

REPORT TO CITY COUNCIL

DATE: AUGUST 10, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: DENICE THOMAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
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SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER:

- 1) **ADOPTION OF RESOLUTION NO. 22-2017; ADOPTING THE ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN UPDATE, ASSOCIATED ZONE CHANGES AND MAP AMENDMENTS, AGOURA VILLAGE SPECIFIC PLAN AMENDMENTS, LADYFACE MOUNTAIN SPECIFIC PLAN AMENDMENTS, AND AGOURA HILLS MUNICIPAL CODE AMENDMENTS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR NOISE AND AIR QUALITY IMPACTS DURING CONSTRUCTION, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.**

- 2) **ADOPTION OF RESOLUTION NO. 22-2018; ADOPTING THE GENERAL PLAN UPDATE, INCLUDING THE AMENDMENTS TO THE FOLLOWING ELEMENTS OF THE GENERAL PLAN:**
 - a. **2021 – 2029 HOUSING ELEMENT;**
 - b. **COMMUNITY CONSERVATION AND DEVELOPMENT ELEMENT;**
 - c. **COMMUNITY SAFETY ELEMENT;**
 - d. **INFRASTRUCTURE AND COMMUNITY SERVICES ELEMENT;
AND NATURAL RESOURCES ELEMENT;**

AND, AMEND THE GENERAL PLAN LAND USE DIAGRAM (FIGURE LU-2) TO GRAPHICALLY DEPICT THE GENERAL PLAN DESIGNATIONS FOR THE FOLLOWING HOUSING SITES INVENTORY:

- a. **AIN: 2053-001-004 – (SITE D) FROM BUSINESS PARK-OFFICE RETAIL (BP-OR) TO RM;**

- b. AINS: 2055-005-903 – 904 – (SITE F) FROM RESIDENTIAL LOW DENSITY (RL) TO RM;
 - c. AINS: 2061-013-001 – 005, 2061-013-024 – 025, AND 2061-013-040 – (SITE H) FROM BP-OR TO RM;
 - d. AINS: 2061-010-006, 2061-010-008, AND 2061-010-015 – 017 – (SITE L) FROM COMMERCIAL RETAIL SERVICE (CRS) TO RM;
 - e. AIN: 2061-004-049 – (SITE N) FROM PLANNED OFFICE AND MANUFACTURING (POM) TO RM;
 - f. AIN: 2051-006-141 – (SITE P) FROM CS-MU WITH OPEN SPACE-RESTRICTED (OS-R) TO CS-MU;
 - g. AINS 2061-009-075 – 076 – (SITE R) FROM CRS TO RM;
 - h. AINS: 2061-029-001 AND 2061-028-005 – 006 – (SITE S) FROM BP-OR TO RM; AND
 - i. AIN: 2061-004-022 – (SITE T) FROM POM TO RM.
- 3) INTRODUCTION OF ORDINANCE NO. 22-461; AMENDING THE AGOURA HILLS MUNICIPAL CODE TO INCORPORATE LAND USE AND ZONING REGULATIONS AS FOLLOWS:
- a. ESTABLISH AND IMPLEMENT THE AFFORDABLE HOUSING OVERLAY DISTRICT, INCLUDING ESTABLISHING A MINISTERIAL PROCESS FOR APPROVAL OF QUALIFYING AFFORDABLE HOUSING PROJECT;
 - b. ADOPT OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS;
 - c. AMEND THE RESIDENTIAL MEDIUM DENSITY (RM) ZONING DISTRICT TO PERMIT INCREASED DENSITY;
 - d. AMEND THE RESIDENTIAL HIGH DENSITY (RH) ZONING DISTRICT TO PERMIT INCREASED DENSITY;
 - e. AMEND THE COMMERCIAL SHOPPING CENTER-MIXED USE (CS-MU) ZONING DISTRICT TO PERMIT INCREASED DENSITY; AND AMEND THE GENERAL PLAN LAND USE DIAGRAM AND ZONING MAP TO:
 - f. AMEND THE ZONING MAP TO GRAPHICALLY DEPICT THE AFFORDABLE HOUSING OVERLAY DISTRICT AND GRAPHICALLY DEPICT THE ZONE CHANGES FOR THE FOLLOWING HOUSING SITES INVENTORY SITES:
 - i. AIN: 2061-031-020 – (SITE A) FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT WITH AFFORDABLE HOUSING OVERLAY (AHO);
 - ii. AINS: 2061-032-021 AND -022 – (SITE B) FROM PD TO PD WITH AHO;
 - iii. AINS: 2061-029-005 AND -006 – (SITE C) FROM PD TO PD WITH AHO;
 - iv. AIN: 2053-001-004 – (SITE D) FROM BP-OR WITH FREEWAY CORRIDOR (FC) OVERLAY TO RM WITH AHO;

- v. AIN: 2061-006-056 – (SITE E) FROM PD TO PD WITH AHO;
- vi. AINS: 2055-005-904 AND 2055-005-903 – (SITE F) FROM RL – 20,000 WITH OLD AGOURA OVERLAY (OA) AND EQUESTRIAN (EQ) OVERLAY TO RM WITH AHO;
- vii. AIN: 2061-006-044 – (SITE G) FROM PD TO PD WITH AHO OVERLAY;
- viii. AINS: 2061-013-024 – 025, 2061-013-001 – 005, 2061-013-036, AND 2061-013-039 – 040 – (SITE H) FROM BP-OR WITH FC OVERLAY TO RM WITH AHO;
- ix. AINS: 2061-029-003 – 004 – (SITE I) FROM PD TO PD WITH AHO;
- x. AINS: 2061-006-042 AND 2061-006-048 – (SITE J) FROM PD TO PD WITH AHO;
- xi. AINS: 2061-007-041, 2061-007-051 – 052, AND 2061-007-054 – 055 (SITE K) FROM PD TO PD WITH AHO;
- xii. AINS: 2061-010-015 – 017, 2061-010-006 – 008 – (SITE L) FROM CRS WITH FC AND OA OVERLAY TO RM WITH AHO;
- xiii. AIN: 2061-033-015 – (SITE M) FROM PD TO PD WITH AHO;
- xiv. AIN: 2061-004-049 – (SITE N) FROM POM WITH FC OVERLAY TO RM WITH AHO;
- xv. AINS: 2053-007-024 – 028 AND 2053-007-030 – (SITE O) FROM CS-MU TO CS-MU WITH AHO;
- xvi. AIN: 2051-006-141 – (SITE P) FROM CS-MU AND OS-R WITH DRAINAGE (D) OVERLAY TO CS-MU WITH AHO;
- xvii. AIN: 2051-005-002 – (SITE Q) FROM CS-MU TO CS-MU WITH AHO;
- xviii. AINS: 2061-009-075 – 076 – (SITE R) FROM CRS WITH FC AND OA OVERLAYS TO RM WITH AHO;
- xix. AINS: 2061-029-001, 2061-028-005 – 006 – (SITE S) FROM BP-OR TO RM WITH AHO; AND
- xx. AIN: 2061-004-022 – (SITE T) FROM POM WITH MIXED USE (MXD) AND FC OVERLAYS TO RM WITH AHO.

4) INTRODUCTION OF ORDINANCE NO. 22-462; AMENDING THE LADYFACE MOUNTAIN SPECIFIC PLAN TO PERMIT RESIDENTIAL ZONING FOR THE SITE LISTED ON THE HOUSING SITES INVENTORY (AIN: 2061-033-015 – SITE M)

5) INTRODUCTION OF ORDINANCE NO. 22-463; AMENDING THE AGOURA VILLAGE SPECIFIC PLAN TO PERMIT RESIDENTIAL ZONING FOR SITES LISTED ON THE HOUSING SITES INVENTORY THAT DO NOT HAVE RESIDENTIAL ZONING (AIN: 2061-006-044 – SITE G, AIN: 2061-006-042 – SITE J, AND AIN: 2061-007-041 – SITE K).

BACKGROUND

On July 21, 2022, the Planning Commission voted 5-0 to recommend approval of the General Plan Update to the City Council. The Planning Commission staff report package is included, in its entirety, for your reference (Attachment A: Planning Commission Staff Report Package). Thirteen public comments were received prior to the Planning Commission meeting, one written comment was submitted in-person, eight individuals spoke in-person at the meeting, and eight people spoke via Zoom.

The majority of commenters expressed opposition to inclusion of the three shopping centers due to traffic and evacuation concerns. Additionally, two commenters (one in-person during the meeting and one via Zoom) expressed concerns that the proposed objective standards were not financially feasible and requested the item be tabled so staff could perform a fiscal analysis, similar to that performed in Santa Monica, that addressed the financial viability of projects that utilize the Affordable Housing Overlay District (AHO).

This staff report summarizes the information found in the Environmental Impact Report (EIR), the proposed changes to the General Plan, the changes to the Agoura Hills Municipal Code (AHMC), including changes to the adopted Zoning Map, the changes to the Ladyface Mountain Specific Plan (LMSP), and the changes to the Agoura Village Specific Plan (AVSP).

An Errata Memorandum with supplemental information was distributed at the beginning of the July 21, 2022, Planning Commission meeting to Planning Commissioners and a copy was made available to the Public by the City Clerk. The memorandum was read into the record. The Errata Memorandum was necessary to ensure the supplemental information requested by the California State Department of Housing and Community Development (HCD) was considered by the Planning Commission and included in the Housing Element.

The supplemental information included a change to Page IV-10 of the Housing Element to provide supplemental information regarding mixed-use developments in the region that have been approved with a mixture of existing commercial and new residential uses. The information also included an illustrative volume block drawing which graphically depicted Sites O, P, and Q with the unit capacity identified in the Housing Opportunity Sites Inventory. The illustrative drawing does not represent a development proposal currently under consideration and does not represent the only manner in which the site may be developed to deliver the unit capacity identified in the Housing Opportunity Sites Inventory. The intended purpose of the illustrative drawing was to demonstrate it is possible to deliver the unit capacity identified in the Housing Opportunity Sites Inventory without eliminating the anchor tenants in the shopping centers or dramatically reducing the existing surface parking.

The Errata Memorandum also called out changes to Page V-18, which provided clarity in the introductory paragraph of the 2021-2029 Objectives (this was repetitive language that was requested by HCD so staff complied with the request) and changes to Page V-20 to clearly state the City would test a sample site from the categories identified in Program 13 – Objective Development Standards (which staff did with the volume block exercise explained above). All of the information was requested after the Planning Commission packet was published; therefore an Errata Memorandum was prepared to ensure the information requested by HCD was included.

EIR RESOLUTION AND ADEQUACY REVIEW

On October 21, 2021, the City of Agoura Hills published a Notice of Preparation (NOP) for the Draft Subsequent Environmental Impact Report (SEIR) pursuant to the California Environmental Quality Act (CEQA) Guidelines. The NOP was sent to all responsible and trustee agencies and interested parties and organizations and was also posted on the City's General Plan web page. Notices of all public meetings were made available on the City's web page in advance of each meeting.

On April 28, 2022, the City published a Notice of Completion (NOC) and Availability (NOA) for the SEIR and made the SEIR available for public review and comment for a period of 54 days (CEQA Guidelines require a minimum of 45 days). In addition to publishing the SEIR with the State Office of Planning and Research (OPR), the SEIR was sent to 21 different state and regional reviewing agencies.

The SEIR analyzed the adoption of the General Plan Update of the City of Agoura Hills, which includes the 2021-2029 Housing Element, and related updates to the Community Conservation and Development, Community Safety, Infrastructure and Community Services, and Natural Resources Elements and adoption of land use and zoning regulations and the corresponding amendments to the Zoning Map to create and implement the AHO. The City was also required to make other changes to the General Plan in response to recent state legislation, which was also analyzed by the SEIR, including goals and policies for wildland and urban fire hazards, flood hazards, a climate change vulnerability assessment, and climate change adaptation and resiliency strategies. Additionally, in accordance with state requirements, the City recently adopted Transportation Study Guidelines for Vehicle Miles Traveled (VMT) in July 2020.

As required by Section 15124(b) of CEQA Guidelines, the SEIR identified major project objectives that include updating the Housing Element to accommodate the City's 6th Cycle Regional Housing Needs Assessment (RHNA), preparing a Housing Element Update that ensures adequate site capacity and avoids violations of the state's no net loss provision for housing (Government Code section 65863), and promotes the development of new housing for all income levels in a manner that complies with state legislation and maintains local character.

Also, as required by CEQA, the SEIR identified three potential alternatives that include a no project alternative, an alternative that analyzed a reduced opportunity sites list, and a variable density alternative. It was determined that none of the project alternatives would fulfill the City's 6th Cycle RHNA allocation without having potentially greater impacts on the project sites.

The SEIR identifies the potential environmental impacts, including project specific and cumulative effects, of the proposed project. Additionally, areas of controversy were identified based on comment letters/emails received. Controversial issues included the identification of certain opportunity sites, particularly the shopping center sites, traffic, emergency evacuation routes, wildfire hazards, open space, affordable housing, biological resources (impacts on wildlife corridors and wildlife, special status species), and tribal cultural resources.

During the public review and comment period, the City received 61 comment letters, 50 of which were solely on the inclusion of three development opportunity sites located at the intersection of Kanan Road and Thousand Oaks Boulevard (Sites O, P, and Q) known as the "Shopping Center Sites." Those 50 comment letters were responded to and are identified as comment letters 11 – 61 in the City's General Plan Update (GPU) Responses to Comments document that has been posted on the City's General Plan website. The following summarizes the comment letters received from the state reviewing agencies, Ventura County, and a local non-profit organization.

The first letter (Comment Letter 1) was sent from the California Department of Fish and Wildlife and states that development could impact biological resources, streams and associated natural communities, oak shrub lands and woodlands, and nesting bird and raptors. The City responded to the comment letter by addressing the fact that the General Plan includes policies that encourage the protection of open space, natural areas, and water quality. Additionally, projects approved under the proposed AHO would be required to provide evidence that the project meets state and federal criteria to avoid impacts to sensitive species.

The second letter (Comment Letter 2) was sent from the California Department of Transportation (Caltrans) District 7 and states that Caltrans concurs that the General Plan Update would result in less than significant impacts related to transportation and recommends the City include a policy to prepare a post-development VMT analysis for monitoring validation purposes. The City responded that the City's Transportation Assessment Guidelines require preparation of a VMT study for each project under the AHMC and objective standards for processing by-right projects under the AHO.

The third letter (Comment Letter 3) was sent from the County of Ventura Board of Supervisors, Linda Parks, and requests that City Council remove the Shopping Center Sites from the Housing Sites Inventory due to potential hazards related to evacuations.

The City responded by stating that the Las Virgenes – Malibu Council of Governments Multi-jurisdictional Hazard Mitigation Plan provides guidance for the City’s response to emergency situations associated with natural and manmade disasters. Additionally, as described in the SEIR, the development of housing in accordance with the Housing Element and General Plan Update will not physically interfere with or impair the implementation of an adopted emergency response plan or evacuation plan.

The fourth, fifth and sixth letters (Comment Letters, 4, 5, and 6) were sent from Save Open Space Santa Monica Mountains, Mary Wiesbrock. Comment Letter 4 requests that City Council remove the Shopping Center Sites as, according to the letter, the sites are not needed in order to meet the City’s RHNA, the sites would create issues with the Kanan Evacuation Route, and alternative sites such as underutilized parking lots are available for housing projects. This letter also requests that the City instead consider alternate opportunity sites such as the parking lots at the BP-OR sites at the western edge of the City, and consider adding density to the Dorothy Drive property. The BP-OR property is part of a development that is larger than 10 acres and has a real estate indicator suggesting that it is not likely for redevelopment. Both of these characteristics place the suggested alternative site outside of the guidelines set by HCD. Finally, the Dorothy Drive site is in the Very High Fire Hazard Severity Zone (VHFHSZ) and thus adding density there would not be consistent with the City Council’s prior direction to reduce the number of units in the VHFHSZ.

Similarly to Comment Letter 4, Comment Letter 5 requests the removal of the Shopping Center Sites due to potential impacts to the evacuation corridor along Kanan Road from the north. The sixth letter also requested the removal of the Shopping Center Sites on the basis of concerns about air quality, evacuation routes, and an increase in population destroying the “small town feeling.” The City provided detailed responses with regards to the evacuation routes. With regard to the comments related to air quality, the City responded that the buildout of the housing opportunity sites would not produce the volume of traffic required to generate a Carbon monoxide (CO) hotspot and impacts related to CO concentrations would be less than significant. Further, with regard to the increase in population destroying the character of the City, the City responded that the project is the direct result of meeting the RHNA allocation plan, which reflects statewide and regional plans to meet the housing demand.

The SEIR’s environmental impact analysis adequately analyzed the areas of controversy and environmental issue areas identified using the most current threshold criteria in CEQA. The SEIR determined that the GPU impacts would be less than significant other than the following significant and unavoidable impacts for which a Statement of Overriding Considerations was prepared.

It was determined, through the analysis performed for the SEIR that the implementation of the General Plan would result in significant construction and operational emissions

even with mitigation measures requiring emission control measures. As a result, the SEIR determined that the net increases in criteria pollutants would be significant and unavoidable for both construction and operation of development under the General Plan.

It was also determined, through the analysis performed for the SEIR that the implementation of the General Plan would result in unavoidable impacts with respect to construction noise, even with mitigation measures working to reduce noise levels from construction activities.

In addition to the statement of overriding considerations, the City must also make findings that the SEIR was prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences, and contains all required elements of an EIR. Based on CEQA Section 15151, which addresses the adequacy, completeness, and good faith effort at full disclosure, staff finds the SEIR to be adequate in providing a sufficient degree of analysis to make a determination regarding environmental consequences. Additionally, staff finds that the SEIR contains all required elements of an EIR pursuant to the CEQA Guidelines.

With regard to the General Plan Update findings, State law does not require the City to adopt consistency findings or any other findings to amend a general plan element, however, Government Code Section 65300.5 requires all General Plans to have internal consistency among its elements. Based on the analysis, staff finds that the proposed changes to the Housing Element are consistent with the General Plan in that they help to implement the goals, policies, and programs included within other Elements, including the Community Conservation and Development Element, Infrastructure and Community Services Element, Natural Resources Element, and Community Safety Element.

The Community Conservation and Development Element includes text updates and updates to the Land Use Map and Development Capacity Table to accommodate residential development on the proposed housing opportunity sites. In addition, the Housing Element contains new policies and programs which focus on repurposing existing underutilized commercial centers, improving existing housing, and implementing the Climate Action and Adaptation Plan, which together would help further the goals and policies of the Community Conservation and Development Element by sustaining economic vitality and meeting mandates for more sustainable forms of energy. For the reasons described above, staff finds that the proposed Housing Element is consistent with the Community Conservation and Development Element.

While updates to the Infrastructure and Community Services Element do not have the potential to impact population, housing, or employment within the City, minor revisions were made to ensure the potential impacts of the GPU were less than significant. These revisions include a change to the Mobility section to reflect current conditions and a policy

related to the City VMT thresholds adopted in 2020 as a metric to evaluate the number of miles traveled by each vehicle. Additionally, with regard to housing projects proposed under the AHO, which are approved ministerially, the proposed provisions meet the requirements of the Los Angeles Fire Department and Public Works Department and provide a framework for maintaining adequate infrastructure while also planning for future growth outlined in the Housing Element. For the reasons identified, staff finds that these two Elements are consistent.

Updates to the Natural Resources Element would serve the purpose of reducing the risk of air quality impacts and would not have the potential to impact population, housing, or employment within the City. However, goal and policy updates have been made to minimize the pollution exposure of potential residential uses near the freeway and major arterials, and promote ventilation along roadway corridors. Additionally, with regard to housing projects proposed under the AHO, the developments will be required to meet the requirements of the South Coast Air Quality Management District regulations. Therefore, staff finds that the proposed Natural Resources Element is consistent with the proposed Housing Element.

Updates to the Community Safety Element serve to reduce the City's risks from wildland and urban fire hazards, flood and other hazards, and climate change, and would not have the potential to impact population, housing, or employment within the city. This being said, the Safety Element is interrelated with the proposed Housing Element policies and programs in that the Safety Element provides a framework for maintaining a safe and sustainable built environment at maximum capacities identified in the Housing Element by improving emergency response and evacuation times, and mitigating impacts of potential hazards with sound development practices. Both elements have been updated to include policies and programs in the Climate Action and Adaptation Plan, while the Objective Design and Development Standards developed as part of the Housing Element Update have incorporated standards which are consistent with the proposed development policies contained in the Safety Element.

As described above, the proposed changes to individual elements serve the purpose of reducing the potential impacts associated with the Housing Element Update through specific goals and policies which will continue to minimize air quality impacts, improve emergency response and evacuation times, mitigate potential hazards, maintain adequate infrastructure, and meet mandates for more sustainable forms of development. In this way, staff finds the proposed changes to all other Elements to be consistent.

GENERAL PLAN UPDATE RESOLUTION

The following is a summary of the proposed changes to the General Plan, including a brief description of the goals and policies added.

- **HOUSING ELEMENT**

The Cycle 6th Regional Housing Needs Assessment (RHNA) Allocation for the City of Agoura Hills is 318 units. The City is required to ensure capacity for the 318 units to be constructed during the cycle which runs from October 2021 to October 2029. The RHNA Allocation represents the City's fair share of housing. The 318 units are broken down by affordability categories. The City's allocation is 127 very low-income units, 72 low-income units, 55 moderate-income units, and 64 above-moderate income units.

Historically, the City's fair share of housing has been a lower allocation (e.g.: Cycle 5th RHNA Allocation was 115) which we were able to accommodate with existing zoning. On January 13, 2021, staff appeared before the RHNA Appeals Board to request a reduction in the RHNA Allocation. Staff advised the RHNA Appeals Board that approximately two-thirds of the City is in the Very High Fire Hazard Severity Zone (VHFHSZ). Due to this constraint and the marked increase in the City's allocation, staff requested a lower number to reduce the number of units the City would have to place in the VHFHSZ. The RHNA Appeals Board denied the appeal by a vote of 6-0.

The City is not responsible for constructing the RHNA Allocation, however, the City is required to have, and maintain, adequate zoning (capacity) at all times throughout Cycle 6. This Cycle, the City does not have adequate zoning to realize the RHNA Allocation. As a result, to comply with State Law, staff is proposing a rezoning program in conjunction with the updated Housing Element.

The Rezoning Program includes the rezoning of the 20 properties in the Housing Opportunity Site Inventory (Attachment A – Planning Commission Staff Report Package, (page 94)), amending the General Plan text to incorporate the changes in state law and to graphically depict the Housing Opportunity Sites on the Land-use Diagram, amending the AHMC to: establish an AHO, adopt objective standards, and amend the adopted zoning map to graphically depict the changes in zoning, amending the LMSP to incorporate the Housing Opportunity Sites within the LMSP, and amending the AVSP to incorporate the Housing Opportunity Sites within the AVSP.

The Housing Element, as adopted, has five Goals, which are not changing; 25 Policies, 17 of which are not changing; and 16 Programs, five of which are not changing. The proposed amendments to the Housing Element incorporate the Cycle 6 RHNA, addresses changes in State Law, and establishes objectives for Cycle 6.

The Housing Element Goals and Policies section amendment includes expansion of two policies (e.g.: H-2.5 and H-3.5), modification of one policy (e.g.: H-1.2), addition of six new policies (e.g.: H-2.2, H-3.4, H-3.6, H-4.2, H-5.4, and H-5.5).

The Housing Element Housing Programs section has been amended to expand three programs (e.g.: 7. Section 8 Rental Assistance, 11a. Promote Accessory Dwelling Units, and 16. Fair Housing/Affirmatively Furthering Fair Housing), add seven new programs (e.g: 3. Monitoring of Affordability Covenants, 8. Climate Action and Adaptation Plan, 9. AHO and Rezone Program, 11b. Track and Monitor Accessory Dwelling Units, 12. No Net Loss Monitoring, 13. Objective Design and Development Standards, and 14. Zoning Text Amendments for Special Needs Housing), and modify two programs (e.g.: 10. Agoura Village Specific Plan and 15. Housing Opportunities for Persons Living with Disabilities).

The HCD has performed two formal reviews of the Draft Housing Element. Changes have been made to the Draft Housing Element to address the concerns raised by HCD. Since the second formal review, the City's Housing Consultant has worked with HCD to address the deficiencies in our Draft Housing Element. Supplemental Information has been provided to HCD to address comments raised.

▪ **COMMUNITY CONSERVATION AND DEVELOPMENT ELEMENT**

In response to the Housing Element update, the City is required to update the Community Conservation and Development Element to provide internal consistency between elements as required by state law (California State Government Code Section 65302). The Community Conservation and Development Element consists of four sections: Land Use and Community form, Economic Development, Historic and Cultural Resources, and Housing (goals and policies related to housing are found in the Housing Element, which is separately adopted and bound). The proposed SEIR analyzed the potential impacts of the General Plan Update on all components within the Community Conservation and Development Element and determined that impacts would be less than significant, however, several text changes are required in order to reflect the new opportunity sites identified in the Housing Element.

The Land Use and Community Form section would be updated to reflect new opportunity sites identified in the Housing Element. The update would revise the City's Land Use Map, including re-designation of some sites on the housing site inventory list from non-residential use to multi-family residential use, and, for those sites currently designated for housing, a higher density of multi-family residential use would be designated. As described above, land use classification text related to these changes would be updated, including that of the Commercial Shopping Center-Mixed Use (CS-MU) land use designation and the Residential Medium Density (RM) land use designation.

The proposed changes to the Community Conservation and Development Element can be found in Attachment C (General Plan Update Resolution). Additionally, an in-depth summary can be found in the staff report section of Attachment A (Planning Commission Staff Report Package).

- **COMMUNITY SAFETY ELEMENT**

In response to the Housing Element Update, the City is also required to update the Community Safety Element (Safety Element) to comply with recent state legislation (California State Government Code Section 65302(g)(2)), including an update of goals and policies for wildland and urban fire hazards, flood hazards, a climate change vulnerability assessment, and climate change adaptation and resiliency strategies. While the proposed updates are required by state law, these changes are also necessary to ensure consistency between all elements of the General Plan.

The flood hazards topic area was updated with seven new policies intended to promote natural infrastructure, limit development in flood zones to the extent feasible, provide public outreach, and facilitate emergency response through increased communication and the preparation of a comprehensive evacuation plan.

The wildland and urban fire hazards topic area was updated with 16 new policies and one (1) new goal, broadly intended to improve vegetation management, encourage home hardening techniques, ensure adequate water supply and fire flow, and facilitate emergency response through increased communication and the preparation of a comprehensive evacuation plan.

A windstorms topic area was added to address additional, interrelated considerations in the context of fire hazards. The goal of the Windstorms section is to reduce the potential impact of windstorms that can cause injury, loss of life, structural and infrastructure damage through education, awareness and preparation. This goal will be carried out through the implementation of three policies which aim to educate the public and encourage the use of backup power facilities for critical facilities and property owners.

Lastly, a climate change topic area was added to implement the recently adopted Climate Action and Adaptation Plan (CAAP). The CAAP includes a vulnerability assessment which analyzed the impact of drought, extreme heat, flooding, landslide, and evacuation route constraints based on geographic location and climate change models. In total there are nine goals and twenty policies found within the new climate change topic area

intended to mitigate the impact of climate change and encourage environmental sustainability.

The proposed changes to the Community Safety Element can be found in Attachment C (General Plan Update Resolution). Additionally, an in-depth summary can be found in the staff report section of Attachment A (Planning Commission Staff Report Package).

During the public review period for the SEIR, as well as during the Planning Commission hearing on July 21, 2022, a significant number of comments received were directly related to emergency response and evacuation routes, which are addressed in the Community Safety Element. To address public concerns, a supplemental evacuation analysis and total travel time estimation was conducted to quantify the effect of the AHO on an emergency evacuation in Agoura Hills. The evacuation analysis was conducted using Synchro and Vistro traffic modeling software to estimate the additional travel times from the City's evacuation zones to their respective safe destination (i.e., US-101) during a mandatory evacuation under the General Plan Update conditions. The City's evacuation zones and routes were based on the City's draft Evacuation Plan.

Historical travel patterns and volumes were analyzed for the 2018 Woolsey Fire using data from the StreetLight Insight platform. This platform uses geospatial information acquired from anonymized cellular devices (scrubbed of personal information) to model travel patterns. This analysis modeled the evacuation of every household and hotel room within the City and in neighboring communities including Oak Park and the Santa Monica Mountains.

SimTraffic simulations were run to calculate the average travel time from each evacuation zone to the US-101 via the designated evacuation route. Then, trips generated by the AHO were added to the simulation. The additional trips generated by the AHO during a mandatory evacuation will increase the travel time of each zone's evacuation by ten minutes or less. Furthermore, those travel time increases are overwhelmingly concentrated along Kanan Road, leaving other evacuation routes relatively unimpacted and thus available if traffic needs to be redirected off Kanan Road. As determined from the analysis of Woolsey Fire evacuation patterns, multiple corridors are already used by residents of each zone to evacuate the City.

▪ **INFRASTRUCTURE AND COMMUNITY SERVICES ELEMENT**

In response to the Housing Element Update, the City is required to update the Infrastructure and Community Services Element to comply with state legislation (California State Government Code Section 65302). The

Infrastructure and Community Services Element is comprised of three topic areas including mobility, infrastructure and utilities, and community services and provides an assessment of existing conditions in the City. The proposed SEIR analyzed the potential impacts of the General Plan on all components within the Infrastructure and Community Services Element and determined that only minor updates to the Infrastructure and Community Services Element are needed. These updates include changes to the Mobility section to reflect current conditions and a policy related to the City's VMT thresholds adopted in 2020 as a metric to evaluate the number of miles traveled by each vehicle. The updates to the goals and policies reflect the use of VMT methodology when assessing impacts of traffic resulting from development projects.

It was determined, through the analysis performed for the SEIR, that the implementation of the General Plan would increase the amount of traffic on the Congestion Management Plan (CMP) highways. However, it would not exceed a level of service standard established by the County CMP Agency for designated roadways and/or highways. This increase to the existing traffic load with respect to the number of vehicle trips is potentially significant.

It was also determined, through the analysis performed for the SEIR, that the implementation of the General Plan could result in the potential intensification of existing uses that could result in increased hazards due to a design feature (e.g., sharp curves or dangerous intersections) or to inadequate emergency service access. However, implementation of the General Plan and compliance with existing regulations would ensure impacts would be less than significant.

The proposed changes to the Infrastructure and Community Services Element include adding language that ensures Level of Service (LOS) Standards are used for City public works and private development projects and the addition of two new policies that regulate Transportation Demand Management and VMT's within the Mobility Section. The proposed changes to the Infrastructure and Community Services Element can be found in Attachment C (General Plan Update Resolution). Additionally, an in-depth summary can be found in the staff report section of Attachment A (Planning Commission Staff Report Package).

Level of Service Analysis

Although not required per CEQA, a level of service (LOS) analysis was conducted to understand the effect of the AHO on the roadway network and identify any operational and/or capacity improvements. The analysis

compared the two scenarios under AM and PM weekday peak hour conditions: (1) Future (2035) Conditions without Project and (2) Future (2035) Conditions with Project.

Future (2035) Conditions without Project assumes existing traffic volumes grown to 2035 at an annual growth rate of 0.75% plus the full build-out of the 2010 Agoura Hills General Plan. Future (2035) Conditions with Project is the Future (2035) Conditions without Project plus the AHO. The “with Project” scenario captures sites whose land-use designation changed from Business Park-Office Retail (BPOR), Commercial Retail Service (CRS), or Planned Office Manufacturing (POM) in the 2010 General Plan to residential because of the AHO. Table 1 summarizes the trip generation under both scenarios. The AHO proposes to add 2,348 dwelling units resulting in the following trip generation for the Citywide roadway network: 7,453 additional daily trips, 625 fewer AM weekday peak hour trips, and 364 additional PM weekday peak hour trips.

Table 1. Trip Generation Summary

Scenario	Daily Trips	AM Peak Hour	PM Peak Hour
Without Project	54,748	4,079	5,482
With Project	62,201	3,454	5,846
Net	+7,453	-625	+364

The reduction in the AM weekday peak hour trips is a result of the replacement of over 400,000 square feet of BPOR with residential dwelling units as a result of the AHO. It is important to note that the 2,348 dwelling units is a conservative estimate and represents the scenario where each housing element opportunity site is developed at the maximum of 25 dwelling units per acre assuming no site constraints (i.e., steep hillside areas). The SEIR assumes the maximum unit potential for impact analysis.

The analysis evaluated roadway segment and intersection operations. The LOS results for the two scenarios were compared to identify areas on the roadway network that may be capacity deficient because of the AHO. No additional roadway segments will operate below LOS C because of the AHO when compared to the 2010 General Plan. One intersection degrades in level of service because of the AHO. The Kanan Road and Thousand Oaks Boulevard intersection degrades from LOS E to LOS F in the PM peak hour because of the AHO. It is important to note that many intersections and segments are projected to operate at an unacceptable LOS D, E, or F under the full build-out of the existing 2010 General Plan. For by-right

development projects, LOS studies are required for all projects generating over 50 weekday peak hour trips.

▪ **NATURAL RESOURCES ELEMENT**

In response to the Housing Element Update, the City is required to update the Natural Resources Element to comply with state legislation (California State Government Code Section 65302). The Natural Resources Element is comprised of eight topic areas including open space, visual resources, biological resources, water, air quality, mineral resources, energy conservation, and climate change. The proposed SEIR analyzed the potential impacts of the General Plan on all components within the Natural Resources Element and determined that the air quality section required the implementation of additional policies in order to balance the City's management of land use, circulation, and other regulatory actions with their potential effects on local and regional air quality.

It was determined, through the analysis performed for the SEIR that the implementation of the General Plan would result in significant construction and operational emissions of development even with mitigation measures requiring emission control measures. As a result, the SEIR determined that the net increases in criteria pollutants would be significant and unavoidable for both construction and operation of development under the General Plan.

It was also determined, through the analysis performed for the SEIR that the implementation of the General Plan would be consistent with the 2007 Air Quality Management Plan (AQMP) in the reduction of VMT's, but would be inconsistent with the 2007 AQMP with respect to forecast population/employment/housing levels. As such, the impacts related to conflicts within the air quality plan would be significant and unavoidable.

The proposed changes to the Natural Resource Element include adding two new policies to the Air Quality section that relate to Goal NR-7 (Improving the City and the region's air quality). The two new policies are proposed to ensure projects minimize pollution to residential uses and create ventilation along roadway corridors within new multi-family housing projects. The proposed changes to the Natural Resource Element can be found in Attachment C (General Plan Update Resolution). Additionally, an in-depth summary can be found in the staff report section of Attachment A (Planning Commission Staff Report Package).

AGOURA HILLS MUNICIPAL CODE ORDINANCE

In order to adequately meet the City's RHNA for the 6th Housing Element cycle, staff proposes to modify various sections of the Zoning Code. For the most part, these modifications implement the Housing Element by establishing and implementing the AHO, including establishing a ministerial process for approval of qualifying affordable housing projects as required by State law, adopting objective design and development standards, and amending the RM, RH, and CS-MU zoning districts to permit increased density. The approval of these proposed amendments does not approve any development entitlement. Rather, the approval of the proposed amendments will assist the City in complying with State law established to facilitate the development of housing projects.

Staff has identified three underlying zoning districts that require zoning code text amendments; 1) Residential-Medium (RM), 2) Residential-High (RH), and 3) Commercial Shopping Center-Mixed Use (CS-MU). Zoning code text amendments for the RM zoning district include new open space requirements, and sections have been added to the RM and RH zoning districts to ensure new projects comply with the Objective Design Standards.

The CS-MU zoning district text amendments clarify that multi-family residential development projects that seek approval under the AHO are allowed separate and apart from the mixed-use provisions identified throughout the CS-MU chapter. The text amendments also clarify the type of residential development allowed in the CS-MU zone and provide objective standards to residential and commercial development, including requirements for placement of residential units with regard to the commercial on-site uses, and requirements for resident-serving common recreational amenities. Additionally, the mixed-use development density has been increased from 1.75 dwelling units per acre to a minimum of six and a maximum of 15 dwelling units per acre. If a project proceeds under the CS-MU standards as opposed to applying under the AHO standards, a Conditional Use Permit is required.

The purpose of the AHO is to promote the creation of affordable housing units in order for the City to meet its housing goals, and be compatible with surrounding land uses through the establishment of special development standards and permitted densities. The AHO applies to multi-family and mixed-use residential projects on properties zoned RM, RH, CS-MU, Planned Development (PD) in the Ladyface Mountain Specific Plan and PD in the Agoura Village Specific Plan as identified in that specific plan and identified in the Housing Element of the General Plan as being eligible for the AHO.

The proposed AHO chapter includes provisions that regulate building height, off-street parking, development on hillside lots and steep slopes requiring grading, and development occurring on lots containing Oak Trees. Similar to existing provisions within the AHMC, the proposed AHO chapter also includes provisions regulating building setbacks, development densities, landscaping, along with shared parking provisions.

The AHO chapter further requires development projects to comply with all applicable state and federal laws including, but not limited to regulations of the South Coast Air Quality Management District, state and federal regulations pertaining to special status plant or animal species identified by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS), and the State Water Resources Control Board (SWRCB)/Regional Water Quality Control Board (RWQCB) National Pollution Discharge Elimination System (NPDES) construction general permit/MS4 permit. Projects under the AHO would be required to submit a Storm Water Pollution Prevention Plan (SWPPP) and Standard Urban Stormwater Mitigation Plan (SUSMP), in addition to a Phase I Cultural Resource Report. Projects would also be required to enter into a legally binding agreement executed and recorded against the property to ensure the property complies with all of the requirements of this chapter including a requirement that the affordable units shall be deed-restricted for a period of not less than 55 years.

Similarly, the purpose of the Objective Design Standards chapter is to establish provisions for new or redeveloped multi-family residential developments and/or mixed-use developments including, but not limited to, duplexes, triplexes, townhouses, row houses, flats, and multi-story building types. These standards do not apply to single-family homes, historic properties, commercial-only projects, and any other non-residential developments.

The Objective Design Standards are intended to achieve and maintain high-quality site planning and building design by using standards drawn from existing design criteria within the City of Agoura Hills General Plan and other land policy documents. As proposed, these standards will facilitate development design that conforms to community design priorities while also reducing barriers to the development of housing for very low-, low-, and moderate-income households and accelerating the City's review process pursuant to state law.

The Objective Design Standards supplement IS in addition to the development standards that currently exist in the Agoura Hills Municipal Code Article IX (Zoning Ordinance). In the event that there is a conflict between the Objective Design Standards and other provisions of Article IX, the provisions of this Article IX shall govern.

The Objective Design Standards chapter is broken up into sections that include Environmental Considerations, Connectivity and Pedestrian Accommodation, Site Design, Building Design, Sustainable Design, and other sections that regulate mechanical equipment, mailboxes, service and refuse areas, and lighting.

The Environmental Considerations section includes five subsections that ensure federal and state regulations are met with regard to the protection of natural and scenic resources. These subsections include Habitat Protection, Visual Resources, Open Space

Resource Areas, and Natural Drainage Ways, and Water Quality Protection. These subsections include, but are not limited to, requiring the creation of buffers between development and special status plant species, requiring nesting bird surveys, restricting development of obstructing views of scenic vistas and ridgelines, ensuring interconnectivity between open space areas, and requiring projects comply with federal and state water resource regulations.

The Objective Design Standards chapter also includes provisions that ensure pedestrian scale is maintained throughout a project site through building circulation and orientation, exterior lighting regulations, and landscape provisions. The standards also ensure that the built environment is consistent with the unique character of City by regulating colors and materials, door, window and roof treatments, and the massing and articulation of buildings. The proposed chapter also includes subsections for solar access within passive and active open spaces, water conservation and green roof and wall design and provides provisions for utility and mechanical equipment, mailboxes, refuse areas and exterior lighting.

The proposed new Objective Design Standards chapter, in full, was made available on the City's website On June 28th for review and comment. The proposed chapter is included as Attachment D (Agoura Hills Municipal Code Amendment Draft Ordinance No. 22-461). Additionally, an in-depth summary can be found in the staff report section of Attachment A (Planning Commission Staff Report Package).

As part of the GPU, the City is updating both versions of the Zoning Map (color and black and white) to graphically depict the new AHO and zoning changes for the housing inventory sites. The updated zoning maps can be found in Attachment D (Agoura Hills Municipal Code Amendment Draft Ordinance No. 22-461).

The complete proposed zoning code text amendments can be found in Attachment D (Agoura Hills Municipal Code Amendment Draft Ordinance No. 22-461).

LADYFACE MOUNTAIN SPECIFIC PLAN ORDINANCE

The purpose of the Ladyface Mountain Specific Plan is to provide a comprehensive set of plans, policies, regulations, and conditions for guiding and ensuring the orderly development and implementation of the Ladyface Mountain Specific Plan. In order to meet the City's 6th Cycle Housing Element, staff is proposing to make two amendments to the Ladyface Mountain Specific Plan. Both amendments would allow multi-family residential development on one property within the Specific Plan area identified as AIN 2061-33-15 (Housing Sites Inventory Site M) where the AHO regulations would apply.

The proposed amendments include adding a footnote to Table IV-1 identifying the site as a site in the 6th Cycle Housing Element where the AHO would apply and adding text to

Section B (Permitted Land Uses) that allows that specific property to be developed with housing in compliance with the proposed Housing Element. With this proposed revision, AIN 2061-33-15 may either be developed under the Specific Plan requirements or in accordance with the applicable AHO provisions.

AGOURA VILLAGE SPECIFIC PLAN (AVSP) ORDINANCE

The Rezoning Program includes amendments to the AVSP. The Housing Opportunity Sites Inventory includes eight sites within the AVSP. As part of this project, Staff proposed amendments to the AVSP to establish the AHO for the properties in the AVSP that are on the Housing Opportunity Sites Inventory and to amend the AVSP Development Zone Map to graphically depict the Housing Opportunity Sites within the AVSP with the AHO designation.

The AVSP is in the process of being amended. In the interim, in the event a project is submitted utilizing the AHO, the objective standards in the AHO would apply. Should the property owner choose to submit an AVSP Development Permit application and utilize the base zoning adopted in the AVSP, they would be permitted to do that as a discretionary permit process.

RECOMMENDATION

Staff respectfully requests that the City Council conduct a public hearing and 1) adopt Resolution No. 22-2017, certifying the Subsequent Environmental Impact Report for the General Plan Update, adopting environmental findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations and a mitigation monitoring and reporting program; 2) adopt Resolution No. 22-2018 approving the General Plan Update (including the Housing Element, Community Conservation and Development Element, Community Safety Element, Infrastructure and Community Services Element, and Natural Resources Element) and amending the General Plan Use Diagram; 3) introduce, read by title only, and waive further reading of Ordinance No. 22-461, amending Article IX (Zoning) of the Agoura Hills Municipal Code and amending the Zoning Map; 4) introduce, read by title only, and waive further reading of Ordinance No. 22-462, amending the Ladyface Mountain Specific Plan; and 5) introduce, read by title only, and waive further reading of Ordinance No. 22-463, amending the Agoura Village Specific Plan.

Attachments:

- A. July 21, 2022, Planning Commission Staff Report Package
- B. Resolution No. 22-2017 Certifying Environmental Impact Report
 - 1. Final Subsequent Environmental Impact Report
 - 2. Amendments to the Draft Subsequent Environmental Impact Report
- C. General Plan Update Resolution No. 22-2018
- D. Agoura Hills Municipal Code Amendment Draft Ordinance No. 22-461
- E. Ladyface Mountain Specific Plan Amendment Draft Ordinance No. 22-462

- F. Agoura Village Specific Plan Amendment Draft Ordinance No. 22-463
- G. Evacuation Capacity Analysis