



---

**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

---

**ACTION DATE:** January 17, 2013

**TO:** Planning Commission

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

**CASE NO.:** 12-ZOA-001

**LOCATION:** Citywide

**REQUESTS:** Request for a recommendation to the City Council to approve an Ordinance (Zoning Ordinance Amendment) to amend Municipal Code Section 9253.1, 9312.2, 9312.3, 9371, 9381, 9383, 9383.2, and 9655.4, amending development standards of existing zoning districts (RM, BP-M, and BP-OR) and the Sign Ordinance to correct typographical errors and omissions, and amending the commercial use table to allow a caretaker residence for mini self-storage facilities; and a request to adopt a Negative Declaration.

**ENVIRONMENTAL  
DETERMINATION:** Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 12-ZOA-001.

## I. PROJECT BACKGROUND AND DESCRIPTION

In 2011, after review given by the Planning Commission, the City Council adopted an Ordinance that included comprehensive revisions to the Zoning Ordinance for consistency with the updated General Plan. Development standards for new and existing commercial zones were adopted, as well as updates to the commercial use table. Since that time, staff has been made aware of a few provisions and typographical errors that remained unchanged and were overlooked at the time of the Ordinance adoption. With the support of the City Council Land Use/Economic Development Committee, staff proceeded in drafting these corrections under a new Zoning Ordinance Amendment application, for review by the Planning Commission and, subsequently, by the City Council. Specifically, staff is proposing changes to a few of the development standards of the RM (Residential-Medium Density) zone, as well as to the BP-OR (Business Park-Office Retail) and BP-M (Business Park-Manufacturing) zones. In addition, staff would like to amend three categories of the Commercial Use Table and amend one provision of the Sign Ordinance.

## II. STAFF ANALYSIS

The proposed amendments are discussed below, and are categorized by the applicable zoning districts or provisions of the Zoning Ordinance.

### Amendment No. 1 - RM Zone

The development standards of the RM zone include the allowable maximum density. Per the General Plan, a density range of 6 to 15 dwelling units per acre is allowed in the RM zone. However, the density range given in the Zoning Ordinance is noted as 6 to 10 dwelling units per acre. For General Plan consistency, staff would like to amend Zoning Ordinance Section 9253.1 to note an allowable maximum density of 15 dwelling units in the RM zone as follows (strike-through denotes deletions, and underlining denotes new text):

#### “PART 6. RM RESIDENTIAL-MEDIUM DENSITY DISTRICT

##### “9253.1. Maximum density.

The maximum density shall be as shown on the zoning map as a number of dwelling units per gross acre following the zoning symbol RM. However, said designation shall be limited to the range of six (6) through ~~ten (10)~~ fifteen (15) dwelling units per acre. For example, RM-10 means residential-medium density land use district with a maximum of ten (10) dwelling units per acre.”

Amendment No. 2 – BP-OR Zone

Upon review of the BP-OR zone development standards, staff found the “purpose” section to be somewhat disjointed and repetitive. Thus, staff would like to amend the “purpose” section to be clearer and more concise in conveying the expectations for development within the zone. The proposed amendment to Zoning Ordinance Section 9371 is as follows:

PART 8. BP-OR BUSINESS PARK-MANUFACTURING DISTRICT

**“9371. BP-OR Purpose.**

The purpose of the BP-OR district shall be to provide areas for smaller planned developments, renovations, and additions, including offices and incidental retail commercial uses, within a campus environment that are harmonious with the adjacent commercial or residential development. ~~and integrate~~ These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces, common signage, and seamless connections and transitions with existing buildings in terms of scale, design, and materials, ~~and are~~ designed to promote pedestrian safety, and convenience for pedestrians, and connectivity, as well as connecting to with, and ~~to complementing~~ the quality and character of existing development ~~while achieving a cohesive project.”~~

Amendment No. 3 – BP-M Zone

For the same reasons noted above for the BP-OR zone, staff would like to amend the “purpose” Section (9381) of the BP-M development standards. Also, staff would like to correct a typographical error within Section 9383 (“Development standards”) which makes reference to the “BP-OR” zone, rather than the “BP-M” zone. In addition, staff would like to correct a building lot coverage reference of the BP-M made in Section 9383.2 (“Building coverage”) by deleting the word “feet,” and replacing it with the word “percent.” These proposed amendments for the BP-M zone are as follows:

PART 9. BP-M BUSINESS PARK-MANUFACTURING DISTRICT

**“9381. BP-M Purpose.**

The purpose of the BP-M district shall be to provide areas for larger scale businesses involved in light manufacturing, research and development, assembly, distribution or services require larger facilities in developments, renovations, and additions within a campus environment that are compatible with the adjacent commercial or residential

development. ~~and integrate~~ These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces, common signage, and seamless connections and transitions with existing buildings in terms of scale, design, and materials, and are designed to promote pedestrian safety; and convenience for pedestrians, and connectivity, as well as connecting to with, and to complementing, the quality and character of existing development ~~while achieving a cohesive project.”~~

**“9383. Development standards.**

Developments, renovations, and additions in the ~~BP-OR~~ BP-M district shall complement existing uses, exhibit a high level of architectural and site design quality, and include enhanced pedestrian connections between business areas, parking areas, and to adjoining neighborhoods and districts. Plazas, courtyards, expanded walkways, and open spaces shall be incorporated into the developments to promote pedestrian activity.”

**“9383.2. Building coverage.**

The maximum building coverage shall be thirty (30) feet percent.”

Amendment No. 4 – Commercial Use Table

When the City Council amended the Zoning Ordinance last year, one of the revisions to the Commercial Use Table was to designate permitted uses with a bullet symbol (“●”) and eliminate the “X” designation. However, staff has noticed that this change was not made for the “Auto service station, primary” use designation. Similarly, the previous amendments to the Commercial Use Table also eliminated the “Y” designation, which included lighting standard requirements that are now within the City’s lighting guidelines. However, the “Y” designation remained for the “Child care center” use designation and staff is recommending it be replaced such that it continues to be listed as a permitted use with a “●” designation. The proposed revisions are shown in the following table:

	USE, SERVICE, OR FACILITY	COMMERCIAL					BUSINESS PARK		
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M	
	<i>Unless otherwise indicated, listings denote retail sales operations</i>								
A. 19	Auto service station, primary	•	•		X•	X•	K,U	•	
C. 4	Child care center	Y•	Y•		Y•	Y•	U	•	
R. 8	<u>Residence of a caretaker for "Storage building, mini"</u>		FF					FF	

Staff would also like to take this opportunity to make an amendment to the Commercial Use Table to allow caretaker units for self-storage facilities. The owner of Agoura Self Storage, which is located on the north side of Agoura Road, west of Kanan Road, has indicated an interest in re-constructing the on-site caretaker unit, which would require a Zoning Ordinance amendment as improvements are not allowed to the non-conforming self-storage use. Staff is aware that the nature of the self-storage business requires security and management on a 24-hour basis and thus caretaker units are necessary for such business. In order to address such improvements, staff is proposing to include self-storage caretaker units within the Commercial Use Table as a conditionally permitted use. As proposed in the table above, "Residence of a caretaker for "Storage building, mini" would be allowed in the CRS and BP-M zones, which are the two zones in which mini self storage units are currently allowed. With a new "FF" designation, the caretaker units would be a permitted use only on property with an existing valid nonconforming use permit for mini self-storage, and subject to issuance of a conditional use permit by the zoning administrator (Director of Planning and Community Development).

Amendment No. 5 – Sign Ordinance

Lastly, staff would like to correct a typographical error within the Sign Ordinance. Within the provisions for "temporary noncommercial signs and banners" (section 9655.4), reference is incorrectly made to charitable or community event banners having a maximum dimension length of "ten (10) square feet," rather than "ten (10) feet." Staff is proposing to strike the word "square" by amending this section as follows:

*“9655.4. Temporary noncommercial signs and banners*

Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, nonprofit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: on each lot a maximum of two (2) temporary freestanding signs containing only noncommercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. One temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) square feet in length., and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Staff is seeking comments and direction from the LU/EDC on these Zoning Ordinance amendments proposed by staff. As staff considers these amendments to be “clean-up” items, and with the concurrence of the LU/EDC, staff would prefer to forego a Pre-Screen Review to the City Council and, instead, schedule public hearings for the draft Ordinance for the Planning Commission and City Council.

Negative Declaration

An Initial Study/Negative Declaration (IS/ND) was prepared for the Ordinance, pursuant to the California Environmental Quality Act (CEQA), and is attached for review. A copy of the Draft Ordinance was attached to the IS/ND. Notices of the availability of the IS/ND (including the Draft Ordinance) were sent to relevant local, state, and federal agencies; environmental and interest groups; applicable property owners; and homeowners associations and other organizations that had asked to be placed on a mailing list for such review. The notice was published in The Acorn, and posted at City Hall, the Agoura Hills Library, and the City Recreation Center. The Draft Ordinance and IS/ND were made available for review on the City’s website, and copies were available at the City Hall Planning Department counter and the Agoura Hills Library. The public comment period for the IS/ND ran from December 20, 2012 to January 9, 2013.

One public comment letter, from the Native American Heritage Commission, was received on January 2, 2013. The commenter notes in the letter that that the City is

required to assess whether the proposed project would have any adverse impact on a historical and/or archaeological resource, and if so, to mitigate that effect. The commenter recommended several actions be taken to prevent impacts to historical and cultural resources. However, as noted in Section 4, *Cultural Resources*, the project is an Ordinance and not a physical development capable of impacting cultural resources that may exist on or under the ground. It is unknown at this time where and when such new development subject to this Ordinance might be proposed. Any proposal submitted to the City for a new development project would be analyzed separately under CEQA as part of the project's specific environmental review. At that time, consideration would be given to potential site specific cultural resources. If potential impacts are identified as a result of a new development project, recommended mitigation would be provided. Nonetheless, the letter and staff's response that the comment is noted are included in the Final IS/ND in the "Comments and Responses" section. No changes to the Ordinance or IS/ND were deemed necessary as a result of the comment letter.

The Planning Commission is being asked to find, based on their review of the IS/ND and the comments received, that the IS/ND was prepared in compliance with CEQA and that staff has correctly concluded that there is no substantial evidence that the project (Ordinance) will have a significant effect on the environment.

The Planning Commission's recommendation regarding the proposed Zoning Ordinance amendments will be forwarded to the City Council for final action to be taken in a public hearing.

### **III. RECOMMENDATION**

Staff recommends the Planning Commission adopt the attached draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 12-ZOA-001.

### **IV. ATTACHMENTS**

- Draft Resolution and Draft Ordinance
- Negative Declaration

Case Planner: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. 13-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE, AMENDING THE ZONING ORDINANCE DEVELOPMENT STANDARDS OF EXISTING ZONING DISTRICTS (RM, BP-M, AND BP-OR) AND THE SIGN ORDINANCE TO CORRECT TYPOGRAPHICAL ERRORS AND OMISSIONS, AND AMENDING THE COMMERCIAL USE TABLE TO ALLOW A CARETAKER RESIDENCE FOR MINI SELF-STORAGE FACILITIES (CASE NO. 12-ZOA-001)**

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

WHEREAS, the City of Agoura Hills initiated and prepared an Ordinance to amend Municipal Code Sections 9253.1, 9312.2, 9312.3, 9371, 9381, 9383, 9383.2, and 9655.4, amending the development standards of existing zoning districts (RM, BP-M, and BP-OR) and the Sign Ordinance to correct typographical errors and omissions, and amending the commercial use table to allow a caretaker residence for mini self-storage facilities. A public hearing was duly held on January 17, 2013, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given and published as required by state law; and

WHEREAS, evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing; and

WHEREAS, after the 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 reports, the recommendations and all other pertinent documents and associated actions regarding the proposed ordinance amendments; and

WHEREAS, the City General Plan 2035 was adopted by the City Council on March 24, 2010; and

WHEREAS, the General Plan includes an implementation program that includes measures to be undertaken to accomplish the goals and policies of the General Plan, including amending the Zoning Ordinance for consistency with the General Plan land use provisions; and



WHEREAS, the draft Ordinance amendments ensure consistency between the General Plan and the Zoning Ordinance by amending the development standards of existing zoning districts (RM, BP-M, and BP-OR) and the Sign Ordinance to correct typographical errors and omissions, and amending the commercial use table to allow a caretaker residence for mini self-storage facilities; and

WHEREAS, Pursuant to the California Environmental Quality Act (“CEQA”), as amended, the CEQA Guidelines promulgated thereunder, and the City’s local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of this proposed Ordinance and the Municipal Code amendments 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 Negative Declaration; and

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

WHEREAS, the custodian of records for the Initial Study, Negative Declaration and all materials which constitute the record of proceedings upon which the Planning Commission’s decision 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, 91301.

NOW, THEREFORE, BE IT RESOLVED, based on the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the draft Ordinance (attached Exhibit A) and Negative Declaration prepared for the draft Ordinance.

Resolution No. 13-\_\_\_\_  
Page 3

PASSED, APPROVED, and ADOPTED this 17<sup>th</sup> day of January, 2013, by the following vote to wit:

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

\_\_\_\_\_  
Chairperson

ATTEST:

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

DRAFT ORDINANCE NO. 13-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO AMEND DEVELOPMENT STANDARDS OF EXISTING DISTRICTS (RM, BP-M, BP-OR) AND THE SIGN ORDINANCE, TO CORRECT TYPOGRAPHICAL ERRORS AND OMISSIONS, AND AMEND THE COMMERCIAL USE TABLE TO ALLOW A CARETAKER RESIDENCE FOR MINI SELF STORAGE FACILITIES (CASE NO. 12-ZOA-001)**

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

Section 1. Section 9253.1. of Part 6 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9253.1. Maximum density.**

“The maximum density shall be as shown on the zoning map as a number of dwelling units per gross acre following the zoning symbol RM. However, said designation shall be limited to the range of six (6) through ~~ten (10)~~ fifteen (15) dwelling units per acre. For example, RM-10 means residential-medium density land use district with a maximum of ten (10) dwelling units per acre.”

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

**9312.2. Commercial use table I.**

	USE, SERVICE, OR FACILITY	COMMERCIAL					BUSINESS PARK		
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M	
	<i>Unless otherwise indicated, listings denote retail sales operations</i>								
A. 19	Auto service station, primary	●	●		X●	X●	K,U	●	
C. 4	Child care center	¥●	¥●		¥●	¥●	U	●	
R. 8	<u>Residence of a caretaker for "Storage building, mini"</u>		FF					FF	

Section 3. Section 9312.3. of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9312.3. Special conditions.

“The following special conditions apply to the uses indicated by the corresponding letter in table I described in section 9312.2:

FF. Permitted only on property with an existing valid nonconforming use permit for mini self-storage, and subject to issuance of a conditional use permit by the zoning administrator.”

Section 4. Section 9371. of Part 8 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9371. BP-OR Purpose.**

“The purpose of the BP-OR district shall be to provide areas for smaller planned developments, renovations, and additions, including offices and incidental retail commercial uses, within a campus environment that are harmonious with the adjacent commercial or residential development. ~~and integrate~~ These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces, common signage, and seamless connections and transitions with existing buildings in terms of scale, design, and materials, and are designed to promote pedestrian safety, and convenience for pedestrians, and connectivity, as well as connecting to with, and to complementing, the quality and character of existing development ~~while achieving a cohesive project.”~~

Section 5. Section 9381. of Part 9 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9381. BP-M Purpose.**

“The purpose of the BP-M district shall be to provide areas for larger scale businesses involved in light manufacturing, research and development, assembly, distribution or services require larger facilities in developments, renovations, and additions within a campus environment that are compatible with the adjacent commercial or residential development. ~~and integrate~~ These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces, common signage, and seamless connections and transitions with existing buildings in terms of scale, design, and materials, and are designed to promote pedestrian safety, and convenience for pedestrians, and connectivity, as well as connecting to with, and to complementing, the quality and character of existing development ~~while achieving a cohesive project.”~~

Section 6. Section 9383. of Part 9 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9383. Development standards.**

“Developments, renovations, and additions in the ~~BP-OR~~ BP-M district shall complement existing uses, exhibit a high level of architectural and site design quality, and include enhanced pedestrian connections between business areas, parking areas, and to adjoining neighborhoods and districts. Plazas, courtyards, expanded walkways, and open spaces shall be incorporated into the developments to promote pedestrian activity.”

Section 7. Section 9383.2 of Part 9 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9383.2. Building coverage.**

“The maximum building coverage shall be thirty (30) ~~feet~~ percent.”

Section 8. Section 9655.4 of Division 5 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

*9655.4. Temporary noncommercial signs and banners*

“Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, nonprofit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: on each lot a maximum of two (2) temporary freestanding signs containing only noncommercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. One temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) ~~square~~ feet in length., and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Section 9. 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,

Draft Ordinance No. 13- \_\_\_\_\_

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.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
by the following vote to wit:

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

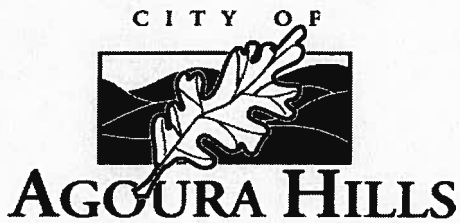
\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

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

APPROVED AS TO FORM

\_\_\_\_\_  
Candice K. Lee, City Attorney



***Zoning Ordinance Amendment  
(Amending development standards of  
existing zoning districts (RM, BP-M, and  
BP-OR) and the Sign Ordinance to correct  
typographical errors and omissions, and  
amending the Commercial Use Table to  
allow a caretaker residence for mini self  
storage facilities)***

**Final Negative Declaration**

January, 2013

## **Zoning Ordinance Amendment**

*(Amending development standards of existing zoning districts (RM, BP-M, and BP-OR) and the Sign Ordinance to correct typographical errors and omissions, and amending the Commercial Use Table to allow a caretaker residence for mini self storage facilities)*

## **Final Negative Declaration**

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

Contact:  
Doug Hooper  
Assistant Director of Planning & Community Development  
(818) 597-7342

January, 2013



# TABLE OF CONTENTS

	<u>Page #</u>
<b>Introduction</b>	2
Legal Authority	2
Evaluation of Environmental Impacts	2
<b>Initial Study</b>	4
Project Title	4
Lead Agency and Contact Person	4
Project Sponsor	4
Project Description	4
Surrounding Land Uses and Setting	5
Public Agencies Whose Approval is Required	5
<b>Environmental Factors Affected</b>	6
<b>Determination</b>	6
<b>Evaluation of Environmental Impacts</b>	7
Land Use and Planning	7
Biological Resources	8
Air Quality	9
Cultural Resources	10
Geology and Soils	11
Greenhouse Gases	12
Hazards and Hazardous Materials	13
Hydrology and Water Quality	14
Aesthetics	15
Noise	16
Population and Housing	17
Public Services	17
Recreation	18
Transportation/Traffic	18
Utilities and Service Systems	19
Mandatory Findings of Significance	20
References	21
<b>Location Map</b>	Appendix A
<b>Draft Ordinance</b>	Appendix B
<b>Comments and Responses</b>	Appendix C

## INTRODUCTION

This Initial Study/Negative Declaration (IS/ND) addresses the potential environmental effects from a Zoning Ordinance Amendment (ZOA) to amend development standards of existing districts (RM, BP-M, BP-OR) and the Sign Ordinance to correct typographical errors and omissions, and amend the Commercial Use Table to allow a caretaker residence for mini self-storage facilities.

### LEGAL AUTHORITY

This Initial Study/Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines, the City's CEQA Guidelines, and relevant provisions of CEQA of 1970, as amended.

**Initial Study.** Section 15063(a) of the CEQA Guidelines provides that an Initial Study is the proper preliminary method of analyzing the potential environmental consequences of a project. The purposes of the Initial Study set forth in Section 15063(c) include in part:

- (1) To provide the Lead Agency with the necessary information to decide whether to prepare an Environmental Impact Report (EIR), a Negative Declaration (ND), 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 documentation of the factual basis for the finding in a Negative Declaration, based on the record as a whole, that the project will not have a significant effect on the environment.

**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:

- (1) 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
- (2) The Initial Study identifies a potentially significant effect on the environment; but
  - (b) 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
  - (c) 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.

### EVALUATION OF ENVIRONMENTAL IMPACTS

(Requirements specified in CEQA Guidelines, Appendix G)

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. A social or economic change related to a physical change 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, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less 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 analysis 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.
  - (b) 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.
  - (c) 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.
- 6) 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 analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

**City of Agoura Hills**  
**DRAFT INITIAL STUDY/NEGATIVE DECLARATION**

**Project Title:** Zoning Ordinance Amendments Ordinance

**Case Number:** 12-ZOA-001

**Lead Agency Name & Address:** City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

**Contact Person and Phone #:** Doug Hooper, Assistant Director of Planning & Community  
Development: 818-597-7342

**Project Location:** The project is the adoption of an Ordinance, and is located Citywide.

**Sponsor's Name & Address:** City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

**General Plan Designation:** **Existing:** NA  
**Proposed:** NA

**Zoning:** **Existing:** NA  
**Proposed:** NA

**Project Description:** The project is an Ordinance (Zoning Ordinance Amendment) to amend development standards of existing zoning districts (RM, BP-M, and BP-OR) and the Sign Ordinance to correct typographical errors and omissions, and amend the Commercial Use Table to allow a caretaker residence for mini self-storage facilities. At present, the Zoning Ordinance allows for mini-self storage facilities in the Business Park-Manufacturing (BP-M) and Commercial Retail Service (CRS) zones, subject to a Conditional Use Permit, provided that they are conducted in an enclosed building and not located within 5,000 feet of another self-storage facility. Also, the Freeway Corridor (FC) Overlay Zone standards expressly prohibit self-storage facilities and yards. Currently, there are two mini self-storage facilities in the City, each with a caretaker unit. Both facilities are considered non-conforming, and they existed prior to the City's incorporation. Both sites are south of the U.S. Highway 101 and in the FC Overlay Zone, and located less than 5,000 feet from each other. Since the Zoning Ordinance does not address caretaker units for such mini-self storage facilities, the proposed Zoning Ordinance Amendment would allow a caretaker residence for such facilities only on property with an existing valid nonconforming use permit for mini self-storage, and subject to issuance of a conditional use permit by the zoning administrator.

**Surrounding Land Uses & Setting:**

The project applies Citywide. The City is bordered by unincorporated Ventura County to the north; unincorporated Los Angeles County and the City of Calabasas to the east; unincorporated Los Angeles County to the south; and the City of Westlake Village to the west. See Figure 1 for the Location Map.

**Other Public Agencies Whose Approval Is Required:**

None.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project may have an impact on the environmental factors listed below, and would have at least one "Potentially Significant Impact" on the environment as indicated by the checklist on the following pages.

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

### 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:

Signature: \_\_\_\_\_



Name: Doug Hooper

Title: Assistant Director of Planning & Community Development  
City of Agoura Hills

Date: December 17, 2012

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

(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 is an Ordinance that applies Citywide, and is therefore not a physical development capable of dividing an established community. In any case, allowing a caretaker residence for mini self-storage facilities would be generally consistent with the use and not an expansion of existing development patterns. As such, the project would result in **no impact**. The Ordinance includes rewording of existing zoning district development standards and the Sign Ordinance for greater clarity, corrections to the permitted commercial uses, and the allowance of caretaker units in mini self-storage facilities, and would not render existing commercial uses or zoning districts as non-conforming. Rather, the Zoning Ordinance amendments would be consistent with the General Plan. It is currently unknown where or when such development or uses might be proposed, thus each individual proposal for development or use within a particular zone would be analyzed per CEQA, separate from this IS/ND.
  
- b) The purpose of the Ordinance is to provide additional clarity and updates to the development standards of the RM, BP-M and BP-OR zoning districts, the Sign Ordinance, and Commercial Use Table (permitted commercial uses) of the Zoning Ordinance (Article IX of the Municipal Code). The Ordinance would be consistent with the General Plan through the implementation of the following General Plan Measure: 1) LU-1, which calls for updating the Municipal Code, Zoning Map, and applicable guidelines to be consistent with the policies and diagrams of the General Plan with regard to land use designations and standards. Two mini self storage facilities are currently located in the City, with a caretaker unit in each facility. The proposed Ordinance would allow a caretaker units within mini-storage facilities the CRS and BP-M zoning districts as a permitted use, subject to an existing valid nonconforming use permit for the property, and subject to approval by the Director of Planning and Community Development. Mini self storage buildings/facilities are currently allowed in the CRS and BP-M zone, subject to conditions, including that no similar use is within 5,000 feet of the subject parcel, or within 660 feet of the freeway right-of-way. The proposed Ordinance will not expand the potential locations self storage facilities in the City. It is speculative where and when any new development will be proposed and each proposed development project would be analyzed per CEQA as an individual project application is proposed. Therefore, there would be **no impact** from the Ordinance adoption.
  
- d) There are no habitat conservation plans or natural communities conservation plans applicable to the City, or adjacent to the City, so the project would result in **no impact**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(2) BIOLOGICAL RESOURCES.** Would the project:

a) Have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
b) Have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				X
c) Have an 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 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 project consists of an Ordinance, and therefore is not a physical development that could adversely affect sensitive biological species. In any case, the areas applicable to the proposed caretaker unit are already developed with urban uses, and any additional development would be considered infill. Therefore, there would be **no impact**. It is currently unknown where or when any such development might be proposed, thus each individual proposal for development within a particular zoning district would be analyzed separately under CEQA as part of a project specific application and environmental review, which would need to consider the specific site's habitat further.
- b), c) Refer to the discussion above in Item a). The project is not a physical development that could adversely affect wetlands, riparian habitat or other sensitive natural communities regulated by the California Department of Fish and Game or the U.S. Fish and Wildlife Service or the Army Corps of Engineers. Therefore, there would be **no impact**. Any future proposals for development within a particular zoning district would be reviewed as separate applications and projects under CEQA, and would undergo environmental review, including considering the site's particular habitat, as a specific proposal comes forward for review. Currently, it is unknown where or when such development might be proposed.



- d) Refer to the discussion in Item a) above. Because the project is not a physical development, it does not have the potential to interfere with the movement of fish or wildlife. Any future proposal for development in a particular zoning district would be reviewed as a separate project under CEQA, and would undergo environmental review, including considering wildlife movement, as a specific proposal comes forward for review. Therefore, there would be **no impact**.
- e), g) Since the project is not a proposal for a physical development in the City, there would be no impacts to oak trees in the area. The Ordinance does not alter existing ordinances that govern the protection of oak trees and includes provisions to facilitate landscaping of commercial property and the caretaker unit would be allowed in existing mini-self storage facilities. Any future proposal for development, the timing and location of which are speculative at this time, would be a separate application and project under CEQA, and at that time, oak trees would be considered. However, the Ordinance does not adversely affect the oak trees, and 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 City, so there would be **no impact**.

<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>
--	---------------------------------------	--	-------------------------------------	------------------

**(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 Ordinance adoption. In any case, according to the Air Quality Management Plan (AQMP), a project must conform to the local General Plan and must not result in or contribute to an exceedance of the City's projected population growth forecast. As described in the discussion of Item (1) LAND USE AND PLANNING of this document, the Ordinance is consistent with the General Plan's goals and policies, and does not propose a type of development that was not anticipated in the General Plan. The location and timing of such future development is speculative. Thus, as each new development application is submitted and reviewed by the City, the project would be analyzed per CEQA, separate from this document, regarding potential air quality impacts from the particular project. Therefore, there would be **no impact** from adoption of the Ordinance.

- d)-e) The Ordinance does not include a physical development that could result in air quality emissions. The caretaker units in the two existing mini-self storage facilities in the City are existing. The Ordinance would not expand the number of caretaker units currently in the City. Therefore, there would be **no impact** from the Ordinance adoption. It is unknown where and when such development might be proposed. As individual development projects are proposed, they would be assessed separately from this document as part of environmental review, including being evaluated for potential air quality impacts, such as exposing sensitive receptors to substantial pollution concentrations and creating objectionable odors.

<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>
--	---------------------------------------	--	-------------------------------------	------------------

**(4) CULTURAL RESOURCES.** Would the project:

a) Cause an adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause an 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 an Ordinance, not a physical development capable of impacting cultural resources that may exist on or under the ground. It is unknown at this time where and when such new development might be proposed. Any proposal for a new development project would be analyzed separately under CEQA as part of project specific environmental review as a proposal is submitted to the City, which would need to consider potential site specific cultural resources. The Ordinance does not contain any regulations, requirements or standards that would prevent the proper treatment of cultural resources, if found, under CEQA. Therefore, the Ordinance adoption 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
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(5) GEOLOGY AND SOILS.** Would the project:

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

**DISCUSSION:**

- a)-e) Per the City's General Plan and Program EIR, there are no active or inactive faults within the City limits, and so potential hazard from fault rupture is remote. There are several active and/or potentially active faults in the surrounding region, however, that could produce ground shaking in the area. Other geologic or soil conditions are specific to individual sites. Nonetheless, the Ordinance is not a physical development with the potential for causing adverse impacts in the area of geology and soils. None of the proposed regulations, standards or requirements of the Ordinance, including the allowance of a caretakers unit in the two existing mini-self self-storage facilities, would create general geologic or soils safety concerns. The timing and location of future development is speculative. Any proposal for new development would need to be analyzed separately under CEQA as part of project specific environmental review. The site specific geologic and soils conditions and the type of facility would be assessed at that time for the actual development project. Therefore, the Ordinance adoption would result in **no impact**.

<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>
--	---------------------------------------	--	-------------------------------------	------------------

**(6) GREENHOUSE GASES.** Would the project:

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

**DISCUSSION:**

- a)-b) The project is an Ordinance, and not a physical development capable of emitting greenhouse gases. Although the Ordinance allows for caretaker units in existing self-storage facilities, it is unknown when or where new development might be proposed in the future. Any development proposal submitted would be analyzed separately under CEQA, and the potential for greenhouse gas emissions evaluated, as part of project specific environmental review. The Ordinance does not contain any provisions that are in conflict with plans or policies to reduce greenhouse gases, and the Ordinance does not conflict with the goals and policies of the General Plan to reduce emissions within the City boundaries to help mitigate the impact of climate change (Goal NR-10, Policies NR-10.1 – 10.3).

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(7) HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

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

**DISCUSSION:**

- a)-c) Because it is not a physical development proposal, the project would not result in the use of hazardous materials, nor their storage, disposal or transport. The project, being an Ordinance adoption, would also not cause an accidental release or upset of such materials. In any case, caretaker units would be located in developed properties used for self-storage purposes. Any future development proposal would be considered for potential hazardous effects as a separate project under CEQA, and would need to undergo separate project and environmental review per CEQA, aside from this IS/ND, where these issues would be further analyzed. Currently, the location and timing of such development proposals is speculative. Therefore, the Ordinance adoption would result in **no impact**.
- d) Because it is not a physical development proposal, the Ordinance adoption would not result in a development located on a hazardous materials site compiled per Government Code Section 65962.5. As noted in the prior discussion items, any future proposed development would be evaluated for potentially significant hazards as part of an individual application review and CEQA process, separate from this IS/ND. Therefore, the project would result in **no impact**.

- e)-f) There are no airports or airstrips within or in the vicinity of the City. Therefore, the Ordinance would result in **no impact**.
- g) The Ordinance, not being a physical development, would not interfere with an adopted emergency response plan or evacuation plan. The provisions of the Ordinance would not conflict with any emergency response or evacuation plan. Therefore, the project would result in **no impact**. In any case, the Ordinance contains provisions for additional on-site and off-site access and pedestrian connections for future commercial development. It is unknown where and when future development might be proposed. As specific development applications are proposed, they would be analyzed under separate CEQA review to ensure that they do not conflict with such plans.
- h) The project does not include a specific physical development proposal. The timing and location of any future development is speculative. Any future development proposal would be considered a separate project under CEQA, and would need to undergo separate project and environmental review. Therefore, the project 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>
--	---------------------------------------	--	-------------------------------------	------------------

**(8) HYDROLOGY AND WATER QUALITY.** Would the project:

a) Violate any water quality standards or waste discharge requirements?				X
b) Degrade groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site?				X
d) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
e) Otherwise degrade water quality?				X
f) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche, tsunami, or mudflow?				X

**DISCUSSION:**

- a)-e), i) The Ordinance is not a physical development with the potential for causing adverse impacts in the areas of hydrology and water quality. Additionally, the Ordinance does not contain provisions that are in conflict with ensuring adequate hydrology resources and water quality in the City. As noted previously in this document, it is unknown where or when development might be proposed, and any proposed development project would undergo separate project and environmental review per CEQA, with any hydrology and water quality concerns assessed at that time. Therefore the project would result in **no impact**.
- f)-h) The Ordinance adoption is not a physical development that could cause flood concerns. None of the proposed provisions in the Ordinance would conflict with providing adequate flood protection in the City. In any case, the allowance of a caretaker unit for mini-self-storage facilities would not alter existing flood potential on the two parcels in which the use would currently be allowed. Each specific future development proposal would be considered a separate project under CEQA that would undergo separate environmental review, including flood impact analysis. The timing and location of such future development proposals is speculative. Therefore, the Ordinance adoption 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
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(9) AESTHETICS.** Would the project:

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

**DISCUSSION:**

- a)-e) The Ordinance contains no provisions that modify aesthetic standards for future development, thus ensuring future development is compatible with the character of Agoura Hills. In any case, the project consists of an Ordinance, and is not a physical development proposal. The project does not involve any direct physical changes to the environment and no new caretaker unit is proposed as part of this Ordinance. As such, it would result in **no impacts** to aesthetics with regard to scenic vistas, scenic resources, degrading the existing visual character, creating new sources of light or glare, or affecting areas of public assembly and congregation. The timing, extent and location of future development are speculative. Individual applications for development projects would be reviewed and assessed for CEQA consistency as they are submitted for review, separate from this IS/ND. At that time, the specific details of the development project being proposed and the physical changes would be assessed for aesthetic impacts per CEQA and also assessed for compliance with the provisions of the Ordinance.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(10) NOISE.** Would the project:

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

**DISCUSSION:**

- a),c),d) The project would not result in any physical development and no caretaker unit is proposed for development as part of this Ordinance. It is unknown where or when development might be proposed, and any proposal for development in the City would be analyzed separately under CEQA as part of project specific environmental review. The site specific noise conditions and the type of development would be assessed, as necessary, at that time. Therefore, the Ordinance adoption would result in **no impact**. In any case, the proposed Ordinance does not include any provisions that would conflict with the noise standards and requirements of the City, as outlined in the General Plan and Municipal Code. Rather, the Ordinance requires the noise compatibility in certain commercial districts which are adjacent to residential neighborhoods, consistent with the General Plan and Municipal Code noise provisions, to minimize noise impacts from the commercial districts.
- b) Because it is not a physical development, the proposed project would not result in any impacts related to excessive groundborne vibration. Future development is speculative. In any case, caretaker units would be located on existing infill parcels. As specific developments are proposed, along with information about proposed construction, these projects would need to undergo separate CEQA review, including analysis of this issue area. Therefore, there would be **no impact** from the Ordinance adoption.
- e), f) The City is not located within the vicinity of an airport or private airstrip, and would not be affected by air traffic noise impacts. There would be **no impact**.



Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(11) 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
a) Displace existing housing, necessitating the construction of replacement housing elsewhere?				X

**DISCUSSION:**

- a),b) The Ordinance adoption does not consist of a physical development, and so would not cause increases in population or the displacement of exiting housing, nor induce growth. The Ordinance will not increase the number of mini self storage building/facility caretaker units beyond the two which currently exist in the City. Individual proposals for development would include review of any proposed provisions for housing or employment and as development applications are processed through the City, environmental review per CEQA would be undertaken, including the evaluation of any potential impacts to population and housing from the specific proposal. The timing, extent and locations of such future development proposals are speculative. Therefore, the Ordinance adoption 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
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(12) PUBLIC SERVICES.** Would the project result in adverse physical impacts associated with the provision or construction of new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services?

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

**DISCUSSION:**

- a)-e) Since the project is an Ordinance adoption, not a development proposal, the project would not contribute to the demand for public facilities, such as fire protection, police protection, schools, and parks. There are no provisions of the Ordinance that would present conflicts with the continued provision of such services in the City, nor increase the demand for such facilities. As an individual development proposal comes forward, it would undergo site specific environmental review and be assessed for the above noted public services impacts. It is currently unknown where and when such developments will be proposed. Therefore, there would be **no impact** from the Ordinance adoption. In any case, as the self-storage properties area affected by the ZOA are within a developed area currently served by these agencies, and impacts to such services would likely not be significant, especially regarding the need to expand such services. Moreover, any future development project would be required to comply with Fire Code and LACFD standards.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(13) RECREATION.** Would the project:

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

**DISCUSSION:**

- a),b) Since the Ordinance adoption is not a particular development proposal, there would be **no impacts** to recreational facilities. The Ordinance includes no provisions that would conflict with the continued availability of recreational facilities in the City. It is unknown where and when specific development projects might be proposed. As individual developments are proposed, separate CEQA review would be undertaken to determine the specific project's impact to recreation. It should be noted, however, that Ordinance does not contribute to the use or expansion of parks or other recreational facilities and would not expand the number of mini-self storage caretaker units currently in the City.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(14) TRANSPORTATION/TRAFFIC.** Would the project:

a) Cause an increase in traffic beyond the capacity of the street system (i.e., result in an 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 safety risks?				X
d) 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) Since the project is not a particular development proposal, there would be **no impacts** to traffic and circulation. The Ordinance contains no provisions that would conflict with transportation and circulation in the City and will not expand the number of mini self storage buildings/facilities beyond the two which currently exist in the City. It is unknown where and when developments might be proposed. 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 Ordinance adoption would result in **no impacts**. Also refer to the discussion in item a) above.
- d),e),f) Refer to the discussion under item a) above. The Ordinance adoption 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>
--	---------------------------------------	--	-------------------------------------	------------------

**(15) UTILITIES AND SERVICE SYSTEMS.** Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities that could cause adverse impacts?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities that could cause adverse impacts?				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 stormwater. The Ordinance regulations would not conflict with the continued provision of water, waste water, solid waste or storm drain facilities in the City and no expansion of caretaker units in the City is proposed as part of this Ordinance. As individual development projects are proposed in the project area, separate CEQA review would be undertaken to determine, as necessary, the specific project's impacts to these services. It is currently unknown where and when facilities will be proposed. The current project would result in **no impacts**.

- f),g) As noted above, the Ordinance adoption would not constitute a development proposal, and so would not result in impacts to solid waste. The location and timing of future development is speculative. As individual facility projects are proposed, separate CEQA review would be undertaken to determine if the specific projects' impacts to these services is significant. The Ordinance adoption 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
-----------------------------------	--------------------------------	---	------------------------------	-----------

**(16) MANDATORY FINDINGS OF SIGNIFICANCE.**

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

**DISCUSSION:**

- a) The project is the adoption of an Ordinance, which is not a physical development. Where and when a development project might be proposed is unknown at this time. In any case, no new caretaker unit is proposed as part of this Ordinance. When such a proposal is made, the development project would be analyzed as part of a separate, specific CEQA analysis, where the particular site and action would be assessed for its 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. Therefore, adoption of the Ordinance would result in **no impact**.
- b) In all of the environmental issue areas discussed throughout this Initial Study, the adoption of the Ordinance was found to have no impacts. Therefore, there would be **no cumulatively considerable impacts** from the project as well.
- c) As noted above in Item b), in all of the environmental issue areas discussed throughout this Initial Study, the adoption of the Ordinance was found to have no impacts. Adoption of the Ordinance is not a physical development. As such, there would be **no impact** with regard to environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. Where and when development projects might be proposed is unknown at this time. When such a proposal is made, the development project would be analyzed as part of a separate, specific CEQA analysis, where the particular site and action would be assessed for its potential to cause substantial adverse impacts on human beings.

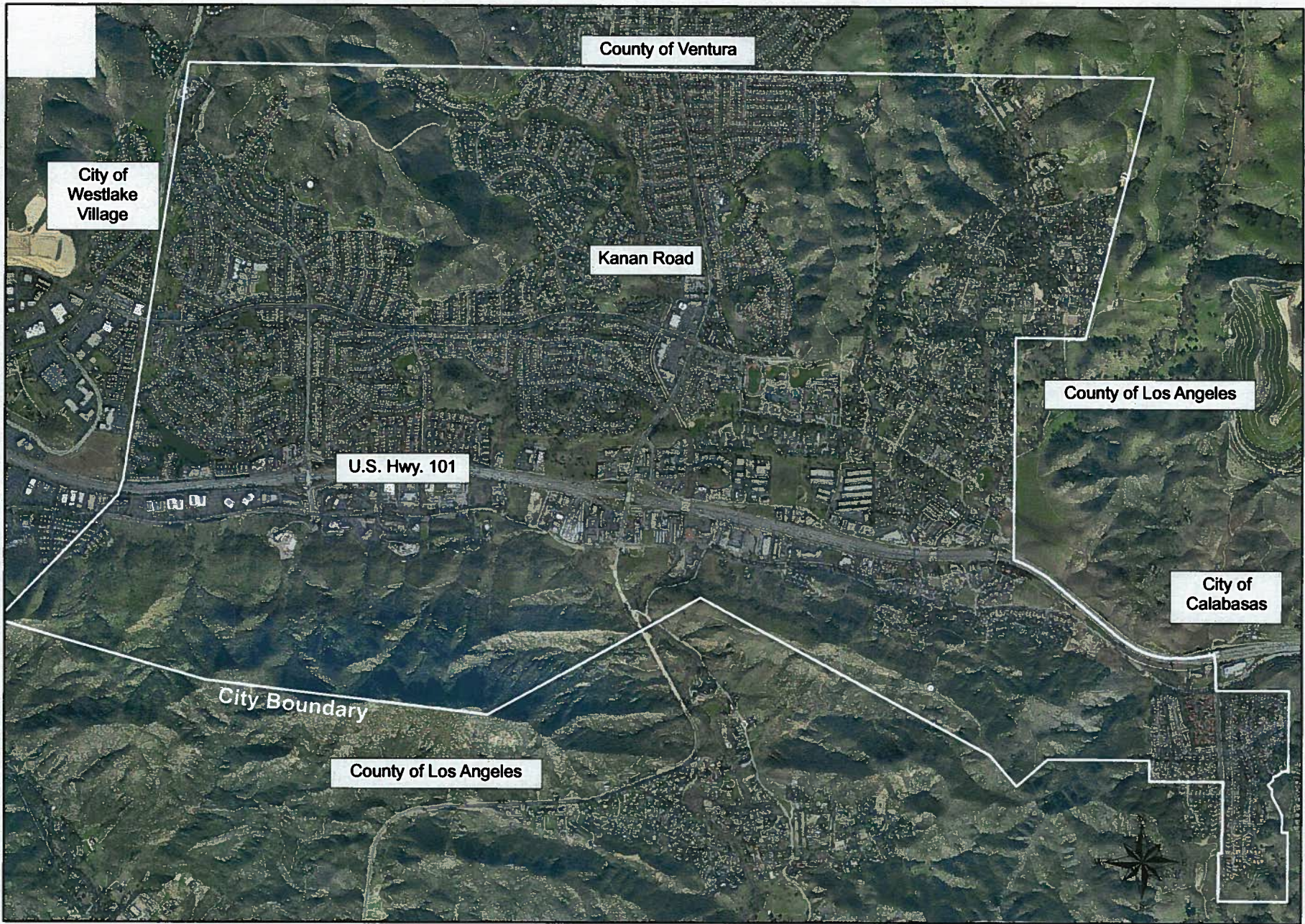
**Sources:**

Agoura Hills, City of. *General Plan 2035*. March 2010.

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

Agoura Hills, City of. *Municipal Code*.

**Appendix A**  
**(Location Map)**



December 2012

Location Map - City of Agoura Hills

Figure 1

**Appendix B**  
**(Draft Ordinance)**



DRAFT ORDINANCE NO. 13-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO AMEND DEVELOPMENT STANDARDS OF EXISTING DISTRICTS (RM, BP-M, BP-OR) AND THE SIGN ORDINANCE, TO CORRECT TYPOGRAPHICAL ERRORS AND OMISSIONS, AND AMEND THE COMMERCIAL USE TABLE TO ALLOW A CARETAKER RESIDENCE FOR MINI SELF STORAGE FACILITIES (CASE NO. 12-ZOA-001)**

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

Section 1. Section 9253.1. of Part 6 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9253.1. Maximum density.**

“The maximum density shall be as shown on the zoning map as a number of dwelling units per gross acre following the zoning symbol RM. However, said designation shall be limited to the range of six (6) through ~~ten (10)~~ fifteen (15) dwelling units per acre. For example, RM-10 means residential-medium density land use district with a maximum of ten (10) dwelling units per acre.”

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

**9312.2. Commercial use table I.**

	USE, SERVICE, OR FACILITY	COMMERCIAL					BUSINESS PARK	
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M
	<i>Unless otherwise indicated, listings denote retail sales operations</i>							
A. 19	Auto service station, primary	•	•		X•	X•	K,U	•
C. 4	Child care center	Y•	Y•		Y•	Y•	U	•
R. 8	<u>Residence of a caretaker for "Storage building, mini"</u>		FF					FF

Section 3. Section 9312.3. of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9312.3. Special conditions.

“The following special conditions apply to the uses indicated by the corresponding letter in table I described in section 9312.2:

FF. Permitted only on property with an existing valid nonconforming use permit for mini self-storage, and subject to issuance of a conditional use permit by the zoning administrator.”

Section 4. Section 9371. of Part 8 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9371. BP-OR Purpose.**

“The purpose of the BP-OR district shall be to provide areas for smaller planned developments, renovations, and additions, including offices and incidental retail commercial uses, within a campus environment that are harmonious with the adjacent commercial or residential development. ~~and integrate~~ These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces, common signage, and seamless connections and transitions with existing buildings in terms of scale, design, and materials, and are designed to promote pedestrian safety; and convenience ~~for pedestrians, and connectivity, as well as connecting to with,~~ and to complementing, the quality and character of existing development ~~while achieving a cohesive project.”~~

Section 5. Section 9381. of Part 9 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9381. BP-M Purpose.**

“The purpose of the BP-M district shall be to provide areas for larger scale businesses involved in light manufacturing, research and development, assembly, distribution or services require larger facilities in developments, renovations, and additions within a campus environment that are compatible with the adjacent commercial or residential development. ~~and integrate~~ These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces, common signage, and seamless connections and transitions with existing buildings in terms of scale, design, and materials, and are designed to promote pedestrian safety; and convenience ~~for pedestrians, and connectivity, as well as connecting to with,~~ and to complementing, the quality and character of existing development ~~while achieving a cohesive project.”~~

Section 6. Section 9383. of Part 9 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9383. Development standards.**

“Developments, renovations, and additions in the ~~BP-OR~~ BP-M district shall complement existing uses, exhibit a high level of architectural and site design quality, and include enhanced pedestrian connections between business areas, parking areas, and to adjoining neighborhoods and districts. Plazas, courtyards, expanded walkways, and open spaces shall be incorporated into the developments to promote pedestrian activity.”

Section 7. Section 9383.2 of Part 9 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

**9383.2. Building coverage.**

“The maximum building coverage shall be thirty (30) ~~feet~~ percent.”

Section 8. Section 9655.4 of Division 5 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

*9655.4. Temporary noncommercial signs and banners*

“Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, nonprofit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: on each lot a maximum of two (2) temporary freestanding signs containing only noncommercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. One temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) ~~square~~ feet in length., and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Section 9. 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,

Draft Ordinance No. 13-\_\_\_\_\_

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.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
by the following vote to wit:

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

\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

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

APPROVED AS TO FORM

\_\_\_\_\_  
Candice K. Lee, City Attorney

**Appendix C**  
**(Comments and Responses)**

## COMMENTS AND RESPONSES

This appendix contains all of the written comments received in response to the Draft Negative Declaration during the 20-day public review period that concluded on January 9, 2013. Each comment received during the comment period by the City of Agoura Hills (City) has been included within this section. Responses to the comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the Negative Declaration addresses these environmental issues. Each letter is presented first, with responses following.

### Commenters on the Draft Negative Declaration

The City received one (1) written comment letter on the Draft Negative Declaration during the comment period. This letter is listed as follows and will be used for referencing in this section.

<b>Response ID</b>	<b>Commenter</b>	<b>Date</b>
1	Dave Singleton, Program Analyst, Native American Heritage Commission	12/27/12

1

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 384  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



December 27, 2012

Mr. Doug Hooper, Planner  
**City of Agoura Hills**  
30001 Ladyface Court  
Agoura Hills, CA 91301

CITY OF AGOURA HILLS  
CITY CLERK  
2013 JAN -2 PM 12: 58

Re: SCH#2012121058; CEQA Notice of Completion; proposed Negative Declaration for the "Zoning Ordinance Amendment (amending development standards of existing zoning districts – City-wide) Project;" located in the City of Agoura Hills; Los Angeles County, California

Dear Mr. Hooper:

The California Native American Heritage Commission (NAHC) is the State of California 'trustee agency' for the preservation and protection of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendment s effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously.

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

①

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List



**Native American Contacts  
Los Angeles County  
December 27, 2012**

1

**Beverly Salazar Folkes**  
1931 Shadybrook Drive  
Thousand Oaks, CA 91362  
folkes@msn.com  
805 492-7255  
(805) 558-1154 - cell

Chumash  
Tataviam  
Fernandeño

San Luis Obispo County Chumash Council  
Chief Mark Steven Vigil  
1030 Ritchie Road  
Grover Beach CA 93433  
(805) 481-2461  
(805) 474-4729 - Fax

Chumash

**Fernandeno Tataviam Band of Mission Indians**  
Ronnie Salas, Cultural Preservation Department  
1019 - 2nd Street, Suite #1  
San Fernando CA 91340  
rsalas@tataviam-nsn.gov  
(818) 837-0794 Office  
(818) 837-0796 Fax

Fernandeno  
Tataviam

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th St, Rm. 403  
Los Angeles, CA 90020  
randrade@css.lacounty.gov  
(213) 351-5324  
(213) 386-3995 FAX

**Barbareno/Ventureno Band of Mission Indians**  
Julie Lynn Tumamait-Stenslie, Chairwoman  
365 North Poli Ave  
Ojai, CA 93023  
jtumamait@sbcglobal.net  
(805) 646-6214

Chumash

Owl Clan  
Qun-tan Shup  
48825 Sapaque Road  
Bradley, CA 93426  
mupaka@gmail.com  
(805) 472-9536 phone/fax  
(805) 835-2382 - CELL

Chumash

**Patrick Tumamait**  
992 El Camino Corto  
Ojai, CA 93023  
(805) 640-0481  
(805) 216-1253 Cell

Chumash

**Randy Guzman - Folkes**  
6471 Cornell Circle  
Moorpark, CA 93021  
ndnRandy@yahoo.com  
(805) 905-1675 - cell

Chumash  
Fernandeño  
Tataviam  
Shoshone Paiute  
Yaqui

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012121053; CEQA Notice of Completion; proposed Negative Declaration for the Zoning Ordinance Amendment (City-wide); located in the City of Agoura Hills; Los Angeles County, California.

**Native American Contacts  
Los Angeles County  
December 27, 2012**

①

Coastal Band of the Chumash Nation  
Toni Cordero, Chairwoman  
P.O. Box 4464 Chumash  
Santa Barbara CA 93140  
cordero44@charter.net  
805-964-3447

Santa Ynez Tribal Elders Council  
Freddie Romero, Cultural Preservation Consint  
P.O. Box 365 Chumash  
Santa Ynez , CA 93460  
805-688-7997, Ext 37  
freddyromero1959@yahoo.  
com

Carol A. Pulido  
165 Mountainview Street Chumash  
Oak View , CA 93022  
805-649-2743 (Home)

Barbareno/Ventureno Band of Mission Indians  
Kathleen Pappo  
2762 Vista Mesa Drive Chumash  
Rancho Pales Verdes CA 90275  
310-831-5295

Melissa M. Parra-Hernandez  
119 North Balsam Street Chumash  
Oxnard , CA 93030  
envyy36@yahoo.com  
805-983-7964  
(805) 248-8463 cell

Barbareno/Ventureno Band of Mission Indians  
Raudel Joe Banuelos, Jr.  
331 Mira Flores Court Chumash  
Camarillo , CA 93012  
805-987-5314

Frank Arredondo  
PO Box 161 Chumash  
Santa Barbara CA 93102  
ksen\_sku\_mu@yahoo.com  
805-617-6884  
805-893-1459  
ksen\_sku\_mu@yahoo.com

Coastal Band of the Chumash Nation  
Janet Darlene Garcia  
P.O. Box 4464 Chumash  
Santa Barbara CA 93140  
805-689-9528

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012121053; CEQA Notice of Completion; proposed Negative Declaration for the Zoning Ordinance Amendment (City-wide); located in the City of Agoura Hills; Los Angeles County, California.

**Native American Contacts  
Los Angeles County  
December 27, 2012**

①

Coastal Band of the Chumash Nation  
Crystal Baker  
P.O. Box 4464                      Chumash  
Santa Barbara CA 93140  
805-689-9528

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012121053; CEQA Notice of Completion; proposed Negative Declaration for the Zoning Ordinance Amendment (City-wide); located in the City of Agoura Hills; Los Angeles County, California.**

*Letter 1*

**COMMENTER:** Dave Singleton, Program Analyst, Native American Heritage Commission

**DATE:** December 27, 2012

**RESPONSES:**

The commenter states that the City is required to assess whether the proposed project would have any adverse impact on a historical and/or archaeological resource, and if so, to mitigate that effect. The commenter recommended several actions be taken to prevent impacts to historical and cultural resources. As noted in Section 4, *Cultural Resources*, the project is an Ordinance and not a physical development capable of impacting cultural resources that may exist on or under the ground. It is unknown at this time where and when such new development subject to this Ordinance might be proposed. Any proposal submitted to the City for a new development project would be analyzed separately under CEQA as part of the project's specific environmental review. At that time, consideration would be given to potential site specific cultural resources. If potential impacts are identified as a result of a new development project, recommended mitigation would be provided.