



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

ACTION DATE: January 18, 2007

TO: Planning Commission

APPLICANT: City of Agoura Hills

CASE NO.: 06-ZOA-001

PROPOSAL: An amendment to Agoura Hills Municipal Code, Article IX-Zoning, Division 8. – *Temporary Uses*. The following sections will also be updated consistent with the amended Temporary Use Permit Ordinance: Chapter 2: *Residential Land Use Districts*, Part 2-*Residential- Rural District*, Part 3-*Residential-Very Low Density District*, Part 4-*Residential-Low Density District*, Part 5-*Residential-Single Family District*, Part 6, *Residential-Medium Density District*, Part 7-*Residential-Medium High Density District*, Part 8-*Residential High Density District* and Chapter 3: *Commercial Districts*: Part 2-*Commercial Use Tables*.

REQUEST: That the Planning Commission formulate its recommendations to the City Council regarding a zoning ordinance amendment relative to the City's temporary use regulations.

ENVIRONMENTAL ANALYSIS: Addendum to the 1992 Certified Final Environmental Impact Report for the General Plan Update.

RECOMMENDATION: Staff recommends that the Planning Commission adopt the attached Resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 06-ZOA-001 relative to Temporary Use Permits.

I. STAFF ANALYSIS

In September 2005, the City Council conducted a pre-screen review and provided direction to staff regarding amending the temporary use permit provisions of the Zoning Ordinance to clarify the intent and amend the list of temporary permitted uses and activities.

Staff scheduled the Council pre-screen review to receive feedback from the Council on how to address certain changes that were occurring relative to TUP's in the City. In what began as local small business and non-profit events, the TUP requests have grown to include requests from for-profit businesses that are often based out of town. More than 25% of the requests for TUP's have now come from businesses located outside the City limits. Many of these requests are for properties located within the freeway corridor due to the visibility from Highway 101.

Temporary Use Permits are granted by the Director of Planning and Community Development for three board categories that include: (1) temporary structures related to construction activities; (2) outdoor display/sales of merchandise or special business events; and (3) outdoor entertainment/community events.

A Temporary Use Permit (TUP) is used to allow certain temporary activities that may be appropriate on a temporary basis but would be inappropriate on a permanent basis. The TUP is intended to avoid incompatibility between the temporary use and the existing surrounding land uses through the issuance of a permit with conditions of approval (mitigation measures). Violations of certain conditions can cause short term visual blight through the display of excess signage both on and off site, unauthorized lighting and other forms of advertising. Violations of conditions may also lead to short term parking problems. Monitoring of temporary activities is now more readily available, especially on the weekends, with the assistance of the City's new full time Code Compliance Officer. However, in the past, staff has encountered problems in enforcing some of the conditions given the short duration of the event. By the time the violation is noticed and the applicant is contacted, the event may be over or the applicant will fix the violation only to violate the conditions again after the Code Compliance Officer has left the area. In an effort to address these issues, the temporary use permit regulations have been amended relative to the types of allowed uses and who can apply for a TUP.

Proposed Text Amendment

The proposed changes to the temporary use permit regulations, with deletions shown as strikeouts and new text shown as underlined, are attached as Exhibit "B". While it appears that many of the items in this changed version are new, in actuality, much of the original text has remained. For the sake of efficiency and clarity, some original text was deleted and then added in again with the new text. A summary of the main changes are discussed below.

The list of allowable temporary uses (Section 9678.1) has been amended to consolidate the list of permitted uses and to more clearly define the types of uses that are allowed. For instance, all temporary structures related to construction were consolidated into one use and all seasonal events were grouped together.

The revised ordinance (Section 9678.1) will restrict special events such as carnivals, fairs and festivals and other similar events to those conducted by or for a recognized nonprofit or charitable community group. As the City builds out, there are less vacant parcels for large events to be held which will most likely mean that these types of events in the future will be limited in size.

Outdoor sales and other special events will be limited only to existing businesses in the City. For profit businesses located outside of the City can still hold a temporary event but the applicant would need to be an existing business in the City. This would ensure that the privilege of being granted a TUP is limited only to local businesses and will allow staff to more easily deal with violations of the conditions of approval. However, Christmas tree and pumpkin sales lots would continue to be allowed under a separate category, including those from outside the city, as seasonal sales lots provide a festive community benefit.

A section has been added on appeals (Section 9678.2 H.) indicating the applicant or any interested party may file an appeal of the Director's decision and a section has been added on revocation (Section 9678.2 I.) that references the existing permit revocation chapter in the Zoning Code.

The City's residential zoning districts have been updated to be consistent with the revised temporary use permit provisions by adding, consolidating and deleting uses. For the following residential zoning districts: Residential-Medium Density (RM) District, Residential-Medium High (RMH) Density District, and Residential High Density (RH) District; the use of a mobile home as a residence during construction of a new home has been deleted. This is due to the fact that these are multi-family zones and the mobile home would not be owner occupied.

The *Commercial Use Table* (Chapter 3 – *Commercial Districts, Part 2. Commercial Use Table*) for all commercial zoning districts has also been updated to reflect the changes in the temporary use permit section. All of the individual temporary uses have been deleted in favor of one listing: "Temporary Uses" with a reference to the Temporary Use Permit Chapter.

Fees and Deposits

During the 2006 city-wide fee update, the cost of a TUP was raised from \$83 to \$483. Staff believes this will help cover the costs associated with issuance of TUP's. In addition, typically staff collects a \$500 security deposit that is held until the activity has

ended. The deposit is returned to the applicant after staff has conducted an inspection of the property and has determined that the site was returned to its original condition. Staff has decided to increase this security deposit to \$1,000 in 2007. The amount of this security deposit is determined by the Director administratively and can be established (either lower or higher) based on the proposed temporary use and the history of previous violations for other TUP's. However, the City Attorney has advised staff that in order to keep all or a part of the deposit, it would be necessary to hold a public hearing. Therefore, while raising the security deposit may act as a deterrent for violators, a public hearing will be necessary before any portion of the security deposit can be retained.

II. ENVIRONMENTAL REVIEW

An Addendum to the 1982 Final Environmental Impact Report (EIR) for the General Plan Update was prepared in compliance with the California Environmental Quality Act (CEQA) and is included as Attachment C.

III. RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached draft Resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 06-ZOA-01 relative to temporary use regulations.

CONSULTING PROJECT PLANNER: Joyce Parker-Bozylinski

ATTACHMENTS:

- A. Planning Commission Resolution
- B. Revised Temporary Use Regulations
- C. Addendum to Final EIR