

**ADDENDUM TO THE CERTIFIED FINAL EIR**

on the

**CITY OF AGOURA HILLS GENERAL PLAN**

**AMENDMENTS TO THE CITY ZONING ORDINANCE GOVERNING  
COMMERCIAL, BUSINESS, AND RESIDENTIAL SIGNAGE IN THE CITY  
(Modifications to existing code are contained in Appendix 1 to the Addendum)**

**Applicant/Project Proponent:  
City of Agoura Hills**

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## INTRODUCTION

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This Addendum has been prepared in accordance with the relevant provisions of the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines as implemented by the City of Agoura Hills. The State CEQA Guidelines define an Addendum as the proper method for analyzing minor potential environmental consequences of a project for which a previous Environmental Impact Report (EIR) has been prepared. Based on the State CEQA Guidelines and case law, it is appropriate for a Lead Agency to prepare an Addendum when some or all of the following criteria are met:

- (1) *only minor technical changes are needed to make the analysis in the prior EIR sufficient—this update to the Sign Code does not contain controversial types of control on any specific business (e.g., limited sign size for auto dealerships) and does not contain any provisions for the amortization of existing signs, such as pole signs;*
- (2) *the changes to the Project Description (in this case, the existing sign code which was adopted in 1987) are non-significant and contain elaborations upon or clarifications to components of a project that were described in a conceptual or schematic manner in the original EIR—the intent of the changes is to provide for a more aesthetic, well ordered system of advertising and building identification and therefore the effects of the revision are largely beneficial and not adverse;*
- (3) *non-significant environmental impacts are anticipated that were not contemplated in the prior document—prior amendments to the sign code have included controversial provisions such as the removal of pole signs and sign amortization which are not contained in this version of the Code, as amended; and*
- (4) *no additional substantial mitigation planning is necessary for project implementation; clarification and refinement of mitigation planning is acceptable—the implementation of the Code as presently proposed for revision will result in positive modifications to the aesthetic and business environment in the City and no mitigation planning is necessary or require..*

The Director of Community Development has determined, with the assistance of the City of Agoura Hills Environmental Analyst and the City of Agoura Hills Planning Staff, that the proposed Amendments to the Sign Code contained in Appendix 1 contained in the Summary Project Description portion of this document constitute a project, as defined by CEQA. This determination was made because (1) compliance with the proposed Amendment could result in environmental impacts that were not

contemplated in the Final Environmental Impact Report certified for the General Plan and (2) CEQA does not contain statutory or categorical exemptions for proposed legislative changes to permitted land uses, even in cases when such uses are small objects like signs, even if future CEQA analysis will be undertaken subsequent to enabling the addition of new land uses or if the signs resulting from Code implementation will be analyzed under CEQA as part of project specific environmental review. Finally, based on a long history of environmental review of signage associated with specific buildings and uses, there is general consensus among the decision-makers that sign uses were not resulting in adverse effects on the environment and therefore the City decision-makers have established a precedent that the proposed use of signage, as a general principle of business identification, is consistent with provisions of the General Plan that provide guidance about the form and shape of the urban environment, including building frontage, streetscape, and other components of the built environment.

The purpose of this Addendum and the Sign Code update process is to clarify the standards, allowed uses, and processes for obtaining variances for permanent and temporary signage installed in the City. The purpose of this Code Amendment is to modify any and all text amendments to the Zoning Ordinance and to the General Plan, as applicable, to codify the basis for and legalize the new standards of signage that are contained in the attached Sign Code revision (Appendix 1).

The City's EIR for the adoption of the General Plan adequately addressed the physical impacts on the environment resulting from the adoption of a sign code. Portions of this document that make reference to the "built environment" include the aesthetics and visual resources analysis, the project description, the standards and goals for buildout of the urban environment and other portions of the General Plan. The proposed Amendments to the Sign Code were determined to be consistent with the overall land use planning policies initially established in the General Plan.

Although the proposed revisions to the Sign Code are considered consistent with the General Plan and are defined as a project under the State CEQA Guidelines, because the proposal is only to modify regulations and not to consider a specific development proposal, construct a facility, create new forms of physical signage, or amortize any existing signage, **the project in this case is merely a change in administrative and governance language in the Zoning Ordinance which will, in and of itself, not result in any environmental impacts.** However, build out under the new permitted Sign Code standards will potentially have significant effects on the environment, depending on the conformance of new proposed signage with these standards, and therefore the City understands that future City discretionary actions implementing the Code will potentially be subject to CEQA analysis if the entitlements with which any future signage are associated meet the tests of a project under CEQA.

Therefore, this Addendum does not preclude signage analysis as part of CEQA review of individual projects in the future. At the time a CUP application is submitted to the City, then environmental analysis

under CEQA of this specific proposal would occur. Anticipated potentially significant impacts that would be studied in future CEQA documents include impacts on the urban design environment, view interference, lighting issues, quality of signage, directional signage and traffic management, and related issues. Given these circumstances and the potential for CEQA review of individual project signage, it was determined that the proposed Amendments to the Sign Code outlined in Appendix 1 would be an appropriate subject for preparation of an Addendum rather than some other form of CEQA analysis.

An Initial Study was not completed in support of the Addendum since no specific project applications are before the decision-makers. The ultimate consequences of the proposed Amendments to the Sign Code would be to require the signage uses on all developable sites in the City to comply with the guidelines and standards in the revised City Zoning Code standards applicable to signage. The proposed revision of Code would not increase the overall range of permitted land uses in the City and therefore preparation of an Initial Study was not required to define the general consequences of the proposed project. Based on the staff review of this proposed Amendment, no mitigation measures were determined to be necessary to implement this change to the Zoning Ordinance.

#### **Use of Incorporation by Reference**

CEQA Guidelines permit the use of relevant data generated while preparing related environmental documents, a procedure termed incorporation by reference (Guidelines, Section 15150). EIRs, Addenda to EIRs, and Negative Declarations may incorporate any portion of relevant documents that are both a matter of public record and generally available to the public. "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand." (Guidelines, section 15150, subd. (f).)

Typical examples of material that may properly be incorporated by reference include a description of a proposed project's environmental setting from another EIR or a description of the city or county General Plan applicable to the project's location (Guidelines, section 15150, subd. (e)). The City's Specific Plan Program EIR is available for public inspection at the Lead Agency's office at the City of Agoura Hills (Planning and Community Development Department).

For the purposes of this Addendum, prior actions by the City related to signage and its management is hereby incorporated by reference. Copies of prior Code amendments, the sign amortization program (now withdrawn) and other sign code amendments previously considered by the City are available upon request from the Planning and Community Development Department. The insurance that further CEQA analysis would be done under future application review related to signage is set forth in the language of the City's development code, General Plan, and in CEQA.

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## PROJECT DESCRIPTION

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The City's sign ordinance was originally adopted in 1987. While there have been a number of incidental amendments to the Sign Ordinance over the years, there has never been a comprehensive review and update of the Code itself, nor have prior efforts been directly linked to providing a focus on amending the Code to better implement the urban design goals and planning objectives in the General Plan. Prior amendments were more oriented to removing urban blight and signage thought to be in conflict with the basic aesthetics and harmony of the design goals of the General Plan, particularly as these goals applied to the Highway 101 Corridor and the Ladyface Specific Plan area. In fact, many of the amendments made to the ordinance over the years have had the unintended result of making the ordinance more confusing and difficult to understand for people unfamiliar with planning and implementing a sign program for their development. This update to the Code is designed to address these deficiencies.

A summary of the proposed revisions include the following provisions:

- Revisions were made to provide a more logical organization and to ensure that the language is clear and the ordinance is readable. These revisions did not change the substance of the ordinance but made the text more "user friendly" and removed internal inconsistencies.
- Other revisions were made to sign standards and sign types. These changes included, among other things, expanding the number of colors allowed on a sign, changing the way sign area is measured, developing standards for specific types of signs and allowing freeway facing signage on commercial or business park buildings that directly present major façade to Highway 101.
- Changes were made to update the document from a legal perspective. There have been significant changes in the law relative to signs since the City's first sign ordinance was adopted in 1987. These laws mainly address First Amendment rights to regulated speech and content neutrality issues which arose as the Business and Professions Code was updated and amended over the years. This version of the Sign Code reconciles these two sources of law governing signage. This version of the Code is consistent with the Business & Professions Code.

A more detailed discussion of the changes proposed to the Sign Code is provided in the Planning Department staff report for the proposed Amendment.

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## RATIONALE FOR THE USE OF AN ADDENDUM

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### Addendum Determination

In the present case, the City of Agoura Hills (the Lead Agency), upon review of the record as a whole, has determined that the proposed Sign Code Amendment is a procedural land use management amendment only and is not substantial enough to warrant additional environmental review in the form of a supplemental EIR, Negative Declaration, or Mitigated Negative Declaration. Individual analysis of specific signs **will occur in the future when CEQA review is conducted on projects defined to be within the scope of a formal CEQA review.**

### Analysis

Staff is recommending that the Sign Code be revised as outlined in Appendix 1 to render the Code consistent with the Business and Professions Code and to provide a clearer set of definitions and procedures for developing signage for all commercial, retail and applicable residential projects. This Amendment does not call for the amortization of any signage and does not propose any known signage types that are considered controversial or prohibitive of business purposes. In the past, the City Staff and applicants for projects have both found the existing Code less than perfect in defining sign types and in providing regulations for various types of signage. Also, a number of questions have arisen over the materials, colors and composition of signage that were not clearly regulated in the existing version of the Sign Code.

This proposed Code Amendment also recognizes that since the time of the adoption of the original Sign Code, a number of specific changes have occurred in the legal environment governing signage and its expression. In addition, standards of urban design have changed as well and what was once thought to be preferred or acceptable from an aesthetic standpoint has undergone modification as the urban design standards applied to cities have evolved. The existing Sign Code does not adequately provide for unique and creative signage. The purpose of this Amendment is to update, amend and revise the Code to provide a better urban design result for the City relative to signage and to avoid litigation that could arise out of conflicts between the Business and Professions Code language and the content of the existing Code. This Amendment does not include controversial provisions like amortization of non-conforming signs or the removal of pole signs. A complete sign inventory of the City has not been conducted and therefore, even if there was an interest in such more controversial features of sign management, the required legal database for proceeding with such statutory changes is unavailable.

## Finding

In summary, the Lead Agency has determined the criteria that would mandate the preparation of a supplemental or subsequent EIR or Mitigated Negative Declaration for the proposed Specific Plan Amendment have not been met. Section 15162 of the State CEQA Guidelines, indicates that a Supplemental EIR must be prepared only where: (1) changes to the project would result in significant new environmental impacts (as modified by court cases previously referenced, these would be new Class I, unavoidably significant impacts); (2) where substantial changes occur with respect to the circumstances under which the project is undertaken, such as a substantial deterioration in the roadway network performance, which involve new significant environmental impacts (again as modified by legal precedence, these would be new Class I impacts); and (3) new information of substantial importance becomes available (such as the identification of a mitigation measure from the environmental impact report which has been found to be infeasible, and whose inapplicability would change the residual level of the impact as described in the EIR). **None of these tests have been met in the present case and thus an Addendum has been prepared for the proposed project.**

### CEQA Case Law Supporting the Use of an Addendum

Prior to the 1994 revisions to CEQA, the State CEQA Guidelines, Section 15164, recognized the use of an Addendum only in situations where a new project would necessitate that *only minor technical changes or additions* be made to a previously certified EIR in order to adequately address the modified project. The prevailing attitude prior to the 1994 CEQA revisions held that the *modifications to a project would need to be minor* in order for an Addendum to be appropriate. However, since the CEQA amendments of 1994, section 15164 now provides for an addendum to an EIR to be prepared, even when more than mere *minor technical changes or additions to a project* are proposed.

Court cases provided the impetus for the 1994 CEQA Amendments regarding the applicability of an Addendum when considering revisions to a previously studied project. In Benton v. Napa County, the court concluded that the scope or magnitude of the changes to a project should not be used as the determinant of whether an Addendum is appropriate, but rather the environmental impacts of the proposed changes, and the content of the original EIR, must be the basis for the decision. Several courts have concluded that a supplemental or subsequent EIR is not required, and therefore an Addendum will suffice, when the impacts of the project changes will be mitigated, even though the new impacts would be significant without mitigation (Long Beach Savings and Loan Assn v. Long Beach Redevelopment Agency.) Lastly, where significant impacts will result from project changes, a subsequent or supplemental EIR or Mitigated Negative Declaration is not required if those impacts have already been evaluated in the original EIR (Fund for Environmental Defense v. County of Orange). The requirements and consequences of minor Amendments were considered in the Land Use Element of the General Plan



EIR. The Final EIR for the General Plan includes a general discussion of the potential environmental consequences resulting from signage within the City.

## **Appendix 1: Revised Sign Code**