

**ADDENDUM TO THE 1992 CERTIFIED
FINAL ENVIRONMENTAL IMPACT REPORT**

Prepared for the

CITY OF AGOURA HILLS GENERAL PLAN UPDATE

State Clearinghouse No. 92091035

**Amendment to Agoura Hills Municipal Code, Article IX-Zoning,
Division 8-Temporary Uses; Article IX-Zoning, Chapter 2, Part 2, Part
3, Part 4, Part 5, Part 6, Part 7, Part 8; Article IX-Zoning, Chapter 3,
Part 2**

Temporary Use Permit Ordinance Amendment

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INTRODUCTION

The City of Agoura Hills has prepared this Addendum to the Final Environmental Impact Report (EIR) for the City of Agoura Hills General Plan Update (March 24, 1992) (SCH No. 92091035) for various proposed changes to the Agoura Hills Municipal Code Article IX – Zoning, Division 8 – Temporary Uses, and to other portions of Article IX – Zoning, to ensure consistency with the changes to Division 8 – Temporary Uses. These include: 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.

The proposed amendment will update the regulations for temporary uses in the City. The proposed amendments are consistent with the General Plan, and are therefore covered under the General Plan Update EIR.

PROJECT DESCRIPTION

The proposed Temporary Uses Ordinance Amendment consists of the following main changes. A full copy of the text changes is included as Attachment A. Please note that this attachment shows changes in strikeout/underline mode. 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. Attachment B shows the current Temporary Uses Ordinance text.

The list of allowable temporary uses has been amended to consolidate the list of permitted uses, to more clearly define the types of uses that would be allowed, and stipulate the parameters under which they would be allowed. For instance, all temporary structures related to construction are consolidated into one use, and all seasonal events are grouped together. A time limit on the use of sales lots for holiday seasonal items is proposed.

The revised ordinance 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. In addition, outdoor sales and other special events will be limited to existing businesses in the City to better enable effective code enforcement.

As currently provided, temporary structures, such as model homes, real estate sales offices, construction trailers and mobile homes used as a residence during project construction will continue to be allowed, but now they will only be allowed if there is a valid building permit in force.

A section has been added on appeals, indicating that the applicant or any interested party may file an appeal of the City Planning and Community Development Director's decision, and a section has been added on revocation that references the existing permit revocation process in Division 9 of the Zoning Code (Section 9679).

The 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-Single Family (RS) District, Residential-Medium Density (RM) District, Residential-Medium High (RMH) Density District, and Residential High Density (RH) District. Also, the provision that allows the use of a mobile home as a residence during the construction of a home in all residential zones has been retained in the Residential-Rural District (RR), Residential-Very Low Density District (RV), Residential-Low Density District (RL), and Residential-Single-Family District (RS), but is now eliminated from the Residential-Medium Density District (RM), Residential-Medium High Density (RMH), and Residential-High Density District (RH). This is because the temporary mobile home used as a residence during construction would not likely be owner occupied in the multi-family residential zones, and the intent of this provision is to enable an owner to reside on the property while the owner's home is being constructed.

The Commercial Use Table for all commercial zoning districts has also been updated to reflect the changes in the temporary use permit section.

RATIONALE FOR USE OF AN ADDENDUM

This document has been prepared as an Addendum to the General Plan Update EIR (1992), in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164. Section 15164 provides that a Lead Agency "shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." These include the following:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to Section 15164, an analysis and explanation is provided herein documenting the City's decision that preparation of a subsequent EIR is not required. Section 15164 was created in response to Public Resources Code (PRC) Section 21166, which provides that no subsequent or supplemental EIR shall be required unless "substantial changes" in the project or the circumstances under which the project is being undertaken will necessitate "major revisions" of the EIR or "new information" which was not known and could not have been known at the time the EIR was certified, becomes available.

The City's existing Temporary Uses Ordinance (Ordinance) was adopted in February 3, 1987. Since that date, City Planning and Community Development staff has identified sections in the Ordinance that need to be revised and/or clarified relative to the types of temporary uses that require a Temporary Use Permit (TUP), and other administrative items related to the implementation of this Ordinance. Amendments occurred on December 9, 1987 (Ordinance No. 142) and August 26, 1992 (Ordinance No. 217). Consistent with the procedures for the original adoption and amendments thereto, an Amendment to the Agoura Hills Municipal Code Article IX-Zoning, Division 8 – Temporary Uses (Amendment) is proposed. The circumstances, impacts, and mitigation requirements identified in the General Plan EIR remain applicable to the proposed Amendment, and the Amendment does not cause the level of impacts identified in the General Plan EIR to be exceeded. No changes are needed to the discussion of impacts or mitigation measures in the EIR. The Amendment consists of minor adjustments to the Temporary Uses Ordinance (and relevant residential and commercial sections of the Zoning Ordinance to be consistent). The Amendment clarifies the intent and strengthens the enforceability of the Ordinance. No additional categories of allowed temporary uses are proposed that would cause environmental impacts. This Addendum is consistent with the CEQA Guidelines and PRC Sections 15164 and 21166 in that none of the conditions outlined above that necessitate the preparation of a Subsequent EIR (CEQA Guidelines Section 15162) have been met.

This CEQA analysis focuses on the potential impacts of the proposed Amendment to the Temporary Uses Ordinance, and not on the impacts of the individual activities regulated by the Temporary Use Permit. The City's General Plan EIR undertook a comprehensive analysis of the environmental impacts from the construction and operation of general urban uses within the City, which encompasses those uses considered temporary. Some of the items listed in the existing Temporary Uses Ordinance and in the proposed Amendment would be considered ministerial from a permitting standpoint, and therefore CEQA would not apply (Section 21080). Other uses that would require discretionary review, and so may be subject to CEQA, will undergo City Staff review to determine if the use is considered a "project" per CEQA (Section 21065) as the request for a Temporary Use Permit is made by an applicant. If so, specific environmental review would be conducted on the proposed temporary use, as governed by CEQA. As needed to ensure consistency with the Zoning Ordinance and General Plan, conditions of project approval may also be added to the granting of the Temporary Use Permit. However, the proposed Amendment itself is a minor amendment that will not have any adverse impact on the environment.