option. Staff recommends that a specific project's parking location be reviewed on a case-by-case basis for appropriateness, with the option of rear parking being allowed, and so recommends deleting the second sentence above.

Additionally, Section 9654.K.2 of the Zoning Ordinance, as currently written, addresses the parking requirement for businesses with different hours of operation and different peak hours of use. It allows a tenant of a commercial property in a planned development that is not a shopping center (e.g. office complex) to operate when other tenants are closed with only 50 percent of the parking requirement if the uses share parking facilities. In this case, the tenants must have completely different operating hours, not just different peak hours of use, as is the case with shopping center shared parking. Unlike shopping centers, there is not sufficient variety of uses in office developments that would provide for different peak hour usage. This provision of the Code is not often used, since there are not many commercial planned developments in the City that have tenants with distinctly separate hours of operation. One example could be a church in a planned commercial complex in which none of the hours of any of the tenants coincide with the hours of the church. In such an instance, however, a CUP is required for a church, and therefore the specific parking demands of the church can be assessed against the parking demands of the rest of the complex on a case-by-case basis. Therefore, staff is recommending that Section 9654.K.2 be stricken in its entirety.

### **C. Parking Dimensions**

With respect to the size of parking spaces, staff surveyed other cities and found a wide variety of dimensions. Based on the survey, the City ranks average. Other cities have wider and longer spaces but also have different landscaping planter width requirements, which result in less useable parking space area. Currently, the City requires a parking space to be a minimum of eight and one-half (8.5) feet wide by eighteen (18) feet long. The space is required to be double-striped, which provides a wider separation between vehicles to allow a driver to more easily enter, exit, load and unload a vehicle. Out of 34 California cities surveyed, 41 percent of the cities required parking spaces measuring nine (9) feet by eighteen (18) feet; 21 percent, nine (9) feet by nineteen (19) feet; and 18 percent, eight and one-half (8.5) feet by eighteen (18) feet, as does the City of Agoura Hills. As expected, the more urbanized cities require smaller spaces likely due to space constraints. Also, a 20-foot space means that a two-foot wide overhang is required to be provided in front of the space, reducing the length of the actual striping to 18 feet or less. Although having larger spaces can further help in maneuvering (especially for larger vehicles), the parking spaces would occupy more room, and as a result, would cause a reduction in the overall number of parking spaces that a property can provide, as well as a potential reduction in building area. Since the existing sites have minimal potential for expansion, larger dimensions for parking spaces would result in less parking spaces, or a reduction in the landscaping square footage and/or pedestrian amenities required if the number of spaces is not also reduced. Therefore, staff recommends maintaining the current parking space size requirement. Staff would also mention that the Zoning Ordinance was amended several years ago to no longer allow compact parking spaces by right, but instead to be subject to the discretion of the Planning Commission. This amendment was made due to maneuverability issues associated with compact spaces.

## **II. GENERAL PLAN CONSISTENCY**

The amendment complies with the General Plan. Adding uses to the parking allocation table and updating parking requirements to reflect more current business practices aid in attracting new businesses in the City, thereby increasing the City's economic and sales tax base (Policies ED-1.1 *Diversified Economic Base*, and ED-1.3 *Enhance Sales Tax Revenues* of Goal ED-1 *Economic Development*). The Amendment maximizes the efficiency of parking facilities called for in Policies M-11.1 *Parking Standards and Design*, M-11.2 *Shared Parking*, and M-11.3 *Efficient Parking Design* of Goal M-11 *Parking*. In particular, Implementation Measures M-28 and M-29 call for updating the Parking Ordinance by establishing parking ratios and expanding shared parking options.

## **III. ENVIRONMENTAL REVIEW**

An Initial Study/Negative Declaration (IS/ND) was prepared for the ZOA pursuant to Article 6 of the California Environmental Quality Act (CEQA) Guidelines. The IS/ND was circulated for public comment from September 15 through October 14, 2011. Only one letter was received. It was from the County Sheriff Department, which indicated that the ZOA would not impact the Department. Therefore, no changes to the IS/ND are necessary. Note that the original draft Ordinance circulated with the draft ND included retaining Section 9654.K.2 with some minor adjustments, instead of removing the text as now proposed, and included some additional minor language in Section 9654.6.B, which has since been removed. The revised draft Ordinance, as described in this staff report, and included as an Attachment, is not significantly different than the previous, and does not result in substantial alteration of the content of the Ordinance, that would change any of the environmental impacts or conclusions of the ND. Therefore, the ND is adequate to serve as the environmental document for the updated Ordinance, and no changes to the ND are needed.

The attached Resolution lists a series of environmental findings that the Planning Commission needs to make to forward the IS/ND to the City Council for a recommendation to adopt the Zoning Ordinance Amendment and IS/ND.

## **IV. RECOMMENDATION**

Staff recommends the Planning Commission adopt the attached Draft Resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 11-ZOA-001, which amends Zoning Ordinance Sections 9654.2.K. and 9654.6.B. regarding parking allocation and shared parking, and recommending that the City Council adopt the Initial Study/Negative Declaration and make environmental findings pursuant to the California Environmental Quality Act. The recommendation of the Planning Commission will be forwarded to the City Council for final action.

**V. ATTACHMENTS**

- Draft Resolution
- Draft Ordinance
- Final Initial Study/Negative Declaration

Case Planner: Valerie Darbouze, Associate Planner

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING THE CITY COUNCIL ADOPT  
A ZONING ORDINANCE AMENDMENT UPDATING PARKING REQUIREMENTS  
(CASE NO. 11-ZOA-001)**

**THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY  
RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:**

**WHEREAS**, the Planning Commission has considered 11-ZOA-001, an amendment to the Zoning Ordinance Article IX, Chapter 6, Division 4, Part 2, Section 9654.6.B and Section 9654.2.K. of the Agoura Hills Municipal Code to revise the parking ratio requirements, and the shared parking provisions; and

**WHEREAS**, a public hearing was duly held on February 2, 2012 in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the public 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 Amendment is consistent with the Agoura Hills General Plan in that adding uses to the parking allocation table and updating parking requirements to reflect more current business practices and trends aid in attracting new businesses in the City thereby increasing the City's economic and sales tax base and maximizing the efficiency of parking facilities as stated in the General Plan, specifically under Policies M-11.1 *Parking Standards and Design*, M-11.2 *Shared Parking*, M-11.3 *Efficient Parking Design* of Goal M-11 *Parking*, and under Policies ED-1.1 *Diversified Economic Base*, and ED-1.3 *Enhance Sales Tax Revenues* of Goal ED-1 *Economic Development*. Implementation Measures M-28 and M-29 call for updating the Parking Ordinance by establishing parking ratios and expanding shared parking options; and

**WHEREAS**, the Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Parking Zoning Ordinance Amendment (the "Project"):

- A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Parking Ordinance Amendment as described in the Initial Study (the "Project"). Based upon the findings contained in that Initial Study, City staff, acting as the Lead Agency, determined that there was no substantial

- evidence that the Project could have a significant effect on the environment, and a Negative Declaration was prepared; and
- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Initial Study/Negative Declaration as required by law. The public comment period commenced on September 15, 2011 and expired on October 14, 2011. Copies of the documents have been available for public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, California, 91301; and
  - C. The Planning Commission has independently reviewed the Initial Study/Negative Declaration and all comments received regarding the document prior to and at the February 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Initial Study/Negative Declaration was prepared in compliance with CEQA and the City's local CEQA Guidelines; (2) that City staff has correctly concluded that there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Initial Study/Negative Declaration reflects the independent judgment and analysis of the Planning Commission; and
  - D. The Planning Commission has considered the contents of the Initial Study/Negative Declaration in its decision making processes in making its recommendation on the Parking Zoning Ordinance Amendment; 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 300001 Ladyface Court, Agoura Hills, California, 91301.

**NOW, THEREFORE, BE IT RESOLVED** based on the findings and conclusion set forth above, that the Planning Commission of the City of Agoura Hills recommends that the City Council adopt the Parking Zoning Ordinance Amendment.

**APPROVED, and ADOPTED** this 2<sup>nd</sup> day of February, 2012 by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary



**ORDINANCE NO. 12-\_\_\_\_**

**AN ORDINANCE OF THE CITY OF AGOURA HILLS,  
CALIFORNIA, AMENDING SECTIONS 9654.6.B. AND 9654.2.K.  
OF DIVISION 4 OF PART 2 OF CHAPTER 6 OF TITLE IX OF  
THE AGOURA HILLS MUNICIPAL CODE PERTAINING TO  
PARKING REQUIREMENTS**

**A. Recitals**

(i) The purpose of this ordinance is to amend the parking provisions of the City's Municipal Code to provide updated parking ratio requirements for a variety of uses and to update the standards and requirements for the use of shared parking.

(ii) On February 2, 2012, the Planning Commission of the City of Agoura Hills held a duly noticed public hearing to consider Ordinance 12-\_\_\_\_, and received testimony from City staff and all interested parties regarding the proposed amendment. Following the close of the public hearing, the Planning Commission adopted Resolution No. 12-\_\_\_\_ recommending approval of Ordinance 12-\_\_\_\_, and recommending adoption of the Initial Study/Negative Declaration prepared for the Ordinance pursuant to the California Environmental Quality Act.

(iii) On February 2, 2012, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Zoning Ordinance Amendment contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments.

(iv) All legal prerequisites to the adoption of the Ordinance have occurred.

**B. Ordinance.**

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

**SECTION 1.** The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

**SECTION 2. Environmental Review**

A. 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 this proposed Ordinance and the Zoning Ordinance Amendment contained herein ("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 Initial Study/Negative Declaration.

B. The City Council has independently reviewed (1) the Initial Study/Negative Declaration, which are incorporated herein by this reference); and (2) all comments received, both written and oral, regarding the Initial Study/Negative Declaration, 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 Guidelines for Implementing CEQA, 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 City Council. Based on these findings, the City Council hereby approves and adopts the Initial Study/Negative Declaration for this project.

C. The custodian of records for the Initial Study/Negative Declaration and all materials that constitute the record of proceedings upon which the City Council's decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California.

**SECTION 3.** Sections 9654.2.K. and 9654.6.B., Division 4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby amended to read:

"K. *Provisions for commercial uses.*

1. *Parking locations.* In commercial zones off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served. ~~The required parking spaces shall not be located in the rear of a commercial building, unless direct customer access to the facility from the parking area is provided.~~
2. ~~*Double counting.* At the discretion of the director of planning and community development or the planning commission, whichever has jurisdiction, where two (2) or more commercial uses in a planned commercial development share parking facilities, and the business hours of such uses do not overlap, the minimum space requirement may be reduced by up to fifty (50) percent of the parking requirement for the use requiring the least parking, subject to a minimum of twenty (20) parking spaces being provided. Such reduction shall be subject to the approval of the covenants, conditions, and restrictions for the project by the director of planning and community development or planning commission, whichever has jurisdiction.~~
3. *Spaces not for repair, servicing or storage.* Required parking spaces shall not be used, or be permitted to be used, for the repair, servicing, or storage of vehicles or for the storage of materials.
4. *Racks not counted as parking spaces.* For auto repair shops or other similar uses, the racks and pump blocks shall not be considered in calculating the required parking spaces.

54. *Uses not specified.* Commercial parking requirements for uses not specified in this part shall be based upon a standard of one (1) space per two hundred fifty (250) square feet of gross floor area, unless the director of planning and community development or planning commission approve a different parking requirement, based on the most comparable uses specified in this part.

65. ~~Shopping center~~ *Shared parking.* For the purposes of this section, “shopping center” shall mean a group of architecturally unified commercial and retail establishments, containing ~~twenty-five thousand (25,000) square feet or more,~~ built on a site which is planned, developed, and managed as an operating unit.

For shopping centers containing at least 25,000 and up to 50,000 square feet of total building area, in shopping centers where office spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per three hundred (300) square feet.

—Where cinema spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

—Where restaurant, café, or other food and beverage service uses exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the total gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

For shopping centers containing 50,000 square feet or more of total building area, a shared parking reduction shall be allowed for the shopping centers based on the following:

TABLE I: SHARED PARKING

<u>Combination of Land Uses</u>	<u>Shared Parking Reduction Allowed*</u>
<u>Office+Retail</u> or <u>Office+Restaurant</u>	<u>15% of combined parking requirement or 20% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Retail+Restaurant</u>	<u>18% of combined parking requirement or 24% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Office+Retail+Restaurant</u>	<u>20% of combined parking requirement or 25% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Note: Shared parking reduction values for other uses not identified above may be allowed based on City accepted methodology for shared parking analysis completed by the applicant using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	

Note: For residential mixed-use development, residential parking shall be provided per Section 9654.6 in addition to the parking requirement for other proposed non-residential uses. To be considered for shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant based upon a City accepted methodology, using a qualified traffic or parking consultant, and ultimately approved by the Director.

Source: Based upon ULI Shared Parking 2nd Edition, ITE Parking 3rd Edition

**“9654.6. Parking Allocation**

A. *Purpose.* The intent and purpose of this section is to provide properly designed off-street parking areas adequate in capacity, location and design to prevent traffic congestion.

The allocation of off-street parking is intended to provide a sufficient number of off-street parking spaces that are in proportion to the need created by the particular land use.

B. *Parking spaces required.* The number of off-street parking spaces shall be no less than the following:

USE	PARKING SPACES REQUIRED
<i>Residential</i>	
Single-family dwellings	2 covered parking spaces. Said spaces shall be provided within a garage
Apartments:	
Studio or bachelor	1 covered, plus 0.5 uncovered parking spaces per each unit
One (1) bedroom	1.5 covered, plus 1.0 uncovered parking spaces per each unit
Two (2) bedrooms or more	2 covered, plus 0.50 uncovered parking spaces per unit
Condominiums or townhouses	2 covered, plus 0.50 uncovered parking spaces per unit. Recreational vehicle parking may be required at a location and of a design approved by the planning commission.
(All uncovered parking spaces shall be used for “guest parking” and marked as such).	
Second units/granny flats	1 covered parking space per each unit
<i>Commercial</i>	
Office	
Business and professional	1 for each 300 square feet of gross floor area.

	Permanent common lobbies within each building totaling 35,000 square feet or larger are excluded from gross floor area.
<u>Banks and Financial Institutions</u>	<u>1 for each 300 square feet of gross floor area.</u>
Psychologists, psychiatrists, counselors, <u>chiropractors</u> , <u>acupuncturists</u> , and other similar uses with individualized patient programs.	1 for each 300 square feet of gross floor area.
<u>Medical, and dental, and veterinarian</u>	<u>5-1 for each 1,000<del>200</del> square feet of gross floor area</u>
Restaurants, including drinking establishments, <del>take-out and drinking establishments</del> , <u>sit down and fast food</u>	15 for each 1,000 square feet of seating <del>or and</del> waiting floor area. <del>A minimum of 10 parking spaces shall be required</del>
<u>Snack shops ( e.g. ice cream, coffee and juice) and take-out</u>	<u>1 for each 250 square feet of gross floor area</u>
<u>Live Entertainment</u>	<p><u>Participatory or Non-Passive Live Entertainment – the Director may require a parking study for live entertainment that is participatory or non-passive which may consist of any of the following: nightclub; dance floor, including dancing to recorded music; live theater events; separate charge required for admission to live entertainment.</u></p> <p><u>Passive Live Entertainment – Passive live entertainment, such as <u>ambiance music ancillary to dining, if determined by the Director to not generate additional parking demand, shall not be subject to a parking study, but shall provide parking at the restaurant ratio.</u></u></p>
Automotive	
Full-service service station (fuel dispensing and/or repairs)	3, plus 2 for each service bay. A minimum of 10 parking spaces shall be required
Repair facilities	1 for each 200 square feet of gross floor area
Self-service service station (fuel dispensing only)	1 for each employee on the largest shift
Dealerships and other open air	1 for each 1,000 square feet of outdoor sales and

sales	display area, plus 1 for each 5,000 square feet over 10,000 square feet
Self service or coin operated operating washing and cleaning establishments	2 for each washing area or unit
Washing and cleaning establishments	1 for each employee and 2 for each detailing bay or area
General retail stores, except as otherwise specified herein	1 for each 250 square feet of gross floor area
<u>Kennels</u>	<u>1 for each 500 square feet of gross floor area</u>
Game arcades	1 for each 250 square feet of gross floor area
Mortuaries and funeral homes	1 for each 20 square feet of floor area, or assembly area, plus 1 for each vehicle owned by such establishment
Furniture, appliance and carpet stores	1 for each 750 square feet of gross floor area
Recreation	
Batting cage facility, primary use	1 for each batting cage, pitching cage or practice cage; plus 1 for each 1,000 square feet of practice and instruction field area; plus 1 per 250 square feet of gross floor area for retail sales; plus 15 for each 1,000 square feet of seating and waiting area floor area for eating and drinking uses (a minimum of 10 parking spaces shall be required); plus 1 for each 300 square feet of floor area for office uses
Bowling lanes	3 for each bowling lane, plus the spaces required for each additional use on the site
Billiard parlors and poolrooms	3 for each billiard or pool table
Tennis facility	3 for each court, plus the spaces required for each additional use on the site
Public swimming pools, gymnasiums and skating rinks	1 for each 100 square feet of gross floor area, plus the spaces required for each additional use on the site
Miniature golf courses and driving ranges	1 for each hole or driving tee
<del>Health</del> <u>Fitness</u> clubs and dance/ <u>exercise</u> studios	1 space for each <del>220</del> <u>250</u> square feet of gross floor area up to 5,000 square feet; greater than 5,000 gross square feet: 1/220 of activity area + other space

	according to the use of gross floor area in the activity area, plus 1 space for each 250 <del>300</del> square feet of other floor area
Boarding and riding stables	1 parking space for each stall retained for rental purposes on the site, plus 1 for each employee
Theaters, sport arenas, and stadiums	1 for each 3 fixed seats or for every 35 square feet of non fixed seats
Hotels and motels	1 for each unit, plus the spaces required for each additional use on the site
<del>Barbershops or beauty parlors</del> <u>Salons and spas (hair styling, nails, massage, and acupuncture)</u>	<del>2 for each barber chair and 3 for each beautician station</del> <u>1 for each 200 square feet of gross floor area, but no less than 4 spaces</u>
Laundromats and dry cleaning facilities	<del>5</del> <u>1</u> for each 1,000 <del>200</del> square feet of gross floor area
Banks	<del>5</del> for each 1,000 square feet of gross floor area
Savings and loan offices, financial institutions, public and private utility offices	1 for each 250 square feet of gross floor area
Shopping centers	Except as otherwise specified, 4 for every 1,000 square feet of gross floor area
Supermarkets and drugstores	1 for each 200 square feet of gross floor area
Plant nurseries or similar outdoor sales and display areas	5, plus 1 additional for each 500 square feet of outdoor sales, display or service areas
Recycling centers	1 for each 500 square feet of gross floor area
Any commercial use listed, as permitted in the <del>C-1, C-2, C-3, or CPD</del> , <u>CS, CRS, CS-MU, CR and CN</u> zones, except as specifically provided	1 for each 250 square feet of gross floor area
<i>Institutional</i>	
Hospitals	2 for each bed
Convalescent hospitals, children's homes, nursing homes, and homes for the aged	1 for each 5 beds
Churches	1 for each 3 seats (18 linear inches shall be considered a seat), or 1 for each 28 square feet where no permanent seats are maintained

Libraries, galleries, and museums	1 for each 225 square feet of gross floor area
Schools	
Elementary and junior high school	1 for each classroom, and 1 for each 5 seats or for each 35 square feet of area in the auditorium
High school	6 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium
Colleges and universities	7 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium, plus the required spaces required for each additional use on the site
Day nurseries and preschools	1 for each 5 children
Trade schools	1 for each employee on the largest shift, plus 1 for each student during maximum enrollment
<i>Industrial</i>	
Research and development facilities	1 for each 300 square feet of gross floor area, <del>plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use</del>
<u>Light industrial</u>	<u>1 for each 500 square feet of gross floor area</u>
Automated or semi-automatic public or quasi-public utilities	1 for every employee on the largest shift, <del>plus 1 for each company vehicle (2 minimum)</del> plus 1 for each 250 square feet of gross floor area for incidental office use
Warehouse, exclusive of any assembly, manufacturing or sales activity	1 for every 1,000 square feet of gross floor area for the first 5,000 square feet of gross floor area, then 1 for every 5,000 square feet of additional gross floor area, <del>plus 1 for each company vehicle,</del> plus 1 for each 250 square feet of gross floor area for incidental office use

**SECTION 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.



**SECTION 5. Certification and Effective Date.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to state law. Said Ordinance shall become effective on the 31<sup>st</sup> day of its passage.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

BY:

\_\_\_\_\_  
John M. Edelston, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Craig A. Steele, City Attorney



*Parking Ordinance Amendment*

Final Initial Study/Negative Declaration

Prepared by:

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

Contact:  
Valerie Darbouze, Associate Planner  
(805) 597-7328

November 8, 2011

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## INTRODUCTION

This Initial Study and Negative Declaration (IS/ND) addresses the potential environmental effects resulting from a Zoning Ordinance Amendments (ZOA) to revise regulations applicable to the parking in commercial areas of the City of Agoura Hills.

### LEGAL AUTHORITY AND FINDINGS

This Initial Study/Negative Declaration has been prepared in accordance with the CEQA Guidelines and relevant provisions of the California Environmental Quality Act (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 the 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 (MND);
- (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/ND may be used to satisfy the requirements of CEQA when the physical effects of the proposed project are anticipated to 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.

### 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 in 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.”

The following information applies to the Initial Study Checklist:

- (1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, and EIR is required.
- (4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- (5) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D) in this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
- (6) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - (a) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
  - (b) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- (7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- (8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- (9) The explanation of each issue should identify:
  - (a) The significance criteria or threshold, if any, used to evaluate each question; and
  - (b) The mitigation measure identified, if any, to reduce the impact to less than significant.

## INITIAL STUDY CHECKLIST

**Project Title:** Parking Ordinance Amendment

**Case Number:** 11-ZOA-001

**Lead Agency Name and Address:** City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, California 91301

**Contact Person and Phone Number:** Valerie Darbouze – Associate Planner  
City of Agoura Hills  
(818) 597-7310

**Project Location:** Citywide

**Project Sponsor's Name and Address:** City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 93101

**General Plan Designation:** Citywide

**Zoning:** Citywide

**Project Description:** The project consists of the amendment of Article IX, Chapter 6, Part 2, Division 4. Sections 9654.6.B. and 9654.2.K to modify the parking space requirement of specific non-residential uses, as well as the shared parking provision for commercial areas. The Ordinance would apply to the appropriately zoned parcels citywide. The Zoning Ordinance Amendment (ZOA) updates the parking requirement for number of spaces for certain non-residential uses to reflect changes in the types of land uses and tenants in the City and changes in parking habits within the last several years. With regard to shared parking provisions, the ZOA further clarifies the current Code and establishes new provisions for allowing the sharing of parking in commercial areas, resulting in a reduction in required parking spaces. These commercial areas include shopping centers and commercial uses in a planned development. The proposed changes are based on industry standards, as well as local conditions and parking and land use/tenant patterns gathered by City staff. The Draft Ordinance is included in its entirety as Exhibit 1.

The project being analyzed as part of this environmental document is an amendment to the text found in the Zoning Ordinance, and not any specific development proposal. In the future, each individual commercial development project being proposed would need to undergo separate and specific CEQA review, beyond this current document.

**Surrounding Land Uses:** Citywide

**Site Description and Environmental Setting:** Citywide

**Other Public Agencies Whose Approval Is Required:** None

**Entitlements:** No entitlements or permits are required for the ZOA.

## 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.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Land Use/Planning    | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Hydrology and Water Quality     | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality          | <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Cultural Resources   | <input type="checkbox"/> Noise                           | <input type="checkbox"/> Utilities and Service Systems      |
| <input type="checkbox"/> Geology and Soils    | <input type="checkbox"/> Population and Housing          | <input type="checkbox"/> Mandatory Findings of Significance |

### 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.	

Report Preparer:

Valerie Darbouze

Valerie Darbouze  
Associate Planner  
City of Agoura Hills

1/26/2012

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) 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 consists of a Zoning Ordinance Amendment (ZOA), and is therefore not a physical development capable of dividing an established community. The proposed changes would allow staff to apply the parking space requirement equitably across non-residential uses. The parking update will apply to existing developed commercial properties as well as new development. The shared parking provision is meant to maximize the efficient utilization of parking lots. In the case of new development, the project would be analyzed pursuant to CEQA, separate from this ND. However, as the current project is a Zoning Ordinance Amend with physical changes proposed, the project would result in **no impact**.
  
- b) The ZOA is in compliance with the General Plan 2035 and the General Plan EIR (2010). The ZOA is consistent with Goal M-11 of the General Plan, which is to provide parking that is convenient and efficient for the use of residents, workers, and visitors, and related Policies M-11.1 and M-11.2, which call for adequate parking standards and maximizing shared parking opportunities. More specifically, the ZOA is consistent with General Plan Implementation Measures M-28 and M-29, which call for conducting an update to the Parking Ordinance to establish new ratios of parking space requirements, and expanding shared parking options in the Code, respectively. The current ZOA works toward accomplishing these implementation measures.
  
- c) The new language would facilitate the rentability of shopping centers which in turn would enhance the sale tax revenues for the City. As noted above under Item a), each development project would be analyzed per CEQA as individual project applications come forward. Therefore, there would be **no impact** from implementation of the ZOA.
  
- d) There are no habitat conservation plans or natural communities' conservation plans applicable to the geographical area of the ZOA, either within or in the vicinity of, and so the project would result in **no impact**.



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) **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>Issues and Supporting Information</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
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 damage to, loss of, or removal of native oak trees or other locally-identified specimen trees of significance?				X

Discussion:

- a) The City as a whole is primarily developed with urban uses, and any additional development would be considered infill. As a result, the potential for sensitive habitat is somewhat limited. In the case of the ZOA, there is no physical development that could adversely affect sensitive biological species. Therefore, there would be **no impact** from the implementation of the Ordinance. Any proposal for development would be analyzed separately under CEQA as part of project specific environmental review, which would need to consider the particular site and surrounding habitat further.
- b), c) Please see the discussion in Item a) above. 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** from the implementation of the Ordinance. Any future specific development proposals would be separate projects under CEQA, and would undergo specific environmental review, including considering the particular site and surrounding habitat further.

- d) Please see 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. Any future development would be separate projects under CEQA, and would undergo separate environmental review, Therefore, there would be **no impact**.
- e), g) Since the project is not a proposal for a physical development in the area, there would be no impacts to oak trees, and furthermore, the project is not in conflict with existing policies to protect the local oak tree resources. Any future proposal for development would require a separate CEQA analysis, which would need to consider the oak trees impacts, if any, as a result of the Zoning Ordinance Amendment. Since the project is a Zoning Ordinance Amendment, it would not adversely affect oak trees, there would be **no impact**.
- f) There are no Habitat Conservation Plans (HCPs) or Natural Communities Conservation Plans (NCCPs) or other conservation plans in or near the project area, nor in the City as a whole, so there would be **no impact**.

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) **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) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

- a)-c) 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 as a result of the amendments to the Zoning Ordinance. None of the regulations in the Zoning Ordinance Amendment would adversely affect efforts to minimize air quality emissions. In any case, according to the Air Pollution Control District (APCD) Guidelines, to be consistent with the Air Quality Management Plan (AQMP), a project must conform to the local General Plan. As discussed in Item b) of Section 1, Lands Use and Planning, the Zoning Ordinance Amendment is consistent with the General Plan and would not add building square footage or traffic trips beyond that analyzed in the General Plan EIR. As such, there would be **no impact**.

d)-e) The project does not consist of a physical development that could result in air quality emissions therefore there would be no impacts from the Zoning Ordinance Amendment implementation. As individual development projects are proposed in the future, specific CEQA review would occur to assess the potential for air quality 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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**(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:

a)-e) The project is not a physical development capable of impacting cultural resources that may exist on or under the ground, or within a given area. In any case, the remaining vacant lots in the City are not currently known areas of historical, archaeological, or paleontological sensitivity, nor are there any human remains expected to be located here. Additionally, the area is not considered an identified sacred place or other ethnographically documented location of significance to native Californians. None of the proposed regulations under the ZOA would create cultural resource preservation concerns. Any proposal to build or remodel development accommodating uses subject to the Zoning Ordinance Amendment would be analyzed separately under CEQA as part of project specific environmental review as a development proposal is submitted to the City, which would need to consider potential site specific cultural resources. Therefore, the current project would result in **no 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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(5) **GEOLOGY AND SOILS.** Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(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:

a)-e) Per the City's General Plan, there are no active or inactive faults within the City limits, and therefore potential hazard from faulting is remote. However, there are several active and/or potentially active faults in the surrounding region that could produce ground shaking in the area. Other geologic or soil conditions are specific to individual sites. Nonetheless, the project that is the subject of this IS/ND is not a physical development with the potential for causing adverse impacts in the area of geology and soils. None of the proposed regulations or changes to the Zoning Ordinance would create additional geologic safety concerns. As previously noted, any proposal to build commercial projects would need to be analyzed separately under CEQA as part of project specific environmental review. The site specific geologic conditions and the type of development and construction methods would be assessed at that time for the actual development project. Therefore, the current project would result in **no impact**.

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)-d) The ZOA does not address the regulation of a use, but rather the regulation of its parking requirement. Because it is not a physical development proposal, the project would not result in the use of substantial hazardous materials, nor their storage, disposal or transport. The project, being a ZOA, would also not cause an accidental release or upset of such materials. Any future proposal for development would be considered a separate project under CEQA, and would need to undergo separate project and environmental review per CEQA, aside from the current project, where these environmental issues would be further analyzed. Therefore, the current project would result in **no impact**.
- e)-f) There are no airports or airstrips in the vicinity of the City of Agoura Hills. Therefore, the ZOA project would result in **no impact**.
- g) There are no known currently adopted emergency response plans or emergency evacuation plans in the City that would be affected by the ZOA. In any case, the project itself, not being a physical development, would not interfere with such plans if created in the future. None of the proposed regulations or changes to the Zoning Ordinance would interfere with such plans. As specific development projects are proposed, they would be analyzed under separate CEQA review to ensure that they do not conflict with such plans. Therefore, the ZOA project would result in **no impact**.

- h) The project does not include specific physical development proposals. Any future proposal to develop would be considered a separate project under CEQA, and would need to undergo separate project and environmental review per CEQA, aside from the project. The project would result in **no impact**.

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) Substantially degrade groundwater supplies or interfere substantially 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) Substantially 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
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 substantially 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 a significant 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 project that is the subject of this IS/ND is not a physical development with the potential for causing adverse impacts in the area of hydrology and water quality. None of the proposed regulations or changes to the Zoning Ordinance would adversely affect hydrology and water quality. As noted previously, any development proposals would be analyzed separately under CEQA as part of project specific environmental review. The site specific hydrology and the type of development and construction methods would be assessed at that time for the actual development project. Therefore, the current project would result in **no impact**.
- f)-h) The project is not a physical development that could cause flood concerns. None of the proposed regulations or changes to the Zoning Ordinance would result in greater flood concerns in the project area.

Each specific future development proposal would be considered a separate project under CEQA that would need to undergo separate environmental review, including flood impact analysis. Therefore, the current project would result in **no impact**.

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) 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 substantial light or glare which would adversely affect day or nighttime views in the area?				X
e) Significantly impact any existing streetscape or public space which has been designed to provide areas of public assembly and congregation?				X

Discussion:

- a) The General Plan Natural Resources Element identifies Local Scenic Highways, County Scenic Highway, and areas eligible for state scenic highway designation. Many of the City's commercial areas do not impact vistas of Ladyface Mountain and the ridgelines along the north and south sides of the City. Nonetheless, the project consists of a ZOA, and is not a physical development proposal. The project does not involve any direct physical changes to the environment. As such, it would result in **no adverse impact** to scenic vistas. As individual development projects are proposed, and the details of the improvements, CEQA review, separate from this IS/ND, would be required to assess any potential impacts from known development in the future.
- b) There are no state scenic highways for the subject zones, although U.S. Highway 101 is eligible for state scenic highway designation. There are no historic buildings or rock outcroppings in or adjacent to the U.S. Highway 101. In any case, since the project is not a specific physical development proposal, the project would result in **no impact**. As individual development projects are proposed, CEQA review, separate from this IS/ND, would be required to assess any potential impacts from development on aesthetics.
- c) The project does not involve any direct physical changes to the environment. As such, it would result in **no impact** to the visual character or quality of the City. As individual development projects are proposed, and the details of the proposed improvements, CEQA review, separate from this IS/ND, would be required to assess any potential impacts from development in the future.
- d) Since the project is not a physical development proposal, it would not result in impacts from lighting and glare. As previously described, any development proposal would be analyzed separately under CEQA as part of project specific environmental review, which would include a development project-specific lighting and glare assessment. Therefore, the current project would result in **no impacts**.
- e) The area subject to the ZOA is not located in the immediate vicinity of any known streets or public spaces used for the assembly and congregation of people. Therefore, there would be **no impact**.

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) **NOISE.** Would the project result in:

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, temporary or periodic increase in ambient noise levels 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:

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). For the most sensitive uses, such as single family residential, 60 dBA Day-Night average level (Ldn) is the maximum normally acceptable exterior level. Ldn is the time average of all A-weighted levels for a 24-hour period, with a 10 dB upward adjustment added to those noise levels occurring between 10:00 PM and 7:00 AM to account for the general increased sensitivity of people to nighttime noise levels. The Community Noise Equivalent Level (CNEL) is similar to the Ldn except that it adds 5 dB to evening noise levels (7:00 PM to 10:00 PM). The City of Agoura Hills utilizes the CNEL for measuring noise levels. Sensitive noise receptors include residential units, libraries, hospitals and nursing homes.

- a),c),d) The project would not result in any physical development. The Zoning Ordinance Amendment would not result in any changes to the types of uses allowed in commercial zones, or to any noise standards. Any proposal for development in the project area would be analyzed separately under CEQA as part of project specific environmental review. The site specific noise conditions and the type of development and construction methods would be assessed at that time for the actual development project. Therefore, the current project itself would result in **no impacts**.
- b) Because it is not a physical development, the proposed project would not result in any impacts related to excessive groundborne vibration. As specific development projects are proposed, along with information about construction and grading details and methods, these projects would need to undergo separate CEQA review, including analysis of this issue area. Therefore, the current project would result in **no impacts**.
- e),f) There are no airports or private airstrips within or adjacent to the City. The ZOA would therefore not affect air traffic noise impacts. There would be **no impact**.



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) POPULATION AND HOUSING.** Would the project:

a) Result in direct or indirect population related growth inducement impacts (significantly expand employment opportunities, remove policy impediments to growth, or contribute to potential extensions of growth inducing infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Discussion:

- a) The project would not result in any physical development and so would not affect population numbers. Regulations proposed by the ZOA would not increase the density of commercial development described and so there would not be any increase in population above that already accounted for in the General Plan as a result of the project. Therefore, the project would result in **no impacts** to population growth.
- b) The project does not consist of any physical development. Consequently, the proposed regulations do not result in the displacement of current housing. As specific development projects are proposed, these projects would need to undergo separate CEQA review, including analysis of this issue area. Therefore, there would be **no 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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**(11) PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

a) Fire protection				X
b) Police protection				X
c) Schools				X
d) Parks				X
e) Other public facilities				X

Discussion:

- a),b) The City of Agoura Hills is served by the Los Angeles County Fire Department (LACFD) and the Los Angeles County Sheriff's Department (LACSD). The project itself would not require additional police or fire protection services, as no development is proposed. As such, the project would result in **no impacts**. As individual development projects are proposed at a later date, separate CEQA review would be undertaken to assess potential fire and police protection services impacts on an individual level. Any future development project would be required to comply with Fire Code and LACFD standards, including specific construction specifications, access design, location of fire hydrants, and other design requirements.
- c) The project would not result in impacts to schools, as no physical development is being proposed as part of the project itself. Therefore, there would be **no impacts** from the current project. As individual development proposals come forward, each development would undergo specific CEQA review and be assessed for school impacts. Such a development project would likely be required to pay school impact fees at the current rate to the local school district, Las Virgenes Unified School District.
- d) The project would not result in physical development and so would not impact park or park services. As individual development proposals come forward, each development would undergo specific CEQA review and be assessed for parks impacts. Therefore, there would be **no impacts**.
- e) Since the proposal is for a ZOA, not a development proposal, the project would not contribute to the demand for any other public facilities. Therefore, there would be **no 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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**(12) 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 which might have an adverse physical effect on the environment?				X

Discussion:

- a),b) Since the project is not a particular development proposal, there would be **no impacts** to recreational facilities. As individual development projects are proposed in the project area, separate CEQA review would be undertaken to determine the specific project's impacts to recreation.

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) TRANSPORTATION/TRAFFIC.** Would the project:

a) Cause an increase in traffic which 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) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) 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
e) Result in inadequate secondary or emergency access?				X
f) Result in inadequate parking capacity?				X

Discussion:

- a) The ZOA is not a physical development project, and so there would be no impact from increases in traffic. As individual development projects are proposed, separate CEQA review would be undertaken to determine the specific project's impacts to traffic and circulation.
- b) 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**.
- c) There are no airports or airfields in the project vicinity, so the proposal would result in **no impacts**.
- d), e) The ZOA is not a development proposal and it would not result in traffic-related hazards. As individual new development projects are proposed, separate CEQA review would be undertaken to determine the specific project's impacts on these items. The current project would result in **no impacts**.
- f) The intent of the update to the shared parking provision is to maximize the use of parking lots in commercial areas and indirectly encourage the use of alternative means of transportation. The update to parking space requirements is to ensure sites are adequately served by parking spaces and there is not a shortage or large surplus of spaces. Therefore, the ZOA would assist in providing adequate parking capacity. No adverse impacts are expected from the project.

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) 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, the construction of which could cause significant environmental effects?				X

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which 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 which 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?				X
g) Comply with federal, state, and local statues and regulations related to solid waste?				X

**Discussion:**

- a) - e) As the project is not a physical development proposal, it would not result in impacts to wastewater, water or storm water. As individual development projects are proposed separate CEQA review would be undertaken to determine the specific project's impacts to these services. The current project would result in **no impacts**.
- f) – g) As noted above, the proposed ZOA would not constitute a development proposal and so would not result in impacts to solid waste. As individual development projects are proposed in the ZOA, separate CEQA review would be undertaken to determine the specific project's impacts to these services. The ZOA would result in **no impacts**.

<b>Issues and Supporting Information</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**(15) 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) Given that the project consists of a ZOA, with no physical development component, it would not have the potential to significantly 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. Therefore, there would be **no impacts**.
  - b) As listed in the specific environmental issue sections, the project is not expected to have any impacts, so there would be **no cumulative impacts**. The project complies with the intent of the General Plan EIR 2010.
  - c) As listed in the specific environmental issue sections, the project is not expected to have any impacts, so there would be no effects that would cause substantial adverse effects on human beings. Therefore, there would be no impacts.
- 

**REFERENCES**

Agoura Hills, City of. *General Plan 2035*.

Agoura Hills, City of. *Municipal Code*, revised 2010.

Agoura Hills, City of. *General Plan Master Environmental Assessment*, July 1992.

Agoura Hills, City of. *General Plan 2035 and Final EIR*, 2010.

## COMMENT LETTERS AND RESPONSES TO COMMENTS

The public period for the Draft IS/ND took place between September 15, 2011 and October 14, 2011. During that time, one comment was received, as listed below:

1. Scott Morgan, Director, State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, October 14, 2011.
2. Gary T.K. Tse, Director, County of Los Angeles Sheriff's Department, October 28, 2011.

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 letter from the Los Angeles County Sheriff's Department indicated that the project would not have an effect on the agency. Given these comments, no changes to the Draft IS/ND are necessary.

The letters are attached as Attachment I.

# ATTACHMENT I



Edmund G. Brown Jr.  
Governor

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



Ken Alex  
Director

October 14, 2011

Valerie Darbouze  
City of Agoura Hills  
30001 Agoura Road  
Agoura Hills, CA 91301

Subject: Parking Ordinance Amendment  
SCH#: 2011091046

Dear Valerie Darbouze:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on October 13, 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



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2011091046  
**Project Title** Parking Ordinance Amendment  
**Lead Agency** Agoura Hills, City of

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**Type** Neg Negative Declaration  
**Description** The purpose of this Zoning Ordinance Amendment (ZOA) (Case No. 11-ZOA-001) is to amend the Parking Ordinance Sections 9654.6.B, and 9654.2.K of Division 4 of Part 2 of Chapter 6 of Article IX of the City of Agoura Hills Municipal Code pertaining to parking requirements for specific uses and shared parking requirements. This action requires Planning Commission review and recommendation to the City Council for final approval.

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**Lead Agency Contact**

**Name** Valerie Darbouze  
**Agency** City of Agoura Hills  
**Phone** 818 597 7328 **Fax**  
**email**  
**Address** 30001 Agoura Road  
**City** Agoura Hills **State** CA **Zip** 91301

---

**Project Location**

**County** Los Angeles  
**City** Calabasas

**Region**

**Lat / Long**

**Cross Streets**

**Parcel No.**

**Township**

**Range**

**Section**

**Base**

---

**Proximity to:**

**Highways** Hwy 101

**Airports**

**Railways**

**Waterways**

**Schools**

**Land Use** The amendment affects mostly the development standards of the retail zones but also industrial and office zoned parcels.

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**Project Issues**

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**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; Regional Water Quality Control Board, Region 4; Native American Heritage Commission

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**Date Received** 09/14/2011 **Start of Review** 09/14/2011 **End of Review** 10/13/2011



Leroy D. Baca, Sheriff

October 28, 2011

County of Los Angeles  
**Sheriff's Department Headquarters**

4700 Ramona Boulevard  
Monterey Park, California 91754-2169

CITY OF AGOURA HILLS

2011 NOV -1 PM 3: 05



CITY CLERK

Valerie Darbouze, Associate Planner  
Planning and Community Development Department  
City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, California -91301

Dear Ms. Darbouze:

**REVIEW COMMENTS  
INITIAL STUDY AND NEGATIVE DECLARATION  
CITY OF AGOURA HILLS PARKING ORDINANCE AMENDMENT  
(CASE NO. 11-ZOA-001; LASD/FPB PROJECT NO. 11-041)**

The Los Angeles County Sheriff's Department (Department) submits the following review comments on the Initial Study and Negative Declaration (IS/ND) for the City of Agoura Hills Parking Ordinance Amendment (Project). The proposed Project will amend Parking Ordinance Sections 9654.6.B and 9654.2.K of Division 4 of Part 2 of Chapter 6 of Article IX of the City of Agoura Hills' Municipal Code pertaining to parking requirements for specific uses and shared parking requirements.

The proposed Project was reviewed by the Department's Malibu/Lost Hills Station (see Captain Joseph H. Stephens, Jr.'s, attached October 4, 2011, correspondence).

In summary, the proposed Project, as it is described in the IS/ND, is not expected to impact Department operations. The Department has no other comments to submit at this time, but reserves the right to further address this matter in subsequent reviews of the proposed Project.

Thank you for including the Department in the environmental review process. Should you have any questions regarding this matter, please contact Lester Miyoshi, of my staff, at (626) 300-3012, and refer to Facilities Planning Bureau Project No. 11-041. You may also contact Mr. Miyoshi, via e-mail, at [Lhmiyosh@lasd.org](mailto:Lhmiyosh@lasd.org).

Sincerely,

LEROY D. BACA, SHERIFF


Gary T. K. Tse, Director  
Facilities Planning Bureau

*A Tradition of Service Since 1850*

COUNTY OF LOS ANGELES CITY OF AGOURA HILLS  
**SHERIFF'S DEPARTMENT**  
"A Tradition of Service" 2011 NOV -1 PM 3:05

CITY CLERK  
DATE: October 4, 2011

OFFICE CORRESPONDENCE

FROM:  JOSEPH H. STEPHEN JR., CAPTAIN TO: GARY T. K. TSE, DIRECTOR  
MALIBU/LOST HILLS STATION FACILITIES PLANNING BUREAU

SUBJECT: **AGOURA HILLS ZONING ORDINANCE AMENDMENT PARKING  
CASE NO. 11-ZOA-001**

This project consists of the amendment to the citywide zoning ordinance to modify the parking space requirement of specific non-residential uses, as well as the shared parking provision for commercial areas. This change has no impact on law enforcement service for the city.

Should you have any additional questions regarding this matter, please contact Sergeant Philip D. Brooks at (818) 878-5555, or by e-mail at [pdbrooks@lasd.org](mailto:pdbrooks@lasd.org).

JHS:pb

Exhibit I

Parking Ordinance Amendment  
Draft Ordinance

**ORDINANCE NO. 11-\_\_\_**

**AN ORDINANCE OF THE CITY OF AGOURA HILLS,  
CALIFORNIA, AMENDING SECTIONS 9654.6.B. AND 9654.2.K.  
OF DIVISION 4 OF PART 2 OF CHAPTER 6 OF TITLE IX OF  
THE AGOURA HILLS MUNICIPAL CODE PERTAINING TO  
PARKING REQUIREMENTS**

**A. Recitals**

(i) The purpose of this ordinance is to amend the parking provisions of the City's Municipal Code to provide updated parking ratio requirements for a variety of uses and to update the standards and requirements for the use of shared parking.

(ii) On \_\_\_, 2012, the Planning Commission of the City of Agoura Hills held a duly noticed public hearing to consider Ordinance 11-\_\_\_, and received testimony from City staff and all interested parties regarding the proposed amendment. Following the close of the public hearing, the Planning Commission adopted Resolution No. 11-\_\_\_ recommending approval of Ordinance 11-\_\_\_, and recommending adoption of the Initial Study/Negative Declaration prepared for the Ordinance pursuant to the California Environmental Quality Act.

(iii) On \_\_\_, 2012, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Zoning Ordinance Amendment contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments.

(iv) All legal prerequisites to the adoption of the Ordinance have occurred.

**B. Ordinance.**

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

**SECTION 1.** The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

**SECTION 2. Environmental Review**

A. 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 this proposed Ordinance and the Zoning Ordinance Amendment contained herein ("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 Initial Study/Negative Declaration.

B. The City Council has independently reviewed (1) the Initial Study/Negative Declaration, which are incorporated herein by this reference); and (2) all comments received, both written and oral, regarding the Initial Study/Negative Declaration, 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 Guidelines for Implementing CEQA, 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 City Council. Based on these findings, the City Council hereby approves and adopts the Initial Study/Negative Declaration for this project.

C. The custodian of records for the Initial Study/Negative Declaration and all materials that constitute the record of proceedings upon which the City Council's decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California.

**SECTION 3.** Sections 9654.2.K. and 9654.6.B., Division 4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby amended to read:

"K. *Provisions for commercial uses.*

1. *Parking locations.* In commercial zones off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served in a planned development. ~~If~~ The required parking spaces shall not be located in the rear of a commercial building, ~~unless direct customer access to the facility from the parking area is~~ shall be provided. At the discretion of the director of planning and community development or the planning commission, whichever has jurisdiction, where two (2) or more commercial uses in a commercial development project share parking facilities, notwithstanding provision 5 of section 9654.2.K., and the business hours of such uses do not overlap, the minimum space requirement may be reduced by up to fifty (50) percent of the parking requirement for the use requiring the least parking, subject to a minimum of twenty (20) parking spaces being provided. Such reduction shall be subject to the approval of the covenants, conditions, and restrictions for the project by the director of planning and community development or planning commission, whichever has jurisdiction, and/or through a parking agreement or easement running with the land.

2. ~~*Double counting.* At the discretion of the director of planning and community development or the planning commission, whichever has jurisdiction, where two (2) or more commercial uses in a planned commercial development share parking facilities, and the business hours of such uses do not overlap, the minimum space requirement may be reduced by up to fifty (50) percent of the parking requirement for the use requiring the least parking, subject to a minimum of twenty (20) parking spaces being provided. Such reduction shall be subject to the approval of the~~

eovenants, conditions, and restrictions for the project by the director of planning and community development or planning commission, whichever has jurisdiction.

32. *Spaces not for repair, servicing or storage.* Required parking spaces shall not be used, or be permitted to be used, for the repair, servicing, or storage of vehicles or for the storage of materials.

4.3. —*Racks not counted as parking spaces.* For auto repair shops or other similar uses, the racks and pump blocks shall not be considered in calculating the required parking spaces.

54. *Uses not specified.* Commercial parking requirements for uses not specified in this part shall be based upon a standard of one (1) space per two hundred fifty (250) square feet of gross floor area, unless the director of planning and community development or planning commission approve a different parking requirement, based on the most comparable uses specified in this part.

65. ~~Shopping center~~ *Shared parking.* For the purposes of this section, “shopping center” shall mean a group of architecturally unified commercial and retail establishments, containing ~~twenty-five~~ fifty thousand (2550,000) square feet or more of buildings, built on a site which is planned, developed, and managed as an operating unit. At the discretion of the director of planning and community development, or the planning commission, whichever has jurisdiction, a shared parking reduction shall be allowed for the shopping centers based on the following:

~~In shopping centers where office spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per three hundred (300) square feet.~~

~~Where cinema spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.~~

~~Where restaurant, café, or other food and beverage service uses exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the total gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.~~

TABLE I: SHARED PARKING

<u>Combination of land uses</u>	<u>Shared Parking Reduction Allowed*</u>
<u>Office+Retail</u> or <u>Office+Restaurant</u>	<u>Lowest of :</u> <u>up to 15% of combined parking requirement or</u> <u>up to 20% of highest individual use parking</u> <u>requirement</u>
<u>Retail+Restaurant</u>	<u>Lowest of :</u> <u>up to 18% of combined parking requirement or</u> <u>up to 24% of highest individual use parking</u> <u>requirement</u>

<u>Office+Retail+Restaurant</u>	<u>Lowest of : up to 20% of combined parking requirement or up to 25% of highest individual use parking requirement</u>
* <u>Final allowable shared parking for these and other uses not addressed above will be at the discretion of the director of planning and community development.</u>	
<u>Note: Shared parking reduction values other than those identified above, or for other uses not identified above, may be allowed based on City accepted methodology for shared parking analysis completed by the applicant using a qualified traffic or parking consultant.</u>	
<u>Note: For residential mixed-use development, residential parking shall be provided per Section 9654.6 in addition to the parking requirement for other proposed non-residential uses. To be considered for shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant based upon a City accepted methodology, using a qualified traffic or parking consultant.</u>	
<u>Source: Based upon ULI Shared Parking 2nd Edition, ITE Parking 3rd Edition</u>	

Shared parking reduction values other than those identified above, or for other uses not identified above, may be allowed at the discretion of the director or planning commission, whichever has jurisdiction, based on a shared parking analysis completed by the applicant, providing the analysis methodology is acceptable to the director. For residential mixed-use development, residential parking shall be provided pursuant to section 9654.6 in addition to the parking requirement for the proposed non-residential uses. To be considered for a shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant using a methodology acceptable to the director. All shared parking analysis shall be conducted by a qualified traffic or parking consultant.”

**“9654.6. Parking Allocation**

A. *Purpose.* The intent and purpose of this section is to provide properly designed off-street parking areas adequate in capacity, location and design to prevent traffic congestion.

The allocation of off-street parking is intended to provide a sufficient number of off-street parking spaces that are in proportion to the need created by the particular land use.

B. *Parking spaces required.* The number of off-street parking spaces shall be no less than the following:

USE	PARKING SPACES REQUIRED
<i>Residential</i>	



Single-family dwellings	2 covered parking spaces. Said spaces shall be provided within a garage
Apartments:	
Studio or bachelor	1 covered, plus 0.5 uncovered parking spaces per each unit
One (1) bedroom	1.5 covered, plus 1.0 uncovered parking spaces per each unit
Two (2) bedrooms or more	2 covered, plus 0.50 uncovered parking spaces per unit
Condominiums or townhouses	2 covered, plus 0.50 uncovered parking spaces per unit. Recreational vehicle parking may be required at a location and of a design approved by the planning commission.
(All uncovered parking spaces shall be used for "guest parking" and marked as such).	
Second units/granny flats	1 covered parking space per each unit
<i>Commercial</i>	
Office	
Business and professional	1 for each 300 square feet of gross floor area. Permanent common lobbies within each building totaling 35,000 square feet or larger are excluded from gross floor area.
<u>Banks and Financial Institutions</u>	<u>1 for each 300 square feet of gross floor area.</u>
Psychologists, psychiatrists, counselors, <u>chiropractors</u> , <u>acupuncturists</u> , and other similar uses with individualized patient programs.	1 for each 300 square feet of gross floor area.
<u>Medical, and dental, and veterinarian</u>	<u>5-1 for each 1,000-200 square feet of gross floor area</u>
Restaurants, including drinking establishments, <del>take-out and drinking establishments</del> , <u>sit down and fast food</u>	15 for each 1,000 square feet of seating <del>or</del> <u>and</u> waiting floor area. A minimum of 10 parking spaces shall be required
<u>With Live Entertainment</u>	<u>1 for every 100 square feet of dancing area if not already counted by other uses</u>
<u>Snack shops ( e.g. ice cream, coffee and juice) and take-out</u>	<u>1 for each 250 square feet of gross floor area</u>

<u>Live Entertainment</u>	<u>Parking Study at Director's discretion</u>
Automotive	
Full-service service station (fuel dispensing and/or repairs)	3, plus 2 for each service bay. A minimum of 10 parking spaces shall be required.
Repair facilities	1 for each 200 square feet of gross floor area
Self-service service station (fuel dispensing only)	1 for each employee on the largest shift
Dealerships and other open air sales	1 for each 1,000 square feet of outdoor sales and display area, plus 1 for each 5,000 square feet over 10,000 square feet
Self service or coin operated operating washing and cleaning establishments	2 for each washing area or unit
Washing and cleaning establishments	1 for each employee and 2 for each detailing bay or area
General retail stores, except as otherwise specified herein	1 for each 250 square feet of gross floor area
<u>Kennels</u>	<u>1 for each 500 square feet of gross floor area</u>
Game arcades	1 for each 250 square feet of gross floor area
Mortuaries and funeral homes	1 for each 20 square feet of floor area, or assembly area, plus 1 for each vehicle owned by such establishment
Furniture, appliance and carpet stores	1 for each 750 square feet of gross floor area
Recreation	
Batting cage facility, primary use	1 for each batting cage, pitching cage or practice cage; plus 1 for each 1,000 square feet of practice and instruction field area; plus 1 per 250 square feet of gross floor area for retail sales; plus 15 for each 1,000 square feet of seating and waiting area floor area for eating and drinking uses (a minimum of 10 parking spaces shall be required); plus 1 for each 300 square feet of floor area for office uses
Bowling lanes	3 for each bowling lane, plus the spaces required for each additional use on the site
Billiard parlors and poolrooms	3 for each billiard or pool table

Tennis facility	3 for each court, plus the spaces required for each additional use on the site
Public swimming pools, gymnasiums and skating rinks	1 for each 100 square feet of gross floor area, plus the spaces required for each additional use on the site
Miniature golf courses and driving ranges	1 for each hole or driving tee
Health <del>Fitness</del> clubs and dance/ <del>exercise</del> studios	1 space for each <del>220</del> <u>250</u> square feet of gross floor area up to 5,000 square feet; greater than 5,000 gross square feet: <u>1/220</u> of activity area + other space according to <del>tehe</del> use of gross floor area in the activity area, plus 1 space for each <del>250</del> <u>300</u> square feet of other floor area
Boarding and riding stables	1 parking space for each stall retained for rental purposes on the site, plus 1 for each employee
Theaters, <del>sport</del> arenas, and stadiums	1 for each 3 fixed seats or for every 35 square feet of non fixed seats
Hotels and motels	1 for each unit, plus the spaces required for each additional use on the site
Barbershops or beauty parlors <u>Salons and spas (hair styling, nails, massage, and acupressure)</u>	2 for each barber chair and 3 for each beautician station <u>1 for each 200 square feet of gross floor area, but no less than 4 spaces</u>
Laundromats and dry cleaning facilities	<u>5-1</u> for each <del>1,000</del> <u>200</u> square feet of gross floor area
Banks	<u>5</u> for each 1,000 square feet of gross floor area
Savings and loan offices, financial institutions, public and private utility offices	1 for each 250 square feet of gross floor area
Shopping centers	Except as otherwise specified, 4 for every 1,000 square feet of gross floor area
Supermarkets and drugstores	1 for each 200 square feet of gross floor area
Plant nurseries or similar outdoor sales and display areas	<u>5</u> , plus 1 additional for each 500 square feet of outdoor sales, display or service areas
Recycling centers	1 for each 500 square feet of gross floor area
Any commercial use listed, as permitted in the <del>C-1, C-2, C-3, or CPD, CS, CRS, CS-MU, CR and CN</del> zones, except as specifically provided	1 for each 250 square feet of gross floor area

<i>Institutional</i>	
Hospitals	2 for each bed
Convalescent hospitals, children's homes, nursing homes, and homes for the aged	1 for each 5 beds
Churches	1 for each 3 seats (18 linear inches shall be considered a seat), or 1 for each 28 square feet where no permanent seats are maintained
Libraries, galleries, and museums	1 for each 225 square feet of gross floor area
<i>Schools</i>	
Elementary and junior high school	1 for each classroom, and 1 for each 5 seats or for each 35 square feet of area in the auditorium
High school	6 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium
Colleges and universities	7 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium, plus the required spaces required for each additional use on the site
Day nurseries and preschools	1 for each 5 children
Trade schools	1 for each employee on the largest shift, plus 1 for each student during maximum enrollment
<i>Industrial</i>	
Research and development facilities	1 for each 300 square feet of gross floor area, plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use
<u>Light industrial</u>	<u>1 for each 500 square feet of gross floor area</u>
Automated or semi-automatic public or quasi-public utilities	1 for every employee on the largest shift, plus 1 for each company vehicle (2 minimum) plus 1 for each 250 square feet of gross floor area for incidental office use
Warehouse, exclusive of any assembly, manufacturing or sales activity	1 for every 1,000 square feet of gross floor area for the first 5,000 square feet of gross floor area, then 1 for every 5,000 square feet of additional gross floor area, plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use

”

**SECTION 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

**SECTION 5. Certification and Effective Date.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to state law. Said Ordinance shall become effective on the 31<sup>st</sup> day of its passage.

PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

BY:

\_\_\_\_\_  
John M. Edelston, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Craig A. Steele, City Attorney