

## ORDINANCE NO. 22-463

### **AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING CHAPTER 4 (LAND USE AND DEVELOPMENT STANDARDS) AND CHAPTER 9 (PLAN ADMINISTRATION) OF THE AGOURA VILLAGE SPECIFIC PLAN TO ESTABLISH PROVISIONS REGULATING THE AFFORDABLE HOUSING OVERLAY DISTRICT (CASE NO. ZOA-2022-0002)**

WHEREAS, on October 22, 2008, the City Council of the City of Agoura Hills adopted the Agoura Village Specific Plan by Ordinance (Ordinance Nos. 08-356 and 08-357) with the purpose of creating a planned development area that articulates economic goals, and provides regulations and guidelines for new development and redevelopment.

WHEREAS, on July 8, 2009, the City Council of the City of Agoura Hills amended the Agoura Village Specific Plan by Ordinance (Ordinance No. 09-362) to permit off-sale alcoholic beverage establishments with a Conditional Use Permit.

WHEREAS, Government Code Section 65453 states that a specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.

WHEREAS, the State has declared that the lack of housing, including providing for a variety of housing types for all income levels and special needs groups, is a critical problem that threatens the economic, environmental, and social quality of life in California.

WHEREAS, Government Code Section 65583 requires that the City's Housing Element address governmental constraints to the development of housing, including providing for a variety of housing types for all income levels.

WHEREAS, the City of Agoura Hills has been assigned a Regional Housing Needs Assessment (RHNA) Allocation of 318 units, including 199 units for Lower Income Households, as established by the California Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).

WHEREAS, the City's Sixth Cycle (2021 - 2029) Housing Element establishes a comprehensive, long-term plan to ensure the City has a stock of adequate and affordable housing and Government Code section 65583(a)(3) requires the City to identify an inventory of suitable land, including vacant sites and sites having realistic and demonstrated potential for redevelopment, to accommodate the City's RHNA allocation.

WHEREAS, the City's Housing Element identifies an inventory of 20 sites that will have capacity to meet the City's RHNA allocation at all income levels through a rezoning program.

WHEREAS, the Housing Element also requires that the City Council amend the Agoura Village Specific Plan Overlay District to permit increased housing opportunities for housing development for all income levels.

NOW, THEREFORE, the City Council of the City of Agoura Hills does ordain as follows:

**Section 1.** The facts set forth in the recitals of this Ordinance are true and correct.

**Section 2.** Procedural Findings.

A. The City of Agoura Hills initiated the following legislative actions to adopt the General Plan Update 2035 (Case No. GPA-2022-0003), amend the General Plan Land Use Diagram, amend the Agoura Hills Municipal Code (Case No. ZOA-2022-0003), amend the Zoning Map to Depict the Affordable Housing Overlay District and Zone Changes for the Housing Sites Inventory, amend the Ladyface Mountain Specific Plan (Case No. SPA-2022-0003), and amend the Agoura Village Specific Plan (Case No. SPA-2022-0002) (collectively referred to as the "Project").

B. The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State and local law, including the California Environmental Quality Act.

C. A Subsequent Environmental Impact Report ("SEIR"), Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations were prepared for the Project in accordance with the California Environmental Quality Act and the California Environmental Quality Act Guidelines ("CEQA"). Thereafter, City staff circulated a Notice of Completion indicating the public comment period and intent to adopt the EIR as required by law. The public comment period commenced via the State Clearinghouse (Office of Planning and Research) from April 28, 2022 through June 20, 2022. A Notice of Completion was also sent to the Los Angeles County Clerk. Copies of the documents have been available to public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, Agoura Hills, California 91301, the Agoura Hills Public Library, 29901 Ladyface Court, Agoura Hills, California 91301, The Agoura Hills Recreation and Event Center, 29900 Ladyface Court, Agoura Hills, California 91301, and the City of Agoura Hills website.

D. On July 21, 2022, the Planning Commission considered the Project and the related Subsequent Environmental Impact Report ("SEIR"), at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to, and did testify either in support of or opposition to this matter.

E. Following consideration of the entire record of information received at the public hearing, the Planning Commission adopted Resolution No. 22-1272, "A Resolution Recommending that the City Council Certify the Subsequent Environmental Impact

Report for the General Plan Update, Adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, Adopt the General Plan Update (Case No. GPA-2022-0003), Amend the General Plan Land Use Diagram, Amend the Agoura Hills Municipal Code (Case No. ZOA-2022-0003), Amend the Zoning Map to Depict the Affordable Housing Overlay District and Zone Changes for the Housing Sites Inventory, Amend the Ladyface Mountain Specific Plan (Case No. SPA-2022-0003), and Amend the Agoura Village Specific Plan (Case No. SPA-2022-0002).”

F. On August 10, 2022, the City Council of the City of Agoura Hills considered the Project and the SEIR, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations, at a duly noticed public hearing at which time all interested persons had an opportunity to and did testify either in support or in opposition to this matter. The Council considered all the testimony and any comments received regarding the Project and the SEIR, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations prior to and at the public hearing.

G. Following the public hearing, the Council adopted Resolution No. 22-2017 adopting the SEIR, adopting environmental findings pursuant to CEQA, adopting a Mitigation Monitoring and Reporting Program, and adopting Statement of Overriding Considerations.

H. All legal preconditions to the adoption of this Resolution have occurred.

**Section 3.** The proposed amendments are consistent with the objectives of the City’s General Plan. The Ordinance is consistent with Goal LU-2 (City of Diverse Uses), Policy LU-2.1 (Housing), which calls for opportunities to have a full range of housing types, locations and densities to meet the regional housing needs of the City. The Ordinance is consistent with Goal LU-5 (City Sustained and Renewed), Policy LU-5.7 (Housing Maintenance), which encourages continued high maintenance levels of the City’s housing stock. The Ordinance is consistent with Goal LU-7 (Livable and Quality Neighborhoods), including Policy LU-7.2 (Housing Character and Design), which requires new or renovated housing to maintain the character and quality of the neighborhoods in which they are located, and Policy LU-7.9 (Housing Maintenance), which recognizes the housing stock as a priority. The Ordinance is also consistent with Goal LU-10 (Multi-Family Neighborhoods) in that the amendments will encourage ownership and rental opportunities for housing that are well designed and exhibit characteristics of the City. The Ordinance is consistent with Goal LU-14 (Mixed-Use) and its policies as it calls for the integration of residential units within a commercial setting that enhances pedestrian activity. The Ordinance is also consistent with Goal LU-27 (Community-Serving Shopping Centers), Policy LU-27.2 (Mixed-Use Development), which encourages the renovation of existing shopping centers by allowing multi-family housing on upper floors. Lastly, the Ordinance is consistent with the goals and policies of the Housing Element, more specifically Goals H-1 to H-4, which encourages the improvement of housing quality and stock of rented units (Policy H1.1, H-1.2 and H-1.3); provide a range of housing types to meet mixed income levels (Policy H-2.1) and create incentives that facilitates the development of affordable housing (Policy H-2.2); identify and maintain an inventory of

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housing sites that accommodates varying types of housing, location, and density (Policies H-3.1 and H-3.2) and encourage higher density mixed use commercial/residential in the AVSP and CS-MU districts (Policy H-3.3); streamline permitting process to reduce governmental constraints on development (Policy H-4.1).

**Section 4.** CHAPTER 4: LAND USE AND DEVELOPMENT STANDARDS is hereby amended in the Agoura Village Specific Plan to include the following, as shown on **Exhibit B**, with all other provisions to remain unchanged:

**“Affordable Housing Overlay**

Sites shown on Figure 4.2.A., are identified in the adopted Sixth Cycle Housing Element 2021-2029 as housing opportunity sites and are within the Affordable Housing Overlay District (AH) pursuant to the City of Agoura Hills Municipal Code. A site designated with the AH may be developed in the manner provided in the Municipal Code (Part 3 of Chapter 5 of Title IX (Affordable Housing Overlay District)), or in the manner provided in the AVSP. Sites proposed for development pursuant to the AH Overlay District are not subject to the provisions of the AVSP, unless specifically indicated in Part 3 of Chapter 5 of Title IX. Projects proposed pursuant to the AH Overlay District shall not be required to obtain an Agoura Village Development Permit but shall be subject to the approval process and permit requirements provided by Part 3 of Chapter 5 of Title IX (Affordable Housing Overlay District).”

**Section 5.** CHAPTER 9: PLAN ADMINISTRATION is hereby amended in the Agoura Village Specific Plan to include the following, as shown on **Exhibit B**, with all other provisions to remain unchanged:

**“Affordable Housing Overlay District**

Sites proposed for development pursuant to the AH Overlay District are not subject to the provisions of the AVSP, unless specifically indicated in Part 3 of Chapter 5 of Title IX. Projects proposed pursuant to the AH Overlay District shall not be required to obtain an Agoura Village Development Permit but shall be subject to the approval process and permit requirements provided by Part 3 of Chapter 5 of Title IX (Affordable Housing Overlay District).”

**Section 5.** Severability Clause. If any portion, provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the Ordinance.

**Section 6.** Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

**Section 7. Certification.** The City Clerk shall certify to the adoption of this Ordinance and cause it to be published in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of August, 2022, by the following vote to wit.

AYES: (3) Lopez, Buckley Weber, Weber  
NOES: (1) Anstead  
ABSENT: (0)  
ABSTAIN: (0)



Deborah Klein Lopez, Mayor

ATTEST:



Kimberly M. Rodrigues, MMC, City Clerk



APPROVED AS TO FORM:



Candice K. Lee, City Attorney

EXHIBIT A

AVSP Zone Text Amendment

# CHAPTER 4: LAND USE AND DEVELOPMENT STANDARDS

## Introduction

In concert with design guidelines, streetscape beautification, and other public improvements recommended for the Specific Plan area described in Chapters 5, 6, and 7, standards for new development are intended to reinforce the desired urban image in the area. These standards are also intended to improve overall aesthetic appearance and to serve as the incentive for private investment in the Specific Plan area.

This chapter focuses on regulations and standards for proposed development within the Specific Plan area. These standards are mandatory requirements that must be satisfied for all new buildings, renovations or additions. Non-conforming lots, buildings, uses, and standards shall be governed by Zoning Ordinance Chapter VII (Nonconforming Lots, Uses, Buildings and Land).

Unless otherwise noted in the Specific Plan, permit requirements are as specified in the City of Agoura Hills Zoning Ordinance. When the Plan is silent, then the Agoura Hills Zoning Ordinance requirements remain in force. Where the Specific Plan and the Zoning Ordinance are in conflict, the Specific Plan shall take precedent. Application procedures and processing requirements are provided in Chapter 9, Plan Administration.



## **Affordable Housing Overlay**

Sites shown on Figure 4.2.A., are identified in the adopted Sixth Cycle Housing Element 2021-2029 as housing opportunity sites and are within the Affordable Housing Overlay District (AH) pursuant to the City of Agoura Hills Municipal Code. A site designated with the AH may be developed in the manner provided in the Municipal Code (Part 3 of Chapter 5 of Title IX (Affordable Housing Overlay District)), or in the manner provided in the AVSP. Sites proposed for development pursuant to the AH Overlay District are not subject to the provisions of the AVSP, unless specifically indicated in Part 3 of Chapter 5 of Title IX. Projects proposed pursuant to the AH Overlay District shall not be required to obtain an Agoura Village Development Permit but shall be subject to the approval process and permit requirements provided by Part 3 of Chapter 5 of Title IX (Affordable Housing Overlay District).

*Figure 4.2 .A - AVSP properties located within the Affordable Housing Overlay*



## **Allowable Land Uses**

A land use that is not listed in the Table 4.1 or is not shown on the corresponding district zoning plates for Zone A through F (and OS – Open Space District regulations for Zone G) is not allowed except as follows:

1. Required Findings: The Director may determine in writing that a proposed use is similar and compatible to a listed use and may be allowed upon making one or more of the following findings:
  - a. The characteristics of and activities associated with candidate uses are similar to one or more of the allowed uses and will not involve substantially greater intensity than the uses listed for that sub district;
  - b. The candidate uses will be consistent with the purpose and vision of the applicable sub district;
  - c. The candidate uses will be otherwise consistent with the intent of the specific plan;
  - d. The candidate uses will be compatible with the other uses listed for the applicable sub district.
2. The Director may refer the question of whether a proposed use is allowable directly to the Planning Commission or City Council for a determination at a public hearing.
3. A determination of the Director or Planning Commission may be appealed in compliance with the appeals procedure set forth in the City of Agoura Hills Municipal Code.

## **Affordable Housing Overlay District**

*Sites proposed for development pursuant to the AH Overlay District are not subject to the provisions of the AVSP, unless specifically indicated in Part 3 of Chapter 5 of Title IX. Projects proposed pursuant to the AH Overlay District shall not be required to obtain an Agoura Village Development Permit but shall be subject to the approval process and permit requirements provided by Part 3 of Chapter 5 of Title IX (Affordable Housing Overlay District).*

EXHIBIT B

AVSP Development Zone Map



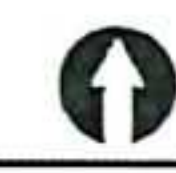
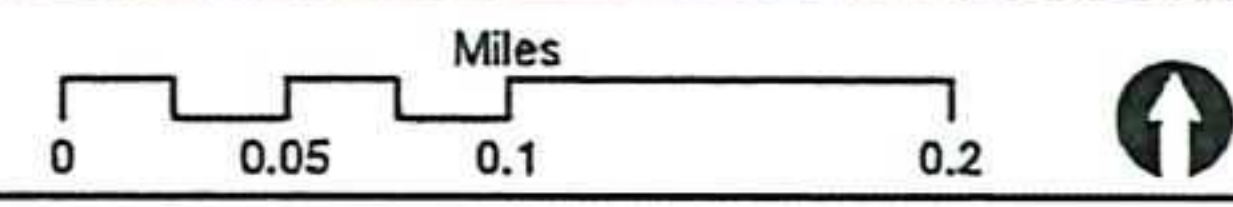
# AGOURA VILLAGE SPECIFIC PLAN DEVELOPMENT ZONES AND AFFORDABLE HOUSING OVERLAY



**Legend**

- Agoura Village Specific Plan boundary
- Development Zones
  - Zone A north
  - Zone A south
  - Zone B
  - Zone C
  - Zone D east
  - Zone D west
  - Zone E
  - Zone F
  - Zone G
- Affordable Housing Overlay (AH)
- Assessor Parcels - July 2021
- Agoura Hills City Boundary

Source: Esri, Maxar, Earthstar Geographics, and the GIS User



STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF AGOURA HILLS        )

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing is a full, true, and correct copy of **Ordinance No. 22-463**, introduced at a Regular Meeting of the City Council of the City of Agoura Hills held on the 10<sup>th</sup> day of August, 2022, and, thereafter, adopted by the City Council at an Regular City Council Meeting held on the 24<sup>th</sup> day of August, 2022, and that said Ordinance was published or posted pursuant to law.



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Kimberly M. Rodrigues, MMC  
City Clerk