

REPORT TO CITY COUNCIL

DATE: OCTOBER 14, 2015

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER *NH*
ALLISON COOK, ASSISTANT PLANNING DIRECTOR *AC*

SUBJECT: ADOPTION OF PRE-ZONING ORDINANCE FOR THE AGOURA EQUESTRIAN ESTATES PROJECT AND ADJACENT PROPERTIES

At the September 9, 2015 City Council meeting, the Council introduced, read by title only, and waived further reading of the Ordinance Approving the Pre-Zoning of Approximately 117 Acres for the Agoura Equestrian Estates Project and Adjacent Properties (Ordinance No. 15-419). The City Council approved the introduction of Ordinance No. 15-419, on a 3-2 vote.

The purpose of this ordinance is to establish zoning districts on the land proposed to be annexed into the City of Agoura Hills from the County of Los Angeles, which includes the following: Assessor Parcel Number (APN) 2052-009-270 (approximately 71 acres); APN 2055-010-270 (approximately 0.25 acre); APN 2052-010-901 (approximately 38 acres); and California Department of Transportation right-of-way (approximately 8 acres), for a total 117 acres. If the Los Angeles County Local Agency Formation Commission (LAFCO) approves the annexation of these lands, the new zoning will take effect on the newly annexed properties.

Attached for your reference is a copy of Ordinance No. 15-419.

RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 14-419, Pre-Zoning of Approximately 117 Acres for the Agoura Equestrian Estates Project and Adjacent Properties.

Attachment: Ordinance No. 15-419

ORDINANCE NO. 15-419

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE PRE-ZONING OF APPROXIMATELY 117 ACRES FOR THE AGOURA EQUESTRIAN ESTATES PROJECT AND ADJACENT PROPERTIES.

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

Section 1. The City Council does hereby make the following findings of fact:

- A. On June 14, 2013, Equine Estates/Fortune Realty (the "Applicant") initiated an application (Case Number 2013-ANX-001) for annexation, including a Sphere of Influence amendment, and a Pre-Zoning for the purposes of annexing the Agoura Equestrian Estates Project ("Project") to the City of Agoura Hills.
- B. The Project site is owned by the City of Agoura Hills, and is located within the County of Los Angeles on the north side of U.S. Highway 101, adjacent to Chesebro Road, on the eastern boundary of the City of Agoura Hills (Assessor Parcel Numbers 2052-009-270 and 2055-010-270).
- C. The annexation, Sphere of Influence amendment, and Pre-Zoning includes the aforementioned Assessor Parcel Numbers as part of the Project, as well as adjacent Assessor Parcel Number 2052-010-901 owned by the State of California Mountains Recreation and Conservation Authority, and a portion of the California Department of Transportation's right-of-way along the U.S. Highway 101, which are not part of the Project, but are proposed to create a logical extension of City boundaries.
- D. The annexation territory, consisting of the Project site and adjacent areas to be annexed, as listed above, totals approximately 117 acres of land soon to be contiguous to the corporate limits of the City of Agoura Hills on the eastern boundary, as shown on Exhibit A (Pre-Zoning Areas), incorporated herein by reference.
- E. The annexation territory is vacant, with the exception of the U.S. Highway 101 right-of-way and other roadways, and uninhabited. Assessor Parcel Number 2052-010-901 is preserved as open space. The Project site is proposed for development of fifteen (15) single-family homes, including a private road, drainage improvements and

other infrastructure, and trails. The remaining annexation territory is not proposed for development.

- F. Land uses surrounding the territory to be annexed on the west are low density residential single-family homes in the Old Agoura community and a gas station, with some commercial services and high density residential development adjacent to the U.S. 101 Highway corridor further west, all of which are located in the City. To the north, the territory is bounded by low density single-family homes, and on the east, by preserved open space. On the south, the territory is bounded by U.S. Highway 101.
- G. Currently, the annexation territory is zoned A-1-5 (Light Agricultural, maximum residential density of one dwelling per five acres) for Assessor Parcel Number 2052-009-270; O-S (Open Space) for Assessor Parcel Number 2055-010-270; O-S for Assessor Parcel Number 2055-010-901; and A-1-5 for U.S. Highway 101 right-of-way by the County of Los Angeles.
- H. Pre-zoning would designate the annexation territories with City of Agoura Hills zoning designations, consisting of RV-OA-EQ (UA) (Very Low Density Residential-Old Agoura Design Overlay-Equestrian Overlay) at a density of one acre minimum lot for an approximately twenty two (22) acre area of Assessor Parcel Number 2052-009-270; OS-DR-OA-EQ (UA) (Open Space-Deed Restricted-Old Agoura Overlay-Equestrian Overlay for Assessor Parcel Number 2055-010-270 and the remainder of Assessor Parcel Number 2052-009-270; and OS-DR-OA-EQ (UA) for Assessor Parcel Number 2055-010-901 and U.S. Highway 101 right-of-way.
- I. A Draft Environmental Impact Report ("DEIR") was prepared for the Project in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's local CEQA guidelines, and circulated from January 15, 2015 through March 2, 2015, for a 45-day public review.
- J. The Planning Commission held a public hearing to receive comments on the DEIR on February 5, 2015. Notices were posted at City Hall, the City Recreation Center, and the Agoura Hills Library, as well as in the local newspaper. The DEIR was made available for review on the City's website, at the Planning Counter at City Hall, and at the Agoura Hills Library.
- K. The City accepted and responded in writing to comments on the DEIR relating to CEQA issues submitted during the public comment period, as required by law. The City prepared the Final Environmental Impact

Report (FEIR) for the project. Both the comments and the City's written responses thereto were incorporated in the FEIR as required by CEQA. Responses were returned to the commenting agencies at least ten (10) days prior to the certification of the FEIR, pursuant to Public Resources Code Section 21092.5. The FEIR was comprised of the DEIR, the technical appendices noted and incorporated therein, public comments and the City's responses thereto, revisions to the DEIR, and the Mitigation Monitoring and Reporting Program.

- L. The revisions to the DEIR in response to public comments do not result in identification of new or more severe impacts or change the conclusion of the DEIR regarding significance of an impact. The revisions to, or addition of, mitigation measures in the FEIR are not necessary to reduce potentially significant impacts to a less than significant level, as the DEIR already concluded that the DEIR mitigation measures were adequate and would reduce impacts to a level of less than significant. Therefore, the FEIR does not result in new significant information that would warrant recirculation pursuant to CEQA Guidelines Section 15088.5.
- M. The Planning Commission held a duly noticed public hearing on August 20, 2015 at 6:30 p.m. at City Hall, at which time City staff presented its report, and interested persons had an opportunity to and did testify either in support or in opposition to the annexation application, the Sphere of Influence amendment, and the Pre-Zoning.
- N. Following consideration of the entire record before it at the said public hearing and in due consideration of the proposed annexation application, the Sphere of Influence amendment, and the Pre-Zoning, the Planning Commission adopted Resolution No. 15-1135 recommending that the City Council certify the Final EIR prepared for the Agoura Equestrian Estates Project, adopt findings pursuant to CEQA, and adopt a Mitigation Monitoring and Reporting Program, and forwarding comments on the Final EIR made by the Commission at the August 20, 2015 hearing to the City Council, a summary of which is included in Attachment 12 of the September 9, 2015 City Council staff report.
- O. At the conclusion of the Planning Commission hearing and after due consideration of the entire record before the Commission, and testimony regarding the annexation application, the Sphere of Influence amendment, and the Pre-Zoning, the Planning Commission adopted Resolution No. 15-1137 recommending that the City Council adopt the Pre-Zoning Ordinance for the Agoura Equestrian Estates Project and adjacent areas.

- P. On September 9, 2015, the City Council of the City of Agoura Hills considered the annexation application, the Sphere of Influence amendment, and the Pre-Zoning and the FEIR at a duly noticed public hearing as prescribed by law, and certified the FEIR for the Agoura Equestrian Estates Project, and adopted a Mitigation Monitoring and Reporting Program.
- Q. On September 9, 2015, the City Council of the City of Agoura Hills held a duly noticed public hearing on the proposed Pre-Zoning at which time all persons interested in the proposed annexation application, the Sphere of Influence amendment, and the Pre-Zoning had the opportunity to, and did, address the City Council on these matters. Following receipt of all public testimony, the City Council closed the hearing.

Section 2. Based upon the testimony and other evidence presented at the September 9, 2015 public hearing, the City Council finds as follows:

- A. The Pre-Zoning is consistent with the City of Agoura Hills General Plan 2035, as it provides for sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure (Goal LU-1); provides open space lands that are preserved to maintain the visual quality of the City and provide recreational opportunities, protect the public from safety hazards, and conserve natural resources (Goal LU-3); provides residential neighborhoods containing very low and low density housing reflecting Agoura Hills' history and designed to respect their environmental setting (Goal LU-8); and maintains the identity, scale, and character of the City's distinct residential neighborhoods (Goal LU-9). Prior to final adoption of the annexation and Sphere of Influence amendment by the City Council after LAFCO approval, the City Council will consider a General Plan Amendment to incorporate the new annexation territories into the text and exhibits of the General Plan, reflecting their inclusion in the City boundary, which will ensure consistency with the General Plan.
- B. The purpose of the proposal is to Pre-Zone the subject territory for annexation and Sphere of Influence amendment from Los Angeles County zoning designations to: RV-OA-EQ (UA) and OS-DR-OA-EQ (UA) pursuant to the Agoura Hills Municipal Code Sections 9221 *et seq.*, 9490 *et seq.*, 9551 *et seq.*, 9590 *et seq.*, and 9672.9(C). These designations most closely comport with the proposed Project and adjacent areas to be annexed, and best reflect the areas surrounding the annexation territory, which are lower density development and

protected open space, and within the Old Agoura Design Overlay and Equestrian Overlay. These zones are similar to the current County of Los Angeles zones, which allow limited low-density residential development and preserved open space and park areas.

- C. Public participation and notification requirements pursuant to Sections 65090 and 65091 of the State Government Code were duly followed.

Section 3. Based upon the foregoing facts and findings, the City Council hereby finds as follows:

- A. The Pre-Zoning pertaining to the Agoura Equestrians Estates Project and adjacent areas as shown on the attached Exhibit A is consistent with the City of Agoura Hills General Plan 2035 and development policies of the City in that the proposed Pre-Zoning designations are consistent with existing land uses in the area and would not result in a substantive change to the existing zoning of the territories to be annexed, as the territories to be annexed would either remain as permanent open space, or in the case of the approximately twenty-two (22) acre portion of the Project site, be developed with low-density residential uses generally consistent with the current County zoning, and consistent with adjacent zoning in the City.

Section 4. The City Council of the City of Agoura Hills, California hereby pre-zones the properties, shown in attached Exhibit A, the following zoning designations: RV-OA-EQ (UA) (Very Low Density Residential-Old Agoura Design Overlay-Equestrian Overlay) at a density of one acre minimum lot for an approximately twenty two (22) acre area of Assessor Parcel Number 2052-009-270; OS-DR-OA-EQ (UA) (Open Space-Deed Restricted-Old Agoura Overlay-Equestrian Overlay for Assessor Parcel Number 2055-010-270 and the remainder of Assessor Parcel Number 2052-009-270; and OS-DR-OA-EQ (UA) for Assessor Parcel Number 2055-010-901 and U.S. Highway 101 right-of-way.

Section 5. The City Council hereby imposes each applicable mitigation measure as a condition of approval on the annexation-related components and hereby directs that City staff implement and monitor the mitigation measures as described in the Mitigation Monitoring and Reporting Program, attached as Exhibit "B" to Resolution No. 15-1797, entitled "A Resolution of the City Council of the City Of Agoura Hills, California, Certifying the Final Environmental Impact Report for the Agoura Equestrian Estates Project; Making Environmental Findings Pursuant to the California Environmental Quality Act; and Adopting a Mitigation Monitoring and Reporting Program for the Agoura Equestrian Estates Project and Annexation Of Adjacent Lands, Consisting of a Total Of Approximately 117 Acres Located Immediately East of the Existing City of Agoura Hills Boundary Adjacent to Chesebro Road and North of U.S. Highway 101 (Case No. 13-ANX-001)", incorporated herein by this reference as though set forth in full."

Section 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 7. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2015, by the following vote to wit:

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

Illece Buckley Weber, Mayor

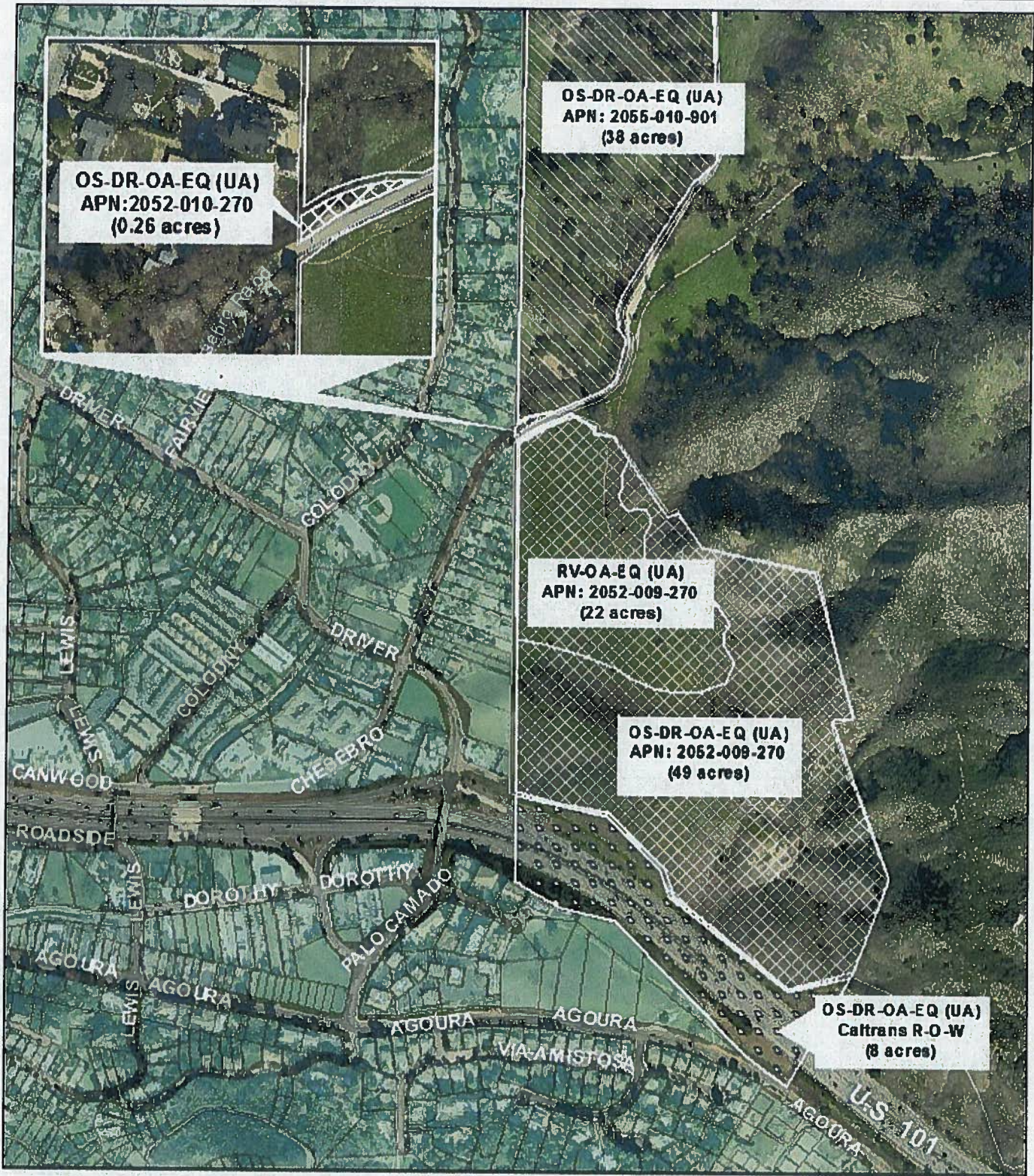
ATTEST:




Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A



-  State of California (MRCA) Annexation Area
-  City of Agoura Hills - Agoura Equestrian Estates Project Annexation Area
-  Caltrans Right of Way Annexation Area



Attachment 4

Pre-Zoning Areas

