



REPORT TO CITY COUNCIL

DATE: FEBRUARY 26, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: KIMBERLY RODRIGUES, CITY CLERK 

SUBJECT: RE-ADOPT ORDINANCE NO. 14-405; AMENDING MUNICIPAL CODE SECTIONS 9312.2, 9312.3, AND 9552.1, TO ALLOW DAYTIME DOG CARE FACILITIES, INCLUDING OVERNIGHT CARE, AS A CONDITIONALLY PERMITTED USE IN THE OLD AGOURA COMMERCIAL CENTER AREA OF THE COMMERCIAL RETAIL SERVICE (CRS) ZONING DISTRICT (CASE NO. 13-ZOA-002) (BRYCE WENDEL, APPLICANT)

At the January 8, 2014, City Council meeting the Council introduced, read by title only, and waived further reading of Ordinance No. 14-405. The ordinance was then adopted at the subsequent City Council meeting of January 22, 2014.

In compliance with Government Code Section 36933, the ordinance was set for publication within 15 days of adoption, however, there was an error and the publication did not take place. In order to meet compliance, and for the ordinance to be valid, the City Council will need to re-adopt the ordinance.

Attached for your reference is a copy of the proposed ordinance.

RECOMMENDATION

Staff recommends the City Council re-adopt Ordinance No. 14-405, amending Municipal Code Sections 9312.2, 93012.3, and 9552.1, to allow daytime dog care facilities, including overnight care, as a conditionally permitted use in the Old Agoura Commercial Center Area of the Commercial Retail Service (CRS) zoning district.

Attachment: Ordinance No. 14-405

ORDINANCE NO. 14-405

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTIONS 9312.2, 9312.3 AND 9552.1 OF THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO ADD DAYTIME DOG CARE, INCLUDING OVERNIGHT CARE, AS A CONDITIONALLY PERMITTED USE IN THE COMMERCIAL RETAIL SERVICE (CRS) ZONING DISTRICT PORTION OF THE OLD AGOURA COMMERCIAL CENTER AREA (CASE NO. 13-ZOA-002)

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

Section 1. Pursuant to the California Environmental Quality Act (“CEQA”), as amended, the CEQA Guidelines, and the City’s local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Zoning Ordinance Amendment (“Project”) to allow daytime dog care, including overnight care, as a conditionally permitted use in the Commercial Retail Service (CRS) zoning district of the Old Agoura Commercial Center Area, has no possibility of causing a significant effect on the environment. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061, which states that “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without changes or alteration. The City Council concurs with City staff’s determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk pursuant to CEQA Guidelines Section 15062 within five days of the date of this action.

Section 2. Commercial Use Table I in Section 9312.2 of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add “GG” under the “CRS” column as follows (underlined text represents new text):

	USE, SERVICE OR FACILITY	COMMERCIAL					BUSINESS PARK	
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M
	Unless otherwise indicated, listing denote retail sales operations							
D.								
7.	Daytime dog care, including overnight care		<u>GG</u>					DD

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 add Special Condition "GG" to read as follows:

"GG: A permitted use in the Commercial Retail Service (CRS) district of the Old Agoura Commercial Center Area as defined in Section 9552, subject to the issuance of a Conditional Use Permit by the Planning Commission."

Section 4. Section 9552.1 of Part 6 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add number "30.1" to the list of "permitted uses within the buildable area of commercial lots" as follows:

"30.1. Daytime dog care, including overnight care;"

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Section 6. Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. This Ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, and ADOPTED this 26th day of February 2014, by the following vote to wit:

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

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney