

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 12, 2012

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: ADOPTION OF ORDINANCE NO. 12-398, APPROVING A ZONE CHANGE TO CHANGE THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (APN 2052-008-017 AND 2052-008-018) FROM CRS-FC-OA TO RH-(25)-FC-OA (CASE NO. 12-ZC-001)

At the August 22, 2012, City Council meeting, the Council introduced, read by title only, and waived further reading of Ordinance No. 12-398 on a 4-1 vote (Council Member Buckley Weber opposed). The Ordinance will change the zoning designation of property located on the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (Assessor Parcel Nos. 2052-008-017 and 2052-008-018) from CRS-FC-OA (Commercial Retail Service - Freeway Corridor Overlay - Old Agoura Design Overlay) to RH-(25)-FC-OA (High Density Residential-(maximum 25 units per acre) – Freeway Corridor Overlay – Old Agoura Design Overlay). The Ordinance was considered for first reading in conjunction with the City Council's approval of Aitan Hillel's request for a General Plan Amendment, two Variances, a Site Plan/Architectural Review, an Oak Tree Permit and a Sign Permit for the construction of an 18-unit townhomes project on the property.

Attached for your reference is a copy of the ordinance.

RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 12-398, regarding a zone change for property located on the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (APN 2052-008-017 and 2052-008-018).

Attachment: Ordinance No. 12-398

ORDINANCE NO. 12-398

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

Section I. Findings and Intent.

- A. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (APN 2052-008-017 and 2052-008-018), requesting approval of a Zone Change for the property shown on Exhibit "A," to change the zoning land use designation of the subject property from Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay (CRS-FC-OA) to High Density Residential-(25) – Freeway Corridor Overlay – Old Agoura Design Overlay (RH-FC-OA).
- B. A public hearing to consider Case No. 12-ZC-001 was duly held by the City's Planning Commission on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.
- C. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.
- D. The Planning Commission adopted Resolution No. 12-1065, recommending that the City Council approve Case No. 12-ZC-001 to provide for a zone change from CRS-FC-OA to RH-FC-OA for the subject property.
- E. A public hearing to consider Case No. 12-ZC-001 was duly held by the City Council on August 22, 2012, at 6:00 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

- F. The proposed Zone Change will be consistent with the proposed General Plan designation of the subject property, in that both the zoning and General Plan land use designations will provide for high density, multi-family residential use of the property.
- G. The proposed Zone Change will be consistent with the goals of the current General Plan in that the RH land use designation will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in Land Use Policy LU-2.1
- H. The proposed Zone Change will provide for a density of proposed townhome units that is appropriate for the size of the parcel and compatible with neighboring commercial and residential uses.
- I. The proposed Zone Change will assist in the development of a range of housing types to meet the diverse needs of the community, as called for in Goal No. 2 of the City's General Plan Housing Element.
- J. The proposed RH-(25) zoning designation will be consistent with the same zoning designation of adjacent property to west, on the west side of Chesebro Road, and will offer a compatible and transitional land use between the commercial uses to the south and the single-family residential uses to the north.

Section II. CEQA. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The City Council hereby makes the following environmental findings and determinations in connection with the proposed 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 proposed townhomes project as described in the Initial Study (the "Project"). The Initial Study indicated that the project would not result in or create significant adverse environmental impacts, except that the Initial Study identified potentially significant impacts to Biological Resources, Archaeological Resources, and Traffic. Staff determined that all of these potentially significant impacts could be mitigated to a less than significant level with the imposition of the mitigation measures identified in the

Mitigated Negative Declaration. As such, Staff determined that a Mitigated Negative Declaration was the appropriate CEQA document for analyzing and disclosing the proposed project's potentially significant environmental impacts.

- B. City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration as required by law. The public comment period commenced on May 24, 2012, and expired on June 25, 2012. Copies of the documents have been available for public review and inspection at the offices of the Department of Planning and Community Development, located at City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.
- C. Nine (9) written comments were received prior to the public hearing and a response to all of the comments made therein was prepared, submitted to the Planning Commission, and incorporated into the administrative record of the proceedings.
- D. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.
- E. Based on the aforementioned findings, the City Council hereby approves and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Project.

Section III. Zone Change. Based on the aforementioned findings, the City Council hereby approves Zone Change Case No. 12-ZC-001, with respect to the property described in Section 1 hereof, and as shown on the attached Exhibit A.

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

Section V. Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective 30 days after its passage.

PASSED, APPROVED, AND ADOPTED this 12th day of September, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

Exhibit A

**ZONE CHANGE
CASE NO. 12-ZC-001**

