

**9343.13. - Design standards.**

Design standards in the CS-MU district are as set forth in section 9663 et seq.”

**Section 7.** Zoning Code Amendment. A new Part 3 (AH AFFORDABLE HOUSING OVERLAY DISTRICT) is hereby added to Chapter 5 (OVERLAY DISTRICTS) of Article IX (ZONING) of the Agoura Hills Municipal Code to read as follows:

**“PART 3. - AH AFFORDABLE HOUSING OVERLAY DISTRICT**

**9521. - Purpose.**

The purpose of the affordable housing overlay district (AH) is to promote the creation of affordable housing units, beyond that which would be accomplished by section 9133 et seq. of part 4 of chapter 1 of this title, to enable the city to meet its housing goals, and be compatible with surrounding land uses through the establishment of special development standards and permitted densities.

**9522. - Definitions.**

- A. Affordable unit. “Affordable unit” shall be defined as a dwelling unit rented or sold to a very-low income household or low-income household at an affordable housing cost or affordable rent, as those terms are defined in California Health and Safety Code sections 50052.5 and 50053.
- B. By-right approval. “By right approval” shall be defined as a ministerial approval of a development project involving little or no discretion or judgment by the public official as to the wisdom or manner of carrying out the project, whereby the public official merely ensures that the development project meets all standards set forth in this part.
- C. Market rate unit. “Market rate unit” is a dwelling unit in a development project that is not restricted for a very low-income or low-income household, or for any other affordable housing category.
- D. Mixed-use development. “Mixed-use development” shall be defined as a development project consisting of a vertical (stacked) or horizontal (side by side, attached or detached) combination of multi-family residential dwelling units and a non-residential use as part of a single development application.
- E. Multi-family residential project. “Multi-family residential project” shall mean a project with two (2) or more attached dwelling units.
- F. Recreational group open space. “Recreational group open space” shall be defined as an outdoor area common to the residents of the development project and located

on the project site that is dedicated to active recreation, and may include, but not be limited to, picnic, bar-be-que, pool or spa, sport court, or other physical activity.

**9523. - Applicability.**

- A. Pursuant to the requirements of this part, the AH overlay district shall apply to the following:
1. Multi-family residential projects on properties that are: zoned Residential Medium Density – maximum 15 dwelling units per acre (RM-15); identified in the housing element of the general plan as being eligible for the AH overlay district; and identified with the “AH” notation on the zoning map;
  2. Multi-family residential projects on properties that are: zoned Planned Development (PD) in the Ladyface Mountain Specific Plan as identified in that specific plan and identified in the housing element of the general plan as being eligible for the AH overlay district; and
  3. New mixed-use residential projects, or new multi-family residential projects that will be added to a site with existing commercial developments that will remain on the site, on properties that are: zoned Commercial Shopping Center – Mixed Use (CS-MU); identified in the housing element of the general plan as being eligible for the AH overlay district; and identified with the “AH” notation on the zoning map;
  4. Mixed-use development projects, or new multi-family residential projects that will be added to a site with existing commercial developments that will remain on the site, on properties that are: zoned Planned Development (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 AH overlay district.
- B. The AH overlay district shall not be used to develop a mixed-use development on a site in the RM-15 zoning district or the Ladyface Mountain Specific Plan.
- C. The AH overlay district shall not be used to develop a solely multi-family development on a site in the CS-MU zoning district or the Agoura Village Specific Plan.
- D. A property designated within the AH overlay district may be developed either in the manner provided in this part or in the manner provided in the underlying zoning district or applicable specific plan.

**9524. - Uses established.**

The limitations in the AH overlay district as to uses and structures shall be as follows.

**9524.1. - Permitted uses.**

- A. Subject to the provisions of this part, multi-family residential projects and parking structures that provide parking for the residential units on-site are permitted on AH sites in the RM-15 zoning district.
- B. Subject to the provisions of this part, multi-family residential projects and parking structures that provide parking for the residential units on-site are permitted on AH sites in the Ladyface Mountain Specific Plan.
- C. Subject to the provisions of this part, mixed-use development projects and parking structures that provide parking for on-site uses are permitted on AH sites in the CS-MU zoning district.
- D. Subject to the provisions of this part, mixed-use development projects and parking structures that provide parking for on-site uses are permitted on AH sites in the Agoura Village Specific Plan.
- E. Specific non-residential uses shall be allowed as part of a mixed-use development project as allowed by the applicable specific plan or underlying zoning district.

**9524.2 - Accessory uses.**

Subject to the provisions of section 9281 et seq. and chapter 6, the following accessory uses and structures shall be permitted:

- A. Accessory uses, buildings and structures;
- B. Domestic animals;
- C. Home occupation;
- D. Private greenhouses, horticultural collections, flower and vegetable gardens;
- E. One (1) room rental in the principal structure;
- F. Garage sales, not to exceed two (2) in any calendar year;
- G. Accessory dwelling units, subject to the provisions of section 9283 et seq.

**9524.3. - Prohibited uses and structures.**

Any use or structure not specified in sections 9524.1 and 9524.2 shall be prohibited in the AH overlay district.

**9525. - Development standards.**

The development standards that apply to a project seeking approval under the AH overlay district are as follows:

**9525.1. - Density.**

- A. A project seeking approval under the AH overlay district shall include at least 20 dwelling units per acre.
- B. A project seeking approval under the AH overlay district shall include no more than 25 dwelling units per acre.
- C. Density shall be calculated on the basis of the entire acreage of the parcel, including any portion of the site used, dedicated or required to be used or dedicated as a buffer or easement and any portion of the site that is not developable due to the slope.

**9525.2. - Building height.**

- A. The maximum height for any building or structure included in a project seeking approval under the AH overlay district shall be as follows:
  - 1. A one-story building shall be no taller than 25 feet.
  - 2. A two-story building shall be no taller than 35 feet.
  - 3. A three-story building shall be no taller than 40 feet.
- B. The height of buildings and structures shall be measured vertically from the finished grade to the highest point on the roof, including but not limited to, any architectural features.

**9525.3. - Minimum lot specifications.**

Minimum lot specifications shall be as provided for by the applicable underlying zoning district or specific plan.

**9525.4. - Building site coverage.**

The maximum building site coverage shall not exceed 60 percent.

**9525.5. - Minimum group recreational open space.**

The minimum on-site group recreational open space shall be 250 square feet per dwelling unit.

**9525.6. - Off-street parking requirements.**

All requirements of section 9654 et seq. shall apply, except as follows:

- A. Parking Allocation for Residential Uses. The number of off-street parking spaces shall be no less than the following for residential uses.

<u>Apartments</u>	
<u>Studio</u>	<u>One (1) covered plus one-half (0.5) uncovered parking spaces per unit</u>
<u>One (1) bedroom</u>	<u>One (1) covered plus one and one-half (1.5) uncovered parking spaces per unit</u>
<u>Two (2) bedrooms or more</u>	<u>One (1) covered plus one and one-half (1.5) uncovered parking spaces per unit</u>
<u>Condominiums or Townhouses</u>	<u>Two (2) covered plus one-half (0.5) uncovered parking spaces per unit</u>

- B. An applicant may substitute covered parking spaces for uncovered parking spaces to comply with the residential parking requirements in subdivision "A" above.
- C. All covered parking spaces that are provided to comply with the minimum requirements in subdivision "A" above shall be assigned to an individual dwelling unit and cannot be used as guest parking or as part of shared parking.
- D. Parking Allocation for Nonresidential Uses in a Mixed-Use Development. The minimum number of off-street parking spaces for nonresidential uses in a mixed-use development shall be as indicated in section 9654.6. Shared parking shall be allowed only as expressly stated for mixed-use developments in Sections 9526.1.F and 9526.2.H.
- E. Parking structures, subterranean parking, and similar parking facilities that are part of a residential or mixed-use development shall be permitted by right.
- F. Parking lot landscaping shade trees shall be provided pursuant to section 9526 et seq.
- G. The percent of landscaping of the total parking area, including driveway areas, shall be provided pursuant to section 9526 et seq.
- H. A minimum eight (8)-foot wide landscaped finger planter shall be located every ten (10) parking spaces in surface parking lots.

**9525.7. - Hillside lots and slopes.**

- A. The City's hillside ordinance (section 9652 et seq.) shall not apply to a project seeking approval under the AH overlay district. Instead, the following shall apply:
1. Structures exceeding 35 feet in height must be stepped into the hillside for any portion of the building constructed on a slope of greater than 15 percent, as follows: after every 15 feet of vertical height, the building shall be stepped back at least 10 feet horizontally.
  2. Structures shall be located with a minimum building setback of 30 feet from the top of a slope on sites with an average slope of 10 percent or steeper.
  3. No development shall occur on slopes greater than 35 percent.

**9525.9. - Oak Trees.**

The City's oak tree ordinance (section 9657 et seq.) shall not apply to a project seeking approval under the AH overlay district, except for the following: Section II. definitions of appendix A of Article IX of the Agoura Hills Municipal Code, title IV of appendix A; section IV., items D, E, and items 2 and 3 of F of appendix A of title IV; section V. standards for performance of required work of appendix A of title IV; items 3 and 4 of section V. standards for performance of required work of appendix A of title IV; and item E of section 9657.5 oak tree permit. A project seeking approval under the AH overlay district shall comply with the following.

- A. If a project involves the removal of or encroachment greater than 25 percent into the root zone or canopy zone of a protected oak tree that is 48 inches in diameter or less per the City's Oak Tree Ordinance and Guidelines (Valley Oak, Coast Live Oak), one 24-inch-box minimum size oak tree of the same species shall be planted on the site. For scrub oak species protected per the City's Oak Tree Ordinance and Guidelines, on-site replacement for removal shall be equal to the square footage of the area removed, with scrub oaks of the same species planted to a five foot on center spacing within the replacement area.
- B. If a project involves the removal of up to 10 protected oak trees within the project site, not more than 25 percent of the total estimated tree canopy or root structure of all protected oak trees on that project site shall be removed. If the project involves the removal of 11 or more protected oak trees within the project site, not more than 35 percent of the total estimated tree canopy or root structure of all protected oak trees on the project site shall be removed.
- C. For the purpose of providing natural stabilization of hillsides and preservation of native landscaping, a minimum of 75 percent of all native trees on a slope steeper than 50 percent shall be retained.

- D. The removal of or encroachment greater than 25 percent into the root zone or canopy zone of a protected "landmark" Oak Tree (trees whose diameter exceeds 48 inches) is prohibited.

**9525.10. - Grading of slopes.**

In addition to grading standards in the City Building Code, the following shall apply to a project seeking approval under the AH overlay district.

- A. Graded slopes shall be no less than a 2:1 ratio.
- B. Grading shall create rounded, non-planar surfaces, and rounded, non-angular intersections between surfaces.
- C. The cut or fill of a slope bank shall not exceed 15 feet where visible to the public from a parking area, access drive or public right-of-way, and shall not exceed 25 feet in areas not visible to the public.

**9526. - Special development standards.**

Notwithstanding the provisions of section 9524 et seq. and 9525 et seq., the development standards applicable to a project seeking approval under the AH overlay district shall include the following in the specific underlying zoning districts and specific plans identified below.

**9526.1. - AH properties with an underlying zoning district of CS-MU.**

Subject to the provisions of chapter 6, the following development standards shall apply to a project on a site zoned as CS-MU that is seeking approval under the AH overlay district.

- A. Maximum non-residential density.
  - 1. The maximum floor area ratio (FAR) shall be 0.4 for non-residential uses, excluding above-ground parking structures, underground parking, and full basements.
  - 2. Non-residential development shall only be allowed as part of a mixed-use development project.
- B. The maximum building height shall be as established in section 9525.2 except that the height of a solely non-residential use building that is a part of a horizontal mixed-use development shall be no more than 35 feet and two (2) stories.

C. Building Setbacks.

The minimum building setback requirements shall be as follows.

- 1. Front yard: 20 feet from any existing or proposed right-of-way.

2. Side yard: none except:
  - a. When adjacent to a residential district or when abutting any street that separates the CS-MU district from a residential district: 20 feet.
  - b. The minimum street side setback shall be treated as a front setback.
3. Rear yard: 20 feet.

D. Mixed-use development.

1. New projects containing mixed-use development shall include construction of both the residential and non-residential parts concurrently.
2. For mixed-use development sites, the residential density shall be in addition to the permitted and minimum required non-residential development density in the underlying district.

E. Landscaping.

1. Parking lot landscaping shall include shade trees placed so as to cover forty (40) percent of the total parking area, including drive aisles, with tree canopies established within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement.
2. Except for approved access ways, a minimum 15-foot wide landscaped planter shall be provided along all street and highway frontages.

F. Shared Parking.

Table 1 shared parking of section 9654.2.K.5 shall apply to all mixed-use developments where shared parking is proposed. Shared parking may apply to unassigned residential parking spaces and all non-residential parking spaces, but shall not apply to assigned residential parking spaces.

**9526.2. - AH properties with an underlying zoning district of PD in the Agoura Village Specific Plan.**

The following shall apply to a project on a site in the Agoura Village Specific Plan that is seeking approval under the AH overlay district, and shall replace the provisions in the specific plan.

A. Maximum non-residential density.



1. The maximum floor area ratio (FAR) shall be 0.3 for non-residential uses, excluding above-ground parking structures, underground parking, and full basements.
2. The minimum commercial density in a residential and commercial mixed-use development project shall be a maximum of 33 percent and a minimum of 20 percent of the gross building square footage of the project, including common residential recreational buildings.”
3. Non-residential development shall be allowed only as part of a mixed-use development project.

B. Maximum building size.

1. The maximum size of a non-residential building shall be 60,000 square feet.
2. The maximum size of any single non-residential tenant space in a building shall be 30,000 square feet.

C. Commercial building height.

The maximum building height shall be as established in section 9525.2 except that the height of a solely non-residential use building shall be no more than 35 feet and two (2) stories.

D. Building Setbacks.

1. Setbacks shall be as provided pursuant to the specific plan except that for buildings fronting a public right-of-way, there shall be no minimum or maximum side yard setback.
2. Setbacks shall be measured from the boundary of existing, or in the case of a proposed parcel map or tract map or lot line adjustment, from the proposed, parcel, unless the parcel borders the public right-of-way, and then the setback is calculated from the right-of-way line. Setbacks shall be measured to the closest structural portion of the building, including from partially or completely covered pedestrian or outdoor dining activity areas.

E. Buildings fronting a public right-of-way.

1. Buildings fronting a public right-of-way shall consist of the following:
  - a. Either a non-residential development or a vertical mixed-use development.
  - b. Ground floor levels shall be non-residential uses, with the exception of offices, which may not occupy ground floor levels.

c. Upper levels shall be multi-family residential uses or non-residential uses.

F. New mixed-use development shall include construction of both the residential and non-residential parts concurrently.

G. Landscaping.

1. Parking lot landscaping shall include shade trees placed so as to cover thirty-five (35) percent of the total parking area, including drive aisles, with tree canopies established within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement.

2. The total number of trees in a parking lot shall be one (1) for every four (4) parking spaces, and shall be located throughout a parking lot.

H. Shared parking.

Table 1 shared parking of section 9654.2.K.5 shall apply to all mixed-use developments where shared parking is proposed. Shared parking may apply to unassigned residential parking spaces and all non-residential parking spaces, but shall not apply to assigned residential parking spaces.

I. Public space.

Notwithstanding section 9525.5, projects shall include a minimum of 10 percent of the site area for public spaces accessible to the public from the street or internal site driveway, and shall include one or more of the following: plazas, paseos, courtyards, trails and pedestrian paths, outdoor dining in a commercial use, and view terraces.

J. Riparian habitat and creek protection program.

For project sites adjacent to a riparian area associated with Medea Creek and Lindero Canyon Creek, the owner shall retain a professional biologist to prepare and implement a riparian habitat and creek protection plan, which shall include methods to avoid encroachment into the riparian or creek area from development on the site.

K. Public Use Trail along Riparian Areas.

A public use trail shall be provided along the length of the project site adjacent to a riparian area associated with Medea Creek and Lindero Canyon Creek. The public trail shall be the minimum acceptable width pursuant to the Americans with Disabilities Act and shall be constructed of permeable materials, excluding pavement or pavers.

**9526.3. - AH properties with an underlying zoning district of PD in the Ladyface Mountain Specific Plan.**

The following shall apply to a project on a site in the Ladyface Mountain Specific Plan that is seeking approval under the AH overlay district, and shall replace the provisions of the specific plan.

A. Building setbacks.

1. Setbacks shall be measured from the boundary of existing, or in the case of a proposed parcel map or tract map or lot line adjustment from the proposed, parcel, unless the parcel borders the public right-of-way, and then the setback is calculated from the right-of-way line.
2. The minimum building setback requirements shall be as follows.
  - a. Front yard: 15 feet
  - b. Side yard: seven (7) feet
  - c. Rear yard: 15 feet

B. Landscaping

1. Parking lot landscaping shall include shade trees placed so as to cover thirty-five (35) percent of the total parking area, including drive aisles, with tree canopies established within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement.
2. Except for approved access ways, a minimum 15-foot wide landscaped planter shall be provided along all street frontages.
3. Other development standards.
  - a. Development as measured to the highest point on any building including but not limited to architectural features, is prohibited above the 1,100 foot elevation.

**9526.4. - AH properties within the RM zoning district.**

Subject to the provisions of chapter 6, the following development standards shall apply to a project seeking approval under the AH overlay district on a site located in the RM zoning district, and replace the provisions of the RM zoning district:

A. Building setbacks.

Setbacks shall be measured from the boundary of existing, or in the case of a proposed parcel map or tract map or lot line adjustment from the proposed, parcel, unless the parcel borders the public right-of-way, and then the setback is calculated from the right-of-way line.

1. The minimum building setback requirements shall be as follows.

- a. Front yard: 15 feet
- b. Side yard: seven (7) feet
- c. Rear yard: 15 feet

B. Landscaping.

- 1. Parking lot landscaping shall include shade trees placed so as to cover thirty five (35) percent of the total parking area, including drive aisles, with tree canopies established within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement.
- 2. Except for approved access ways, a minimum 15-foot wide landscaped planter shall be provided along all street and highway frontages.

#### **9527. - Design standards.**

Any project seeking approval under the AH overlay district shall comply with the design standards in section 9663 et seq.

#### **9528. - Other standards.**

Any project seeking approval under the AH overlay district shall comply with the following requirements:

- A. The project shall not obstruct the view of a scenic vista from passersby on rights-of-way adjacent to the site by more than 25 percent of the length of the project site. Scenic vistas include the following: Ladyface Mountain, strawberry hill, Morrison Ranch Hills, Palo Comado Hills, and Simi Hills, as well as primary and secondary ridgelines per the General Plan. The measurement shall be made from the nearest edge of the nearest vehicle travel line from the site.
- B. No development shall occur on primary and secondary ridgelines that are identified in the General Plan.
- C. All light poles, standards and fixtures shall not exceed a height of 16 feet measured from finished grade. The maximum 16 feet in height shall include all elements of the light, such as pole and light fixture combined.

- D. All exterior lighting shall be designed and shielded to face downward. Roof mounted lights are prohibited. Illumination levels shall not exceed one (1) foot-candle at the property lines, measured at ground level.
- E. No mirrored glass and gloss tiles building materials shall be included in the project. Steel, aluminum and metallic finishes may be used provided they have a non-reflective coating or other property of the materials that make them non-reflective.
- F. Unless otherwise authorized by CDFW and/or USFWS, the project shall provide a 50-foot buffer from the edge of any wetland, riparian, or other sensitive natural community identified in a local or regional plan, policy or regulation, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS), to be maintained as natural open space. Only planting of native species and unpaved walking trails shall be allowed within the buffer. As permitted by applicable state and federal regulatory agencies, storm drain outlets into creeks and other riparian drainages are allowed that meet best management practices (BMPs) for storm water and erosion control.
- G. Unless otherwise authorized by CDFW and/or USFWS, the project shall provide and maintain a minimum 100-foot buffer on-site from any on-site or off-site special status plant species, including those identified as candidate, sensitive or special status by the CDFW or USFWS, and a minimum 50-foot buffer from those special status plant species identified in local or regional plans, policies or regulations. No soil disturbance, landscaping (except that related to restoration of such plant species) or placement of structures, including buildings, driveways, pedestrian paths, or infrastructure are permitted in the buffer.
- H. All recommendations/requirements of the project geotechnical report prepared by a licensed engineering geologist or geotechnical engineer pursuant to the county public works department manual for the preparation of geotechnical reports standards are incorporated into the project design and reflected in the project plans submitted as part of the application for an administrative permit and for a building permit.
- I. If during excavation, paleontological resources are discovered, a qualified professional paleontologist shall evaluate the find and provide recommendations for the treatment of the resource.
- J. The project shall demonstrate that its site specific fire protection plan complies with all applicable requirements set forth in general plan policy s-3.21, and the city's duly adopted standards.
- K. Any necessary upgrades or construction of new storm water drainage facilities shall be designed in compliance with Los Angeles County Flood Control District (County Public Works Department) objective standards, and in compliance with state and federal law.

- L. The project shall comply with Los Angeles County Fire Department requirements and standards for fire truck access.
- M. The project shall be designed and constructed to full public right-of-way improvements along the project frontages in accordance with the Committee of Public Works Standards, Inc.'s standard plans for public works construction and any applicable specific plans.
- N. The project, including landscape plan, shall comply with the requirements of the Los Angeles County Fire Department Fuel Modification Unit.
- O. The project shall comply with all exterior and interior noise standards in the general plan and section 9656 et seq.
- P. Projects bordering any freeway, Kanan Road, Agoura Road and Thousand Oaks Boulevard shall incorporate air quality filter systems and site design requirements to disperse pollution according to general plan policies NR-7.5 and NR-7.6.
- Q. Unless exempt from the preparation of a level of service analysis according to the city's standards for transportation assessments, the project shall meet the level of service standards in General Plan Policy M-1.3 and in the city's transportation assessment standards.
- R. Unless the project meets any of the screening criteria of the city's standards for transportation assessments, a vehicle miles travelled (VMT) analysis shall be prepared for the project according to the city transportation assessment standards. Transportation demand management measures (TDMs) identified in the standards shall be included, as necessary, in the project to reduce the VMT generated by the project to below the significance thresholds based on the VMT assigned to each TDM in the city transportation assessment standards and VMT model.
- S. The project's vehicle circulation shall meet the minimum site distance standards in the most current version of American Association of State Highway and Transportation Official's Greenbook: Standards for Public Works Construction; Section 3 and meet Los Angeles County Fire Department access requirements.

**9529. - Compliance with state and federal laws.**

The project shall comply with all applicable state and federal laws, including but not limited to, the following:

- A. The project shall comply with the objective standards of the South Coast Air Quality Management District (SCAQMD) Rule 403 for fugitive dust control, rule 1113 for architectural coatings, rule 1403 for asbestos containing materials, and regulation

XIII for new on-site nitrogen oxide emissions. The project shall comply with Tier 4 construction equipment measures of the SCAQMD unless an air quality analysis is completed by the project applicant demonstrating that the level of emissions does not trigger the need for Tier 4 construction equipment measures.

- B. The project shall not conflict with state or federal regulations pertaining to special status plant or animal species, or that would have an adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department Of Fish And Wildlife (CDFW) or the united states fish and wildlife service (USFWS) unless the applicant/developer obtains the required permit(s) from the CDFW or USFWS.
  
- C. The project shall not result in the taking of any migratory bird species protected by the federal migratory bird treaty act (including killing, capturing, selling, trading and transporting) without prior authorization by the USFWS. Nesting bird surveys shall be conducted by a qualified professional biologist no more than seven (7) days prior to the beginning of any project-related physical activity, such as vegetation clearance, use and transport of equipment, mobilization and construction, likely to impact migratory songbirds or raptors that occurs between January 1 and September 15, the bird nesting season. If such project activity ceases for longer than 7 days, additional surveys shall be conducted prior to re-commencing the activity. If such species are identified, a no-disturbance buffer of 300 feet around active perching birds and songbirds shall be implemented. A no-disturbance buffer of 500 feet around active non-listed as threatened or endangered raptor nests, and 0.5 mile around active listed birds shall be implemented. The buffers shall be maintained until the breeding season has ended or until a qualified professional biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
  
- D. Based on the results of a phase I cultural resource report, all significant cultural resources on a site shall be either preserved in situ, or shall be recovered in a data recovery plan as recommended by a professional archaeologist (Society For California Archaeology's professional qualifications for principal investigator).
  
- E. If Native American or tribal cultural resources exist on the site, the applicant shall enter into a cultural resources treatment agreement with a local Native American tribe traditionally and culturally affiliated with Agoura Hills that is acknowledged by the Native American Heritage Commission, which shall address the following: (1) treatment and disposition of cultural resources; (2) designation, responsibilities, and participation of professional tribal monitors during grading, excavation and ground disturbing activities; (3) project grading and development scheduling; (4) terms of compensation for the tribal monitors; (5) treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site; (6) tribal monitor's authority to stop and redirect grading in order to evaluate the significance of any potential resources discovered on the property, and to make

recommendations as to treatment; and (7) the applicant's agreement to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project area, to the tribe for proper treatment and disposition; and the applicant's agreement that all tribal sacred sites are to be avoided and preserved. In compliance with state law, if human remains are unearthed, the project developer, pursuant to state health and safety code section 7050.5, will contact the county coroner and ensure no further disturbance occurs until the county coroner has made the necessary findings as to origin and disposition pursuant to public resources code section 5097.98. If the remains are determined to be of Native American descent, the coroner within 24 hours will notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the most likely descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

- F. No historic resource eligible for the state register of historical resources or the national register of historic places shall be removed, or its integrity affected to the extent that it is no longer eligible for listing, unless the resource has been adequately documented and treated pursuant to the requirements of the state register of historical resources or the national register of historic places and the secretary of the interior standards for the treatment of historic properties.
- G. The project shall comply with the state water resources control board (SWRCB)/regional water quality control board (RWQCB) national pollution discharge elimination system (NPDES) construction general permit/MS4 permit, and for which a Storm Water Pollution Prevention Plan (SWPPP) and Standard Urban Stormwater Mitigation Plan (SUSMP) have been prepared, if required per the MS4 permit.
- H. The project shall adhere to the SWPPP and SUSMP, if applicable, and to best management practices (BMPs) and low impact development standards (LIDs) in chapter 5 of title V and in accordance with the county LID standards.
- I. The project site shall not be located within a flood hazard zone or special flood hazard area unless the project is consistent with the standards of title III chapter 7, and without prior approval of a Conditional Letter of Map Revision (CLOMAR) or Letter of Map Revision (LOMAR) from Federal Emergency Management Agency (FEMA), as applicable.

**9530. - Reserved.**

**9531. - Application and approval process.**

- A. By right approval. Projects that comply with the requirements of this part are permitted by right.
- B. Form of application. An application for a project pursuant to this part shall be completed on a form provided by the community development department for an



administrative review. The administrative review application shall be reviewed by the community development director and shall be granted if the community development director finds that the application complies with all of the requirements of this part.

- C. Application submittal requirements. The requirements for submittal of an administrative review application pursuant to this part shall be listed on a form provided by the community development department.
- D. Notice of decision. A notice of decision for an administrative review application shall be mailed to the applicant (as shown on the application).
- E. Expiration of administrative approval. If commencement of construction has not occurred within three (3) years of the approval date for the administrative review application, the approval shall expire and become null and void.
- F. Upon written request by the applicant before the expiration of the administrative approval, a one year extension may be approved by the Planning and Community Development Director.

### **9532. - Affordable housing and regulatory agreement**

Affordable units shall be provided as part of each development project according to this part.

- A. Affordable units shall be provided as follows:
  - 1. At least ten (10) percent of the dwelling units of a development project on a site developed pursuant to this part shall be reserved for very low-income households; and
  - 2. At least ten (10) percent of the dwelling units of a development project on a site developed pursuant to this part shall be reserved for low-income households.
  - 3. In calculating the required total number of units for each affordability level, fractional units of 0.5 or above shall be rounded up to a whole unit.
- B. The affordable units shall be sold or rented at an affordable housing cost or affordable rent, as those terms are defined in California Health and Safety Code sections 50052.5 and 50053. If the units are rental units, the affordable units shall be deed-restricted for a period of not less than fifty-five (55) years. If the units are for-sale units, the units shall be sold in accordance with California Government Code Section 65915.
- C. The affordable units shall be:

1. Constructed on the project site concurrently with, or prior to, the construction of any market rate units.
  2. Dispersed throughout the development project and integrated with the market rate units so that there is at least one (1) affordable unit and one (1) market rate unit in each building of the development.
  3. Constructed with the same base design, appearance, materials and finished quality of the market rate units.
  4. Provided at the same range of number of bedrooms in different unit plan types as provided in the market rate units.
- D. A housing plan shall be provided with the administrative application for the development project setting forth in detail the manner in which the provisions of this section 9532 will be implemented.
- E. A legally binding agreement, in a form approved by the city attorney, shall be executed and recorded against the property to ensure the property complies with all of the requirements of this part, including, but not limited to, the requirement that affordable units shall be deed-restricted for the periods per section 9532.A.
- F. The property owner shall record the regulatory agreement prior to recording any final map for the property, or prior to the issuance of a building permit for the development project, whichever comes first. The regulatory agreement shall be binding on all future owners and successors of interests of the development project.
- G. The city manager is authorized to execute the regulatory agreement, and any regulatory document(s), on behalf of the city council for development projects approved pursuant to this part.
- H. Except as otherwise provided in this part, section 9133 inclusionary housing shall not apply to this part.

**9533. - Conflict resolution between the AH overlay district and Article IX (Zoning).**

The Affordable Housing standards supplement and are in addition to the development standards for the applicable zoning district in which a proposed project is located. Article IX of the Code of Ordinances establishes the Zoning Regulations of the City of Agoura Hills. Where conflict between these Affordable Housing standards and other provisions of Article IX exists, the provisions of this section shall govern."

**Section 8.** Zoning Code Amendment. A new Division 13 (MULTI-FAMILY OBJECTIVE DESIGN STANDARDS) is hereby added to Part 2 (SPECIAL REGULATIONS) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code to read as follows: